



# Long Overdue: Exploring sexual violence against LGBTI+ people in conflict

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## ABSTRACT

Despite the heightened vulnerability of lesbian, gay, bisexual, transgender and intersex (LGBTI+) people to violence in situations of conflict, studies focusing on conflict-related sexual violence (CRSV) against this population are scarce, reducing it to just 'another' form of violence people with diverse sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC) are forced to endure. This has very practical and serious implications. Lack of recognition of LGBTI+ people as a category of victims of CRSV contributes to a lack of documentation, data, knowledge and survivor-centred responses for victims. Against this background, this paper explores some aspects of what is known about sexual violence against LGBTI+ people in different conflict settings based on available evidence, with the aim to build knowledge on the nature, patterns and consequences of this form of violence and contribute to a long overdue conversation. This study argues that armed actors strategically perpetrate sexual violence against LGBTI+ people in conflict in an attempt to punish, 'correct' or 'cure' their diverse SOGIESC by directly targeting their sexual autonomy and integrity, which serves to reaffirm their position and exert social control. In addition, it identifies situations of deprivation of liberty and of displacement, as well as within the ranks of armed groups and armed forces as settings of heightened vulnerability to CRSV. The data also suggests that not all LGBTI+ people are equally vulnerable to CRSV and that children, members of ethnic groups, people living in rural areas and those whose diverse SOGIESC is more visible may be at particular risk. The issue is compounded by multiple barriers in access to healthcare and other essential responses.

**Keywords:** Sexual violence, Conflict-related sexual violence, CRSV, Gender-based violence, LGBTI+, Diverse SOGIESC, Conflict settings, Survivor-centred responses.

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## INTRODUCTION

Several studies have demonstrated that lesbian, gay, bisexual, transgender and intersex (LGBTI+) people are more likely to be victims of physical and sexual violence than the general population.<sup>1</sup> Evidence suggests that the risk of people with diverse sexual orientation, gender identity, gender expression and

sex characteristics (SOGIESC) being subjected to various forms of abuse is exacerbated in situations of conflict. In such contexts, LGBTI+ people become targets for armed actors and are routinely subjected to human rights violations including in the form of threats, arbitrary detention, torture, forced



displacement, murder, and sexual violence<sup>2,3,4,5</sup> In spite of the slow but steady recognition that sexual violence is prominent among the wide diversity of acts of violence perpetrated against this population, little is known about it, reducing it to just 'another' form of violence LGBTI+ people are forced to endure.

The urgent need to address this knowledge gap has been identified over recent years. For example, in their literature review of sexual minorities in conflict zones, Moore and Barner (p.35) note that "*(f)urther studies are needed in order to precisely ascertain the prevalence of sexual violence in conflict areas as well as dynamics that contribute to discriminatory, exclusionary or violent climates for sexual minorities as a targeted group.*"<sup>4</sup>

In addition, a systematic review published in the bulletin of the World Health Organization concluded that "*(m)ore data are needed on the prevalence, risk factors and consequences of physical and sexual violence motivated by sexual orientation and gender identity in different geographical and cultural settings. National violence prevention policies and interventions should include sexual and gender minorities.*"<sup>1</sup>

This is not only an epistemological issue but also has practical implications. Lack of or inadequate data obscures the understanding of the victimization of LGBTI+ people in conflict and renders the community invisible before community members, policymakers, law enforcement personnel, non-governmental organizations and healthcare practitioners.

This, in turn, fuels a climate of impunity in which perpetrators have room to continue to target the community without consequences.<sup>6</sup> The design and development of appropriate medical and mental health and psychosocial support (MHPSS) services is hindered, as well as the implementation of other responses which are needed to effectively address the devastating and differential health, psychosocial and economic impacts of conflict-related sexual violence (CRSV) on LGBTI+ victims/survivors.<sup>7</sup>

Simply put, what seems to not exist and is therefore not understood cannot be prevented or adequately responded to. Against this background, this paper will explore some aspects of what is known about sexual violence against LGBTI+ people in different conflict situations with the aim of contributing to filling this gap. In addition, by building knowledge on the nature, patterns and consequences of this form of violence, it aims to add to the emerging scholarship on CRSV that studies these relatively overlooked victims.

## METHODS AND MATERIALS

### Terminology

Before moving forward, it is important to discuss the terminology used within this paper. This study employs the terms 'LGBTI+' and 'people with diverse SOGIESC' since these are commonly used in international human rights discourse and are seen as necessary to successfully contest and make human rights claims.<sup>8</sup> It does not include the term 'Queer' (Q) as it has not been used by international and most national institutions for reasons that remain unclear.<sup>9</sup> However, the plus sign (+) intends to ensure an inclusive approach and capture other diverse identities. The paper often uses the two terms interchangeably as it understands both terms to represent individuals who do not conform to norms around gender and sexuality. Nevertheless, in cases where there is a direct reference to a source which uses a different term, this paper will adhere to the terminology employed by that source. This explains possible variation between terms.

The focus on 'LGBTI+ people' and 'people with diverse SOGIESC' as a whole risks homogenizing their experiences and realities as a single social group and failing to incorporate individual experiences, including within each group. Moreover, these terms originated in the West and have limited capacity to adequately represent LGBTI+ people globally as many survivors do not see themselves as being represented by any of the used acronyms.<sup>10</sup> To minimize this limitation, the study has aimed to disaggregate intersectional data where it is available and unpack the differential motivations and experiences of CRSV. This is noted by the United Nations (UN) Independent Expert on



protection against violence and discrimination based on SOGI. He concludes that not considering the unique manner in which communities and individuals identify and define themselves, through concepts and terminology that are inclusive and locally appropriate, not only misrepresents the population, negatively impacting the quality of data, but by definition violates their right to self-determination.<sup>6</sup> Research is also needed into the experiences of victims with diverse SOGIESC who identify themselves differently.

### Methodology

Given that the issue of CRSV against LGBTI+ people has been underreported and continues to be under-researched, this research is exploratory and, while it aims to provide insights into the problem, it does not intend to provide conclusive answers. To this end, this research has employed a qualitative approach based on an extensive literature review of secondary sources, including academic papers and grey literature such as reports from international and national non-governmental organizations, transitional justice mechanisms, and the United Nations.<sup>1</sup>

The specific objectives of the desk review were to gather the necessary interdisciplinary contextual information for the study to:

- 1) Explain the invisibility of LGBTI+ people among those particularly vulnerable to CRSV;
- 2) Identify patterns of sexual victimization of people with diverse SOGIESC in conflict;
- 3) Discuss health impacts for LGBTI+ victims/survivors; and
- 4) Explore access barriers to healthcare and other responses.

Given that the study does not entail human research subjects it did not necessitate a review from an Institutional Review Board (IRB).

<sup>1</sup> A significant part of this desk review was conducted in the context of the author's professional involvement with the NGO All Survivors Project.

### RESULTS

The criminalization and pathologization of diverse SOGIESC have institutionalized and socially legitimized prejudiced-based imaginaries around gender and sexuality, reproducing and perpetuating the gender binary, gender stereotypes and cis/heteronormativity that intersect to portray LGBTI+ people as 'abnormal' and in need of 'cure', 'correction' or even elimination. These profoundly discriminatory ideas are often transmitted through violent means all over the world. In situations of conflict, the breakdown of state infrastructure, social fabric, weakened rule of law and increased pressure on scarce resources exacerbate pre-existing inequalities and patterns of discrimination.<sup>11</sup>

Sexual violence is often listed as one of the forms of widespread abuses this population is subjected to, failing to recognize the strategic use and devastating differential impacts it can have. LGBTI+ people have been made invisible in the theory, data collection, policy and practice of CRSV, and this is also a result of assumptions that portray women and girls as naturally sexually vulnerable only due to their condition of being female, and obscure other categories of victims/survivors of sexual violence.

