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## “They Treated Us in Monstrous Ways”

Sexual Violence Against Men, Boys, and Transgender Women  
in the Syrian Conflict



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the Syrian Conflict**

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# “They Treated Us in Monstrous Ways”

## Sexual Violence Against Men, Boys, and Transgender Women in the Syrian Conflict

**Glossary** ..... i

**Summary** ..... 1

**Recommendations** ..... 4

- To the United Nations Security Council ..... 4
- To the International, Impartial and Independent Mechanism ..... 4
- To Humanitarian Organizations and Service Providers in Lebanon ..... 4
- To the Lebanese Ministry of Health and the Ministry of Interior ..... 5
- To the Syrian Government ..... 5
- To the European Union and Other International Donors..... 6

**Methodology** ..... 7

- A Note on Gender Identity and Expression ..... 9

**I. Background** ..... 10

- Conflict-Related Sexual Violence Against Men and Boys ..... 10
  - CRSV: A Male Issue Too ..... 11
  - Purpose of Sexual Violence Against Men and Boys ..... 13
  - Underreporting and Misrepresentation ..... 16
  - Background of CRSV Against Men and Boys in Syria..... 20

**II. “Soft” Targets of Syria** ..... 27

- Family Violence and Discrimination ..... 29

**III. Sexual Violence in the Syrian Conflict** ..... 32

- Rape ..... 32
  - Rape in Intelligence Branches, Military Prisons and Central Prisons ..... 32
  - Rape in the Syrian Army..... 37
  - Rape at Checkpoints ..... 38
- Electric Shock, Beating, and Burning of Genitals..... 39
- Forced Nudity..... 40
- Threat of Rape..... 42
- Sexual Harassment ..... 43

<b>IV. Impact of Sexual Violence .....</b>	<b>46</b>
Physical Trauma.....	46
Psychological Trauma .....	48
<b>V. Inadequate Service Provision for Male Sexual Violence Survivors in Lebanon .....</b>	<b>51</b>
Barriers to Health Services and Protection .....	53
Limited Availability of Specialized Services .....	54
Lack of Expertise and Poor Treatment by Service Providers .....	56
Lack of Trust.....	58
Stigma .....	59
<b>VI. Legal Obligations.....</b>	<b>61</b>
International Humanitarian Law .....	61
Sexual Violence as a War Crime .....	62
International Human Rights Law .....	64
Rights to Life, Security of Person, and Freedom from Torture or Other Ill-Treatment.....	64
Right to Health .....	67
Domestic Law of Syria .....	67
<b>VII. Acknowledgements.....</b>	<b>69</b>

## Glossary

**Biological sex:** The biological classification of bodies as male or female based on such factors as external sex organs, internal sexual and reproductive organs, hormones, and chromosomes.

**Bisexual:** The sexual orientation of a person who is sexually and romantically attracted to both women and men.

**Cisgender:** Denoting or relating to a person whose sense of personal identity and gender corresponds with their birth sex.

**Conflict-related Sexual Violence (“CSRV”):** Refers to rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage, attempted rape, sexual assault and any other form of sexual violence of comparable gravity against women, men, girls or boys that is directly or indirectly linked to conflict. That link may be evident in the profile of the perpetrator, who is often affiliated with a state or non-state armed group, which includes terrorist entities; the profile of the victim, who is frequently an actual or perceived member of a political, ethnic or religious minority group or targeted on the basis of actual or perceived sex, sexual orientation, gender or gender identity or body characteristics; the climate of impunity, which is generally associated with state collapse, cross-border consequences such as displacement or trafficking, and violations of a ceasefire agreement.<sup>1</sup>

**Gay:** A synonym for homosexual in many parts of the world; in this report, used specifically to refer to the sexual orientation of a man whose primary sexual and romantic attraction is toward other men.

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<sup>1</sup> Report of the United Nations Secretary-General, “Conflict Related Sexual Violence,” S/2019/280, March 29, 2019, <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/04/report/s-2019-280/Annual-report-2018.pdf> (accessed July 15, 2020), p.3.

**Gender:** The social and cultural codes (linked to but not congruent with ideas about biological sex) used to distinguish between society’s conceptions of “femininity” and “masculinity.”

**Gender Identity:** A person’s internal, deeply felt sense of being female or male, both, or something other than female or male.

**Heterosexual:** The sexual orientation of a person whose primary sexual and romantic attraction is toward people of another sex.

**Homophobia:** Fear of, contempt of, or discrimination against homosexuals or homosexuality, usually based on negative stereotypes of homosexuality.

**Homosexual:** The sexual orientation of a person whose primary sexual and romantic attractions are toward people of the same sex.

**LGBT:** Lesbian, gay, bisexual, and transgender; an inclusive term for groups and identities sometimes also grouped as “sexual and gender minorities.”

**Queer:** An inclusive umbrella term covering multiple identities, sometimes used interchangeably with “LGBTQ.” Also used to describe divergence from heterosexual and cisgender norms without specifying new identity categories.

**Rape:** The physically forced or otherwise coerced penetration of any part of the body with a penis, other body part or object.<sup>2</sup>

**Sexual Orientation:** The way in which a person’s sexual and romantic desires are directed. The term describes whether a person is attracted primarily to people of the same or other sex, or to both or others.

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<sup>2</sup> World Health Organization, “Violence Against Women Fact Sheet,” November 29, 2017, <https://www.who.int/en/news-room/fact-sheets/detail/violence-against-women> (accessed July 15, 2020); International Criminal Court, “Elements of Crimes,” June 11, 2010, <https://legal-tools.org/doc/3coe2d> (accessed July 15, 2020).

**Sexual Violence:** Any sexual act, attempt to obtain a sexual act, or other act directed against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting.<sup>3</sup>

**Transgender:** The gender identity of people whose sex assigned at birth does not conform to their identified or lived gender. A transgender person usually adopts, or would prefer to adopt, a gender expression in consonance with their gender identity but may or may not desire to permanently alter their physical characteristics to conform to their gender identity.

**Transgender Men:** Persons designated female at birth but who identify and may present themselves as men. Transgender men are referred to with male pronouns.

**Transgender Women:** Persons designated male at birth but who identify and may present themselves as women. Transgender women are referred to with female pronouns.

**Transphobia:** Fear of, contempt of or discrimination against transgender and transsexual persons, usually based on negative stereotypes of transgender identity.

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<sup>3</sup> International Criminal Court, “Elements of Crimes,” <https://legal-tools.org/doc/3coe2d>.





## Summary

I would like you to pass on our voice. It's not a voice. It's a cry of pain. We have been here in Lebanon because they not only raped us, they also raped our land and dignity.

—Male survivor of conflict-related sexual violence in Syria, February 2019

Since the Syrian conflict began in March 2011, men and boys and transgender women have been subjected to rape and other forms of sexual violence by the Syrian government and non-state armed groups, including the extremist armed group Islamic State (also known as ISIS). Heterosexual men and boys are vulnerable to sexual violence in Syria, but men who are gay or bisexual—or perceived to be—and transgender women are particularly at risk.

While women and girls are disproportionately targeted by conflict-related sexual violence (CRSV), men and boys are also impacted. However, existing services within gender-based violence (GBV) and child protection are focused almost exclusively on responding to the needs of women and girls and very little attention is paid to the needs of men and boys. Limited data and underreporting—in part fueled by stigma around male vulnerability and reluctance to talk about experiences of sexual violence or seek help for its long-term physical and psychological impact—have contributed to male survivors not receiving adequate attention and help.

This report is based on interviews Human Rights Watch conducted in Lebanon with 40 gay and bisexual men and transgender women—some of whom were perceived by perpetrators to be gay men—and non-binary individuals, as well as 4 heterosexual men. The survivors all described their experience of sexual violence in Syria. We also conducted interviews with 20 caseworkers and representatives of humanitarian organizations operating in Lebanon. While many of the men and boys and transgender women interviewed have also experienced sexual violence in Lebanon, those incidents lie outside the purview of this report.

The report finds that men and boys, regardless of their sexual orientation or gender identity, are vulnerable to sexual violence in the context of the Syrian conflict. According to interviewees, gay and bisexual men and transgender women are subject to increased and

intensified violence based on actual or perceived sexual orientation or gender identity. The sexual violence described included rape, sexual harassment, genital violence (beating, electric shock and burning of genitals), threat of rape of themselves or female family members, and forced nudity by state and non-state armed groups. This violence has taken place in various settings, including Syrian detention centers, checkpoints, central prisons, and within the ranks of the Syrian army.

This report also finds that survivors of sexual violence may suffer from various psychological traumas such as depression, post-traumatic stress, sexual trauma, loss of hope and paranoid thoughts. Due to the sexual violence they have been subjected to, survivors may also suffer from physical traumas, including severe pain in their rectum and genitals, rectal bleeding, and muscle pain, and may have sexually transmitted infections (STIs), including HIV.

Men and boys, transgender women, and non-binary survivors of sexual violence told Human Rights Watch that they did not seek any medical or mental health services in Syria for a range of reasons, including shame, fear of stigma, and a lack of trust in the health care system. Syrian survivors of sexual violence who fled to Lebanon told Human Rights Watch they found limited services and inadequate support from humanitarian organizations. This is often due to lack of funding and personnel trained to respond to their specific needs. For example, there are no protection facilities in Lebanon, such as safe shelters, for men or trans women.

In 2013, the United Nations (UN) Security Council for the first time stated in Security Council Resolution 2106 that conflict-related sexual violence also affects men and boys. The United Nations Refugee Agency (UNHCR) and nongovernmental organizations (NGOs), including All Survivors Project, the Women’s Refugee Commission, Lawyers & Doctors for Human Rights and the Refugee Law Project, have provided significant documentation on the nature and extent of sexual violence perpetrated against men and boys in Syria and elsewhere, and the specific needs of male survivors. This has helped to address the dearth of research.

In March 2018, the Independent International Commission of Inquiry on the Syrian Arab Republic (the Syria COI) published a report with detailed evidence on sexual violence against men and boys in Syria. On April 23, 2019, the UN Security Council adopted

resolution 2467 on conflict-related sexual violence, which recognizes that men and boys are also targets of sexual violence in both conflict and post-conflict settings. Resolution 2467 acknowledges the need for enhanced medical and mental health support for survivors of sexual violence and calls on UN member countries to ensure that survivors of sexual violence receive nondiscriminatory access to medical and psychosocial care based on their needs.

The explicit recognition and documentation of CRSV against men and boys as sexual violence is an important step to ensure provision of services tailored to the needs of all survivors of sexual violence. This moves the issue out from being considered only under the more general rubric of “torture,” under which it has previously fallen in reporting and legal analysis. This report aims to shed light on the sexual nature of crimes perpetrated against Syrian men and boys and transgender women.

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. It is also vital in challenging the social and cultural assumptions that men are invulnerable, which often underpins the stigma experienced by male and transgender survivors. Increased research on the topic, and attention to the plight of male survivors at the UN Security Council, adds to the momentum toward more adequate service provision.

International donors, including the European Union, should urgently provide resources for tailored medical, psychological and social support programs in Lebanon for men and boys, trans women, and non-binary survivors of sexual violence, without diverting funding from services for women and girls, which is already very scarce. Without funding, humanitarian organizations and service providers in Lebanon cannot meet the needs of the full range of CRSV survivors. Service providers and humanitarian organizations in Lebanon should provide comprehensive and confidential medical and mental health services to male, transgender, and non-binary survivors of sexual violence, with staff trained to handle their needs effectively and appropriately.

# **Recommendations**

## **To the United Nations Security Council**

- Ensure full implementation of Resolution 1325 and subsequent resolutions on conflict-related violence, especially Resolution 2467. This includes strengthening policies that offer appropriate responses to male survivors, challenging cultural assumptions about male vulnerability to such violence, and focusing more consistently on the gender specific nature of sexual violence in conflict and post-conflict situations while monitoring, analyzing and reporting such violence and providing non-discriminatory access to medical and psychosocial services to survivors of sexual violence.

## **To the International, Impartial and Independent Mechanism**

- Ensure that further evidence and information is collected on conflict-related sexual violence against men and boys, transgender women, and non-binary people in Syria.

## **To Humanitarian Organizations and Service Providers in Lebanon**

- Provide comprehensive and confidential mental health and psychosocial support to female and male survivors of sexual violence, especially addressing long-term effects.
- Provide targeted medical services to male and gay, bisexual, and transgender (GBT) survivors of sexual violence, in addition to the targeted services for women and girls. These services should include voluntary and confidential testing for HIV and appropriate counseling, and prophylaxis and presumptive treatment for those infected with HIV/AIDS; testing and treatment for other sexually transmitted infections; and care for any injuries incurred.
- Conduct evidence-based needs assessments and research to identify specific needs of survivors of sexual violence in order to design gender-competent programming and services.

- Integrate responses for male survivors (adult and child) and GBT survivors into sexual violence-related referral pathways and ensure robust referral pathways for all survivors.
- Train all relevant staff including case managers, social workers and front-line medical workers on clinical management of rape for both female and male survivors, as well as the specific needs of male survivors and GBT survivors.
- Hire staff with expertise in human rights, protection, and care for LGBT survivors and train all staff to assist LGBT survivors.
- Gather data on patterns of sexual violence against men and boys, with a view to assessing the scope of sexual violence committed against men and boys and establishing prevalence of sexual violence against men and boys in the Syrian conflict.
- Raise awareness about male sexual violence in the refugee and host communities to contribute to the reduction of stigma, remove the barriers to reporting of male survivors, and build knowledge about how and why male survivors of sexual violence should seek services.
- Create safe shelters for male survivors and GBT survivors of sexual violence.

### **To the Lebanese Ministry of Health and the Ministry of Interior**

- Ensure that health care workers and police are trained to work with traumatized victims and witnesses, including in clinical management of rape of male survivors and identification of male survivors of sexual violence.

### **To the Syrian Government**

- Release all arbitrarily detained persons, in line with Syria’s commitment under point 4 of the Anan plan, “including especially vulnerable categories of persons, and persons involved in peaceful political activities.”<sup>4</sup>
- Immediately halt the practice of enforced disappearance, arbitrary arrest and detention, and the use of torture and sexual violence in detention facilities.

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<sup>4</sup> Reuters, “Text of Annan’s Six-Point Peace Plan for Syria,” April 4, 2012, <https://www.reuters.com/article/us-syria-ceasefire/text-of-annans-six-point-peace-plan-for-syria-idUSBRE8330HJ20120404> (accessed July 20, 2020).

- Conduct prompt, thorough, and objective investigations into allegations of arbitrary detention, use of torture, enforced disappearances, and deaths in custody, and bring the perpetrators to justice.
- Suspend or hold accountable security forces, government forces and *shabiha* (pro-government militia) against whom there are credible allegations of committing acts of sexual violence.
- Ensure that survivors have information about relevant health and psychosocial services, including that they should be accessed on an urgent basis, as well as facilitate victims' access to them through safe and confidential mechanisms.
- Repeal Article 520 of the Syrian Penal Code 1949, which criminalizes “any unnatural sexual intercourse.”

### **To the European Union and Other International Donors**

- Provide funding for medical, psychological and social support programs in Lebanon for male survivors and GBT survivors of sexual violence, with increased emphasis on trauma therapy, without diverting the funding from services for women and girls.

## Methodology

This report focuses on the experiences of gay and bisexual men and transgender women who are survivors of conflict-related sexual violence in Syria in order to highlight the specific vulnerabilities surrounding real and perceived sexual orientation and gender identity. While this report focuses on GBT survivors, people with non-normative sexual orientation and gender identity are not the only targets of conflict-related sexual violence. Therefore, this report also includes experiences of heterosexual and cisgender men who are survivors of sexual violence in Syria.

The research in this report focuses on (i) sexual violence against men and boys and transgender women that occurred in Syria from the beginning of the Syrian conflict (March 2011) until the survivors fled to Lebanon and (ii) the challenges male survivors face in accessing psychosocial and physical health services in Lebanon.

The report is based on research conducted between December 3, 2018, and February 14, 2019. Human Rights Watch interviewed 42 Syrian survivors of sexual violence who currently live in Lebanon and 2 survivors who resettled in the Netherlands and Italy as well as 20 case workers, social workers, doctors, psychologists and psychiatrists working for local and international humanitarian and human rights organizations in Lebanon.

Among the 44 interviewees, 40 are gay and bisexual men, transgender women, and non-binary individuals and 4 are heterosexual men. Transgender women were included because, although they identify as women, perpetrators perceived and targeted them as gay men. The interviews in Lebanon were conducted between January 17, 2019, and February 14, 2019. Interviews with resettled survivors occurred between December 3, 2018, and January 28, 2019.

All interviewees were above age 18 at the time of interview; however, some gay, bisexual, non-binary and transgender interviewees were minors when they were subject to sexual violence in Syria.

Interviews in Lebanon were in-person, while those with resettled individuals took place over Skype. In addition to the interviews, Human Rights Watch also obtained documents of



four incidents of heterosexual survivors of CRSV from the Lebanese Center for Human Rights (CLDH), a Lebanese non-profit organization working with torture survivors. All documents were provided with the consent of the survivors.

Human Rights Watch contacted interviewees through the Lebanese LGBT organization Helem and other Lebanese and international organizations based in Beirut, including the Lebanese Center for Human Rights and KAFA (Enough) Violence & Exploitation.

Sexual violence also occurs in forced displacement settings. While many of the Syrian survivors interviewed by Human Rights Watch have also experienced sexual violence in Lebanon, we did not include those incidents in this report.

Human Rights Watch makes every effort to abide by the best practice standards for ethical research and documentation of sexual violence. The interviews were conducted by a female researcher and a female interpreter, with Arabic to English translation. All interviews were conducted privately. One heterosexual survivor was accompanied by his case worker at his request.

Human Rights Watch obtained informed consent from all interviewees and provided explanations in Arabic about the objectives of the research and explained that interviewees' accounts would be used in a report and related materials. All interviewees were informed that they could stop the interview at any time and decline to answer questions they did not feel comfortable answering. Human Rights Watch met interviewees in discrete and safe settings and used interview techniques designed to minimize the re-traumatization of the survivors. In cases where survivors said that they were experiencing or appeared to experience significant distress, the researcher limited the questions about the experience of sexual violence or ended the interview early.

For security reasons, pseudonyms are used for all interviewees.

Human Rights Watch did not compensate interviewees but did cover transportation costs for interviewees who traveled to meet the researcher.

## A Note on Gender Identity and Expression

This report addresses human rights abuses faced by individuals who identify as men or boys or who were assigned a male sex at birth. This includes gay and bisexual men, as well as transgender women and non-binary individuals. For example, transgender women and non-binary people assigned male at birth do not identify as men or boys. However, we have included them because they were perceived as effeminate men, or gay men, and subject to sexual violence on that basis.

We start from the premise that everyone has a **gender identity**. Most people identify as either female or male, though some may identify as both or neither. If someone is labeled “female” at birth but identifies as a man he is a **transgender man** (or **transman**). If someone is labeled “male” at birth but identifies as a woman she is a **transgender woman** (or **transwoman**). They may or may not take steps to physically alter their bodies, such as undergoing **hormone replacement therapy (HRT)** or **sex reassignment surgery (SRS)**. The term “**cisgender**” (non-transgender) is used for someone who identifies with the same gender, male or female, as the sex they were assigned at birth.

In this report, by **gender expression**, we mean the external characteristics and behaviors that societies define as “feminine,” “androgynous,” or “masculine,” including such attributes as dress appearance, mannerisms, hair style, speech patterns, and social behavior and interactions. In the majority of the cases, the transgender women interviewed did not dress as “feminine” in an effort to conceal their gender identity; they dressed in more “masculine” attire, in accordance with the male sex they were assigned at birth. At the time they experienced sexual violence, according to their accounts, they were expressing a more masculine identity through their attire; however, their mannerisms, hair style, speech patterns, and social behaviors and interactions were perceived as “feminine.”