Particularly since the mid-2000s there has been a slow but steady recognition, especially in academia, that men and boys can also be victims of CRSV. From around 2015 until the present day, and although much remains to be done, there has been an increasing number of actors in academia, human rights research and in the humanitarian field who have started engaging on this issue whilst recognizing the importance of remaining accountable to women and girls. Only in very recent years has the sexual targeting and victimization of LGBTI+ people in conflict settings began to surface as an issue that needs to be explored and addressed. In many cases, this has resulted in 'adding on' LGBTI+ people to women, girls, men and boys without acknowledging the overlap and thus reproducing harmful imaginaries. However, despite sporadic and often tokenistic references, this study



shows that there is a dearth of research on the issue and little is known about the specific motivations, patterns, impacts of this form of violence, the responses of service providers and the barriers victims/survivors face in accessing support.

Through an extensive review of available sources and applying the Hague Principles' definition of what constitutes sexual violence, the present study demonstrates a high vulnerability of LGBTI+ people to sexual violence in contexts of conflict and political violence. It draws upon examples from very diverse contexts both in terms of geography and time and argues that cases have not been isolated incidents but instead have been perpetrated in the pursuit of clear strategic objectives of punishing and 'correcting' or 'curing' the diverse SOGIESC of the individual. This form of violence has also been instrumentalized to 'set an example' and exercise social control through the policing of gender and sexuality, often by the state.<sup>12</sup> This is illustrated by the various examples of authoritarian powers across the world which have enforced, reproduced and legitimated the gender binary, 'compulsory' heterosexuality, cisnormativity, and gender stereotypes. In particular, evidence suggests that transgender women and real or perceived gay and bisexual men are sexually victimised as a form of punishment for 'renouncing' the privilege of masculinity and to 'cure' femininity, whereas for transgender men, and lesbian and bisexual women misogyny and trans/homophobia intertwine in the form of 'corrective rape'.

This study suggests a heightened vulnerability of LGBTI+ people to CRSV in contexts of deprivation of liberty by official and unofficial armed actors. In countries where same-sex relations are criminalised, diverse SOGIESC often motivates detention and leads to torture and ill-treatment of LGBTI+ people.<sup>13</sup> In particular, this study has compiled evidence of forced anal examinations against transgender women and gay men in at least 10 different countries.<sup>14</sup> In addition, it shows that state security forces perpetrated other forms of sexual violence motivated by diverse SOGIESC, historically in Nazi concentration camps, and more recently in Iraq, Myanmar, Nigeria

and Syria, all of which criminalised same-sex relations at the time of the reported incidents. This form of state violence has also been documented in jurisdictions which did not criminalise same-sex consensual conduct at the time of the reported incidents such as Colombia, Ecuador and Paraguay.

The analysis also reveals that LGBTI+ people face heightened vulnerability to CRSV during and after their displacement as well as within the ranks of armed groups and state security forces, with cases reported in South Africa under Apartheid and in the context of the armed conflicts in Colombia and Syria.

Despite their widespread vulnerability, this study suggests that not all LGBTI+ people are equally at risk of CRSV. Age and ethnicity seem to be particularly relevant intersectional factors that can influence the risk of sexual violence, with children and adolescents with diverse SOGIESC being particularly targeted as well as LGBTI+ members of ethnic groups. The literature also indicates that sexual victimization is higher among those whose diverse gender expression is more visible. For example, in many different settings armed actors have targeted men with long hair and women with short hair who are presumed to have a diverse sexual orientation because of their gender expression.

Provision of and access to appropriate support responses is often lacking both in conflict and non-conflict settings. The situation is aggravated in conflict settings where services are scarce for all victims of CRSV, and where LGBTI+ victims/survivors face endless barriers. Some of these include discriminatory treatment by healthcare personnel who often use trans/homophobic language or deny services to LGBTI+ victims/survivors such as safe abortions. In addition, mandatory reporting requirements of cases of sexual violence by healthcare providers often deter survivors from coming forward. This is particularly the case in contexts where same-sex relations are criminalized as survivors fear legal repercussion against them if authorities are notified. The origins of such discrimination within institutions need to be understood in the context of historical and



ongoing processes of pathologization and criminalization of diverse SOGIESC discussed in this paper.

While LGBTI+ people face significant levels of sexual violence with severe impacts, the publications reviewed and the analysis presented indicate that, although some promising practices are beginning to emerge, there is a near complete absence of programmes and interventions that target the multiple, very diverse and specific needs of LGBTI+ victims/survivors.

## DISCUSSION

### Defining CRSV against LGBTI+ People

The Special Representative of the Secretary-General on CRSV defines this form of sexual violence as:

*"[R]ape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage and any other form of sexual violence of comparable gravity perpetrated against women, men, girls or boys that is directly or indirectly linked to a conflict".<sup>15</sup>*

This study, however, applies the definition of the Hague Principles on Sexual Violence. This is because it is based primarily on consultations with self-identified survivors of sexual violence and presents a broader view of sexual violence by understanding it to encompass all violations of sexual autonomy and sexual integrity and because it also recognizes the targeting of non-binary individuals which the UN definition fails to do.

According to this definition, examples of other acts of sexual violence that can relate to LGBTI+ victims include: punishing or humiliating someone for perceived non-compliance with gender norms; forcing someone to undergo procedures to determine or change their SOGIESC; or marking someone as sexually deviant, impure or as a victim of sexual violence.<sup>16</sup>

### Root Causes and Contributing Factors

In order to adequately prevent and respond to violence against people with diverse SOGIESC, it is important to consider its causes and enablers. As such, this study argues that violence and discrimination against LGBTI+ people are rooted in social imaginaries around gender and sexuality, partly fueled by religious and ideological positions. Based on the analyzed information, these are organised in four main imaginaries:

- 1) there are only two genders, male and female and all human beings are born as female or male based on their bodily characteristics (*gender binary*);
- 2) human beings' gender identity matches their biological sex, with no choice in the matter (*cisnormativity*);
- 3) given that males and females are biologically different, their roles in society must be different and they need to act and appear in a particular way. For males this includes having short hair, being strong, virile, being the breadwinner and not being vulnerable or showing signs of vulnerability; whereas females have long hair and are seen as fragile and vulnerable and in need of male protection, they need to preserve their virginity and purity prior to marriage and their role is in the household and as mothers (*gender stereotypes*);
- 4) males are solely sexually attracted to females and vice versa (*heteronormativity*).

In this order of ideas:

- 1) the gender binary invisibilises non-binary people and does not account for intersex individuals;
- 2) cisnormativity excludes all those who do not sit comfortably with their biological sex, mainly transgender women and transgender men;
- 3) gender stereotypes discourage diverse gender expression; and
- 4) heteronormativity excludes those with diverse sexual orientation, mainly lesbian, gay and bisexual individuals.



These prejudicial assumptions fuel discriminatory beliefs based on the idea that people who fall outside these norms are 'abnormal' and therefore 'not acceptable' as they are perceived to defy the *status quo*. Such imaginaries and social stigma have become institutionalised through the pathologization and criminalization of diverse SOGIESC.<sup>17</sup>

The characterization of diverse sexual and gender identities as medically and psychologically deviant is far from new. Historically, LGBTI+ people have been defined as 'abnormal' in healthcare and diverse SOGIESC has been seen in healthcare as something that *should* and *can* be 'cured'.<sup>18</sup> Prior to the 1970s, homosexuality was treated as a mental disorder and it was not until recently, in May 2019, that the World Health Organization removed 'Gender Identity Disorder' from its list of mental illnesses.<sup>19</sup> Despite this progress, homosexuality is still considered an illness in many countries and people experiencing gender dysphoria (distress a person experiences due to a mismatch between their gender identity and their sex assigned at birth) continue to be seen as sick and in need of treatment.<sup>11</sup> Even in countries where these are not classified as mental health conditions, these prejudices have remained and to this date, conversion therapies continue to be widely reported around the world. These harmful practices, also known as 'reparative therapies', particularly target LGBTI+ youth in an attempt to 'cure' diverse SOGIESC.<sup>20</sup> This may indicate that medical definitions are also potentially a reflection of other aspects including religious influences, and that the redefinition of terms is just an element of a more complex process.

The 'demonization' of diverse SOGIESC has also been enshrined in law through the criminalization of LGBTI+ people. In discussing the proscription of same-sex relations, it is important to recognise that several studies show that although homosexuality may have been opposed by some people, it was not criminalised before colonialism.<sup>21</sup> In the pre-colonial period,

identities including sexuality were fluid.<sup>ii</sup> The British played a central role in spreading this colonial legacy throughout their empire after introducing the law in the Indian penal code in 1860.<sup>22</sup> 'Sodomy' laws introduced by the British colonizers were reflective of Christian doctrine that stated that sexual intercourse was only permitted if it furthered reproduction.<sup>22</sup> They were used as a means to control the social behavior of the colonized and to prevent the engagement of colonizers in what were considered immoral sexual practices. As such, the colonial state legally relegated non-conforming sexualities to inferior status.<sup>22</sup>

As of January 2023, 67 countries continue to criminalize consensual same-sex sexual acts (almost half of which were once part of the British empire); at least six UN member states implement the death penalty on these acts, and 14 countries criminalize the gender identity and/or expression of transgender individuals.<sup>23</sup> In many countries where they are not explicitly prosecuted, same-sex relations are indirectly criminalized under laws addressing 'public morality' or 'unnatural practices'.<sup>24</sup> Even where same-sex relations are no longer directly or indirectly proscribed, homophobic and transphobic attitudes often prevail and surface violently in times of conflict.<sup>2</sup>

The result of this process of institutional stigmatization in both healthcare and law has been the structural discrimination and systematic violence against these population groups in all spheres of life including the household, school and the workplace. In situations of conflict, evidence suggests that the vulnerability of LGBTI+ people to various forms of abuse is exacerbated as they become targets for armed actors.<sup>2,3,4</sup>

### Unrecognized Victims/Survivors of CRSV

Conflict and violence result in the breakdown of state infrastructure, social fabric, rule of law and pressure on scarce resources. This exposes LGBTI+ people to

<sup>ii</sup> Numerous scholars have shown that same-sex relations were common before colonialism. For instance, the anthropologist E. E. Pritchard (1970) examined in depth the custom practice among the Azande in Central Africa of marriage between older men and boys; Chukwuemeka (2012) has

discussed the practice and concept of female husbands in Igbo land, southeastern Nigeria; and Epprecht's 2008 study of the San people in Gurube, Zimbabwe also highlights same-sex partnerships.





heightened multidimensional vulnerabilities as pre-existing stigma intensifies.<sup>2</sup>

Among the various forms of violence LGBTI+ people are exposed to in conflict, the risk of sexual victimization in areas under the control of armed groups has been described as concerning.<sup>3</sup> The Annual Report of the United Nations Secretary-General on CRSV recognizes that victims are frequently "*targeted on the basis of actual or perceived sexual orientation or gender identity*".<sup>15</sup> Similarly, the UN Special Rapporteur on Torture has noted that rape and other forms of sexual violence are rampant in armed conflict and are being used against LGBTI+ persons and perpetrated by State and non-state actors alike.<sup>25</sup>

However, despite the acknowledgment of the heightened vulnerability of LGBTI+ people to CRSV, the severe health and other consequences for victims/survivors and the lack of appropriate responses, much of the body of literature on CRSV focuses on the victimization of women and girls who remain widely affected. This has reinforced the neglect of individuals with diverse SOGIESC as a population vulnerable to CRSV.<sup>10</sup>

The invisibility of LGBTI+ people in the theory and practice of CRSV should be understood as a result of the above-mentioned hegemonic norms. Gender stereotypes reproduce the notion that men are invulnerable to sexual violence whereas women are naturally vulnerable.<sup>4,26,27</sup> Linked to this idea is the myth which limits our understanding of males as only perpetrators and females as victims.<sup>28,29,30</sup> When men experience sexual violence it therefore tends to be miscategorized often as torture, obscuring the sexual component.<sup>31</sup> Apart from men, lesbian women also experience exclusion from discourse on CRSV. Although they have the gender recourse in human rights protections, this constitutes only one reason why a woman may be abused and leaves out considerations based on diverse sexual orientation.<sup>4</sup>

The assumptions surrounding discourses on CRSV are being increasingly challenged by a new generation of scholars which considers issues such as male-directed

sexual violence, women as perpetrators or the targeting of LGBTI+ people.<sup>29,32,33,34,35,36</sup> Sivakumaran's seminal work on male-directed CRSV argued that this form of violence is perpetrated to 'emasculate' the victim through a process of 'homosexualization', depriving him of his heterosexual identity.<sup>32</sup> However, as Eichert pointed out, this theory fails to account for situations in which the victim's sexuality falls outside the heterosexual norm.<sup>34</sup>

Queer and feminist scholar Jamie J. Hagen discusses the loud silences surrounding CRSV against LGBTI+ people in the UN Security Council, particularly within the Women, Peace and Security framework.<sup>10</sup> As a result of the historical lack of attention paid to CRSV, women's rights activists advocated for the global recognition of wartime sexual violence against women and girls and partly realized this objective in the passing of UN Security Council Resolution 1325 in 2000, which defined how CRSV is understood and the criteria for inclusion and exclusion of victims.

Although this approach has been successful in ensuring that this form of abuse gains attention, it has achieved this through a cis/heteronormative lens that has obscured other categories of victims,<sup>29</sup> inadvertently contributing to a lack of data, knowledge and adequate responses for LGBTI+ victims/survivors of CRSV.