Gender identity is not the same thing as **sexual orientation**. Like cisgender people, transgender people may identify as heterosexual, homosexual, bisexual, or asexual; that is, they may be attracted to people of the opposite gender, the same gender, both genders, or neither.

# I. Background

## Conflict-Related Sexual Violence Against Men and Boys

Rape and other forms of sexual violence have been used as a tactic and practice of war in different conflict settings by a range of perpetrators against women, men, girls, and boys.<sup>5</sup>

CRSV against men and boys occurs in different forms. Until now, research shows that in conflict and forced displacement settings, men and boys are subject to rape (such as penetration of organs or other objects) and other forms of sexual violence (such as forced nudity, genital violence, enforced rape of others, forced witnessing of sexual violence, threat of rape, castration, and sterilization) in detention settings by state security forces, non-state actors and other detainees, in non-detention settings by non-state armed groups, by the military and the community, and within the military by other combatants.<sup>6</sup>

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<sup>5</sup> Report of the United Nations Secretary-General, “Conflict Related Sexual Violence,” <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/04/report/s-2019-280/Annual-report-2018.pdf>, pp.3, 5; International Center for Transitional Justice, *When No One Calls it Rape: Addressing Sexual Violence Against Men and Boys in Transitional Contexts*, December 2016, [https://www.ictj.org/sites/default/files/ICTJ\\_Report\\_SexualViolenceMen\\_2016.pdf](https://www.ictj.org/sites/default/files/ICTJ_Report_SexualViolenceMen_2016.pdf) (accessed July 15, 2020), pp. 6-9; Elisabeth Jean Wood, “Variation in Sexual Violence During War,” *Politics & Society* 34, no. 3 (2006): 308-318, 320-328, accessed July 15, 2020, doi:10.1177/0032329206290426; Elisabeth Jean Wood, “Rape as a Practice of War: Toward a Typology of Political Violence,” *Politics & Society* 46, no. 4 (2018): 513–37, accessed July 15, 2020, doi:10.1177/0032329218773710.

<sup>6</sup> Women’s Refugee Commission, *“It’s Happening to Our Men as Well”: Sexual Violence Against Rohingya Men and Boys*, November 2018, <https://www.womensrefugeecommission.org/gbv/resources/1664-its-happening-to-our-men-as-well> (accessed July 15, 2020); Women’s Refugee Commission, *“More Than One Million Pains”: Sexual Violence Against Men and Boys on the Central Mediterranean Route to Italy*, March 2019, <https://www.womensrefugeecommission.org/images/zdocs/Libya-Italy-Report-03-2019.pdf> (accessed December 11, 2019); Lawyers & Doctors for Human Rights (LDHR), *“The Soul Has Died”: Typology, Prevalence and the Devastating Impact of Sexual Violence Against Men and Boys in Syrian Detention*, March 2019, <http://ldhrights.org/en/wp-content/uploads/2019/03/The-Soul-Has-Died-Male-Sexual-Violence-Report-English-for-release-copy.pdf> (accessed December 11, 2019); All Survivors Project, *“Destroyed From Within”: Sexual Violence Against Men and Boys in Syria and Turkey*, September 2018, [https://allsurvivorsproject.org/wp-content/uploads/2018/09/ASP\\_Syria\\_Report.pdf](https://allsurvivorsproject.org/wp-content/uploads/2018/09/ASP_Syria_Report.pdf) (accessed December 11, 2019); All Survivors Project, *“I Don’t Know Who Can Help”: Men and Boys Facing Sexual Violence in Central African Republic*, February 2018, <http://allsurvivorsproject.org/wp-content/uploads/2018/03/ASP-Central-African-Republic.pdf> (accessed December 11, 2019); Human Rights Council, *“‘I Lost My Dignity’: Sexual and Gender-Based Violence in the Syrian Arab Republic*,” Conference Room Paper of the Independent International Commission of Inquiry on the Syrian Arab Republic, A/HRC/37/CRP.3, March 8, 2018, <https://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-37-CRP-3.pdf> (accessed December 11, 2019).

Conflict-related sexual violence against men and boys is widespread around the world; however, it is at times misunderstood and underreported for various reasons.<sup>7</sup>

### *CRSV: A Male Issue Too*

Historically, authorities, service providers, and researchers have examined sexual violence primarily as a crime committed against women and girls.<sup>8</sup> Women and girls are disproportionately targeted by CRSV, but men and boys are also targeted for such violence.<sup>9</sup>

In recent years this has started to change as humanitarian service providers and researchers dedicate more attention and resources to the issues affecting male survivors. UN Security Council Resolution 2467 adopted in April 23, 2019, and the 2019 Annual Report of the UN secretary-general on conflict-related sexual violence recognize that men and boys are also targets of sexual violence, both in conflict and post-conflict settings, including in detention and by non-state armed groups.<sup>10</sup>

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<sup>7</sup> Report of the United Nations Secretary-General, “Conflict Related Sexual Violence,” <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/04/report/s-2019-280/Annual-report-2018.pdf>, p.6; All Survivors Project, “Countries,” <https://allurvivorsproject.org/countries> (accessed December 11, 2019); Sandesh Sivakumaran, “Sexual Violence Against Men in Armed Conflict,” *European Journal of International Law* 18, no. 2 (2007): 257-259, accessed December 11, 2019, doi:10.1093/ejil/chm013; Human Rights Watch, *Seeking Justice: The Prosecution of Sexual Violence in the Congo War*, vol. 17, no. 1(A) March 2005, <https://www.hrw.org/sites/default/files/reports/drco305.pdf>, p. 20; Lara Stemple, “Male Rape and Human Rights,” *Hastings Law Journal* 60, no. 3 (2009): 612-614, [https://repository.uchastings.edu/cgi/viewcontent.cgi?article=3728&context=hastings\\_law\\_journal](https://repository.uchastings.edu/cgi/viewcontent.cgi?article=3728&context=hastings_law_journal) (accessed December 11, 2019).

<sup>8</sup> Berkeley Law School, International Human Rights Law Clinic, “Promoting Accountability For Conflict-Related Sexual Violence Against Men: A Comparative Legal Analysis of International And Domestic Laws Relating To IDP and Refugee Men In Uganda,” Refugee Law Project Working Paper No.24, July 2013, pp. 6-7; Stemple, “Male Rape and Human Rights,” pp. 611-612.

<sup>9</sup> United Nations Security Council, Resolution 2467 (2019), S/RES/2467 (2019), [https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/04/resolution/resolution-2467-2019/S\\_RES\\_24672019\\_E.pdf](https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/04/resolution/resolution-2467-2019/S_RES_24672019_E.pdf) (accessed December 11, 2019); Chris Dolan, “Letting Go of the Gender Binary: Charting New Pathways for Humanitarian Interventions on Gender-Based Violence,” *International Review of the Red Cross* 96 (2014): 491-492, accessed December 11, 2019, doi:10.1017/S1816383115000120.

<sup>10</sup> Report of the United Nations Secretary-General, “Conflict Related Sexual Violence,” <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/04/report/s-2019-280/Annual-report-2018.pdf>, p.54; Z. Pinar Erdem (Human Rights Watch), “Men Can Experience Sexual Violence in War Too,” commentary, *PassBlue*, May 3, 2019, <https://www.hrw.org/news/2019/05/03/men-can-experience-sexual-violence-war-too>. The fact that men and boys are affected by CRSV was mentioned for the first time in 2013, with UN Security Council Resolution 2106.

Some of the same gender norms that drive sexual violence against women and girls—as well as the norms that denigrate homosexuality—underpin patterns of sexual violence against men and boys.<sup>11</sup>

Gender stereotypes, and accordingly the social roles assigned to men, feed many myths that exist around sexual violence against men and boys. A 2017 UNHCR report includes a list of common myths about sexual violence against men and boys. These myths include:

- Sexual violence, particularly in conflict, always involves male perpetrators and female victims;
- Sexual violence against men and boys in conflict is rare;
- Male survivors are less affected by sexual violence than female survivors;
- Male survivors of sexual violence are or will become gay or bisexual;
- Male perpetrators of sexual violence against other males are gay or bisexual.<sup>12</sup>

Dispelling myths about male invulnerability will encourage research on and enhance responses to conflict-related sexual violence directed against men and boys. Scholars argue for more gender-inclusive formulations of conflict related sexual violence, and a more nuanced understanding of gendered power dynamics. Chris Dolan, director of Refugee Law Project, an organization that has worked for decades with male survivors in Uganda, argues:

[It] requires us to break down conceptual barriers, foremost of which are the assumption that gender power and inequality is unidirectional, the

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<sup>11</sup> Lara Stemple, “Human Rights, Sex, and Gender: Limits in Theory and Practice,” *Pace Law Review* 31, no. 5 (2011): 827, accessed December 11, 2019, <https://digitalcommons.pace.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1788&context=plr>; Dustin Lewis, “Unrecognized Victims: Sexual Violence Against Men in Conflict Settings Under International Law,” *Wisconsin International Law Journal* 27 (2009): 7, [http://nrs.harvard.edu/urn-3:HUL.InstRepos:9823975\\_9](http://nrs.harvard.edu/urn-3:HUL.InstRepos:9823975_9) (accessed December 11, 2019); Sandesh Sivakumaran, “Male/Male Rape and the ‘Taint’ of Homosexuality,” *Human Rights Quarterly* 27, no. 4 (2005): 1281, accessed December 11, 2019, doi:10.1353/hrq.2005.0053.

<sup>12</sup> United Nations High Commissioner for Refugees (UNHCR), “‘We Keep it in Our Heart’: Sexual Violence Against Men and Boys in the Syria Crisis,” October 2017, <https://data2.unhcr.org/en/documents/download/60864> (accessed December 11, 2019), p.15; John Frederick, “Sexual Abuse And Exploitation of Boys In South Asia,” Innocenti Working Paper No. 2010-02, April 2010, Florence, UNICEF Innocenti Research Centre, [https://www.unicef-irc.org/publications/pdf/iwp\\_2010\\_02.pdf](https://www.unicef-irc.org/publications/pdf/iwp_2010_02.pdf) (accessed December 11, 2019), p. 8; Family for Every Child, “Caring for Boys Affected by Sexual Violence,” 2018, <http://challengingheights.org/wp-content/uploads/2018/06/Caring-for-Boys-Affected-by-Sexual-Violence-web.pdf> (accessed December 11, 2019), p.13; Women’s Refugee Commission, “*It’s Happening to Our Men as Well*”: *Sexual Violence Against Rohingya Men and Boys*, <https://www.womensrefugeecommission.org/gbv/resources/1664-its-happening-to-our-men-as-well>.

belief that power always has the same biological targets and the related view that (sexual) violence against women and children is the paradigmatic expression of these unidirectional inequalities... Men and boys can therefore be vulnerable, particularly in contexts of conflict designed to destabilize the status quo; their privilege in peacetime can become the source of their vulnerability in conflict.<sup>13</sup>

### *Purpose of Sexual Violence Against Men and Boys*

Sexual violence scholars have argued that the use of sexual violence against men and boys is often as a tool to dehumanize and humiliate them, while reinforcing the power dynamics between male survivors and perpetrators.<sup>14</sup> In other words, through rape or other forms of sexual violence, the perpetrator demonstrates dominance over the survivor.<sup>15</sup> A study by the UN secretary-general in 2002, pursuant to Security Council resolution 1325 (2000) states:

The sexual abuse, torture and mutilation of male detainees or prisoners is often carried out to attack and destroy their sense of masculinity or manhood.<sup>16</sup>

In some cultures masculinity is often linked to power and dominance, and can be constructed as the ability to exercise power over others.<sup>17</sup> Heterosexual men represent the strength and power of the family and the community, and are expected to protect not just

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<sup>13</sup> Dolan, "Letting Go of the Gender Binary: Charting New Pathways for Humanitarian Interventions on Gender-Based Violence," p. 500.

<sup>14</sup> Henri Myrntinen, "Language of Castration – Male Genital Mutilation in Conflict and its Embedded Messages," in *Sexual Violence Against Men in Global Politics*, ed. Marysia Zalewski et al. (London: Routledge, 2018), p. 71; Sara Meger, "The Political Economy of Sexual Violence Against Men and Boys in Armed Conflict," in *Sexual Violence Against Men in Global Politics*, ed. Marysia Zalewski et al. (London: Routledge, 2018), p. 110; Sivakumaran, "Sexual Violence Against Men in Armed Conflict," p. 270; Sivakumaran, "Male/Male Rape and the 'Taint' of Homosexuality," pp. 1282-1283.

<sup>15</sup> Sivakumaran, "Sexual Violence Against Men in Armed Conflict," p. 270; Meger, "The Political Economy of Sexual Violence Against Men and Boys in Armed Conflict," p. 111; Lewis, "Unrecognized Victims: Sexual Violence Against Men in Conflict Settings Under International Law," p. 7.

<sup>16</sup> United Nations, "Women, Peace and Security," study submitted by the Secretary-General pursuant to Security Council resolution 1325 (2000), <https://www.un.org/ruleoflaw/files/womenpeaceandsecurity.pdf> (accessed December 11, 2019).

<sup>17</sup> International Center for Transitional Justice, *When No One Calls it Rape: Addressing Sexual Violence Against Men and Boys in Transitional Contexts*, [https://www.ictj.org/sites/default/files/ICTJ\\_Report\\_SexualViolenceMen\\_2016.pdf](https://www.ictj.org/sites/default/files/ICTJ_Report_SexualViolenceMen_2016.pdf), p.4.

themselves but others.<sup>18</sup> Sexual violence, in disempowering men, can also disempower the broader community.<sup>19</sup> Legal scholar Sandesh Sivakumaran explains:

At an individual level, the male is stigmatized as a victim and the community is informed that their male members, their protectors, are unable to protect themselves. And if they are unable to protect themselves, how are they to protect ‘their’ women and ‘their’ community? In this way, the manliness of the man is lost and the family and community are made to feel vulnerable. Disempowerment of the community is again had through the dominance over its male members.<sup>20</sup>

As political science scholar Michele Leiby states: “Norms of hegemonic masculinity exclude the very possibility of male weakness, victimization, or sexual penetration.”<sup>21</sup> In many societies, people often believe that men who have been raped or subject to sexual violence are not “real men” because “real men” can protect themselves from such violence.<sup>22</sup> Sivakumaran explains:

[S]exual violence may be considered to be inconsistent with certain societies’ understandings of masculinity. Victims are considered weak and helpless, while men strong and powerful. Masculinity and victim-hood are thus seemingly inconsistent.<sup>23</sup>

When it comes to gay or bisexual men, transgender women, and non-binary people, violence can also be triggered by antipathy toward non-normative sexual orientation or gender identity and expression. Rape and other forms of sexual violence are also motivated by homophobia and transphobia. Gay, bisexual and transgender (GBT) people

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<sup>18</sup> Sivakumaran, “Sexual Violence Against Men in Armed Conflict,” p. 268.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> Michele Leiby, “Uncovering Men’s Narratives of Conflict-Related Sexual Violence,” in *Sexual Violence Against Men in Global Politics*, ed. Marysia Zalewski et al. (London: Routledge, 2018), p. 141.

<sup>22</sup> Sivakumaran, “Sexual Violence Against Men in Armed Conflict,” p. 270; Leiby, “Uncovering Men’s Narratives of Conflict-Related Sexual Violence,” p. 141.

<sup>23</sup> Sivakumaran, “Sexual Violence Against Men in Armed Conflict,” p. 255.

are targeted for “deviating from expectations around masculinity or because they are perceived as feminine.”<sup>24</sup>

Sexual violence against men and boys in general is also carried out through stigma and norms that denigrate same-sex sexual relations. Dustin Lewis, senior researcher at the Harvard Law School Program on International Law and Armed Conflict, writes:

[I]t would be inaccurate to say there is no ‘gay’ or ‘homosexual’ component to male-male sexual violence. To the contrary, it is in part precisely *because* of the potential negative effect of imputing a ‘gay’ identity or ‘homosexual’ behavior to the victim that male-male sexual violence can be psychologically and emotionally damaging....<sup>25</sup>

In many societies, gay men are considered “less masculine” than heterosexual men.<sup>26</sup> Heterosexual male survivors of sexual violence may question their masculinity (and therefore their societal power) and sexuality, part of which is driven by stigma against homosexuality.<sup>27</sup> Sivakumaran argues:

...there is a ‘taint’ of homosexuality about the victim of a male/male rape. Indeed, according to those who work with survivors of male/male rape, a commonly asked question is whether the victim is gay as a result of the rape.<sup>28</sup>

Another false assumption is that only GBT individuals are targets of rape and other forms of sexual violence.<sup>29</sup> Men and boys, regardless of their sexual orientation and/or gender

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<sup>24</sup> Berkeley Law School, International Human Rights Law Clinic, “Promoting Accountability For Conflict-Related Sexual Violence Against Men: A Comparative Legal Analysis of International And Domestic Laws Relating To IDP and Refugee Men In Uganda,” p. 13.

<sup>25</sup> Lewis, “Unrecognized Victims: Sexual Violence Against Men in Conflict Settings Under International Law,” pp. 7-8.

<sup>26</sup> Sivakumaran, “Male/Male Rape and the ‘Taint’ of Homosexuality,” pp. 1290.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> United Nations High Commissioner for Refugees (UNHCR), “‘We Keep it in Our Heart’: Sexual Violence Against Men and Boys in the Syria Crisis,” <https://data2.unhcr.org/en/documents/download/60864>, p. 15.



identity are targets of rape and other forms of sexual violence, especially in conflict and post-conflict settings.<sup>30</sup>

However, evidence suggests that gay and bisexual men and transgender individuals are more vulnerable to this type of violence because they are targeted for violence, with or without conflict, based on their sexual orientation and/or gender identity.<sup>31</sup> Evidence shows that with armed conflict, targeting of gay men, transgender men, and women increases.<sup>32</sup>

### *Underreporting and Misrepresentation*

Like all sexual violence, conflict-related sexual violence is severely underreported, and even more so when men and boys are victims. Moreover, conflict-related sexual violence against men and boys is often recorded in surveys, studies, and legal proceedings only as torture or other forms of violence, thereby obscuring the degree to which they experience it and hindering provision of appropriate and specialized services linked to the sexual nature of the crime.

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<sup>30</sup> United Nations High Commissioner for Refugees (UNHCR), “‘We Keep it in Our Heart’: Sexual Violence Against Men and Boys in the Syria Crisis,” <https://data2.unhcr.org/en/documents/download/60864>; All Survivors Project, “*Destroyed From Within: Sexual Violence Against Men and Boys in Syria and Turkey*,” [https://allurvivorsproject.org/wp-content/uploads/2018/09/ASP\\_Syria\\_Report.pdf](https://allurvivorsproject.org/wp-content/uploads/2018/09/ASP_Syria_Report.pdf); Lawyers & Doctors for Human Rights (LDHR), “*The Soul Has Died: Typology, Prevalence and the Devastating Impact of Sexual Violence Against Men and Boys in Syrian Detention*,” <http://ldhrights.org/en/wp-content/uploads/2019/03/The-Soul-Has-Died-Male-Sexual-Violence-Report-English-for-release-copy.pdf>.

<sup>31</sup> Stemple, “Male Rape and Human Rights,” p. 609; All Survivors Project, “*Destroyed From Within: Sexual Violence Against Men and Boys in Syria and Turkey*,” [https://allurvivorsproject.org/wp-content/uploads/2018/09/ASP\\_Syria\\_Report.pdf](https://allurvivorsproject.org/wp-content/uploads/2018/09/ASP_Syria_Report.pdf).