Sixteen years after Hagen's original publication, the silence remains. This is illustrated by the fact that UN Security Council resolutions have recently recognized other categories of CRSV victims such as men and boys and children born of rape,<sup>37</sup> whilst explicit reference to victims with diverse SOGIESC continue to be the elephant in the room. Moreover, the annual reports of the UN Secretary-General on CRSV had no references to cases against LGBTI+ people until 2014 and, even since then, these have been extremely scarce.<sup>38</sup> This despite the above-mentioned recognition in the UN definition that diverse SOGIESC often motivates CRSV.<sup>15</sup>

Unsurprisingly, in light of the above, the UN Expert on SOGI has noted that "*there are no accurate estimates regarding the world population affected by violence and*



*discrimination based on sexual orientation and/or gender identity*".<sup>17</sup> This invisibilization and resulting negation of the issue precludes the collection of relevant data and the adoption of measures to address this and other forms of violence against LGBTI+ people. Even where States compile data, this is often inadequately captured resulting in inaccurate and unreliable information.<sup>6</sup> For example in Colombia, the national Victims Unit manages the registration and recognition of victims of the armed conflict by the state, and mandates humanitarian assistance and reparations measures for them. As of October 2022, there were 590 recognized LGBTI+ victims of CRSV by the Unit.<sup>39</sup> This is the only official national figure this study has found. The Unit registers victims under one of the following categories based on sex: *man, woman, LGBTI, intersex or does not report*.<sup>39</sup> The pioneering recognition of the targeting of LGBTI+ people during the conflict is a result of decades of activism by national LGBTI+ organizations and civil society. However, such categorization illustrates the shortcomings of data collection around LGBTI+ issues and reinforces the above-mentioned imaginaries. Firstly, it reproduces ideas around cis/heteronormativity by implying that men and women are inherently heterosexual and cisgender; secondly, it represents intersex people in two categories and thirdly, it does not recognize the existence of non-binary or gender non-conforming people. This illustrates a common issue in the human rights field in which males, females *and* LGBTI+ people are presented as mutually exclusive categories and therefore failing to recognize, for example, that a gay man is a man and that a lesbian woman is a woman. Even if well intended, 'adding on' LGBTI+ people can be harmful as it perpetuates rigid and inaccurate classifications that reproduce social prejudices. Further dialogue with LGBTI+ people and organizations representing them needs to go into safely and adequately capturing data which can be utilized to inform policy prevention and responses. Despite the chronic underreporting and lack of data, a review of publicly available sources in this study has identified and reviewed cases of victimization and perpetration of CRSV against LGBTI+ people. Although not providing conclusive answers, the

evidence-based analysis provides opportunities to inform future research and practice.

### **Motivations for Victimization and Perpetration**

As will be shown by the evidence below, CRSV against LGBTI+ people is perpetrated by state and non-state armed actors with clear objectives, mainly to communicate that:

- 1) the gender binary;
- 2) cisnormativity;
- 3) gender stereotypes and/or
- 4) heteronormativity

are not questionable and those who do not comply or are perceived to do so will face consequences. CRSV has therefore been used by armed actors against those "who do not fulfil social expectations of what it means to be man-masculine-heterosexual and woman-feminine-heterosexual".<sup>12</sup>

This message is communicated by armed actors using various forms of violence including systematic threats, unlawful killings, persecution, torture and forced displacement as well as sexual violence.<sup>11</sup>

The use of the latter becomes particularly strategic when perpetrated against LGBTI+ people as it directly impacts the victim's sexual autonomy and integrity in a way that punishes and humiliates victims for being themselves.<sup>40</sup> For this reason, sexual violence should not be seen as just 'another' form of violence perpetrated against this community.

It is also important to recognize that CRSV against LGBTI+ people does not happen in isolation. Rather, the available evidence clearly indicates that CRSV against this population is overwhelmingly perpetrated along with other forms of violence, particularly threats, torture and displacement in the armed actor's attempt to use all available means to correct or eliminate non-compliance with social norms.

In this sense, the perpetrator not only targets the victim to send an individual message of subordination but to, more broadly, reaffirm the status quo through





the policing of gender and sexuality.<sup>41</sup> As such it has been misnamed as 'moral' or 'social cleansing'.<sup>25,42</sup>

### **Transgender Women and Gay and Bisexual Men**

Understanding the victim's (self) identity is essential to explain the differing motivations of male-directed sexual violence and the victimization of those who are perceived to defy norms "of what it means to be man-masculine-heterosexual".<sup>12</sup> On the one hand, when it is directed towards heterosexual males it is perpetrated with the intent to 'feminize' them, to erase their masculinity.<sup>32</sup> Whereas when it is against transgender women or men with real or perceived diverse sexual orientation, its intent is to "cure" femininity. In the words of a child protection officer working with Rohingya with diverse SOGIESC:

*"Transgender [women refugees] are the most vulnerable and most invisible group [to sexual violence]. They don't even have to be transgender—it's any man or boy showing feminine qualities. They are the first to be attacked. I don't know why rape is used to 'cure' femininity."<sup>43</sup>*

It is therefore important to avoid the homogenization of all experiences of male-directed sexual violence,<sup>36</sup> including when trying to understand the motivations for their targeting as they often bear a direct link with their sexual and gender identity.

In many cases the perpetrator's objective is not to "cure" but rather to punish real or perceived-to-be gay men and transgender women for "renouncing their masculinity" which is seen as a privilege.<sup>42</sup> A transgender woman targeted in Cambodia during the Khmer Rouge regime described this:

*"Some people accused me by saying, 'you are a man why you want to be a woman? Your behavior is too bad because when you walk, it looks like a woman, whatever you do is too weak, not strong as men'."<sup>44</sup>*

Sexual violence as a form of punishment against these groups stands out from high numbers of reports of

genital mutilation and rapes often perpetrated through the forcible introduction of objects into the anus with the intent to inflict severe pain and which may lead to their death<sup>40,44</sup>. Armed actors often exercise social control and exert power over communities through this type of terror.

Another aspect to consider is that the male perpetrator's heterosexual orientation is not called into question for his same-sex conduct in perpetrating rape or other forms of sexual violence against males with diverse SOGIESC. Instead, the subjugation and violent rejection of non-compliance with prevailing social norms reaffirms his heterosexual masculinity.<sup>32</sup> This is one of the seemingly paradoxical aspects of male-on-male sexual violence.

### **Transgender Men and Lesbian and Bisexual Women**

Lesbian and bisexual women and transgender men are similarly targeted for their perceived non-compliance with social norms around what it means to be "woman-feminine-heterosexual".<sup>12</sup> Moreover, armed actors see them as women and therefore bodies they have power over. Thus, they face double victimization for their real or perceived condition as women. CRSV is often perpetrated against them with the intent to 'correct' their behaviors and 'remind' them of their place in society. According to the Inter-American Commission on Human Rights (IACHR), these so-called 'corrective rapes' are perpetrated particularly against lesbian and bisexual women with the objective of 'correcting' their sexual orientation or make them "act' more like their gender".<sup>40</sup> The misogynistic and trans/homophobic rationale behind this hate crime lies in the mistaken idea that "being penetrated by a male will render the woman 'normal' again"<sup>40</sup> and in that the reason behind their diverse sexual orientation is because "they have not been taught what a good macho is".<sup>42</sup>

This form of violence has been reported in Colombia against lesbian women (often in front of their partners).<sup>45</sup> In the revealing words of a lesbian victim of the non-state armed group the Revolutionary Armed Forces of Colombia — People's Army in 2012:

*"When they exercised sexual violence against me, they told me that this was the only way for me to*

*be a real woman, to teach me to be one, and that after that I would not go around doing things with other women or harming society or the villagers, or coming with these strange things that I brought from the city, in other words, they wanted to correct me".<sup>46</sup>*

Thus, sexual violence is not perpetrated with the sole intention of 'correcting' the victim but also to stop the spread of these perceived harmful and contagious ideas. However, as rightly recognized by the IACHR, this term should be used with caution as the concept of 'corrective rape' and 'corrective sexual violence' is erroneous and can feed into existing homophobic rhetoric, "since any attempt to 'correct' a fundamental aspect of a human being's identity by violence is repugnant to human dignity and decency."<sup>40</sup>

The sexual victimization of transgender males is relatively underreported. However, there is some evidence that sheds light into the motivations of armed actors. The Colombian National Centre for Historical Memory argues that transgender men have been subjected to CRSV as a way of punishment because they are perceived by armed actors as wanting to "occupy the privileges of masculinity" which they are not entitled to as women.<sup>42</sup> Some cases against transgender men also illustrate the alleged 'corrective' purpose. A transgender man in Colombia who was subjected to sexual violence by members of an armed group noted:

*"Because I am a trans guy, I have received insults from paramilitaries, from guerrillas, in fact I was a victim of sexual violence, and as a result of this rape I have a child. During the rape they were always telling me that I was not a man, that they could do to me what they could do to any woman, that the man had a penis and that where was my penis?"<sup>42</sup>*

### Intersex and Non-binary People

This study has found very limited reported cases of CRSV against intersex and non-binary people. This could be explained by the fact that data collection systems and the response sector are based on the gender binary and that victims may not see the benefit of reporting such cases. However, there is indication that the targeting of intersex people is strongly related to their pathologization. For example, in a 2015 report the IACHR noted that the Commission had received reports of sexual violence against intersex people as a way to 'cure intersex bodies'.<sup>40</sup>

### Heightened Vulnerability Settings

Although people with diverse SOGIESC are generally vulnerable to violence including sexual violence, the evidence seems to point to certain situations in which they faced heightened risks of sexual victimization particularly. These include situations of deprivation of liberty but also during and after displacement, and combatants within the ranks of armed forces and armed groups.

### In Situations of Deprivation of Liberty

Despite the limited data, it is well-established that people with diverse SOGIESC are disproportionately imprisoned in times of conflict.<sup>2</sup> In situations where liberty is deprived, the sexual victimization of LGBTI+ people is prevalent and can be perpetrated by other inmates and prison guards as a form of 'correction', in line with the above.<sup>47</sup> Forms of reported sexual violence include rape, threat of rape, forced nudity, forced prostitution and sexual humiliation.<sup>13</sup> The Association for the Prevention of Torture identifies certain contexts where LGBTI+ detainees are at heightened risk of being subjected to sexual violence. These include during transfers; in 'self-government' detention facilities;<sup>iii</sup> during body searches; at checkpoints; in police custody; and in immigration detention facilities. In addition, LGBTI+ children are identified as more likely to be arrested and particularly vulnerable to sexual violence<sup>48</sup> and transgender women are reported to be at higher risk of sexual

<sup>iii</sup> APT describes "self-government" detention facilities as prisons in which "State authorities informally delegate powers, including those of management and governance, to detainees themselves, while keeping

control over the external perimeter of the prison. (...) and is often, but not always, linked to organised crime and gangs.". APT, *Towards the Effective Protection...*, op. cit., p.61.



violence in detention settings, particularly where they are incarcerated with men.<sup>47</sup> Moreover, the Special Rapporteur on Torture has noted that fear of retaliation and mistrust in the complaint mechanisms often prevent LGBTI+ people from reporting violence in detention.<sup>13</sup>

The criminalization of same-sex consensual conduct has legitimated violence including sexual violence by armed actors against LGBTI+ people. This is particularly evident in situations of deprivation of liberty where they are at heightened risk of being subjected to torture and ill-treatment, particularly if the reason they are incarcerated is because they are seen or believed to have violated "sodomy" laws.<sup>2</sup> For example, in several States where homosexuality is criminalized, men and transgender women suspected of same-sex conduct and arrested on homosexuality-related charges have been subjected to non-consensual and/or forced anal examinations with the alleged objective of obtaining physical 'proof' of same-sex relations. Forced anal examinations often involve law enforcement officials working with forensic medical personnel who forcibly insert their fingers, and sometimes objects, into the anus of the accused for 'evidence' to be used in court.<sup>13</sup> They claim that by doing so they can determine the tone of the anal sphincter or the shape of the anus and draw conclusions as to whether or not the accused person has engaged in same-sex conduct. This argument is based on long-discredited 19<sup>th</sup> century science largely derived from forensic doctor Auguste Ambroise Tardieu's book *Forensic Study of Assaults against Decency* which provided guidelines for investigating sexual assault and rape as well as 'pederasty and sodomy'.<sup>49</sup> Although the use of forced anal examinations varies from country to country,<sup>14</sup> it has been reported in at least Cameroon, Egypt, Kenya, Iraq, Lebanon, Tunisia, Turkmenistan, Uganda, and Zambia.<sup>14,49, 51</sup> There have also been reports of forced anal exams by police in Syria but these have yet to be independently verified.<sup>14</sup> This form of sexual violence not only constitutes anal rape but should be understood as sexual violence also, because of its objective of "*having someone undergo procedures or*

*rituals to determine or alter their sexual orientation or gender identity*".<sup>16</sup>

Other forms of CRSV against LGBTI+ people in detention settings have also been documented in other countries that used to criminalize same-sex consensual activity such as in Nazi Germany and where it continues to be criminalized including in Iraq, Myanmar, Nigeria and Syria.

Nazi leaders believed that homosexuality was a social disease that should be cured or eliminated in order to protect the Aryan race. In 1929 they prevented the repeal of paragraph 175 of the criminal code which criminalized homosexuality throughout the German empire. Under this provision, gay men were detained and many were sent to concentration camps where they were forced to wear a pink triangle for their identification and separated from the rest of the detainees.<sup>50</sup> The Hague Principles' definition includes "*marking someone as sexually deviant*" as a form of sexual violence.<sup>16</sup> Other forms of sexual violence against gay detainees were commonplace in these camps including castration, genital beating, anal rape and forced nudity.<sup>34</sup> Some were injected with male hormones in an attempt to try to alter their sexual orientation as part of medical experiments to find a 'cure' for homosexuality.<sup>34, 50</sup>

In Iraq, people with diverse SOGIESC can be detained under several criminal provisions around morality, public decency and freedom of expression. Recent research reported that 27 out of 54 LGBTI+ interviewees endured sexual violence by armed groups and state actors including rape, genital mutilation and unwanted touching, several of which took place in the context of arbitrary arrest, detention and after being stopped at checkpoints.<sup>51</sup> An earlier report had denounced a killing campaign against those considered not "manly enough", or whom they suspected of same-sex conduct.<sup>52</sup> In this context, the armed groups targeted at least 11 gay men in 2009 for CRSV because of their real or perceived sexual orientation. Most incidents happened in the context of deprivation of liberty and forms of sexual violence



included genital mutilation, rape, injecting glue into victim's anus, and forced nudity.<sup>52</sup>

In Myanmar LGBTI+ people, same-sex conduct between men and the gender expression of transgender individuals are criminalized.<sup>53</sup> Colors Rainbow, a national LGBTI+ rights organization, conducted a study in 2012 and 2013 which found that transgender individuals are at heightened risk of sexual violence and other forms of physical violence in detention settings. Sexual violence was perpetrated particularly by the police and included forced stripping, oral and anal rape as well as gang rape.<sup>54</sup>

In Nigeria, the 2014 Same-Sex Marriage Prohibition Act (SSMPA) criminalized a number of activities associated with homosexuality, including registering gay clubs, societies and organizations as well as public showing of same-sex relationships. In this context, Human Rights Watch (HRW) documented cases of sexual violence against LGBTI+ people perpetrated by mobs and police, including the rape of men and women post-SSMPA in apparent attempts to punish or 'cure' their sexual orientation.<sup>55</sup> For instance, a young gay man from Lagos was gang-raped by a group of men who then reported him to the police for being gay. The victim was subsequently arrested in August 2015 and subjected to beatings and anal rape with a stick by the police in detention.<sup>56</sup> Although LGBTI+ people faced violence and discrimination before the SSMPA, the report finds that the law has worsened an already bad situation as it contributed significantly to a climate of impunity for crimes committed against LGBTI+ people. LGBTI+ victims of crime said the law inhibited them from reporting to authorities due to fear of exposure and arrest.<sup>56</sup>