<sup>32</sup> Human Dignity Trust, *Criminalising Homosexuality and LGBT Rights in Times of Conflict, Violence and Natural Disasters*, November 2015, <https://www.humandignitytrust.org/wp-content/uploads/resources/8.-Criminalisation-Conflict-and-Natural-Disasters.pdf> (accessed December 12, 2019), p. 4; United Nations High Commissioner for Refugees (UNHCR), “‘We Keep it in Our Heart’: Sexual Violence Against Men and Boys in the Syria Crisis,” <https://data2.unhcr.org/en/documents/download/60864>, p. 28; United Nations Security Council, Report of the Secretary-General, “Conflict-Related Sexual Violence,” S/2015/203, March 23, 2015, <https://undocs.org/s/2015/203> (accessed December 12, 2019); International Alert, “*Most of the Men Want to Leave: Armed Groups, Displacement and the Gendered Webs of Vulnerability in Syria*,” July 2017, [https://www.international-alert.org/sites/default/files/Gender\\_VulnerabilitySyria\\_EN\\_2017.pdf](https://www.international-alert.org/sites/default/files/Gender_VulnerabilitySyria_EN_2017.pdf) (accessed December 12, 2019), p. 14.

Therefore, the numbers do not reflect the reality.<sup>33</sup> As in the case of women survivors of sexual violence, shame and stigma around this issue, fed by gender stereotypes, prevents male survivors from coming forward.<sup>34</sup> “I lost my dignity,” a paper submitted by the Independent International Commission of Inquiry on the Syrian Arab Republic (Syria COI) to the Human Rights Council, states:

Male victims also suffer long-term physical and mental health issues including depression, many times compounded by an inability to admit to others what they experienced, in large part out of fear that perceived loss of masculinity would prevent them from fulfilling traditional gender roles.<sup>35</sup>

Even if male survivors do report incidents of sexual violence, they may report it as torture or humiliation instead of expressing the sexual aspect of the violence, due to fear of stigmatization and re-victimization.<sup>36</sup> Dolan explains:

The absence of data on male victims is not an objective reflection of levels of violence, but rather a symptom of immense difficulty—both on the part of the male victims themselves and, for different reasons, on the part of those tasked with shaping GBV [gender-based violence] support interventions—in

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<sup>33</sup> Etienne G. Krug et al., *World Report on Violence and Health* (Geneva: World Health Organization, 2002), p. 154 <https://apps.who.int/iris/handle/10665/42495> (accessed June 10, 2020); United Nations High Commissioner for Refugees (UNHCR), “‘We Keep it in Our Heart’: Sexual Violence Against Men and Boys in the Syria Crisis,” <https://data2.unhcr.org/en/documents/download/60864>; Sivakumaran, “Sexual Violence Against Men in Armed Conflict,” pp. 254-256; Sivakumaran, “Male/Male Rape and the ‘Taint’ of Homosexuality,” p. 1288; Dolan, “Letting Go of the Gender Binary: Charting New Pathways for Humanitarian Interventions on Gender-Based Violence,” p. 495; Michele Leiby, “The Promise and Peril of Primary Documents: Documenting Wartime Sexual Violence In EL Salvador And Peru,” in *Understanding and Proving International Sex Crimes*, ed. Morten Bergsmo et al. (Beijing: Torkel Opsahl Academic EPublisher, 2012), p. 46.

<sup>34</sup> Report of the United Nations Secretary-General, “Conflict Related Sexual Violence,” <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/04/report/s-2019-280/Annual-report-2018.pdf>, p.6; Kyle Knight, “Dispatches: Sweden’s Inclusive Rape Care Model,” Human Rights Watch dispatch, October 27, 2015, <https://www.hrw.org/news/2015/10/27/dispatches-swedens-inclusive-rape-care-model>; Sivakumaran, “Sexual Violence Against Men in Armed Conflict,” p. 255; Leiby, “The Promise and Peril of Primary Documents: Documenting Wartime Sexual Violence In EL Salvador And Peru,” p. 20; Family for Every Child, “Caring for Boys Affected by Sexual Violence,” <http://challengingheights.org/wp-content/uploads/2018/06/Caring-for-Boys-Affected-by-Sexual-Violence-web.pdf>, p.13; Wood, “Variation in Sexual Violence During War,” p. 318.

<sup>35</sup> Human Rights Council, “‘I Lost My Dignity’: Sexual and Gender-Based Violence in the Syrian Arab Republic,” <https://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-37-CRP-3.pdf>.

<sup>36</sup> Leiby, “Uncovering Men’s Narratives of Conflict-Related Sexual Violence,” p. 142; International Center for Transitional Justice, *When No One Calls it Rape: Addressing Sexual Violence Against Men and Boys in Transitional Contexts*, [https://www.ictj.org/sites/default/files/ICTJ\\_Report\\_SexualViolenceMen\\_2016.pdf](https://www.ictj.org/sites/default/files/ICTJ_Report_SexualViolenceMen_2016.pdf), p. 11.

acknowledging that men too can be rendered vulnerable by virtue of their gender.<sup>37</sup>

In order to overcome the challenges of underreporting and data collection on CRSV against men and boys, researchers may have to modify their methodologies. For example, while conducting research on sexual violence against Rohingya men and boys in 2018, the Women’s Refugee Commission researchers realized that participants were reluctant to ascribe the term “sexual” to the experiences of men and boys.<sup>38</sup> So they changed their approach and used the word “torture” (such as, torture to the genitals) during interviews, instead of using the terms “sexual” and “rape.” As a result, interviewees spoke about genital mutilation and other forms of sexual violence. By reformulating their methodology, they were able to collect evidence about CRSV against men and boys.<sup>39</sup>

In addition to survivors’ perceptions and terminology potentially impacting how these incidents are understood, service providers, health care personnel and humanitarian staff also often fail to recognize rape and sexual violence against men and boys as “sexual violence,” due to lack of training or reluctance to believe that men can be raped or sexually assaulted.<sup>40</sup>

Sexual violence against men and boys—just as against women and girls—may be used as a form of torture.<sup>41</sup> Recognizing that rape and other forms of sexual violence can amount to torture is important for the application of legal instruments that prohibit torture and can trigger international action for accountability.<sup>42</sup> In addition, the legal category of rape is not

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<sup>37</sup> Dolan, “Letting Go of the Gender Binary: Charting New Pathways for Humanitarian Interventions on Gender-Based Violence,” p.495.

<sup>38</sup> Women’s Refugee Commission, “*It’s Happening to Our Men as Well*”: *Sexual Violence Against Rohingya Men and Boys*, <https://www.womensrefugeecommission.org/gbv/resources/1664-its-happening-to-our-men-as-well>, p. 17.

<sup>39</sup> Ibid.

<sup>40</sup> International Center for Transitional Justice, *When No One Calls it Rape: Addressing Sexual Violence Against Men and Boys in Transitional Contexts*, [https://www.ictj.org/sites/default/files/ICTJ\\_Report\\_SexualViolenceMen\\_2016.pdf](https://www.ictj.org/sites/default/files/ICTJ_Report_SexualViolenceMen_2016.pdf), pp. 11 - 13; Stemple, “Male Rape and Human Rights,” p. 612; Sivakumaran, “Sexual Violence Against Men in Armed Conflict,” p. 256.

<sup>41</sup> Human Rights Watch, *Torture Archipelago: Arbitrary Arrests, Torture and Enforced Disappearances in Syria’s Underground Prisons since March 2011*, July 2012, <https://www.hrw.org/report/2012/07/03/torture-archipelago/arbitrary-arrests-torture-and-enforced-disappearances-syrias>; United Nations Commission on Human Rights, Economic and Social Council, Report by the Special Rapporteur, Mr. P. Kooijmans, “Torture and Other Cruel, Inhuman or Degrading Treatment,” E/CN.4/1986/15, February 19, 1986, [https://ap.ohchr.org/documents/E/CHR/report/E-CN\\_4-1986-15.pdf](https://ap.ohchr.org/documents/E/CHR/report/E-CN_4-1986-15.pdf) (accessed December 12, 2019), para. 119.

<sup>42</sup> Thomas Charman, “Sexual Violence or Torture? The Framing of Sexual Violence Against Men in Armed Conflict in Amnesty International and Human Rights Watch Reports,” in *Sexual Violence Against Men in Global Politics*, ed. Marysia Zalewski et al. (London: Routledge, 2018), pp. 200-201.

available to men in many national law settings, and torture is used more often in advocacy and criminal proceedings. Therefore, crimes that amounts to torture should be labelled as such.

However, approaching conflict-related sexual violence only through the lens of torture may obscure the gendered and sexual nature of the violence.<sup>43</sup> In order to ensure accurate reporting and documentation of the violation, and provide a response tailored to the needs of survivors, the gendered and sexual dimensions of CRSV need to be taken into account.<sup>44</sup> As stated in a 2016 report of the UN special rapporteur on torture and other cruel, inhuman or degrading treatment or punishment:

Full integration of a gender perspective into gender analysis of torture and ill-treatment is critical to ensuring that violations rooted in discriminatory social norms around gender and sexuality are fully recognized, addressed and remedied.<sup>45</sup>

In many studies, data related to CRSV against men and boys has been coded and documented only as “torture,” which has led to misrepresentation in reports of the nature, extent, and patterns of sexual violence perpetrated against men during conflict.

For example, truth commissions’ reports on crimes during the civil wars in El Salvador and Peru states that 1 percent and 2 percent of survivors of sexual violence, respectively, identified in the testimonies were male. However, a re-analysis and re-coding of the testimonies revealed that survivors of sexual violence during the armed conflicts in Peru

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<sup>43</sup> Z. Pinar Erdem (Human Rights Watch), “Men Can Experience Sexual Violence in War Too,” <https://www.hrw.org/news/2019/05/03/men-can-experience-sexual-violence-war-too>; Anjali Manivannan, “Seeking Justice for Male Victims of Sexual Violence in Armed Conflict,” *NYU Journal of International Law and Politics* 46 (2014): 643, accessed December 11, 2019, <http://nyujilp.org/wp-content/uploads/2010/06/46.2-Manivannan.pdf>; Stemple, “Male Rape and Human Rights,” p. 636.

<sup>44</sup> International Center for Transitional Justice, *When No One Calls it Rape: Addressing Sexual Violence Against Men and Boys in Transitional Contexts*, [https://www.ictj.org/sites/default/files/ICTJ\\_Report\\_SexualViolenceMen\\_2016.pdf](https://www.ictj.org/sites/default/files/ICTJ_Report_SexualViolenceMen_2016.pdf), pp. 6, 14.

<sup>45</sup> UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, A/HRC/31/57, January 5, 2016, <https://www.refworld.org/docid/56c435714.html> (accessed December 12, 2019), p. 3.

and El Salvador were actually male in 53 percent and 22 percent, respectively, of the total cases of sexual violence.<sup>46</sup>

While re-analyzing the testimonies of the male survivors in Peru and El Salvador, scholar Michele Leiby took into account multiple forms of sexual violence, including rape and gang rape, sexual torture, mutilation, sexual coercion, and a general category for unspecified forms of sexual violence.<sup>47</sup> Cases of sexual violence such as sexual torture that had been overlooked or miscoded in research on Peru were also added to Leiby's analysis.<sup>48</sup> During the re-analysis of testimonies, Leiby paid particular attention to key facts such as how the survivor came to be targeted for violence, what the survivor was doing at the time of the attack, who was present during the act of violence and exactly where the violence was perpetrated.<sup>49</sup>

A nuanced examination of sexual violence against men and boys helps erode myths around male sexual violence. Practically speaking, it provides an evidence base to design appropriate prevention and response measures and critical services for male survivors of sexual violence, such as appropriate medical and psychosocial care. For example, the All Survivor Project's research on sexual violence against men and boys in Central African Republic in 2018 provides solid evidence on the gendered nature of CRSV. All Survivors Project has been using its research findings to create spaces in CAR to improve services for male survivors of sexual violence with a survivor-centered approach.<sup>50</sup>

### *Background of CRSV Against Men and Boys in Syria*

In the Syrian context, since the anti-government protests in March 2011, sexual violence has been used against women, men, girls and boys in house raids, checkpoints, and in

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<sup>46</sup> Leiby, "The Promise and Peril of Primary Documents: Documenting Wartime Sexual Violence In EL Salvador And Peru"; United Nations High Commissioner for Refugees (UNHCR), "We Keep it in Our Heart": Sexual Violence Against Men and Boys in the Syria Crisis," <https://data2.unhcr.org/en/documents/download/60864>, p. 14; Leiby, "Uncovering Men's Narratives of Conflict-Related Sexual Violence," pp. 138-141.

<sup>47</sup> Leiby, "The Promise and Peril of Primary Documents: Documenting Wartime Sexual Violence In EL Salvador And Peru," pp. 42-45.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

<sup>50</sup> All Survivors Project, Workshop, "Implementing A Prevention and Response Framework For Sexual Violence Against Men and Boys in CAR," April 10-11, 2018, Bangui, Central African Republic, <https://allurvivorsproject.org/issue/workshop-implementing-a-prevention-and-response-framework-for-sexual-violence-against-men-and-boys-in-car-0-11-april-2018-bangui-central-african-republic/>; All Survivors Project, "*I Don't Know Who Can Help*": Men and Boys Facing Sexual Violence in Central African Republic, <http://allurvivorsproject.org/wp-content/uploads/2018/03/ASP-Central-African-Republic.pdf>.

detention centers as a widespread and systematic abuse by state and non-state armed groups.<sup>51</sup> The Syria COI has concluded that rape and sexual violence occurring in Syria amounts to war crimes and crimes against humanity.<sup>52</sup> In Syrian detention centers sexual violence is used against men and boys as a form of torture by Syrian authorities.<sup>53</sup> During interrogations to force detainees to confess and torture sessions in detention centers, men and boys have been subject to different forms of sexual violence, including:

- Rape, including with objects;
- Sexual harassment and humiliation;
- Genital beatings, burnings, electric shock and mutilation;
- Threat of rape against them and others;
- Forced nudity.<sup>54</sup>

The Syria COI has described rape and sexual violence against men in detention as follows:

Male detainees, including boys as young as 11 years, were subjected to a range of forms of sexual violence including rape, sexual torture and humiliation. Generally, rape of males took place during admissions to a facility—in these cases, the perpetrators were often pro-Government militias supporting the detention facility—during interrogations to force confessions, and occasionally even after detainees confessed to further humiliate or punish them. Upon arrival at detention facilities, men and boys were forced to strip, and often stand naked in front of others. In some

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<sup>51</sup> Human Rights Council, “‘I Lost My Dignity’: Sexual and Gender-Based Violence in the Syrian Arab Republic,” <https://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-37-CRP-3.pdf>, pp. 5-6.

<sup>52</sup> *Ibid.*, pp. 1-2.

<sup>53</sup> Human Rights Watch, *Torture Archipelago*; United Nations High Commissioner for Refugees (UNHCR), “‘We Keep it in Our Heart’: Sexual Violence Against Men and Boys in the Syria Crisis,” <https://data2.unhcr.org/en/documents/download/60864>; All Survivors Project, “*Destroyed From Within: Sexual Violence Against Men and Boys in Syria and Turkey*,” [https://allsurvivorsproject.org/wp-content/uploads/2018/09/ASP\\_Syria\\_Report.pdf](https://allsurvivorsproject.org/wp-content/uploads/2018/09/ASP_Syria_Report.pdf).

<sup>54</sup> Human Rights Watch, *Torture Archipelago*; United Nations High Commissioner for Refugees (UNHCR), “‘We Keep it in Our Heart’: Sexual Violence Against Men and Boys in the Syria Crisis,” <https://data2.unhcr.org/en/documents/download/60864>; All Survivors Project, “*Destroyed From Within: Sexual Violence Against Men and Boys in Syria and Turkey*,” [https://allsurvivorsproject.org/wp-content/uploads/2018/09/ASP\\_Syria\\_Report.pdf](https://allsurvivorsproject.org/wp-content/uploads/2018/09/ASP_Syria_Report.pdf); Lawyers & Doctors for Human Rights (LDHR), “*The Soul Has Died: Typology, Prevalence and the Devastating Impact of Sexual Violence Against Men and Boys in Syrian Detention*,” <http://ldhrights.org/en/wp-content/uploads/2019/03/The-Soul-Has-Died-Male-Sexual-Violence-Report-English-for-release-copy.pdf>; Human Rights Council, “‘I Lost My Dignity’: Sexual and Gender-Based Violence in the Syrian Arab Republic,” <https://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-37-CRP-3.pdf>, p. 11.

instances, they described being submitted to unnecessarily intimate searches during which guards touched their genitals.

The most common form of male rape occurred with objects, including batons, wooden sticks, pipes, and bottles, a tactic which has been used during interrogations since early in the conflict.<sup>55</sup>

Syrian detention centers are not the only place where sexual violence is used against men and boys. In non-detention settings, men and boys have been subject to rape and other forms of sexual violence at checkpoints, during house raids and within the Syrian army.<sup>56</sup>

Sexual Orientation, Gender Identity, and Risks of Sexual Violence In the context of the war and before the war we were always persecuted.

—Sabah, transgender survivor, Beirut, January 2019

[I]t's a shame to be LGBT [in Syria]. If you are LGBT you bring shame to the family and you should be killed. The family should wash the shame so that they can have friends again.

—Nur, Beirut, January 2019

Almost all countries in the Middle East and North Africa region criminalize some forms of consensual adult sexual relations, which can include sex between unmarried individuals, adultery, and same-sex relations. Laws that criminalize same-sex conduct not only render LGBT people vulnerable to violence by expressing official antipathy toward the population, but also prevent victims from reporting crimes to officials due to the fear of being punished

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<sup>55</sup> Human Rights Council, “‘I Lost My Dignity’: Sexual and Gender-Based Violence in the Syrian Arab Republic,” <https://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A-HRC-37-CRP-3.pdf>, p. 11.

<sup>56</sup> Human Rights Watch, *Torture Archipelago*; United Nations High Commissioner for Refugees (UNHCR), “‘We Keep it in Our Heart’: Sexual Violence Against Men and Boys in the Syria Crisis,” <https://data2.unhcr.org/en/documents/download/60864>; All Survivors Project, “*Destroyed From Within*: Sexual Violence Against Men and Boys in Syria and Turkey,” [https://allsurvivorsproject.org/wp-content/uploads/2018/09/ASP\\_Syria\\_Report.pdf](https://allsurvivorsproject.org/wp-content/uploads/2018/09/ASP_Syria_Report.pdf); Lawyers & Doctors for Human Rights (LDHR), “*The Soul Has Died*: Typology, Prevalence and the Devastating Impact of Sexual Violence Against Men and Boys in Syrian Detention,” <http://ldhrights.org/en/wp-content/uploads/2019/03/The-Soul-Has-Died-Male-Sexual-Violence-Report-English-for-release-copy.pdf>; Human Rights Council, “‘I Lost My Dignity’: Sexual and Gender-Based Violence in the Syrian Arab Republic,” <https://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A-HRC-37-CRP-3.pdf>, pp. 5-8; United Nations General Assembly, Report of the Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity, A/74/181, July 17, 2019, <https://undocs.org/A/74/181> (accessed December 12, 2019), p. 15.

rather than being protected. Just as such laws do so in peacetime, they can also contribute to use of sexual and other violence against LGBT people in wartime, contributing to both heightened vulnerability of LGBT people during conflict and reduced likelihood of them reporting sexual violence.<sup>57</sup>

Widespread animosity toward sexual and gender diversity goes hand in hand with violence against people based on their real or perceived sexual orientation or gender identity. The already-existing vulnerability of LGBT people—or those perceived or characterized as LGBT—increases in conflict and post-conflict situations, which are characterized by an increase in lawlessness.<sup>58</sup> In an environment without rule of law and amplified stigma, LGBT people may be particularly vulnerable when seen as “legitimate targets for violence.”<sup>59</sup> A 2015 report by the UN secretary-general on conflict-related sexual violence recognizes that sexual violence against LGBT people is heightened during conflict:

Torture and ill-treatment of persons on the basis of actual or perceived sexual orientation or gender identity is rampant in armed conflict and perpetrated by State and non-State actors alike, with rape and other forms of sexual violence sometimes being used as a form of ‘moral cleansing’ of lesbian, gay, bisexual and transgender persons.<sup>60</sup>

Similarly, in a 2019 report, the UN Secretary-General recognized “that lesbian, gay, bisexual, transgender and intersex individuals are sometimes specifically targeted with sexual violence in conflicts” and recommended:

[M]ore consistent monitoring and analysis of and reporting on violations against lesbian, gay, bisexual, transgender and intersex individuals, and

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<sup>57</sup> Human Dignity Trust, *Criminalising Homosexuality and LGBT Rights in Times of Conflict, Violence and Natural Disasters*, <https://www.humandignitytrust.org/wp-content/uploads/resources/8.-Criminalisation-Conflict-and-Natural-Disasters.pdf>, pp. 4-11.

<sup>58</sup> Ibid.; Human Rights Watch, *Audacity in Adversity: LGBT Activism in the Middle East and North Africa*, April 2018, [https://www.hrw.org/sites/default/files/report\\_pdf/lgbt\\_mena0418\\_web\\_o.pdf](https://www.hrw.org/sites/default/files/report_pdf/lgbt_mena0418_web_o.pdf), p. 16.

<sup>59</sup> Human Dignity Trust, *Criminalising Homosexuality and LGBT Rights in Times of Conflict, Violence and Natural Disasters*, <https://www.humandignitytrust.org/wp-content/uploads/resources/8.-Criminalisation-Conflict-and-Natural-Disasters.pdf>, pp. 4-11.

<sup>60</sup> United Nations Security Council, Report of the Secretary-General, “Conflict-Related Sexual Violence,” March 23, 2015, S/2015/203, <https://undocs.org/S/2015/203>.



the review of national legislation to protect lesbian, gay, bisexual, transgender and intersex victims.”<sup>61</sup>

Syrian law reinforces discrimination and violence against LGBT people. Article 520 of the Syrian Penal Code 1949 states that “any unnatural sexual intercourse shall be punished with a term of imprisonment of up to three years.”<sup>62</sup> Article 517 of the code punishes crimes “against public decency” that are carried out in public with imprisonment of three months to three years.<sup>63</sup> Terms such as “indecent,” “immoral acts,” and “acts against public decency” may be arbitrarily interpreted to prosecute LGBT people for consensual sexual conduct between adults. Therefore, while article 517 does not specifically mention homosexual conduct, it may be used to imprison LGBT people in Syria. Human Rights Watch does not have evidence that these articles of the Syrian penal code have been used to prosecute same-sex sexual acts.

Sexual and gender minorities in Syria have suffered discrimination and persecution exacerbated by state-sponsored homophobia long before the war began.<sup>64</sup> Perpetrators include family members, community members, and authorities.<sup>65</sup> LGBT people are often

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<sup>61</sup> United Nations Security Council, Report of the Secretary-General, “Conflict-Related Sexual Violence,” March 29, 2019, S/2019/280.

<sup>62</sup> Graeme Reid (Human Rights Watch), “The Double Threat for Gay Men in Syria,” commentary, *Washington Post*, April 28, 2014, <https://www.hrw.org/news/2014/04/28/double-threat-gay-men-syria>; The Syrian Penal Code – Legislative Decree No.148 of 1949, <https://wipolex.wipo.int/en/text/243237> (accessed December 12, 2019); International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), Lucas Ramon Mendos, *State-Sponsored Homophobia*, March 2019, [https://ilga.org/downloads/ILGA\\_State\\_Sponsored\\_Homophobia\\_2019\\_light.pdf](https://ilga.org/downloads/ILGA_State_Sponsored_Homophobia_2019_light.pdf) (accessed December 12, 2019).

<sup>63</sup> The Syrian Penal Code – Legislative Decree No.148 of 1949, <https://wipolex.wipo.int/en/text/243237>; International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), Lucas Ramon Mendos, *State-Sponsored Homophobia*, [https://ilga.org/downloads/ILGA\\_State\\_Sponsored\\_Homophobia\\_2019\\_light.pdf](https://ilga.org/downloads/ILGA_State_Sponsored_Homophobia_2019_light.pdf).

<sup>64</sup> Haley Bobseine, “Out and Down in Syria’s Civil War,” *Foreign Policy*, December 4, 2013, <https://foreignpolicy.com/2013/12/04/out-and-down-in-syrias-civil-war/> (accessed December 12, 2019); International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), Lucas Ramon Mendos, *State-Sponsored Homophobia*, March 2019, [https://ilga.org/downloads/ILGA\\_State\\_Sponsored\\_Homophobia\\_2019\\_light.pdf](https://ilga.org/downloads/ILGA_State_Sponsored_Homophobia_2019_light.pdf), p. 475.

<sup>65</sup> International Alert, “*Most of the Men Want to Leave*”: *Armed Groups, Displacement and the Gendered Webs of Vulnerability in Syria*, [https://www.international-alert.org/sites/default/files/Gender\\_VulnerabilitySyria\\_EN\\_2017.pdf](https://www.international-alert.org/sites/default/files/Gender_VulnerabilitySyria_EN_2017.pdf), p. 28; Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), *Syria: Treatment and Human Rights Situation of Homosexuals: Legal Provisions Concerning Homosexual Activity; Social Treatment of Homosexuals (Including the Issue of “Honour Killings”)*, May 22, 2009, A-6753, <https://www.refworld.org/docid/4a16a9d92.html> (accessed December 12, 2019).

seen as shameful and a disgrace to their families, which leads to rejection and, in some cases, death threats and being targeted for “honor killings.”<sup>66</sup>

Gay and bisexual men and transgender individuals are especially vulnerable to sexual violence during conflict.<sup>67</sup> Perpetrators target men who are gay or bisexual—or perceived as such—because they violate heterosexual norms and do not conform to social expectations of masculinity.<sup>68</sup> Individuals who are seen to fall short of dominant masculine ideals, including by exhibiting traits or behaviors that are typically viewed as feminine, are perceived as weak and hence vulnerable to abuse.<sup>69</sup>

According to the 2017 UNHCR report, as a result of the general increase in violence during the Syrian conflict, violence against the LGBT community in Syria has also increased.<sup>70</sup> The surveillance, entrapment, and public exposure of gay men has intensified.<sup>71</sup> LGBT individuals are targeted by state and non-state armed groups based on their real or

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<sup>66</sup> Graeme Reid (Human Rights Watch), “The Double Threat for Gay Men in Syria,” <https://www.hrw.org/news/2014/04/28/double-threat-gay-men-syria>; Anna Pujol-Mazzini, “Finding Syria’s Mr Gay: Film Highlights Abuse of LGBT Syrians in War,” *Reuters*, June 12, 2017, <https://www.reuters.com/article/us-mideast-crisis-syria-lgbt/finding-syrias-mr-gay-film-highlights-abuse-of-lgbt-syrians-in-war-idUSKBN193214> (accessed December 12, 2019); Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), *Syria: Treatment and Human Rights Situation of Homosexuals: Legal Provisions Concerning Homosexual Activity; Social Treatment of Homosexuals (Including the Issue of “Honour Killings”)*, <https://www.refworld.org/docid/4a16a9d92.html>; International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), Lucas Ramon Mendos, *State-Sponsored Homophobia*, March 2019, [https://ilga.org/downloads/ILGA\\_State\\_Sponsored\\_Homophobia\\_2019\\_light.pdf](https://ilga.org/downloads/ILGA_State_Sponsored_Homophobia_2019_light.pdf), p. 476.

<sup>67</sup> All Survivors Project, “*Destroyed From Within: Sexual Violence Against Men and Boys in Syria and Turkey*,” [https://allurvivorsproject.org/wp-content/uploads/2018/09/ASP\\_Syria\\_Report.pdf](https://allurvivorsproject.org/wp-content/uploads/2018/09/ASP_Syria_Report.pdf).

<sup>68</sup> Wood, “Rape as a Practice of War: Toward a Typology of Political Violence,” p. 524.

<sup>69</sup> Lewis, “Unrecognized Victims: Sexual Violence Against Men in Conflict Settings Under International Law,” p. 8.

<sup>70</sup> Henri Myrntinen, Lana Khattab, and Charbel Maydaa, “‘Trust No One, Beware of Everyone’: Vulnerabilities of LGBTI Refugees in Lebanon,” in *A Gendered Approach to the Syrian Refugee Crisis*, ed. Jane Freedman et al. (London: Routledge, 2017), pp. 65-66; Graeme Reid (Human Rights Watch), “The Double Threat for Gay Men in Syria,” <https://www.hrw.org/news/2014/04/28/double-threat-gay-men-syria>; International Alert, “*Most of the Men Want to Leave: Armed Groups, Displacement and the Gendered Webs of Vulnerability in Syria*,” [https://www.international-alert.org/sites/default/files/Gender\\_VulnerabilitySyria\\_EN\\_2017.pdf](https://www.international-alert.org/sites/default/files/Gender_VulnerabilitySyria_EN_2017.pdf), p. 18.

<sup>71</sup> Graeme Reid (Human Rights Watch), “The Double Threat for Gay Men in Syria,” <https://www.hrw.org/news/2014/04/28/double-threat-gay-men-syria>; Myrntinen, Khattab, and Maydaa, “‘Trust No One, Beware of Everyone’: Vulnerabilities of LGBTI Refugees in Lebanon,” p. 65.

perceived sexual orientation and/or gender identity.<sup>72</sup> Evidence shows that they have been targeted for sexual and physical violence.<sup>73</sup> A 2014 Syria COI report states:

Men were tortured and raped on the grounds of their sexual orientation at government checkpoints in Damascus. In 2011, six homosexual men were beaten viciously with electric cables by security agents and threatened with rape.<sup>74</sup>

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<sup>72</sup> Human Rights Council, “‘I Lost My Dignity’: Sexual and Gender-Based Violence in the Syrian Arab Republic,” <https://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A-HRC-37-CRP-3.pdf>, p. 8; UN Human Rights Council, Report of the independent international commission of inquiry on the Syrian Arab Republic, A/HRC/25/65, February 14, 2014, [https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a\\_hrc\\_25\\_65.pdf](https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_hrc_25_65.pdf) (accessed December 12, 2019), p. 12.

<sup>73</sup> Graeme Reid (Human Rights Watch), “The Double Threat for Gay Men in Syria,” <https://www.hrw.org/news/2014/04/28/double-threat-gay-men-syria>; United Nations High Commissioner for Refugees (UNHCR), “‘We Keep it in Our Heart’: Sexual Violence Against Men and Boys in the Syria Crisis,” <https://data2.unhcr.org/en/documents/download/60864>, p. 27; Palestinian Human Rights Organization (PHRO) Joint Submission, Alliance for Writing and Advocating the Syrian Universal Periodic Review Reports (AWASUR), [https://www.upr-info.org/sites/default/files/document/syrian\\_arab\\_republic/session\\_26\\_-\\_november\\_2016/js12\\_upr26\\_syr\\_e\\_main.pdf](https://www.upr-info.org/sites/default/files/document/syrian_arab_republic/session_26_-_november_2016/js12_upr26_syr_e_main.pdf), p. 5.

<sup>74</sup> UN Human Rights Council, Report of the independent international commission of inquiry on the Syrian Arab Republic, [https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a\\_hrc\\_25\\_65.pdf](https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_hrc_25_65.pdf), p. 12.

## II. “Soft” Targets of Syria

Many interviewees describe “softness” as a marker of being gay or transgender or falling short of masculine ideals. Cases that Human Rights Watch documented show that although men and boys are stopped at checkpoints regardless of their sexual orientation and gender identity, gay and bisexual men and transgender individuals were often sexually and verbally harassed and sexually abused on the basis that they were “soft looking.”<sup>75</sup>

Some interviewees told Human Rights Watch that they would adopt self-censoring behavior to conceal their sexual orientation or gender identity in order to protect themselves at checkpoints or while they were serving in the military.<sup>76</sup> Some referred to this as acting like “real men” or suppressing behaviors that might be perceived as “soft.” Walid, a 26-year-old gay man, said: “When I was at checkpoints, I acted like a ‘real man.’ I act straight so they don’t [suspect] I’m gay.” He explained:

At checkpoints, they generally stop people who are dressed differently or people who take care of their appearances ... people dress in Syria, somehow in a conservative way. So, wearing tight pants, wearing lots of perfume or fixing the hair—these are practices only for gay and trans people. [The police] also look at gestures. The way we sit and move our hands, body language. They target gay and trans people.<sup>77</sup>

Evidence gathered by Human Rights Watch show that GBT individuals in the military were specifically targeted on the basis of their sexual orientation and/or gender identity. Interviewees told Human Rights Watch that GBT men and boys who serve in the army are often subject to rape and other forms of sexual violence in military prisons, or by other soldiers in the army. “There were men who looked more soft, [appeared] to be like a woman more than a man, who didn’t have beards. They were harassed more than others. To tell you the truth, if their [the soldiers’] girls were absent, these men would be [become] the victim,” Hatem, a heterosexual survivor who served in the army, said.<sup>78</sup>

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<sup>75</sup> Human Rights Watch interview with Walid, January 23, 2019.

<sup>76</sup> Ibid.

<sup>77</sup> Ibid.

<sup>78</sup> Human Rights Watch interview with Hatem, February 6, 2019.

Some fled Syria out of fear of sexual violence in the military, if they joined up. Zakhya, a transgender woman, said: “I ran away [from Syria] because I didn’t want to be involved in the army.” She said people in her community told her the army would make her “become a man.” “They [people] said to me you become a man. You are straightened up when you join the army. If not you will be fucked [by other soldiers],” she said.<sup>79</sup>

Nur, a 25-year-old gay survivor, was detained in Palestine branch, a detention facility run by the Syrian Military Intelligence, in 2012 for being late for her military service.<sup>80</sup> Nur explained why she did not want to serve in the army:

I couldn’t hand myself to the army because we know in Syria what happens to people who are from the LGBT [community] that join the army. Like for example rape and insults. They use you as an object; but even more than [they do to] girls because we are guys and acting like girls. My friend had a personal experience with that. He was raped.<sup>81</sup>

Marwa, a transgender woman, said that she had to “act like a man” in order keep herself safe while she served in the Syrian army because she feared being sexually abused:

I had to shave my head and I had to pretend I was a man. But deep inside I felt like a female. I didn’t look like a woman in any way. I was acting like a man. Especially in the collective bathroom I had to act extra like a man.<sup>82</sup>

Apart from being targeted by Syrian forces at checkpoints, in detention centers and within the Syrian army, gay and bisexual men and boys and transgender individuals have also been targeted and executed by the Islamic State (ISIS), in areas under ISIS control. ISIS executed gay and bisexual men and transgender individuals by throwing them from high-

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<sup>79</sup> Human Rights Watch interview with Zakhya, January 24, 2019.

<sup>80</sup> Nur is gay and uses she/her pronouns.

<sup>81</sup> Human Rights Watch interview with Nur, January 24, 2019.

<sup>82</sup> Human Rights Watch interview with Marwa, January 24, 2019

rise buildings.<sup>83</sup> Amal, a 26-year-old transgender woman, was detained by ISIS and witnessed one of her gay friends being thrown from a high building to his death.<sup>84</sup> At the time, she also identified as gay. She managed to flee from ISIS.<sup>85</sup>

Khalil, a 21-year-old gay survivor was captured by ISIS with a group of people, including his boyfriend who was killed for being gay. He said:

I was detained by ISIS for three months for being part of protests. I was 15. I was detained with my friends. My boyfriend was thrown from a high building by ISIS.<sup>86</sup>

## Family Violence and Discrimination

In addition to being targeted by state and non-state armed groups, gay and bisexual men and transgender women told Human Rights Watch that LGBT individuals in Syria are rejected, ostracized, and subject to violence by their family members.<sup>87</sup> Hostility from families is a compounding factor for vulnerability to violence, including sexual violence. Gay and bisexual men and transgender women interviewed by Human Rights Watch described being severely beaten by their parents, locked in their rooms and thrown out of their homes.<sup>88</sup> Some interviewees believed their parents had sent family members to Lebanon to kill them and feared being subjected to so-called honor crimes.<sup>89</sup>

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<sup>83</sup> Human Rights Council, “‘I Lost My Dignity’: Sexual and Gender-Based Violence in the Syrian Arab Republic,” <https://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A-HRC-37-CRP-3.pdf>, p. 17; Counter Extremism Project, *ISIS’s Persecution of Gay People*, May 2017, [https://www.counterextremism.com/sites/default/files/ISIS%20Persecution%20of%20Gay%20People\\_052317.pdf](https://www.counterextremism.com/sites/default/files/ISIS%20Persecution%20of%20Gay%20People_052317.pdf) (accessed December 12, 2019); Human Rights Watch, *Audacity in Adversity*, p. 16-17; International Alert, “*Most of the Men Want to Leave*: Armed Groups, Displacement and the Gendered Webs of Vulnerability in Syria,” [https://www.international-alert.org/sites/default/files/Gender\\_VulnerabilitySyria\\_EN\\_2017.pdf](https://www.international-alert.org/sites/default/files/Gender_VulnerabilitySyria_EN_2017.pdf), p. 28.

<sup>84</sup> Human Rights Watch interview with Amal, Italy, January 28, 2019.

<sup>85</sup> Ibid.

<sup>86</sup> Human Rights Watch interview with Khalil, January 31, 2019.

<sup>87</sup> Graeme Reid (Human Rights Watch), “The Double Threat for Gay Men in Syria,” <https://www.hrw.org/news/2014/04/28/double-threat-gay-men-syria>.

<sup>88</sup> Human Rights Watch interviews with Ghada, January 23, 2019; Fahed, January 24, 2019; Nur, January 24, 2019; and Jamal, January 25, 2019.

<sup>89</sup> Human Rights Watch interviews with Fahed, January 24, 2019; Nur, January 24, 2019; and Jamal, January 25, 2019.

Jamal, a 23-year-old gay man who has lived in Lebanon since 2014 with his siblings, told Human Rights Watch that after his brothers discovered his sexual orientation, they physically abused him:

My brothers recently found out that I am gay and they torture me about it. They beat me, imprison me at home and they have threatened to kill me. They follow me like my shadow.<sup>90</sup>

GBT survivors were blackmailed by their own family members and some were even handed to the intelligence forces or to the Syrian army by their own families so that they would be “fixed” or killed. Eight of the interviewees received death threats from their families when they learned about their sexual orientation and/or gender identity. Fahed, a 23-year-old gay man, received a threatening text message from his mother on September 5, 2018, when she learned that her son was gay:

May God break your heart, like you broke mine. You faggot, you effeminate. I give you only one week to leave the country [Syria] or else I will kill you myself.<sup>91</sup>

Fahed said:

My stepfather wanted to send shabiha [pro-government militia] to kill me and detain me. He put my name in all checkpoints and wanted to kill me. I left Syria on September 19, 2018.<sup>92</sup>

Nur told Human Rights Watch that her three brothers who also live in Lebanon and know that she is “part of the LGBT community” are still chasing after her. Two days before she spoke with Human Rights Watch she said someone tried to strangle her. The identity of the attacker is unknown but her friend who physically defended her from the attack told Nur that the attacker looked like her brother.<sup>93</sup> She said:

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<sup>90</sup> Human Rights Watch interview with Jamal, January 25, 2019.

<sup>91</sup> Ibid.

<sup>92</sup> Human Rights Watch interview with Fahed, January 24, 2019.

<sup>93</sup> HRW was not able to interview the witness.

I am always scared. When I walk in the street I always look left and right as if I did something wrong. If I get killed, nobody will know who killed me and nobody will bury my body.<sup>94</sup>

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<sup>94</sup> Human Rights Watch interview with Nur, January 24, 2019.