In Syria, where same-sex sexual activity continues to be criminalized, detainees of all genders have been routinely subjected by state security forces to sexual violence since 2011 throughout the armed conflict, regardless of their sexual orientation and/or gender identity. However, it has been reported that LGBTI+ detainees faced increased sexual violence including in the form of electric shocks and beatings to the genitals, forced nudity, and threat of rape.<sup>57</sup> As in Iraq, there have also been reports of rapes at checkpoints.<sup>57</sup>

The final report of the 2008 Truth and Justice Commission of Paraguay provides a historical record of abusive practices from 1954 to 2004, including during the Stroessner dictatorship (1954-1989). Although same-sex sexual acts had been legal since 1880, the report describes the persecution and arbitrary detention of hundreds of gay men in 1982 and the sexual torture several of them, including children, were subjected to by the police.<sup>58</sup>

The 2007 Ecuadorian truth commission was mandated to investigate, clarify and prevent impunity for violent acts and human rights violations committed between 1984 and 2008. Despite Ecuador's decriminalization of homosexual acts in 1997, the final report describes cases of sexual violence against LGBTI+ people both during the period 1984-1988 and 1989-2008. It was perpetrated by state security forces particularly against 'transvestites', transgender women and transsexual individuals who were placed in male detention centres and abused by male inmates and guards.<sup>59</sup> The report also describes how transgender people underwent sexual exploitation to avoid their detention, as well as cases of sexual violence against gay men. For example, the report includes details regarding the arbitrary detention of a gay man by the national police who after identifying him as gay, took him to an isolated place and subjected him to rape with an object while they told him "*you're a faggot so you'll like this*", revealing the motivations for his detention.<sup>59</sup>

Whilst same-sex consensual acts have been decriminalized in Colombia since 1989, the armed conflict active since the 1950s exacerbated pre-existing discrimination and violence against people of diverse SOGIESC including in contexts of deprivation of liberty. National LGBTI+ organizations have been fundamental in documenting and denouncing such human rights violations, highlighting the disproportionate number of reports of CRSV against LGBTI+ people as compared to other conflict situations.<sup>12,42,60,61</sup> For example, the organization Caribe Afirmativo reports widespread arbitrary detention, sexual violence and torture of LGBTI+ individuals by the national police in Carmen de Bolívar between 2001 and 2004 with the objective of



punishing, humiliating and subordinating them because of their diverse SOGIESC. LGBTI+ people were often taken in groups and among the reported forms of sexual violence were forced nudity, anal and oral rape and forced witnessing of sexual violence of other LGBTI+ people.<sup>60</sup>

More recently, there have also been allegations of targeted violence including sexual abuse and arbitrary detention by Russian forces of Ukrainian citizens with diverse sexual orientation and/or gender expression.<sup>62</sup>

### ***In Situations of Displacement***

Systematic violence including CRSV against LGBTI+ persons has also resulted in their forced displacement.<sup>3</sup> For example in Colombia, the Victims Unit has registered 4,408 LGBTI+ people as victims of forced displacement.<sup>39</sup> In many cases, and reported particularly in Colombia, this takes place after direct intimidation and death threats by armed actors (often through the use of pamphlets with victims being explicitly told the number of days they have to leave the territory) but also following threats during their sexual victimization.<sup>63,64,iv</sup> LGBTI+ people in Iraq have also reported being threatened with death and forced to leave their homes by armed actors.<sup>3</sup> Transgender individuals can face additional difficulties when trying to leave conflict zones if their identity documents do not match their gender identity, as reported in the context of the 2014 conflict in Ukraine.<sup>65</sup>

To compound the issue, evidence shows that LGBTI+ people face heightened vulnerability to CRSV both during and after their displacement process in what has been referred to as a continuum of violence.<sup>5,66</sup>

The examples are countless. Rohingya men and boys with diverse SOGIESC have been subjected to sexual violence both in Myanmar by state security forces, non-Rohingya civilians, and Rohingya community members,<sup>43,67</sup> as well as in Cox Bazar following their displacement.<sup>43</sup> Similarly, LGBTI+ Syrians who fled to neighbouring countries such as Lebanon were

discriminated and subjected to violence, and in some cases were arrested and allegedly tortured by security forces while in detention.<sup>3</sup> The case of two Syrian gay men who were escaping persecution within their country of origin and were forced to undergo anal examinations by Lebanese Internal Security Forces illustrates the issue.<sup>68</sup>

In Kenya, transgender refugees camping in front of United Nations High Commissioner for Refugees (UNHCR) Kakuma refugee camp reported they were beaten by police officers and others and violently forced to expose their genitals and identify as either women or men.<sup>69</sup> Similar cases also take place in European host countries. For example, LGBTI+ refugees, asylum seekers and migrants in Italy have described being subjected to sexual exploitation by various perpetrators, including male and female clergy and Italian men and women.<sup>66</sup> Members of the LGBTI+ community have described being subjected to violence and abuse in refugee camps in Greece, Austria and the Netherlands.<sup>70</sup>

### ***Within the Ranks of Armed Groups and Armed Forces***

Not only LGBTI+ civilians but also combatants with diverse SOGIESC have been targeted for CRSV for 'correction' or punishment purposes.

The South African Truth and Reconciliation Commission, which investigated serious human rights abuses under Apartheid, reported allegations including that of a psychologist who used electric shocks on gay military men "*as part of a treatment for their 'gayness'*".<sup>71,v</sup> This and similar examples point to increased pathologization of diverse SOGIESC in highly militarized environments.

In Colombia, a study showed through qualitative interviews with LGBTI+ ex-combatants that sexual violence was used as a form of punishment within the United Self-Defense Forces of Colombia (AUC), the main paramilitary group until its demobilization in 2005, for deviation from heterosexual norms within its

<sup>iv</sup> In Colombia threats and forced displacement were the most frequently reported forms of violence against LGBT+ victims.

<sup>v</sup> As noted by the International Center for Transitional Justice (ICTJ), the South African TRC final report describes the use of electrocution to the

genitals against homosexual men in police detention and military hospitals but the commission failed to code it as sexual violence and code it only as "electric shocks". This exemplifies how the sexual component tends to be obscured when referring to men: ICTJ, *When No One Calls It Rape...*, *op. cit.*





ranks, and describes a case of gang rape against a lesbian combatant.<sup>72</sup>

In addition, among guerrilla groups, FARC-EP was known for holding a strict anti-LGBTI+ policy within the organization.<sup>72</sup> It is noteworthy how they even reported the sexual condition of combatants in the “guerrilla life sheets” (*hojas de vida guerrilleras*, in Spanish); men who were identified as gay within the ranks were categorised as “faggot” (*marica*).<sup>73</sup>

In Syria, GBT individuals who serve in the military have also been reported to be targeted by fellow soldiers because of their diverse SOGIESC, particularly those who were perceived as having feminine traits, in an attempt to correct them. Interviewees participating in research conducted by HRW spoke about harassment, rape and having “to act like a man” in order to keep safe.<sup>57</sup>