### III. Sexual Violence in the Syrian Conflict

Syrian forces have used rape and other forms of sexual violence to harass, intimidate, and torture men and boys in intelligence branches, military and unofficial detention centers, central prisons, checkpoints, and in the Syrian army.<sup>95</sup> Interviewees told Human Rights that men and boys were raped, sexually and verbally harassed, threatened with rape of themselves and their loved ones and were subjected to forced nudity.

Men and boys, regardless of sexual orientation or gender identity, were subject to sexual assault and rape in detention centers and checkpoints. Interviewees believed that perpetrators increased or intensified the violence once they learned that the interviewees were gay, bisexual, or transgender. GBT survivors who served in the Syrian military were subject to rape and other forms of sexual violence by other army members and in military prisons. Three survivors were detained in Tadmur Prison and two were detained in the Palestine Branch.<sup>96</sup>

#### Rape

##### *Rape in Intelligence Branches, Military Prisons and Central Prisons*

In Syrian intelligence branches, officers have used rape as a means of torturing men and boys during interrogation sessions or torture sessions.<sup>97</sup> Human Rights Watch has been

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<sup>95</sup> Human Rights Watch, *Torture Archipelago*; “Syria: Sexual Assault in Detention,” Human Rights Watch news release, June 15, 2012, <https://www.hrw.org/news/2012/06/15/syria-sexual-assault-detention>; Human Rights Watch, *If the Dead Could Speak: Mass Deaths and Torture in Syria’s Detention Facilities*, December 2015, [https://www.hrw.org/sites/default/files/report\\_pdf/syria1215web\\_o.pdf](https://www.hrw.org/sites/default/files/report_pdf/syria1215web_o.pdf), p. 71; United Nations High Commissioner for Refugees (UNHCR), “‘We Keep it in Our Heart’: Sexual Violence Against Men and Boys in the Syria Crisis,” <https://data2.unhcr.org/en/documents/download/60864>; All Survivors Project, “*Destroyed From Within*: Sexual Violence Against Men and Boys in Syria and Turkey,” [https://allsurvivorsproject.org/wp-content/uploads/2018/09/ASP\\_Syria\\_Report.pdf](https://allsurvivorsproject.org/wp-content/uploads/2018/09/ASP_Syria_Report.pdf); Lawyers & Doctors for Human Rights (LDHR), “*The Soul Has Died*: Typology, Prevalence and the Devastating Impact of Sexual Violence Against Men and Boys in Syrian Detention,” <http://ldhrights.org/en/wp-content/uploads/2019/03/The-Soul-Has-Died-Male-Sexual-Violence-Report-English-for-release-copy.pdf>.

<sup>96</sup> Human Rights Watch interviews with Ghada, January 23, 2019; Marwa, January 24, 2019; and Nur, January 24, 2019.

<sup>97</sup> “Syria: Stop Torture of Children,” Human Rights Watch news release, February 3, 2012, <https://www.hrw.org/news/2012/02/03/syria-stop-torture-children>.

documenting these incidents, as well as sexual violence and abuse of women in detention, since the beginning of the Syrian uprising in 2011.<sup>98</sup>

Interviewees told Human Rights Watch that the intelligence officers would rape detainees by penetrating their rectums, often with sticks or sharp objects. Evidence show that security forces used rape against all detainees, regardless of their real or perceived gender or sexual orientation. Yousef, a 28-year-old gay male survivor of sexual violence, told Human Rights Watch he observed officials in the Al-Khattib Branch, a detention facility run by the General Intelligence, targeting women, girls, men, and boys with sexual violence, using it on “anyone who is against them.”<sup>99</sup>

Some interviewees said that they were first detained in a detention facility run by the intelligence agencies (*mukhabarat*) or the military and then were transferred to central prisons, official government detention facilities. It was not uncommon for detainees to be transferred between multiple detention facilities.<sup>100</sup> Some interviewees were detained and released several times by the same security forces. Interviewees told Human Rights Watch that in central prisons—as in military detention—once the officers or fellow detainees knew about a prisoner’s sexual orientation or gender identity or perceived it as non-normative, they specifically targeted such individuals with sexual violence, including rape.

While all detainees faced the prospect of abuse, GBT survivors told Human Rights Watch that they believed that they were subject to violence of increased intensity once their sexual orientation or gender identity was revealed. For example, when perpetrators checked their phones for evidence of same-sex attraction or behavior, subsequent sexual violence would intensify.

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<sup>98</sup> Human Rights Watch, *Torture Archipelago*; “Syria: Sexual Assault in Detention,” Human Rights Watch news release, <https://www.hrw.org/news/2012/06/15/syria-sexual-assault-detention>; Human Rights Watch, *If the Dead Could Speak*, p. 71; “Syria: Detention and Abuse of Female Activists,” Human Rights Watch news release, June 24, 2013, <https://www.hrw.org/news/2013/06/24/syria-detention-and-abuse-female-activists>; Convention on the Elimination of All Forms of Discrimination Against Women, Concluding Observations on the Fourth Periodic Report of Serbia, CEDAW/C/SRB/CO/4, March 14, 2019, [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/SRB/CO/4&Lang=En](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/SRB/CO/4&Lang=En) (accessed December 12, 2019).

<sup>99</sup> Human Rights Watch interview with Yousef, a gay survivor, January 30, 2019.

<sup>100</sup> Human Rights Watch, *Torture Archipelago*, p.13.

For example, Yousef said that he was detained by mukhabarat during an anti-government protest in the beginning of 2012 in Damascus. He told Human Rights Watch that although he was not targeted by the intelligence agency because he was gay, once they learned about his sexual orientation through checking his phone, violence during interrogations increased drastically. He explained that after intelligence officers detained him for joining the protests, they beat him severely until he confessed to acts that he did not commit. “I was being beaten and I was going to die. At the end you want them to stop, so you start saying yes to things that you have never committed,” he said. And once they discovered his sexual orientation, the violence intensified:

They said to us that they checked our phones and told us [Yousef’s detained friends], ‘You are not only against what is right; but you are also faggots.’ All the aggression was multiplied by 10 I would say. They were happily doing it. They were of course raping us with sticks.

They rape you just to see you suffering, shouting. To see you are humiliated. This is what they like to see. They had a stick inside my anus, and they started saying, ‘This is what you like, don’t you like it?’ It went up until my stomach.<sup>101</sup>

Intelligence officers also threatened to reveal his sexual orientation to his family. Yousef told Human Rights Watch: “They said, ‘We are going to bring here your dad to see that you are gay and they will disown you and you are disgusting.’”<sup>102</sup>

Intelligence officials detained Yousef in the same facility as a gay friend of his, who they had also arrested during the same protest. Yousef told Human Rights Watch he heard from his friend while in detention that he was also being raped regularly.<sup>103</sup>

Sabah, 40, a transgender woman, was detained in Sednaya, a military prison in Damascus, before the Syrian conflict started. Sabah was arrested in 2007 for hiding a friend who was chased by the police for reasons unrelated to the conflict. She was taken to military prison because at the time she was serving in the army and was on leave. After spending a few

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<sup>101</sup> Human Rights Watch interview with Yousef, December 3, 2018.

<sup>102</sup> Ibid.

<sup>103</sup> Ibid.

years in Sednaya prison she was transferred to Hama Central Prison after the conflict started in 2011, where other detainees raped her multiple times. Sabah stayed in the central prison until 2015. “I was always soft looking. It deprived me from my family and my life,” she said.<sup>104</sup> Sabah explained:

I was almost 32. Even if you are caught with other people, they would interrogate you individually. It is the same routine that applied on everybody just for being gay or trans. We are beaten, treated with violence and insulted. Not by one person but by many. They could tell from our appearance [that we were trans or gay]. Perpetrators were both guards and prisoners. If someone [other prisoners] asked for me, I had to go and see them among the normal [other] prisoners [for them to abuse or rape me]. You couldn't say no or we would be thrown from buildings, slaughtered, or beaten with sharp objects.<sup>105</sup>

Human Rights Watch documented cases where GBT survivors said they were subject to rape by other fellow prisoners in central prisons when they were minors or were forced to rape each other. Zarifa, a 22-year-old gay man, who uses female pronouns, said that her family complained about her to the Syrian government once they realized her sexual orientation, when she was around 13 years old.<sup>106</sup> Intelligence officials detained her and kept her in a solitary cell underground for a week. Then she was transferred to a central prison. She said:

A week later they took me to a collective prison [central prison] where I was raped almost every night. I don't even know if the mukhabarat knew about it. People in the prison not the guards [were raping me]. I was with adults. There were also many minors with me. I believe that they faced the same things like me.... I meant minors were being raped at night.... Rape was committed by adults in the prison and the rest of the violence by guards. I was in the prison until 17 years old—late 17.<sup>107</sup>

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<sup>104</sup> Human Rights Watch interview with Sabah, January 30, 2019.

<sup>105</sup> Ibid.

<sup>106</sup> Zarifa is a gay man and uses she/her pronouns.

<sup>107</sup> Human Rights Watch interview with Zarifa, January 23, 2019.

Naila, a 21-year-old transgender woman, was an activist and was detained multiple times for taking part in demonstrations after 2011. Naila said that plain-clothed men broke into her house in Homs and saw pro-opposition newspapers, magazines, and signs she had used during protests, as well as articles about gender identity that she brought from Beirut. Naila said that she was kept for three weeks in February 2013 in a police station in rural Homs with the accusation of “delinquency under the pretext of fomenting revolution.” Authorities released her after three weeks, then apprehended her again in March 2013. As before, non-uniformed men entered her home and apprehended her. “They took me again for two weeks and this time I didn’t know why.”<sup>108</sup> She said prisoners, guards, and other officials in the prison raped her, multiple times.<sup>109</sup> Naila said:

I was kept in room number 14. It was on the 18th of March 2013. The room was full of men. I didn’t find a place to sleep. I sat by the bathroom and hid my chest with my legs. I was afraid of them all. They were all staring at me. My skin was soft, and I had long hair. I had prominent female features at the time. They were all laughing at me and mocking me and making sexual innuendo jokes. I had a panic attack at this moment. I kept calling the guard, but he never responded to me. I was scared, lost and locked. The room was very small. There were 25 men inside. Then they started taking off their shirts. Some of them touched me. I was suffocating and scared. It was disgusting. I never stopped calling the guard. But to no avail. Then they dragged me to the middle of the room. Some of them lifted me up and tore my clothes apart. They raped me.<sup>110</sup>

Naila said that another day a man she identified as the head of the prison told the guard to take her to room 9 “because room 14 took what they wanted.”<sup>111</sup> Naila continued:

As soon as I entered the room I understood why I was there. I wasn’t alone experiencing this. There was a gay person in room nine and he was also in the middle of the room and going through the same things I went through. That room was bigger. It had 30 men inside. When they saw that there are two ‘soft’ people among them, they put us in the middle of the room of

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<sup>108</sup> Human Rights Watch interview with Naila, February 2, 2019.

<sup>109</sup> Ibid.

<sup>110</sup> Ibid.

<sup>111</sup> Ibid.

course without food or water and the series of rapes started again. They forced me with the gay person to have sex in front of them while beating us and cutting us with blades. Then they brought the stick of a mop and they inserted it in our anus. A strong bleeding started, and we were mutilated.<sup>112</sup>

Naila said that then she was taken to an individual cell where she was raped by other prisoners, guards, and people she thought were high-ranking officials. Naila said:

They woke me up and took me to room five. It was an individual cell. I thought I would be alone, but they let in someone every single day, one or two people. Guards, prisoners, high ranking officials working at the police station. At the end I lost the power to resist. I just surrendered. I was covered in blood the whole time.<sup>113</sup>

### *Rape in the Syrian Army*

Some survivors Human Rights Watch interviewed served in the Syrian army after the uprising started in 2011. Some interviewees had friends who had served in the army and were, they believed, raped because they were gay, bisexual, or transgender. Some fled the country because they were called to the army for the first time or were called to serve again as a reservist.<sup>114</sup>

Interviewees told Human Rights Watch that GBT people were subjected to sexual violence in the army and military prisons because of their sexual orientation and gender identity. Interviewees said this was common knowledge and that most GBT people fled the country due the fear of joining the army. Interviewees said that they or their friends who served in the army were taken to Tadmur Prison and Palestine Branch because they were GBT.

Toufiq, a 25-year-old queer survivor, fled the army after one month of service and came to Lebanon in November 2017. Their family had forced them to join the military after discovering their relationship with another man.<sup>115</sup> “I couldn’t handle being in the military

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<sup>112</sup> Human Rights Watch interview with Naila, February 2, 2019.

<sup>113</sup> Ibid.

<sup>114</sup> Interviewees used the term “reservist” and “reserve soldier” to refer to men who are called to the army the second time during the conflict, although they served in the army before.

<sup>115</sup> Toufiq identifies as queer and non-binary and uses they/them pronouns.

because I was subjected to sexual assault,” they said. “I was harassed by the soldiers I stayed with,” they said, adding that they shared a room with three other male soldiers. “I did not have a beard at the time so they thought I was soft,” they said. “They did everything without my consent ... intercourse ... sexual relationship.”<sup>116</sup>

Halim, a 30-year-old gay man, served in the Syrian army from 2010 to 2011. Fellow soldiers assaulted and raped him during that period, because of his sexual orientation. Halim said:

I was assaulted when I was serving in the military. Just because it showed that I was different. First day I came to join military service, I had fashionable pajamas. Soldiers said that I looked like a girl in them.... I told them that I dance. I stood in the middle and started dancing.... Many of the soldiers slept with me by force.<sup>117</sup>

### *Rape at Checkpoints*

Interviews conducted by Human Rights Watch show that although men and boys, regardless of sexual orientation or gender identity, are targeted at checkpoints, gay, bisexual and transgender women are targeted for their “soft looks.”

“If we go down the street and wear tight pants, they [security forces] would call us on purpose to provoke us, beat us and check our identities. I was stopped at checkpoints many times,” said Sayid, a 28-year-old gay man.<sup>118</sup>

Human Rights Watch documented one case of rape that occurred at a checkpoint in Damascus. Rima, a 20-year-old non-binary survivor, explained how a soldier at the checkpoint apprehended and detained her in 2014, when she was 15:<sup>119</sup>

Once my sister was stopped at the checkpoint. The soldier asked to see her mobile. He saw on her mobile my picture standing on the balcony and wearing shorts, without hair on my body. He asked, ‘Who is this?’ and she said, ‘My brother.’ They came to our house and took me under the order of

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<sup>116</sup> Human Rights Watch interview with Toufiq, January 31, 2019.

<sup>117</sup> Human Rights Watch Interview with Halim, January 31, 2019.

<sup>118</sup> Human Rights Watch interview with Sayid, January 31, 2019.

<sup>119</sup> Rima is non-binary and uses she/her pronouns.

the head of that checkpoint. When we arrived at his office he asked me to take off my pants and my T-shirt. Then my boxers and all my underwear. Then he made me sleep with him. He kept me 10 days, having sex with me 3 to 4 times a day. Whenever he felt like it. He kept on saying, ‘I will shoot you with your parents in your house if you tell anyone. I don’t care, as if you are a dog that perished.’

When he released me, he threatened me, instructing me to not tell my parents [about what he did to me] or he will kill them. He said, ‘Every time I call you, you have to come or I will put your name on [the list at] all checkpoints.’ He kept calling me and I went every time. I was scared for myself and my family.<sup>120</sup>

## Electric Shock, Beating, and Burning of Genitals

In Syrian detention centers, sexual abuse to male genitalia by security personnel, including beatings and electric shock, has been documented as one of the common ways of torturing men and boys.<sup>121</sup>

Men and boys are sexually abused by Syrian forces in their genitals, regardless of their sexual orientation and/or gender identity, often to force confessions during interrogations or torture sessions. Five survivors told Human Rights Watch that they were subjected to beatings and electric shock on their genitals. Some LGBT survivors told Human Rights Watch that once the security officers learned that they were LGBT, the violence increased.

Nur, a 25-year-old gay survivor who uses female pronouns said that she was stopped at a checkpoint in Daraa, in 2012 for being late for her military service and was taken to the Palestine Branch. She said that the beatings she received increased drastically once her sexual orientation was discovered. Nur explained:

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<sup>120</sup> Human Rights Watch interview with Rima, January 25, 2019.

<sup>121</sup> Human Rights Watch, *Torture Archipelago*, p. 24; United Nations High Commissioner for Refugees (UNHCR), “‘We Keep it in Our Heart’: Sexual Violence Against Men and Boys in the Syria Crisis,” <https://data2.unhcr.org/en/documents/download/60864>, pp. 23-25; Human Rights Council, “‘I Lost My Dignity’: Sexual and Gender-Based Violence in the Syrian Arab Republic,” <https://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-37-CRP-3.pdf>, p. 12; All Survivors Project, “*Destroyed From Within: Sexual Violence Against Men and Boys in Syria and Turkey*,” [https://allsurvivorsproject.org/wp-content/uploads/2018/09/ASP\\_Syria\\_Report.pdf](https://allsurvivorsproject.org/wp-content/uploads/2018/09/ASP_Syria_Report.pdf), pp. 15-19.



I was supposed to hand myself to the army. But I didn't do it and my name was [on the list] at the checkpoint. That's why they arrested me. They beat me and what not. At first, they beat me on my private parts ... first because I didn't hand myself to the army... When they learned I was part of the LGBT community, they started beating me double. Whoever went in or went out [of the checkpoint facility] beat me.”<sup>122</sup>

Some survivors told Human Rights Watch that they were subjected to this type of violence from the very beginning of their detention because security officers knew about their sexual orientation and/or gender identity.<sup>123</sup> Zarifa told Human Rights Watch that intelligence officers used electric shock all over her body. She said:

They tortured me. They kept me locked. They beat me. They used electricity on me everywhere. They detained me because of my sexual orientation. I wasn't the only one to be tortured because of that reason [sexual orientation].<sup>124</sup>

## Forced Nudity

Interviewees told Human Rights Watch that in Syrian detention centers, security forces would force detainees, regardless of their sexual orientation, to take off their clothes, leaving them only in their underwear or totally nude. Human Rights Watch documented five cases of strip searches that amount to sexual violence, forced nudity in crowded rooms in detention centers, and forced nudity in front of other soldiers in the army.

Ghada, a 37-year-old transgender woman detained in 2012 in Damascus for three months, told Human Rights Watch that the detainees in the Palestine Branch were forced to strip down to their underwear in a room with hundreds of people. Ghada said:

Intelligence detained me in the Palestine branch. Very bad treatment. We were forced to be nude. We were only in our underwear. It was very hot at

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<sup>122</sup> Human Rights Watch Interview with Nur, January 24, 2019.

<sup>123</sup> Human Rights Watch Interview with Zarifa, January 23, 2019.

<sup>124</sup> Ibid.

the time. We were 250-300 people in a small room. We couldn't even move. We were like eggs [packed in together].<sup>125</sup>

Officers in detention centers would ask detainees to take off their clothes and make “safety movements,” which is to squat up and down in front of the officers. Halim, who was detained in an Airforce Intelligence Branch in 2011, also explained how the intelligence officers asked him to do “safety movements,” while officers exchanged gestures, such as winking at each other, that would humiliate Halim. At the time, Halim was serving in the army. The intelligence detained Halim because a fellow soldier told an officer that Halim had cursed the officer's sister and President Bashar al-Assad's sister. Halim said:

They didn't tell me that they were from intelligence. They took me in a car with black windows and blindfolded me. I stayed in a small room inside the Airforce Intelligence Branch for 29 days. It is known to be the strongest intelligence force in Syria. They say that those who go there are considered missing and those who get out are newborns. They have it written on the walls. They made me take all of my clothes off several times and asked me to go up and down while they watched me. I don't have hair on my body [which made me look 'soft']. The officers winked at each other.<sup>126</sup>

Interviewees also described how officers in military prisons used forced nudity to degrade LGBT survivors specifically for their sexual orientation and/or gender identity. Some LGBT survivors said that officers in the Sednaya military prison forced those detained because of their sexual orientation and gender identity to stand naked in the middle of the soldiers so that they could humiliate them and spit on them. Sabah explained how Syrian security forces treated detainees they had identified as gay or trans:

In the military prison [Sednaya] they [security forces] beat us [LGBT], made us take all our clothes, mocked us, tied us to the ceiling, made us strip in front of four other soldiers and have them spit on us, humiliated us by insulting our sisters, mothers, and the rest of the family. I wished I would die before hearing these words. Even just the fact of having to undress in front of four people staring at me was very painful. I didn't choose to be like

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<sup>125</sup> Human Rights Watch interview with Ghada, January 23, 2019.

<sup>126</sup> Human Rights Watch Interview with Halim, January 31, 2019.

that [LGBT]. Why are we different? Just because we are trans and gays? I couldn't speak up. I was under the mercy of prison guards and I was alone and helpless. In Syria you can't even speak. We were more than one person.... Being gays, we were isolated from the rest of normal people. We were kept in one room and locked up as if we were a virus.<sup>127</sup>

Ghada told Human Rights Watch that she was sexually abused during her detention in Palestine Branch in 2012. She said that, upon arrival at the prison, detainees are taken for questioning before being brought to another room where they are stripped and body-searched. She described how a male officer searched her:

I wasn't sure whether it was typical treatment because I was alone. He was checking my genitals with his fingers from the front and the back. He pressed his small beard against my skin. I was naked. He said to me, 'Bend down.' Then he put both his hands on my shoulders and came close to me from the behind. I felt it was strange, but I couldn't show him I was bothered. This happened in an office in the detention center...The door was locked. He pressed his penis against my butt. Had I cooperated he would have done something [more].<sup>128</sup>

## Threat of Rape

Five interviewees said that officers would threaten to rape their mothers or sisters during interrogations at detention centers and civil prisons or during stops at checkpoints. For example, Nabih, a 41-year-old heterosexual man, was threatened with the rape of his sister and mother when he was arrested by the Criminal Security branch of the Syrian Army in 2011 in Homs.<sup>129</sup>

Jamal, his sister, his brother, and his brother's wife were stopped at a checkpoint in 2011. The officers threatened to rape Jamal's sister and sister-in-law. Jamal described what happened when the group returned to check on their house in Hama after having been displaced by the war:

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<sup>127</sup> Human Rights Watch interview with Sabah, January 30, 2019.

<sup>128</sup> Human Rights Watch interview with Ghada, January 23, 2019.

<sup>129</sup> Nabih's story provided by a Lebanese organization working with torture survivors in Beirut.

We were four, my brother and his wife, my sister and me. We were stopped at every checkpoint because our ID said that we were from Hama [a city in Syria]. We were accused of hiding weapons in the mountains. They took me and my brother away. They took us in the trunk of a car, blindfolded us and beat us. They threatened us and took our money. They said, ‘If you stay in the city one more day, we will make you regret it. We will rape your women.’<sup>130</sup>

Intelligence officers threatened Yousef, a 28-year-old gay man, during interrogation, with the rape of his mother and sister. Yousef said: “They want to get you annoyed. They use your sister’s name, your mom’s name. ‘We are going to do this [rape] to her,’ they say.”<sup>131</sup>

Interviewees told Human Rights Watch that the Syrian Security forces also threatened to rape the interviewees themselves. Jordan, a 24-year-old gay man, said:

One of the soldiers at the checkpoint tried to rape me. I wasn’t the only one who was stopped. They asked for our identity cards and military booklets. They took me inside where they check names. They said, ‘You are a faggot. Come let me show you. Come try me.’<sup>132</sup>

## Sexual Harassment

GBT interviewees told Human Rights Watch that they were constantly subjected to verbal and physical sexual harassment in their families and communities, at checkpoints, and in detention because they were viewed as “soft.” “They want to crush, diminish them,” said a case worker at the Lebanese Center for Human Rights describing how GBT men and boys were treated.<sup>133</sup> Officers at detention centers and at checkpoints and soldiers in the army would either physically or verbally harass GBT survivors by mocking their traits that were not “masculine enough.”

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<sup>130</sup> Human Rights Watch interview with Jamal, January 24, 2019.

<sup>131</sup> Human Rights Watch interview with Yousef, December 3, 2018.

<sup>132</sup> Human Rights Watch interview with Jordan, January 30, 2019.

<sup>133</sup> Human Rights Watch interview with humanitarian case worker in Lebanon, February 13, 2019.

Majd, 24-year-old non-binary survivor said:

Once I was in Tartous and I was stopped at a security checkpoint. There were a bunch of soldiers securing the hospital. I wanted to go to the hospital, but they did not let me in. I was wearing shorts and a T-shirt, it was summer. He said, 'You look like someone who is [here] to get fucked, not to get services.'<sup>134</sup>

GBT survivors said that verbal harassment based on their sexual orientation or gender identity terrified them because being identified as queer, in particular by security forces at checkpoints, could escalate into physical and sexual violence, arrest and detention.

Three interviewees told Human Rights Watch that, at checkpoints, security forces would ask for their phone numbers and addresses of GBT individuals. Interviewees told Human Rights Watch that security forces would either show up at their address or call them, instruct them to come to their facilities, and then rape or sexually abuse them.<sup>135</sup>

Omar, a 21-year-old gay man, explained how Syrian security forces targeted and verbally harassed him at checkpoints:

I was targeted at checkpoints because of my appearance. I was discriminated [against], bullied and mocked. They would ask me, 'Why are you dressed like this? Why do you talk this way?' They asked targeted questions: 'Why do you wear tight pants? Why is your voice like girls? Why don't you speak up? Give us your number and address.' I always had to give fake numbers and addresses.<sup>136</sup>

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<sup>134</sup> Human Rights Watch interview with Majd, January 25, 2019.

<sup>135</sup> Human Rights Watch interview with Bashir, January 25, 2019.

<sup>136</sup> Human Rights Watch interview with Omar, January 23, 2019.

## Stories of Heterosexual Survivors

This report focuses on the cases of GBT survivors; in other reports published by Human Rights Watch and other NGOs, evidence of heterosexual survivors' experiences is featured.<sup>137</sup>

Security forces stopped Abdallah, a 32-year-old heterosexual man, at a checkpoint in Hama governorate in 2012 and took him to a high school-turned-detention center, where they subjected him to forced nudity. Abdallah said: "I cannot describe how bad it was. I was humiliated. They made us take off our clothes. It was a big hall, so many people were taken. They would make us go all inside, totally naked, without our underwear."<sup>138</sup>

Security forces stopped Hatem, a 31-year-old heterosexual man, at a checkpoint in Idlib and the officers there threatened to rape his sister. He said: "I was stopped at checkpoints. If a man is accompanied with a woman, let's say his sisters, they would start insulting his dignity in front of her by saying for example, 'What if we took you sister and did 'that' to her.' It happened to me."<sup>139</sup>

Criminal Security branch of the Syrian Army members arrested Nabih, a 41-year-old heterosexual man, in 2011. In detention, they beat him all over his body and raped him with an object. They threatened to rape his mother and sister, subjected him to forced nudity, and beat him with sticks while he was naked.<sup>140</sup>

Intelligence officers detained Haytham, a 37-year-old heterosexual man, in June 2011 and took him to the Air Force Intelligence Branch in Damascus where they beat him on his genitals. Haytham said the officers lit a candle and forced him to crouch over it and that they forced him to watch intelligence officers rape a woman in the detention center. He was kept for 18 days, then released because his arrest was a case of mistaken identity.<sup>141</sup>

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<sup>137</sup> Human Rights Watch, *Torture Archipelago*; Human Rights Watch, *If the Dead Could Speak*;

Lawyers & Doctors for Human Rights (LDHR), *"The Soul Has Died": Typology, Prevalence and the Devastating Impact of Sexual Violence Against Men and Boys in Syrian Detention*, <http://ldhrights.org/en/wp-content/uploads/2019/03/The-Soul-Has-Died-Male-Sexual-Violence-Report-English-for-release-copy.pdf>.

<sup>138</sup> Human Rights Watch interview with Abdallah, February 5, 2019.

<sup>139</sup> Human Rights Watch interview with Hatem, February 6, 2019.

<sup>140</sup> Nabih's story provided by a Lebanese organization working with torture survivors, February 4, 2019.

<sup>141</sup> Haytham's story provided by a Lebanese organization working with torture survivors, February 4, 2019.

## IV. Impact of Sexual Violence

Although most of the sexual violence mentioned in this report happened several years before the interviews took place, interviewees told Human Rights Watch that the physical and psychological impact of the violence continued to linger and affect their daily life.<sup>142</sup> Some continued to experience physical symptoms resulting from injuries or physical trauma sustained during attacks. Many survivors described symptoms consistent with depression or post-traumatic stress disorder (PTSD), and in some cases contemplated or attempted suicide.

As in other countries around the world, survivors of sexual violence in Syria and Lebanon often face stigma and rejection by family and community members. As a result, many survivors said they did not tell their families about the violence, nor did they seek help.

According to research conducted by UNHCR, heterosexual survivors often do not tell their wives about what happened, fearful that the sexual abuse would diminish their “manhood,” and their role as a father.<sup>143</sup> Interviewees told Human Rights Watch that the stigma and shame of being subject to sexual violence compounds the fact that they are already stigmatized and rejected by their families on the basis of their sexual orientation and/or gender identity.

### Physical Trauma

Many survivors whom Human Rights Watch interviewed suffered physical effects as a result of sexual violence, often resulting from anal rape. Many survivors said they experienced serious rectal bleeding during and after the attacks, as well as muscle pain and problems while sitting down and defecating.

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<sup>142</sup> International Center for Transitional Justice, *When No One Calls it Rape: Addressing Sexual Violence Against Men and Boys in Transitional Contexts*, [https://www.ictj.org/sites/default/files/ICTJ\\_Report\\_SexualViolenceMen\\_2016.pdf](https://www.ictj.org/sites/default/files/ICTJ_Report_SexualViolenceMen_2016.pdf), p. 9; Krug et al., *World Report on Violence and Health*, p. 154; Lewis, “Unrecognized Victims: Sexual Violence Against Men in Conflict Settings Under International Law,” pp. 15-16.

<sup>143</sup> Berkeley Law School, International Human Rights Law Clinic, “Promoting Accountability For Conflict-Related Sexual Violence Against Men: A Comparative Legal Analysis of International And Domestic Laws Relating To IDP and Refugee Men In Uganda,” pp. 6-7; United Nations High Commissioner for Refugees (UNHCR), “‘We Keep it in Our Heart’: Sexual Violence Against Men and Boys in the Syria Crisis,” <https://data2.unhcr.org/en/documents/download/60864>, pp. 16, 38.

“They brought the stick of a mop and they inserted it in our anus. A strong bleeding started, and we were mutilated,”<sup>144</sup> said Naila, who was gang-raped in a civil [central] prison as a minor.

Yousef also experienced serious injury in his anus and internal organs because intelligence officers raped him multiple times with a stick in 2012. Yousef explained:

When they get you down, the stick is the most terrible thing.... I still have problems with my anus now. It is ruined forever. Sometimes I bleed. So I had infections inside, because all the stuff they inserted [in me] was very dirty. It happened on multiple occasions. You don’t know when and how [they’re going to do it]. You don’t have any rights there.<sup>145</sup>

After Yousef was released he said that he underwent several rehabilitative surgeries in Syria. Although he was raped years ago and received treatment for his injuries, he said that, in addition to rectal bleeding, he still has pain when sitting because of the abuse he experienced:<sup>146</sup>

Because I was beaten on my testicles, combined with how I was sitting [how they made me sit] for a long time, I had a hernia...Because of the sticks [used to rape me], I have bruises inside. I couldn’t go to the toilet. It was really bad.<sup>147</sup>

Interviewees said that the beatings Syrian security forces subjected them to all over their bodies and especially to their genitals resulted in serious injuries, such as bruises and broken bones. Even in cases where these healed over time,<sup>148</sup> six survivors said they still suffer from severe pain.<sup>149</sup> A case worker from the Lebanese Center for Human Rights told Human Rights Watch that many clients who are male sexual violence survivors had

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<sup>144</sup> Human Rights Watch interview with Naila, February 2, 2019.

<sup>145</sup> Human Rights Watch Interview with Yousef, December 3, 2018.

<sup>146</sup> Ibid.

<sup>147</sup> Ibid.

<sup>148</sup> Human Rights Watch interview with Sabah, January 30, 2019. “I had different bruises. They were healed with time. Guards know how to beat that did not last forever, not to be condemned. I had broken parts but they healed,” said Sabah.

<sup>149</sup> Human Rights Watch interview with Zarifa, January 23, 2019. “I have pains all over my body. Sometimes the pain at my back and my feet are too strong, I feel numb. I also have pains in my hands and different places,” said Zarifa.



suffered from injuries and ongoing symptoms such as testicular varicose veins, hypertension, injured spines, and gastric pain.<sup>150</sup>

Interviewees declined to discuss their HIV status or any sexually transmitted infections. However, male survivors face a heightened risk of acquiring sexually transmitted infections (STIs) and HIV.<sup>151</sup>

## Psychological Trauma

Almost all survivors Human Rights Watch interviewed said they suffer from symptoms consistent with trauma or depression, including inability to sleep, memory loss, loss of interest in interactions of a sexual nature, guilt, loss of hope, loss of appetite, paranoid thoughts and flashbacks to the traumatic experience.<sup>152</sup> Seven survivors said they had contemplated and some said they had attempted suicide. Interviewees also said that they developed fears of the army, of the color green (the color of Syrian military uniforms), and of any kind of authority figure, such as the police.<sup>153</sup>

Yousef, who experienced sexual violence in a Syrian detention center and currently resides in Netherlands, said:

I look behind me when I am walking. I still wake up at night. What would happen if it happens again? Once, the police [in Netherlands] stopped us just to check if we were okay. I stood and did not know what to say. This was a wake-up call. It [the trauma] is not over.<sup>154</sup>

Yousef explained how his life changed after he was raped and sexually abused by intelligence officers in 2012:

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<sup>150</sup> Stories of Nabih, Karim, Rudi and Haytham provided by a Lebanese organization working with torture survivors.

<sup>151</sup> World Health Organization, *Guidelines for Medico-Legal Care for Victims of Sexual Violence*, 2003, <https://apps.who.int/iris/bitstream/handle/10665/42788/924154628X.pdf;jsessionid=DC99B889F310ABBF0B69D5F62037FoDD?sequence=1> (accessed December 12, 2019).

<sup>152</sup> Human Rights Watch interviews with Naila, February 2, 2019; Yousef, December 3, 2018; Ghada, January 23, 2019; Zarifa, January 23, 2019; and Nur, January 24, 2019.

<sup>153</sup> Human Rights Watch interview with Yousef, December 3, 2018.

<sup>154</sup> Ibid.

At the beginning I was so depressed. I questioned, ‘Why me?’ It affected my daily life and sexual life. I still feel pain. It is hard to remember, to talk about this. It is there, and it doesn’t go away. I hope it helps [others] really and it [rape and other forms of sexual violence in detention] will never happen. Every year I think it is not there, but it is there, the memory of it.<sup>155</sup>

Naila, raped by fellow detainees in a central prison multiple times when she was 15 years old in 2013, went through serious depression, had alcohol problems, and isolated herself from society following her detention. She told Human Rights Watch:

I went to Homs city. There I stayed for two months isolated, not talking to anyone, only drinking alcohol, I went into deep depression. I was remembering the very details of what happened to me day and night. Then I decided to stay awake during the night drinking alcohol and sleep during the day because the nightmares were so intense.<sup>156</sup>

Zarifa, who was subjected to electric shock and beaten on her genitals by intelligence officers in a detention center close to Qamishli said she developed a fear of electricity, and has sleeping problems:

Many times I have the illusion that I’m still at the detention place. I am so scared of anything related to electricity. Until this very day I cannot sleep sometimes.<sup>157</sup>

Ghada, who was sexually abused in detention in 2012, still suffers serious emotional distress:

After this incident I started having mental problems. I didn’t apply to [register with] the UN [UNHCR] for five years because I wasn’t sure they would accept my case. I only applied two years ago. I didn’t seek any help at the beginning. I stayed by myself crying most of the time. I only went out

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<sup>155</sup> Human Rights Watch interview with Yousef, December 3, 2018.

<sup>156</sup> Human Rights Watch interview with Naila, February 2019.

<sup>157</sup> Human Rights Watch interview with Zarifa, January 23, 2019.

in public just because I had to communicate with my parents. I felt rejected everywhere.<sup>158</sup>

Some of the survivors interviewed by Human Rights Watch said that they do not see any future and have no hope in life after what they went through. Many said they had experienced suicidal thoughts, and some had tried to end their lives. “I attempted suicide many times. I can’t count how many,” Majd, a 24-year-old non-binary survivor who was subjected to sexual assault by Syrian security forces until he left Syria in 2015, said.<sup>159</sup>

Sabah, 40, a transwoman, attempted suicide at the central prison where guards and fellow prisoners raped her multiple times. This only led to further abuse. She said:

I have scars in my arms because I cut myself to finish my life, but even God wouldn’t take me. They beat me because I tried to commit suicide saying, ‘You are under our ownership here. You can’t do whatever you want. When I release you, you are free to do whatever you want.’<sup>160</sup>

Zakhya, a 20-year-old transgender woman who was harassed by the Syrian security forces and her family member for being “soft” told Human Rights Watch how she struggled with suicidal ideation:

I will throw myself from the top of a high building. If I throw myself from a short building I might not die and [I might] stay crippled [disabled]. But if I throw myself from a high building, my heart would stop from adrenalin. When my heart stops, my body will get cold and stiff, and once I hit the ground I will break into pieces.<sup>161</sup>

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<sup>158</sup> Human Rights Watch interview with Ghada, January 23, 2019.

<sup>159</sup> Human Rights Watch interview with Majd, January 25, 2019.

<sup>160</sup> Human Rights Watch interview with Sabah, January 30, 2019.

<sup>161</sup> Human Rights Watch interview with Zakhya, January 24, 2019.

## V. Inadequate Service Provision for Male Sexual Violence Survivors in Lebanon

No matter how strong you are, you always need help. Especially when you are at the beginning of your journey.

—Walid, gay survivor of sexual violence, January 2019

All survivors of rape and other forms of sexual violence should have access to quality health services in line with international standards.<sup>162</sup> This includes women, men and boys, whether heterosexual or gay, bisexual, transgender, or non-binary.

In Lebanon, several NGOs, service providers, and humanitarian organizations provide health services to male survivors, including psychosocial support, some medical care and sexual health services.<sup>163</sup> However, survivors who Human Rights Watch interviewed said that existing services are not comprehensive, and staff resources and capacity are too limited to meet the needs of male survivors of sexual violence. Interviewees told Human Rights Watch that survivors of sexual violence face challenges receiving survivor-centered medical and psychological health services in Lebanon.

The landmark Security Council Resolution 2467 on conflict-related sexual violence, adopted on April 23, 2019, adopts a survivor-centered approach and calls on UN member countries to strengthen policies that include “an appropriate response to male and female survivors.”<sup>164</sup> Resolution 2467 acknowledges the need for enhanced medical and mental health support for survivors of sexual violence and calls on UN member countries to

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<sup>162</sup> Kyle Knight, “Dispatches: Sweden’s Inclusive Rape Care Model,” <https://www.hrw.org/news/2015/10/27/dispatches-swedens-inclusive-rape-care-model>; World Health Organization, *Guidelines for Medico-Legal Care for Victims of Sexual Violence*, <https://apps.who.int/iris/bitstream/handle/10665/42788/924154628X.pdf;jsessionid=DC99B889F310ABBF0B69D5F62037FoDD?sequence=1>, p.2; World Health Organization and United Nations High Commissioner for Refugees, *Clinical Management of Rape Survivors: Developing Protocols for Use with Refugees and Internally Displaced Persons*, 2004, <https://apps.who.int/iris/bitstream/handle/10665/43117/924159263X.pdf?sequence=1> (accessed December 12, 2019), p.13.