### Intersectional Vulnerabilities

Feminist scholar Kimberly Crenshaw coined the term ‘intersectionality’ thirty years ago. Crenshaw’s argument is based on the notion that, to wholly capture how the social world is constructed, there is a need to account for multiple identities. By analyzing violence against black women, she was able to identify intersecting patterns of racism and sexism.<sup>74</sup> In addition, Crenshaw argued that ignoring intragroup differences by not taking into consideration issues of class and poverty prevents an accurate analysis of the situation.<sup>75</sup> The value of the ‘intersectionality approach’ lies in the recognition of the impracticability to fully disentangle different relations of power, discourses and oppressive practices around issues such as ethnicity, gender, class and sexuality<sup>76</sup> and its usefulness in understanding coexisting and cross-cutting abuses.<sup>10</sup> Hence, an intersectional analysis that takes into account a person’s varied vulnerabilities, is needed to effectively prevent and respond to CRSV. These include not only sexual orientation, gender identity, gender expression and sex characteristics but also age, disability, ethnicity and socioeconomic status.<sup>29</sup>

The data reveals that not all LGBTI+ people are equally vulnerable to CRSV. Age and ethnicity have been noted as important factors.<sup>12</sup> In many contexts, LGBTI+ children and adolescents are described to be particularly vulnerable to CRSV as young age creates and increases vulnerability.<sup>12,46</sup> Similarly, LGBTI+ people perceived to belong to certain ethnic communities can also be at heightened risk of sexual violence as shown by the targeting of Rohingya people with diverse SOGIESC and of Afro-Colombian and indigenous LGBTI people in Colombia.<sup>67</sup>

In addition, the individual’s visibility of their diverse gender expression has emerged as one of the most significant aspects. For example, in some conflict contexts women with short hair and masculine appearance are often presumed to be lesbian and men with long hair are seen as ‘not manly enough’ and are considered to be gay. For example, In Iraq hairstyles which defy ideals around femininity constitute a punishable offence in what HRW has termed “the politics of hair”.<sup>51</sup> In 2020 an 18-year-old gay man was arrested at a checkpoint due to his long hair and accused of engaging in sex work. The victim said that police officers checked if he was wearing makeup by wiping a tissue paper across his face before taking him to the police station. While detained, he was subjected to sexual touching and humiliation and to forced anal examination<sup>51</sup>. Similarly, according to a key informant, in Syria a 11-year-old boy was sexually molested by members of Islamic State of Iraq and the Levant (ISIL) as a form of punishment for having long hair and considered to be gay based on his appearance.<sup>77</sup>

The recent final report of the Colombian truth commission states that CRSV against lesbian and bisexual women and transgender men is especially perpetrated when the victims’ gender expression is considered masculine by armed actors.<sup>12,46</sup> Invisibility thus may serve LGBTI+ people as a necessary survival measure in certain situations of conflict. Individuals have recurrently reported self-censorship of their diverse SOGIESC and in cases, including self-imposed lockdown. This is also explained in the pioneering work of Kasumi Nakagawa on gender-based violence



against sexual minorities during the Khmer Rouge regime in Cambodia from April 1975 to January 1979. In her study, all gay men reported suffering sexual violence as well as a large percentage of transgender women. In addition, LGBTI+ respondents reported having to hide their sexuality or gender identity for fear of being targeted. For transgender women this meant cutting their hair short, wearing pants and staying with other men.<sup>44</sup>

LGBTI+ individuals living in rural areas as well as those from lower socioeconomic backgrounds also seem to be at higher risk. For example, the Victims Unit in Colombia has reported the highest number of human rights violations against LGBTI+ people in departments with higher numbers of people living in rural areas.<sup>42</sup> In addition to villages being traditionally more conservative than urban areas, this could be linked to the issue of visibility. In places with lower population density, people who deviate from locally dominant cis/heterosexual norms stand out more. Similarly, those with limited economic resources might have less means to hide their diverse SOGIESC. For example, they might engage in work that exposes them more to the public such as sex work which particularly affects transgender women.<sup>1</sup>

Finally, it is important to note that the risk of sexual violence against individuals with disabilities has gained attention, particularly in non-conflict settings.<sup>78</sup> However, no studies or cases which shed light on the intersection of diverse SOGIESC and disability, in terms of a person's risk of exposure to CRSV, have been identified.

### Impacts of CRSV and Access to Healthcare

Pathologization, criminalization and demonization of diverse SOGIESC has contributed to LGBTI+ people's avoidance of health services. This has exacerbated their stigmatization and has turned them into a neglected group of healthcare consumers all over the world.<sup>79</sup> However, studies that discuss healthcare disparities among LGBTI+ individuals focus mainly on high income countries<sup>7, 18, 80</sup> and very few explore their access to healthcare in situations of conflict, displacement or post-conflict.<sup>1</sup> In recent words of the Norwegian Red Cross and the International

Committee of the Red Cross (ICRC) (p.23): *"little is known in humanitarian settings about the distinct challenges, in terms of access to appropriate services and support, faced by LGBTIQ+ victims/survivors of SGBV"*.<sup>47</sup>

In such contexts, where health infrastructures are weakened and humanitarian access is often limited, people with diverse SOGIESC face additional and mutually reinforcing barriers.

It is clear that LGBTI+ people face a myriad of forms of violence in conflict situations with multiple impacts. This study does not suggest that the consequences of CRSV on LGBTI+ people are more severe than others deriving from other forms of violence, as each individual experience is different. Rather it argues that, because of its nature and purpose, sexual violence can have differential and long-lasting impacts on these victims/survivors, which should be properly understood and addressed.

As all victims and survivors, LGBTI+ survivors also suffer serious immediate and long-term physical, mental health and psychosocial, and socioeconomic impacts. Physical consequences of sexual violence can include unwanted pregnancy, HIV and other sexually transmitted infections (STIs), sexual dysfunction, genital injuries, and chronic pain.<sup>81</sup> In addition, sexual violence can result in mental ill-health including suicidal behavior, depression, post-traumatic stress disorder (PTSD), substance abuse and other behavioural problems.<sup>81</sup> Loss of self-esteem, feelings of shame and self-blame have also been described as well as dilemmas and internal conflicts related to confusion or rejection of their identity.<sup>12</sup> As mentioned above, many LGBTI+ victims/survivors feel forced to conceal their sexual orientation, gender identity and/or expression to prevent further victimization.<sup>47, 51</sup> This comes at the expensive price of not being able to express who they really are, how they feel and to be able to openly belong to a community which inevitably carries serious mental health and psychosocial consequences such as depression, feelings of isolation and ostracization. A transgender woman who lived through the Khmer Rouge regime in Cambodia described this impact



(p.34): "I dared not to show that I was transgender. I need to hide it so that I can stay alive and survive. But it seemed to be staying in a prison without wall".<sup>44</sup>

Finally, LGBTI+ victims can also experience severe socioeconomic consequences. These are often linked to forced displacement and can manifest in difficulties to find a job or to continue studying and loss of support networks.<sup>12,47</sup>

Despite the extensive mental and psychological health needs that LGBTI+ victims/survivors may have, many do not trust these kinds of services because of harmful practices such as 'conversion therapy' and the way in which the psychiatric field has attempted to treat and 'correct' homosexuality.<sup>18</sup> A systematic realist review of healthcare interventions in low and middle-income countries for CRSV survivors conducted in 2020 identified 26 evaluations of interventions. Whilst nine of these studies included male survivors and 12 focused on female survivors, none focused on LGBTI+ survivors of CRSV.<sup>82</sup> Moreover, a 2017 review of existing literature on LGBTI+ people in conflict settings concluded that community-based medical programmes, specifically for LGBTI+ survivors of sexual violence, and psychosocial interventions in post-conflict settings are needed.<sup>4</sup> This may point to shortcomings related to the humanitarian and development sectors being built on and designed around the gender binary. Against this background, various scholars emphasize the importance of gender- and age-disaggregated data, which is not systematic in humanitarian practice, in order to begin to adequately evaluate the public health needs of LGBTI+ people in conflict contexts.<sup>10</sup>

Despite the lack of knowledge, some studies point to several consistent barriers and challenges in various conflict settings. Mandatory reporting requirements of sexual violence by healthcare providers can constitute an obstacle for healthcare uptake by LGBTI+ victims/survivors, particularly in countries where same-sex relations are punishable by law. These laws can cause health workers to refuse to treat gay and transgender patients, either fearing repercussions, or because the law legitimated their own prejudice.<sup>5</sup> These factors also hinder public health

policies and HIV/AIDS prevention efforts.<sup>13</sup> Mandatory requirements on healthcare providers to report sexual violence to the police or other public authorities can also deter victims/survivors who do not wish to pursue legal action, and may also conflict with principles of confidentiality, self-determination and may increase risks of further victimization.<sup>83</sup> Even in cases where there is no mandatory reporting, LGBTI+ victims/survivors may fear healthcare professionals breaching medical confidentiality around their experiences of sexual violence and/or their SOGIESC, which can put them at risk and result in stigmatization and violence by their families and communities.<sup>47</sup>

Lack of adequate medical and MHPSS services is influenced by rigid gender norms, but also lack of training and sensitivity towards the diverse needs of LGBTI+ people by healthcare personnel who often endorse and violently reproduce ideas around cis/heteronormativity, gender binary and gender stereotypes.<sup>7</sup> Negative perceptions and real attitudes and practices among healthcare providers discourage many LGBTI+ victims/survivors' access to care. A recent study on barriers faced by male victims/survivors of sexual violence in Afghanistan highlights that those with diverse SOGIESC experience increased fears of being sexually re-victimized by healthcare providers, which deters them from seeking care. The study also refers to the criminalization of same-sex consensual relations and internalized stigma and blame of victims/survivors among the barriers faced by this population in Afghanistan.<sup>84</sup> Meanwhile in Syria, while awareness among humanitarian actors on these issues has increased, sensitized targeted services for LGBTI+ survivors of sexual violence are very rare.<sup>85</sup> An extensive literature revealed that in Europe, refugees, asylum seekers and undocumented migrants are more vulnerable to sexual victimization than European citizens and they face more challenges when seeking care.<sup>86</sup>

For transgender men and non-binary individuals assigned female at birth, unwanted pregnancies can bring the added impact of resulting in, or aggravating gender dysphoria.<sup>87</sup> Moreover, they can face additional barriers in accessing safer abortions. There



is a lack of official statistics on the issue. However, the Trans Male Abortion Alliance of Colombia (ATAC) and the organization Profamilia recently conducted the first survey on access to abortion for transgender men and non-binary people. Of the 141 people interviewed, the study identified 14 who expressed having sought an abortion at some point in their life, but many were unable to access it.<sup>88</sup> They often feel forced to resort to unsafe procedures because of founded mistrust and fears of being discriminated against by healthcare providers, thus putting their lives at risk.

In other cases reported in Colombia, healthcare providers in public health centres have refused to perform abortions on transgender men, including cases of victims of CRSV. Part of the issue is the legal loophole that exists where terminology around the right to abortion refers explicitly to “women”, unlike for example in Argentina, where the law on the legalization of abortion refers to both “women” as well as “*people with other gender identities with gestational capacity*”.<sup>89</sup>

In recent years, the concept of ‘survivor or victim-centeredness’ has gained wider recognition, particularly at the international level. Survivor-centered responses for victims of CRSV were endorsed in 2019 by UN Security Council Resolution 2467, with States recognizing that the needs of survivors should be prioritized in prevention and response efforts.<sup>90</sup> However, what this concept means in practice for LGBTI+ victims/survivors, considering their multiple and very diverse needs, remains largely unexplored.

Notwithstanding, some promising practices have been identified, including some implemented by the International Red Cross and Red Crescent Movement. For example, in 2017 the Thai Red Cross created the first transgender-specific sexual health clinic with trained transgender personnel, to enable transgender persons to access health services, also providing medical and MHPSS services for sexual violence victims/survivors. For its part, the Nepal Red Cross society partnered in 2015 with Blue Diamond, a local LGBTI+ organization, to provide support and safe shelter specifically for transgender individuals to respond to their needs and reduce the risk of sexual violence.<sup>47</sup>

## CONCLUDING REMARKS

The contexts and particular cases of CRSV against people of diverse SOGIESC referenced in this study span across continents and time. The four imaginaries of cis/heteronormativity, gender binary and gender stereotypes that are evident across the data explain the neglect of LGBTI+ people as a category of people vulnerable to CRSV. However, the compiled evidence provides proof of the systemic instrumentalization of CRSV against LGBTI+ people by state and non-state armed actors to enforce gender and sexuality norms. Hence, there is a need to broaden and deepen this conversation in order to inform much needed action. Given how deeply rooted the gender binary, gender stereotypes and cisgender and heterosexual norms are in all spheres of life, this will be a laborious process that will necessitate a multi-sectoral approach at the international, regional and local level.

This study shows that CRSV against LGBTI+ people is under-researched and victims have been overlooked with devastating consequences. However, it should be noted that there are certain conflict situations and certain groups within this population whose experiences are more invisible than others. The analysis presented is based on available data which inevitably means that more information is discussed in relation to certain groups and contexts, such as the Colombian armed conflict or the experiences of gay men and transgender women.

Culturally-competent research, which takes into account the culture and diversity of these populations when designing and conducting research, must continue and be deepened and expanded in these cases. However, survivor-centered studies are urgently needed into the even more neglected experiences of transgender men, bisexual and intersex individuals<sup>40</sup> the experiences of females with diverse SOGIESC (with regards to whom a particular research gap has also been identified)<sup>36</sup> and non-binary individuals as well as LGBTI+ people living with disabilities.

Given the historical silencing and invisibilization of LGBTI+ people as victims of CRSV, more research is needed to assess the scale of this form of violence to inform policy. Similarly, more studies on the needs



and wishes of these populations in accessing healthcare and other responses such as protection, livelihood support, justice or education, along with better documentation and research into promising practices at the local level, are needed to inform survivor-centered programming.

Efforts to better respond to this issue will benefit from consultations with LGBTI+ survivors, where safe and appropriate, as well as research partnerships with national and local community organizations which can be beneficial to inform safe, respectful and context-specific research approaches that truly put LGBTI+ victims/survivors of CRSV at the centre.

Although this study does not provide conclusive answers it offers much to consider particularly in light of the four imaginaries. Some of the questions which arise and could be addressed in future discussions and research include:

- 1) What do the results of this study mean for current, broad, international agendas to reduce gender-related violence within conflict settings?
- 2) How can data collection be improved to enable a better understanding of the issue,

the realities of individual groups within the LGBTI+ community and their intersecting vulnerabilities?

- 3) How can primary research be conducted in a survivor-centred way that guarantees the safety and security of victims and of the LGBTI+ community in each context, particularly where discriminatory legal frameworks continue to be in place?
- 4) To what extent are interventions for CRSV survivors trauma-informed, and how does the definition of 'trauma-informed' take into account the diversity of survivors, if at all?
- 5) How can development and humanitarian sector responses on CRSV move beyond the gender binary and become more inclusive and specialized?

Many questions remain yet one thing is clear: LGBTI+ people are at heightened risk of sexual violence in situations of conflict and this can no longer be ignored. Recognition by the international community of this issue is imperative in order to begin to dismantle the four imaginaries and to sensitize the whole of society while contributing to the individual and collective healing journey of those affected.



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