<sup>163</sup> United Nations High Commissioner for Refugees (UNHCR), “Sexual Violence Against Men and Boys in the Syria Crisis,” <https://data2.unhcr.org/en/documents/download/60864>, p. 78.

<sup>164</sup> United Nations Security Council, Resolution 2467 (2019), S/RES/2467 (2019), [https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/04/resolution/resolution-2467-2019/S\\_RES\\_24672019\\_E.pdf](https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/04/resolution/resolution-2467-2019/S_RES_24672019_E.pdf).

ensure that survivors of sexual violence receive nondiscriminatory access to medical and psychosocial care based on their needs. It also specifically calls for health, psychosocial, livelihood and legal aid service provision to include men and boys who have experienced sexual violence in conflict.<sup>165</sup>

The 2015 IASC GBV Guidelines, a set of guiding principles for humanitarian emergencies, outline how all survivors of violence should have access to psychosocial support and mental health care, including via referral mechanisms.<sup>166</sup>

International standards explicitly call for provision of comprehensive medical and psychosocial services for survivors of sexual violence in humanitarian settings. Clinical management of rape for male survivors should include post-exposure prophylaxis (PEP) to prevent HIV, assessment, and treatment of other sexually transmitted infections (STIs), hepatitis B prevention and tetanus prevention, all with the survivor's consent.<sup>167</sup> Sexual violence response should include referral and access to psychosocial and mental health services.<sup>168</sup> Service providers should offer care for sexual violence survivors confidentially and in a manner that protects sensitive information.<sup>169</sup> Humanitarians, NGOs and service providers should make sure that members of the community know what post-rape care and post-sexual violence care services are available for rape survivors, where to seek these services, and why rape survivors should seek these services.<sup>170</sup>

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<sup>165</sup> United Nations Security Council, Resolution 2467 (2019), S/RES/2467 (2019), [https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/04/resolution/resolution-2467-2019/S\\_RES\\_24672019\\_E.pdf](https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/04/resolution/resolution-2467-2019/S_RES_24672019_E.pdf).

<sup>166</sup> Global Protection Cluster and Inter-Agency Standing Committee, Human Dignity Trust, *Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action*, 2015, [https://gbvguidelines.org/wp/wp-content/uploads/2015/09/2015-IASC-Gender-based-Violence-Guidelines\\_lo-res.pdf](https://gbvguidelines.org/wp/wp-content/uploads/2015/09/2015-IASC-Gender-based-Violence-Guidelines_lo-res.pdf) (accessed December 12, 2019).

<sup>167</sup> World Health Organization, *Guidelines for Medico-Legal Care for Victims of Sexual Violence*, <https://apps.who.int/iris/bitstream/handle/10665/42788/924154628X.pdf;jsessionid=DC99B889F310ABBF0B69D5F62037FoDD?sequence=1>; Global Protection Cluster and Inter-Agency Standing Committee, Human Dignity Trust, *Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action*, [https://gbvguidelines.org/wp/wp-content/uploads/2015/09/2015-IASC-Gender-based-Violence-Guidelines\\_lo-res.pdf](https://gbvguidelines.org/wp/wp-content/uploads/2015/09/2015-IASC-Gender-based-Violence-Guidelines_lo-res.pdf), p. 150; The Sphere Project, *Humanitarian Charter and Minimum Standards in Humanitarian Response*, 2011, <https://cms.emergency.unhcr.org/documents/11982/45535/The+Sphere+Project/a5169ca8-d13a-4879-b242-5ef51ac75668> (accessed December 12, 2019).

<sup>168</sup> Global Protection Cluster and Inter-Agency Standing Committee, Human Dignity Trust, *Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action*, [https://gbvguidelines.org/wp/wp-content/uploads/2015/09/2015-IASC-Gender-based-Violence-Guidelines\\_lo-res.pdf](https://gbvguidelines.org/wp/wp-content/uploads/2015/09/2015-IASC-Gender-based-Violence-Guidelines_lo-res.pdf), p. 54.

<sup>169</sup> *Ibid.*, p. 151-154.

<sup>170</sup> World Health Organization and United Nations High Commissioner for Refugees, *Clinical Management of Rape Survivors: Developing Protocols for Use with Refugees and Internally Displaced Persons*, <https://apps.who.int/iris/bitstream/handle/10665/43117/924159263X.pdf?sequence=1>.

Some survivors interviewed by Human Rights Watch said they did not seek any medical or psychological treatment in Syria because they did not trust the healthcare system and they feared to talk about what happened. Two interviewees treated their physical injuries on their own, without any medical help.

Yousef did attempt to get medical care in Syria, but was refused by multiple hospitals, so he was treated by a private doctor who knew his family. Yousef said:

I had my surgeries in Syria. I was really in a bad situation. I was not even pooping. Some hospitals didn't accept me. Because they were scared. They considered me as an enemy. They thought I was from the opposition.<sup>171</sup>

Some of the interviewees fled to Lebanon directly after the violence occurred, but still did not immediately access help because they did not know where to go.<sup>172</sup> A caseworker at Helem said:

Most of the male survivors encountered the violence while in Syria. They don't know about NGOs when they come to Lebanon. Once they come to us it is months or even longer after the violence happened, after they fled Syria. So, the cases become much more intense when they come to us.<sup>173</sup>

## Barriers to Health Services and Protection

We cannot change what happened to them; but the most important thing is rehabilitation. Without being rehabilitated these people cannot live, work or talk about this.

—Social worker at an INGO, Beirut, February 2019

Without comprehensive medical and mental health services, trained staff, and safe spaces, male survivors of sexual violence face significant barriers to accessing essential services. Service providers told Human Rights Watch that as in the case of female survivors of sexual violence, there is a lack of funding for programs and services to respond to needs of male survivors of sexual violence. Without the necessary funding, humanitarian

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<sup>171</sup> Human Rights Watch interview with Yousef, December 3, 2018.

<sup>172</sup> Human Rights Watch interview with Toufiq, January 31, 2019.

<sup>173</sup> Human Rights Watch interview with Wael, February 8, 2019.

organizations and service providers cannot develop comprehensive medical and mental health services for male survivors, train staff on responding to the needs male survivors of sexual violence, including case management of rape for male survivors and responding to their specific needs, or develop safe spaces and shelters for male survivors of sexual violence.

### *Limited Availability of Specialized Services*

Some case workers interviewed said that there are limited services tailored for the needs of male survivors of sexual violence in Lebanon.<sup>174</sup> They pointed to the fact that, as in many humanitarian contexts, programming related to sexual violence prevention and response tends to target female survivors and is geared to meet their needs. A gender-based violence specialist at a humanitarian aid organization said:

Services addressing men and boys [who are survivors of sexual violence] in Lebanon are limited because the [gender-based violence] sector in Lebanon focuses on women and girls and male engagement to prevent sexual violence against women and girls.<sup>175</sup>

When programs engage men, it is typically to raise awareness and prevent them from committing sexual violence against women and girls.

Some case workers told Human Rights Watch that they believe gay and bisexual men and transgender women who are survivors of sexual violence have slightly more access to health services in Beirut, compared to heterosexual survivors.<sup>176</sup> Outside of Beirut, services are even less available. Human Rights Watch interviewed humanitarian case workers in more rural areas in Lebanon who had no knowledge about where to refer their GBT male survivor cases.

The presence of NGOs working with the LGBT population in Lebanon and their outreach to survivors plays a significant role in GBT survivors' awareness and access to services. Gay and bisexual men and transgender women interviewed by Human Rights Watch said that

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<sup>174</sup> Human Rights Watch interview with case worker in Beirut, February 4, 2019.

<sup>175</sup> Human Rights Watch interview with gender-based violence specialist on December 13, 2018.

<sup>176</sup> Interview with case manager in an international humanitarian organization, February 5, 2019; Human Rights Watch interview with Wael, February 8, 2019.

they were getting information about STIs and HIV from the LGBT organizations in Lebanon.<sup>177</sup>

A case worker at Helem told Human Rights Watch that mental health services in Lebanon that male survivors of sexual violence could benefit from are scarce.<sup>178</sup> The case worker told Human Rights Watch that survivors usually have to wait for months in order to be able to see a psychologist or psychiatrist in other service providers and humanitarian organizations who provide psychosocial services.<sup>179</sup> In addition to these free services, survivors of sexual violence have the option to seek services from private psychologists or psychiatrists. Although the private options are more readily available, they are not accessible due to cost. A case worker at Helem said:

There aren't enough psychosocial services. It costs at least \$50-\$100 per appointment. Most of the survivors are not able to afford psychosocial services. When it comes to NGOs that are offering psychosocial services, the quality is [inconsistent]. They take huge number of cases. The services are being delayed. It is a real issue to find proper capacity to address male psychosocial services.<sup>180</sup>

The case worker told Human Rights Watch that he refers GBT survivors to a mental health doctor who, understanding the lack of services, provides free care to refugees.<sup>181</sup>

There are limited emotional support groups, and no shelters for men and boy survivors in Lebanon.<sup>182</sup> “We can't protect them practically. We have a feeling of helplessness. There are no shelters for boys,” said a case worker.<sup>183</sup> KAFA, a women's rights organization in Lebanon, offers a safe space to adolescent boys and provides activities aimed at building their confidence and strengthening their resilience after sexual violence. Case workers

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<sup>177</sup> Human Rights Watch interview with Jon, January 32, 2019.

<sup>178</sup> Human Rights Watch interview with Wael, February 8, 2019.

<sup>179</sup> Ibid.

<sup>180</sup> Ibid.

<sup>181</sup> Ibid.

<sup>182</sup> Human Rights Watch interviews with case manager in Beirut, February 4, 2019; case worker in Kayan, February 4, 2019; case manager in Badawi, February 5, 2019; case worker in Beirut, February 8, 2019; United Nations High Commissioner for Refugees (UNCHR), “‘We Keep it in Our Heart’: Sexual Violence Against Men and Boys in the Syria Crisis,” <https://data2.unhcr.org/en/documents/download/60864>, pp. 157-158.

<sup>183</sup> Human Rights Watch interview with case worker, February 5, 2019.



interviewed by Human Rights Watch suggested that more emotional support groups should be established for men, so that male survivors could have a safe space to talk.<sup>184</sup>

### *Lack of Expertise and Poor Treatment by Service Providers*

In many cases, staff working in gender-based violence programs have no training in assisting male survivors. Some case workers told Human Rights Watch that they do not know how to respond when they encounter a male survivor of sexual violence. A case manager in a humanitarian organization responsible for the men's center in the organization said:

I am responsible for the men's center. But I'm not capable or trained to deal with men. I depend on the things I learned with women. I trained myself. I'm always wondering should I say this or that.<sup>185</sup>

Interviewees told Human Rights Watch that some humanitarian staff lack training and may have biases against male survivors of sexual violence. "There are people among the staff at humanitarian service providers who think that sexual violence against men and boys does not exist or men can only be perpetrators," said a social worker handling cases of torture survivors.<sup>186</sup>

A lack of training for health care workers and staff at organizations providing services may contribute to poor treatment and re-traumatization of survivors seeking help following sexual violence. Survivors told Human Rights Watch that health service providers and humanitarian agency staff in Lebanon were insensitive, and even hostile and that they experience mistreatment when they seek assistance, including victim-blaming and discriminatory attitudes.

Two interviewees told Human Rights Watch that some humanitarian staff, including the security guards, did not treat them properly. Rima, who arrived in Lebanon in 2015, said:

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<sup>184</sup> Interview with case manager in humanitarian organization, February 6, 2019.

<sup>185</sup> Human Rights Watch interview with case manager in Badawi, February 5, 2019.

<sup>186</sup> Human Rights Watch interview with social worker at a Lebanese organization working with torture survivors, January 2019.

The people who interviewed me were respectable people but I did not feel safe enough. I felt like I was being investigated. The way they asked the questions, ‘Why didn’t you do this or that?’ Treatment of security guards is also bad. They don’t respect gender. Every time I go there, the security lady pokes her friend and says, ‘Look what he is wearing.’ As for males, they say, ‘Oh look what times we live in. Isn’t he embarrassed with himself? Is he a boy or a girl?’ They mock us.<sup>187</sup>

Walid, a 26-year-old survivor who registered as a refugee in 2015, described his experience with a humanitarian organization:

I was very shy the first time I went there. The person who interviewed me laughed at me. [When I explained to the interviewer that I was sexually assaulted] she asked me, ‘Why didn’t you shout? Why didn’t you defend yourself?’ When I left the interview, I felt it was not worth exposing myself and I felt that I was wrong [at fault for the sexual violence]. Thanks to my friends I was able to build up my self-confidence.<sup>188</sup>

Service providers told Human Rights Watch that NGOs and humanitarian organizations have trained forensic doctors and nurses for case management of rape in Lebanon, which is an important step for male survivors of sexual violence to receive proper services. In addition to clinical management of rape trainings, a doctor working with survivors of sexual violence in Beirut said that health providers should be trained in identifying post-rape symptoms and responding in cases when there is a long delay between the incident and the survivors reporting it.<sup>189</sup>

Many case workers and case managers told Human Rights Watch that the trainings they participate in, and the training materials used do not include discussion of male survivors of sexual violence. “I have never heard of a training that targets [response to] SGBV against men and boys,” said a case worker in Helem.<sup>190</sup>

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<sup>187</sup> Human Rights Watch interview with Rima, January 25, 2019.

<sup>188</sup> Human Rights Watch interview with Walid, January 23, 2019.

<sup>189</sup> Interview with doctor in Beirut, December 11, 2018.

<sup>190</sup> Human Rights Watch interview with Wael, February 8, 2019.

### *Lack of Trust*

Survivors, service providers and staff at NGOs and humanitarian organizations told Human Rights Watch that some survivors experience breaches of confidentiality. Case workers told Human Rights Watch that there are cases where health care providers and staff in hospitals and police breach confidentiality.<sup>191</sup> One case worker explained what happened when she accompanied a male sexual assault survivor to a hospital in Lebanon:

Attitudes towards male survivors of sexual violence—some are really bad, even if they [the service providers] are trained. I went to the hospital for a HIV case. Someone working at the reception said, in public [to the person I was accompanying?]: ‘Oh you are one of the people who was subject to sexual violence.’ And there was someone [in the waiting area] who knew the survivor. They must be trained.<sup>192</sup>

Three GBT survivors told Human Rights Watch that a lack of confidentiality sometimes deterred them from disclosing sexual violence or successfully accessing help. They said their trepidation is compounded by the fact that information can spread very quickly within the refugee community in Lebanon and back to their families in Syria. “They have their people in Lebanon,” Yousef said.<sup>193</sup>

A case worker in Helem said:

People do not trust the confidentiality of organizations. It has been breached a lot. We must put a lot of pressure on organizations to respect privacy, especially health institutions—hospitals and psychologists—and police stations.<sup>194</sup>

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<sup>191</sup> Human Rights Watch interview with humanitarian case worker, February 5, 2019.

<sup>192</sup> Human Rights Watch interview with humanitarian case worker, February 5, 2019.

<sup>193</sup> Human Rights Watch interview with Yousef, December 3, 2019.

<sup>194</sup> Human Rights Watch interview with Wael, February 8, 2019.

## Stigma

Stigma and shame around sexual violence are two of the main reasons why all survivors of sexual violence refrain from reporting sexual violence and from seeking help.<sup>195</sup>

“In Middle Eastern cultures, men and boys are taught to be tough and not to cry,” said a psychologist working with heterosexual men and boys who are survivors of sexual violence.<sup>196</sup> If a man speaks about his problems he will be seen as “not a man.”<sup>197</sup> Many case workers who handle cases of Syrian boys, abused both in Syria and Lebanon, said that boys often felt discouraged to speak about sexual abuse they experienced. “If they are abused, parents say, ‘You are a man. Forget about it,’” said a social worker.<sup>198</sup>

A case manager working in Bekaa explained:

In Bekaa, we have more cases of Syrian heterosexual males who were subject to torture in prison. Although we know that many of [the men] are subject to sexual violence, we hear from women. They say, ‘My husband, my son was exposed to violence.’ Men don’t complain. They feel like it’s shameful. Women don’t give details. Men don’t tell them [the details].<sup>199</sup>

A psychiatrist explained how the stigma around male vulnerability prevents heterosexual men and boys from disclosing what happened to them, perhaps even as a means of denial or to perpetuate an illusion that such abuses are not real. “They don’t tell their wives,” he said. “No one knows about these things. If no one knows, maybe it didn’t happen.”<sup>200</sup>

A case worker who works with torture survivors told Human Rights Watch that even men who access psychosocial services can take a very long time to build trust and disclose

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<sup>195</sup> World Health Organization and United Nations High Commissioner for Refugees, *Clinical Management of Rape Survivors: Developing Protocols for Use with Refugees and Internally Displaced Persons*, <https://apps.who.int/iris/bitstream/handle/10665/43117/924159263X.pdf?sequence=1>; World Health Organization, *Guidelines for Medico-Legal Care for Victims of Sexual Violence*, <https://apps.who.int/iris/bitstream/handle/10665/42788/924154628X.pdf;jsessionid=DC99B889F310ABBF0B69D5F62037FoDD?sequence=1>.

<sup>196</sup> Human Rights Watch interview with psychologist, Beirut, February 13, 2019.

<sup>197</sup> Human Rights Watch interview with case manager, February 6, 2019.

<sup>198</sup> Human Rights Watch interview with social worker, February 6, 2019.

<sup>199</sup> Human Rights Watch interview with case manager in humanitarian organization, February 6, 2019.

<sup>200</sup> Human Rights Watch interview with a psychologist, Beirut, February 13, 2019.

rape or other sexual abuse they have experienced.<sup>201</sup> The case worker said that one heterosexual male survivor seeking help from their organization asked her, “When a man is raped, he is not a man anymore, right?”<sup>202</sup>

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<sup>201</sup> Human Rights Watch interview with case worker at a Lebanese organization working with torture survivors, February 2019.

<sup>202</sup> Human Rights Watch interview with case worker at a Lebanese organization working with torture survivors, February 2019.

## VI. Legal Obligations

The acts of sexual violence documented in this report violate international humanitarian and human rights law and may amount to war crimes. Rape and other forms of sexual violence of comparable gravity violate international treaties, some of which Syria has signed or to which it is a party.

### International Humanitarian Law

The conflict in Syria is a non-international armed conflict and thus subject to customary international humanitarian law applicable in non-international armed conflicts, as well as Common Article 3 of the Geneva Conventions (“Common Article 3”).<sup>203</sup> Persons under the control of armed groups in a non-international armed conflict must in all cases be treated in accordance with international humanitarian law, which incorporates important human rights standards.<sup>204</sup>

International humanitarian law forbids deliberate harm to civilians and other persons not taking part in hostilities at the time. Customary international humanitarian law prohibits rape and other forms of sexual violence. Common Article 3 prohibits the infliction of “violence to life and person,” including “cruel treatment and torture,” as well as “outrages upon personal dignity, in particular humiliating and degrading treatment” on anyone not

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<sup>203</sup> Syria is a party to the Geneva Conventions and its Protocol I, related to protection of victims of international armed conflicts; however, it has not ratified Protocol II of the Geneva Conventions, which covers the protection of victims of non-international armed conflicts. UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, A/HRC/21/50, August 16, 2012, [https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-50\\_en.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-50_en.pdf) (accessed December 12, 2019), annex II, para. 12; International Committee of the Red Cross, “Treaties and Customary Law,” October 29, 2010, <https://www.icrc.org/en/document/treaties-and-customary-law> (accessed December 12, 2019); United Nations Human Rights Council, “Out of Sight, Out of Mind: Deaths in Detention in the Syrian Arab Republic,” A/HRC/31/CRP.1, February 3, 2016, [https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a\\_hrc\\_31\\_crp\\_1.pdf](https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_hrc_31_crp_1.pdf) (accessed December 12, 2019), p. 16.

<sup>204</sup> The UN Human Rights Committee, the international expert body that monitors state compliance with the International Covenant on Civil and Political Rights (ICCPR), a multilateral treaty, stated that the covenant “applies also in situations of armed conflict to which the rules of international humanitarian law are applicable. While, in respect of certain Covenant rights, more specific rules of international humanitarian law may be especially relevant for the purposes of the interpretation of Covenant rights, both spheres of law are complementary, not mutually exclusive.” UN Human Rights Committee, “Nature of the General Legal Obligation on States Parties to the Covenant,” General Comment No. 31, U.N. Doc.CCPR/C/21/Rev.1/Add.13, <https://www.refworld.org/docid/478b26ae2.html> (accessed December 12, 2019), para. 11.

participating in the conflict.<sup>205</sup>

### *Sexual Violence as a War Crime*

The Commission of Inquiry on the Syrian Arab Republic concluded that rape and other forms of sexual violence committed by the state and non-state armed groups in Syria is a serious breach of international humanitarian law and constitutes a war crime.<sup>206</sup>

According to the statute establishing the International Criminal Court (the “Rome Statute”)<sup>207</sup> war crimes under the court’s competence include rape or any other form of sexual violence of comparable gravity.<sup>208</sup>

When committed with criminal intent “serious” violations of international humanitarian law, or violations that “endanger protected persons or objects or if they breach important values,” amount to war crimes.<sup>209</sup> This applies to both international and non-international armed conflict, and to both state and non-state actors.<sup>210</sup>

The Rome Statute provides that the ICC may prosecute rape and other forms of sexual violence as war crimes, where the elements of the crime exists.<sup>211</sup> Rape was prosecutable

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<sup>205</sup> International Committee of the Red Cross, Convention (1) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Geneva, August 12, 1949, Conflicts not of an International Character, <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/WebART/365-570006?OpenDocument> (accessed July 15, 2020), arts. 3.1(a), (c).

<sup>206</sup> UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, [https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-50\\_en.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-50_en.pdf), annex II, para. 12; Human Rights Council, “‘I Lost My Dignity’: Sexual and Gender-Based Violence in the Syrian Arab Republic,” <https://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A-HRC-37-CRP-3.pdf>, p. 21.

<sup>207</sup> Rome Statute of the International Criminal Court (Rome Statute), A/CONF.183/9, July 17, 1998, entered into force July 1, 2002. Syria has signed, although not ratified, the Rome Statute and so is obliged to refrain from acts that would “defeat the object and purpose of [the] treaty.” See Article 18 of the Vienna Convention on the Law of Treaties, 1969, United Nations, Treaty Series, vol. 1155, acceded to by Syria in 1970, <https://treaties.un.org/doc/Publication/UNTS/Volume%201155/volume-1155-I-18232-English.pdf> (accessed June 22, 2020). Syria signed the Rome Statute on November 29, 2000.

<sup>208</sup> Rome statute.

<sup>209</sup> International Committee of the Red Cross, “Rule 156. Definition of War Crimes,” IHL Database, [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule156](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule156) (accessed December 12, 2019).

<sup>210</sup> ICRC Customary International Humanitarian Law, Rule 151, [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule151](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule151) (accessed June 10, 2020); ICRC Customary International Humanitarian Law, Rule 153, [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule153](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule153) (accessed June 10, 2020); ICRC Customary International Humanitarian Law, Rule 156, [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule156](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule156).

<sup>211</sup> Rome Statute.

as a war crime under the statute of the Criminal Tribunal of Rwanda (ICTR),<sup>212</sup> and the International Criminal Tribunal of the former Yugoslavia (ICTY) ruled that acts of rape committed during conflict were war crimes.<sup>213</sup>

Sexual violence can amount to torture and ill-treatment, and this is clearly the case when rape or other sexual violence takes place in the context of a deprivation of liberty.<sup>214</sup> In January 2016, the special rapporteur on torture explicitly noted that rape and other sexual violence in conflict, whether committed by state or non-state actors, “unequivocally amount[s] to torture” under international criminal jurisprudence, and are thereby a breach of international humanitarian law.<sup>215</sup> Judgments by the ICTY defined rape as a form of torture.<sup>216</sup> Individuals may be held criminally responsible for committing a war crime, but also for facilitating, aiding, or abetting the commission of one, or attempting to commit one.<sup>217</sup> Moreover, “responsibilities may also fall on persons ordering, planning or instigating the commission of a war crime.”<sup>218</sup>

Individuals may be held criminally liable for war crimes committed on their orders, or for the failure to prevent crimes that they had reasonable knowledge their subordinates were committing or going to commit.<sup>219</sup> An individual may also be held responsible for failing to

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<sup>212</sup> UN Security Council, *Statute of the International Criminal Tribunal for Rwanda*, November 8, 1994, <https://www.refworld.org/docid/3ae6b3952c.html> (accessed December 12, 2019), art. 4.

<sup>213</sup> International Criminal Tribunal for the Former Yugoslavia (ICTY), *Prosecutor v. Furundzija*, Case No. IT-95-17/1-T, Judgment of December 10, 1998, <http://www.icty.org/x/cases/furundzija/tjug/en/fur-tj981210e.pdf> (accessed December 12, 2019), pp. 172, 270-275.

<sup>214</sup> United Nations Commission on Human Rights, Economic and Social Council, Report by the Special Rapporteur, Mr. P. Kooijmans, “Torture and Other Cruel, Inhuman or Degrading Treatment,” [https://ap.ohchr.org/documents/E/CHR/report/E-CN\\_4-1986-15.pdf](https://ap.ohchr.org/documents/E/CHR/report/E-CN_4-1986-15.pdf), para. 119.

<sup>215</sup> UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, <https://www.refworld.org/docid/56c435714.html>.

<sup>216</sup> In *Prosecutor v. Kunarac et al.*, the ICTY found that “sexual violence necessarily gives rise to pain and suffering, whether physical or mental, and in this way justifies its characterization as torture.” International Criminal Tribunal for the Former Yugoslavia, *Prosecutor v. Kunarac et al.*, Case No. IT-96-23 & IT-96-23/1-A, Appeals Judgment of June 12, 2002, <http://www.icty.org/x/cases/kunarac/acjug/en/kun-ajo20612e.pdf> (accessed December 12, 2019), pp. 172, 270-275.

<sup>217</sup> ICRC Customary International Humanitarian Law, Rule 151, [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule151](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule151).

<sup>218</sup> Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law, Volume 1: Rules* (New York: Cambridge University Press, 2005), <https://www.icrc.org/en/doc/assets/files/other/customary-international-humanitarian-law-i-icrc-eng.pdf> (Accessed December 12, 2019), p.554.

<sup>219</sup> ICRC Customary International Humanitarian Law, Rule 152, [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule152](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule152); ICRC Customary International Humanitarian Law, Rule 153, [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule153](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule153).



punish subordinates who commit such crimes.<sup>220</sup> Article 28 of the Rome Statute sets out the principle of “command responsibility,” under which a commander may be held criminally responsible for crimes within his jurisdiction if, among other aspects, the crimes concerned fell within the commander’s effective responsibility and control.<sup>221</sup>

The Commission of Inquiry on the Syrian Arab Republic determined that the role of Syrian state institutions, such as intelligence agencies and armed forces, and their leadership in actively executing ill treatment and torture of detainees, show the existence of state policy and commonality of criminal purpose.<sup>222</sup>

## International Human Rights Law

### *Rights to Life, Security of Person, and Freedom from Torture or Other Ill-Treatment*

Rape and sexual violence violate several core protected international human rights such as the rights to life, security of person, freedom from torture or other ill-treatment, and the highest attainable standard of physical and mental health. Syria is a party to the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture and other Cruel, Inhumane or Degrading Treatment and Punishment (CAT), the International Covenant Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC) and the Arab Charter on Human Rights.

As a state party to these international treaties, Syria is bound to fulfill its obligations under the treaties and respect and protect all individuals within its territory and jurisdiction. Apart from these treaties, Syria is also bound by rules of international human rights law as part of customary international law. Although non-state armed groups cannot be a party to international treaties, since they are also part of customary international law they are still

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<sup>220</sup> ICRC Customary International Humanitarian Law, Rule 153, [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule153](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule153).

<sup>221</sup> Under article 28 of the Rome Statute, a superior shall be criminally responsible for war crimes where: (i) the superior either knew, or consciously disregarded information which clearly indicated, that the subordinates were committing or about to commit such crimes; (ii) the crimes concerned activities that were within the effective responsibility and control of the superior; and (iii) the superior failed to take all necessary and reasonable measures within his or her power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution.

<sup>222</sup> United Nations Human Rights Council, “Out of Sight, Out of Mind: Deaths in Detention in the Syrian Arab Republic,” [https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a\\_hrc\\_31\\_crp\\_1.pdf](https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_hrc_31_crp_1.pdf), p. 16.

obligated to respect fundamental human rights—such as right to life and absolute prohibition against torture—in areas where they exercise control over the state territory.<sup>223</sup>

As a United Nations member state, Syria has affirmed acceptance of the Universal Declaration of Human Rights, the provisions of which are broadly accepted to reflect customary international law.<sup>224</sup> The Universal Declaration of Human Rights upholds the fundamental rights and freedoms that are due to every individual on the basis of their being human: “All human beings are born free and equal in dignity and rights,” have the rights to “life, liberty and security of person,” and are protected from discrimination and torture and ill-treatment.<sup>225</sup>

The ICCPR, the Convention Against Torture and the Convention on the Rights of the Child prohibit the act of torture. The ICCPR states that “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” The Convention on the Rights of the Child contains a similar provision.<sup>226</sup> Under the Convention Against Torture, and Other Cruel, Inhuman or Degrading Punishment, all state parties are obligated to take all necessary measures to prevent torture and cruel, inhuman, or degrading punishment in territories under its jurisdiction.<sup>227</sup> Rape and sexual violence can amount to torture and ill treatment.<sup>228</sup> As mentioned above, rape and other sexual violence in conflict, whether committed by state or non-state actors, “unequivocally amount to torture” under international criminal jurisprudence. International humanitarian law and criminal law

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<sup>223</sup> Human Rights Council, “I Lost My Dignity’: Sexual and Gender-Based Violence in the Syrian Arab Republic,” <https://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-37-CRP-3.pdf>, p. 25.

<sup>224</sup> Universal Declaration of Human Rights (UDHR), adopted December 10, 1948, G.A. Res. 217A(III), U.N. Doc. A/810 at 71 (1948).

<sup>225</sup> *Ibid.*, arts. 5, 7, 9, 12.

<sup>226</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, art.7; Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, art. 37(a).

<sup>227</sup> UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, A/RES/39/4610, December 1984, United Nations, Treaty Series, art.2.

<sup>228</sup> European Court of Human Rights, *M.C. v. Bulgaria*, (application no. 39272/98), judgement of December 4, 2003, available at <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-61521%22%5D%7D>; Inter-American Court of Human Rights, Fernández Ortega et al. Case, Judgement of August 30, 2010, Inter-Am.Ct.H.R., (Ser. C), [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_215\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_215_ing.pdf) (accessed June 10, 2020).

frameworks complete the application of international human rights law, particularly in conflict situations.<sup>229</sup>

The Convention on the Rights of the Child defines a child as any person under the age of 18 and requires states to “take all feasible measures to ensure protection and care of children who are affected by an armed conflict.”<sup>230</sup> The CRC provides that state parties “shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.”<sup>231</sup> Syria is therefore obligated to protect children from sexual abuse and torture from both state and non-state armed groups. The CRC states that “States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.”<sup>232</sup>

Syria ratified the Arab Charter on Human Rights in 2007, and the treaty entered into force on March 15, 2008.<sup>233</sup> The Arab Charter states that “[e]very human being has an inherent right to life” and “[e]very individual has the right to liberty and security of person.”<sup>234</sup> Regarding torture and ill-treatment, the charter mirrors the ICCPR, and provides that, “No one shall be subjected to physical or mental torture or to cruel, inhuman or degrading treatment or punishment.”<sup>235</sup> The charter obliges states to criminalize such acts, and to guarantee legal redress and rehabilitation.<sup>236</sup>

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<sup>229</sup> UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, <https://www.refworld.org/docid/56c435714.html>, p. 15.

<sup>230</sup> Convention on the Rights of the Child (CRC), art. 38.

<sup>231</sup> *Ibid.*, art.19(a).

<sup>232</sup> *Ibid.*, art. 39.

<sup>233</sup> International Center for Not-for-Profit Law, “League of Arab States,” last updated February 20, 2020, <https://www.icnl.org/resources/civic-freedom-monitor/las> (accessed July 15, 2020).

<sup>234</sup> League of Arab States, Arab Charter on Human Rights, adopted May 22, 2004, entered into force March 15, 2008, <https://www.unicef.org/tdad/arabcharterhumanrights> (accessed June 22, 2020), arts. 5(1), 14(1).

<sup>235</sup> League of Arab States, Arab Charter on Human Rights, <https://www.unicef.org/tdad/arabcharterhumanrights>, art. 8(2).

<sup>236</sup> *Ibid.*

## *Right to Health*

The ICESCR states that “States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”<sup>237</sup> In addition to international instruments that guarantee the right to the highest attainable standard of health, several human rights bodies have specifically addressed the right to sexual and reproductive health care, including for survivors of sexual violence. The Committee on Economic, Social, and Cultural Rights (CESCR), which monitors implementation of the ICESCR, has stated that “the right to sexual and reproductive health is an integral part of the right to health.”<sup>238</sup> The Human Rights Council also recognized that sexual violence that constitutes torture or other cruel, inhuman or degrading treatment requires effective remedies, including access to health care and psychosocial support for survivors.<sup>239</sup>

In the framework of hostilities occurring as part of an armed conflict, international humanitarian law, as the *lex specialis* (specialized law), may take precedence but does not replace international human rights law.<sup>240</sup>

## **Domestic Law of Syria**

Syria has integrated the prohibition of torture into its national legal system via its constitution and penal code. Article 53 of the constitution states: “No one may be tortured or treated in a humiliating manner.”<sup>241</sup> According to Article 391 of the Syrian penal code, “those who unlawfully torture anyone for the sake of extracting confessions or information about a committed crime shall be imprisoned for a period between three months to three

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<sup>237</sup> International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, art.12. See also Convention on the Rights of the Child (CRC), art. 24.

<sup>238</sup> UN Committee on Economic, Social and Cultural Rights, General Comment No. 22, The Right to Sexual and Reproductive Health (Article 12 of the International Covenant on Economic, Social and Cultural Rights), U.N. Doc. E/C.12/GC/22 (2016), <https://www.eschr-net.org/resources/general-comment-no-22-2016-right-sexual-and-reproductive-health> (accessed December 13, 2019).

<sup>239</sup> UN Human Rights Council, “Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: Rehabilitation of Torture Victims,” Resolution 22/21, A/HRC/RES/22/21, [http://ap.ohchr.org/documents/E/HRC/resolutions/A\\_HRC\\_RES\\_22\\_21E.pdf](http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_22_21E.pdf) (accessed June 2, 2019), p.3.

<sup>240</sup> Human Rights Council, “‘I Lost My Dignity’: Sexual and Gender-Based Violence in the Syrian Arab Republic,” <https://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A-HRC-37-CRP-3.pdf>.

<sup>241</sup> *Syrian Arab Republic: Constitution, 2012*, February 26, 2012, <https://www.refworld.org/docid/5100fo2a2.html> (accessed June 22, 2020), art. 53(2).

years.”<sup>242</sup> Although both laws outlaw torture, the UN Committee Against Torture stated that the relevant provisions fail to ensure appropriate penalties applicable to these acts.<sup>243</sup>

Syria’s penal code defines rape as forcing sexual intercourse, by using violence or threatening words, on anyone other than their spouse.<sup>244</sup> Rape is punishable with hard labor sentences, with the punishment increasing to hard labor not to be less than 21 years, if rape is committed against a minor.<sup>245</sup>

Although the Syrian penal code defines rape with gender-neutral language, it also criminalizes homosexual acts under Article 520, which would include male rape, by stating “every sexual intercourse against the order of the nature” and punishable with imprisonment by up to three years.<sup>246</sup> Article 517 of the penal code punishes crimes “against public decency” that are carried out in public with imprisonment of three months to three years.<sup>247</sup>

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<sup>242</sup> The Syrian Penal Code – Legislative Decree No.148 of 1949, <https://wipolex.wipo.int/en/text/243237>, art. 391 (i).

<sup>243</sup> Human Rights Council, “‘I Lost My Dignity’: Sexual and Gender-Based Violence in the Syrian Arab Republic,” <https://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A-HRC-37-CRP-3.pdf>, p. 4.

<sup>244</sup> The Syrian Penal Code – Legislative Decree No.148 of 1949, <https://wipolex.wipo.int/en/text/243237>, arts. 489 – 497; Human Rights Council, “‘I Lost My Dignity’: Sexual and Gender-Based Violence in the Syrian Arab Republic,” <https://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A-HRC-37-CRP-3.pdf>, p. 25.

<sup>245</sup> The Syrian Penal Code – Legislative Decree No.148 of 1949, <https://wipolex.wipo.int/en/text/243237>, art. 489.

<sup>246</sup> *Ibid.*, art.520; UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Ninth Annual Report of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, CAT/OP/C/57/4, March 2016. “Criminalization relating to sexual orientation and gender identity promotes torture and ill-treatment: where same-sex conduct is illegal, sexual orientation may be treated as a problem that needs to be corrected, ignored or used to legitimize violence directed at individuals who engage in such conduct. Such laws contribute to a social environment that condones abuse, as lesbian, gay, bisexual, transgender and intersex persons are already thought to be engaging in illegal activity.”

<sup>247</sup> The Syrian Penal Code – Legislative Decree No.148 of 1949, <https://wipolex.wipo.int/en/text/243237>.

## VII. Acknowledgements

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# “They Treated Us in Monstrous Ways”

## Sexual Violence Against Men, Boys, and Transgender Women in the Syrian Conflict

Since the beginning of the Syrian conflict in 2011, Syrian state and non-state actors have subjected men, boys, transgender women, and non-binary people to rape and other forms of sexual violence. This has frequently resulted in severe physical and mental health consequences. Men, boys, transgender women, and non-binary survivors of sexual violence often did not seek any medical or mental health services in Syria and found limited services when they fled to Lebanon.

*“They Treated Us in Monstrous Ways”* documents how while men and boys, regardless of their sexual orientation or gender identity, are targets of sexual violence in the Syrian conflict, gay and bisexual men and transgender women said they were subjected to increased and intensified violence based on actual or perceived sexual orientation or gender identity. This violence takes place in various settings, including Syrian detention centers, checkpoints, prisons, and within the ranks of the Syrian army. In Lebanon, survivors found limited services and inadequate support from humanitarian organizations—often due to lack of funding and personnel trained to respond their needs.

In 2019, the UN Security Council resolution 2467 on conflict related sexual violence called on UN member states to ensure that survivors of sexual violence receive nondiscriminatory access to health services based on their needs. Human Rights Watch urges international donors and humanitarians to provide resources for tailored health services and social programs for men, boys, transgender, and non-binary survivors of sexual violence in Lebanon.



*Illustration based on survivor testimony about sexual violence perpetrated against men, boys transgender women, and non-binary people in detention facilities, checkpoints, and within the army during the Syrian conflict.*

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