



## Sexual minorities in conflict zones: A review of the literature



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### ABSTRACT

In civil and ethnic conflict, sexual minorities experience a heightened risk for war crimes such as sexual violence, torture, and death. As a result, sexual minorities remain an invisible population in armed conflict out of a need for safety. Further study of sexual minorities in conflict zones confronts matters of human rights, war crimes, and the psychosocial effects of war. This article reviews the existing research on sexual minorities in conflict zones, examines the findings on human rights, war crimes, and the psychosocial effects of war and violence on sexual minority populations, and reviews the barriers to effectiveness faced by intervention programs developed specifically to aid post-conflict societies. The article concludes with a summary of findings within the literature and further considerations for research on aggression and violent behavior with sexual minority groups in conflict zones.

In March of 2012, in an address to the Human Rights Council, United Nations Secretary-General Ban Ki-moon noted that “some say that sexual orientation and gender identity are sensitive issues. I understand. Like many of my generation, I did not grow up talking about these issues. But I learned to speak out because lives are at stake, and because it is our duty under the United Nations *Charter* and the *Universal Declaration of Human Rights* to protect the rights of everyone, everywhere” (United Nations, 2012). The Secretary-General’s comments resonate in two important ways. The first in the stated recognition that, internationally, lesbians and gay men are the victims of systematic human rights violations with greater frequency than heterosexual persons throughout the world (Ellis, 2001; Sanders, 1996; Wilkinson & Langlois, 2014). And, as Ellis (2001) noted, these violations are not restricted to physical violence but extend to all of the protections which are purportedly guaranteed by the *Universal Declaration of Human Rights* and which are upheld in no country to the degree that they are for heterosexual or cis-gendered persons. Secondly, to recognize the degree to which sexual minorities are marginalized generally contributes directly to specific incidence and prevalence of targeted violence and marginalization during times of conflict, such as war, military actions, forced migration, or civil unrest (Cohen & Nordås, 2015; McQuaid, 2014; Oosterhoff, Zwaikken, & Ketting, 2004; Sharoni, 2012; Wood, 2014).

As Bastick, Grimm, and Kunz (2007) noted, information and research on sexual violence perpetrated during conflict situations is “scarce, scattered and selective” (p. 7). Throughout the world, policy makers, activists and local, non-governmental or humanitarian groups

have a consistent need for better documentation of sexual violence in conflict zones. Moreover, as Alison (2007) noted, the degree to which human rights abuses and targeted sexual violence is itself under-reported due to sexual and gender-based inequalities and is in need of re-theorization by researchers contributing to the literature at the intersection of human rights, gender, and conflict. Thus, in order to echo Secretary-General Ki-moon’s statements and increase these two important recognitions, the purpose of this paper was to systematically review the literature on reported violence to sexual minorities in conflict areas and address three important areas: 1) the degree to which such human rights violations against sexual minorities are perceived within the conflict areas; 2) address gender inequity in the perception and reportage of incidents; and 3) contribute to a general call for research in this area to enable policy makers, advocates, and activists to promote and protect the lives of those impacted by human rights violations and targeted violence.

### 1. Defining sexual minority human rights violations in conflict zones

As West (2013) noted, “human rights reports have become key sources for the documentation of sexual and gender-based violence during wartime, however the circular relationship between scholarly, charity and policy discourse which can frequently be seen to endorse an essentialized image of women as victim in wartime” (p. 112). Human rights laws generally do not take a ‘sex-neutral’ approach to measurements (excluding men as victims); there is better recourse to be found in

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international criminal and humanitarian law, which are worded vaguely enough to include men as potential victims (Lewis, 2009). Often accompanying systematic and endemic sexual torture is the absence of fear on the part of the perpetrators that their crimes will be punished. This is due to breakdowns in the legal and social system and because survivors often fail to report due to stigma or further abuse. International and national legal bodies attempt to persecute to counter these effects (Oosterhoff et al., 2004).

Repercussions of having global civil society agents representing the marginalized or voiceless sexual minorities in other cultures include the assumptions of ‘belonging’ from the perspective of the ‘center’; ‘we think they are like us’ as ‘we’ represent other people’s causes. Scholars in the area of human rights abuses that target sexual minorities suggest that as a result, ‘we’ re-present sexuality in terms that we understand as they apply to ‘us’, not from local context (Lewis, 2009; Oosterhoff et al., 2004; Seckinelgin, 2012; West, 2013). As an example, a Malawi couple that was persecuted (and released later) was framed in international discourse as a gay couple, when in actuality one of the individuals presents as female and identifies as female – the act subsumed transgender or gender identity in favor of the politics of sexual orientation (Seckinelgin, 2012). International legal standards created legal protections for women on the basis of gender, but not for women/girls targeted because of their sexual orientation. References to sexual orientation are often not included in human rights texts (Haley-Nelson, 2005).

In 2001, Amnesty International made the following ten recommendations to curb targeted violence against women and sexual minorities:

1. repeal laws criminalizing homosexuality
2. condemn all torture, no matter who the victim
3. provide safeguards in custody for LGBT
4. prohibit forced medical treatment
5. end impunity
6. protect LGBT population from violence in the community
7. refugee protection for those fleeing torture based on sexual identity
8. protect and support LGBT defenders
9. strengthen international protection (this was provided with a list of instruments that should be ratified)
10. combat discrimination

Despite these recommendations, as of 2005, no international human rights text, treaty, or declaration “explicitly confirms non-discrimination in human rights on the basis of one’s sexual orientation, nor affords a right to be free from violence directed against them based on their sexual orientation” (Haley-Nelson, 2005, p. 164). This policy stance leaves lesbian women with the gender ‘recourse’ in human rights protections, which only address some of the reasons that a woman is attacked – those who are targeted based on their sexual orientation. Haley-Nelson (2005) goes on to state that “lesbians face two overlapping levels of marginalization and discrimination, based on gender and sexual orientation, making them particularly vulnerable to sexual human rights violations” (p. 165). Since the enactment of United Nations Security Council Resolution 1325 women are still less represented at the peace tables, and as such lesbians are not likely to be included: due to shame from their communities/lack of acceptance in more intolerant countries or discrimination. Human rights violations of women who sexually non-conform are documented by independent experts appointed by the Commission on Human Rights and Special Rapporteur on Violence Against Women, Extrajudicial Executions, and Torture and the United Nations Special Rapporteur on Violence Against Women. As Haley-Nelson (2005) noted, “women who choose to live out their sexuality in ways other than heterosexuality, are often subjected to violence and degrading treatment” (p. 163).

## 2. Problems of definition

As noted by Richter-Montpetit (2016), instances of toxic homophobia, misogyny and masculinity are prevalent in nationalist, imperialist and militarist movements, indicating deep-seated beliefs that the female body is inferior, weak, and profane. Sexualized violence against women (and men) attests to this in wartime when feminizing and homophobic rhetoric is used against the opposing or minority ethnic community to remove power and instill fear. As people are exposed to or experience violence targeting gender beyond that of ‘female’. Sexual violence includes men and sexual minorities on the basis of sexual orientation and gender identity. Sexual violence directed at men includes attacks against ‘perceived, imputed, and actual sexuality’ (Lewis, 2009). In conflict-affected countries, masculinized discourse, feminine stereotypes, and the criminalization or discrimination against same-sex behaviors leads to a lack of reporting by male victims from fear of social stigma. Humanitarian aid workers fail to recognize male sexual violence in armed conflict, defining it as ‘torture’ versus sexual violence. Warring factions use sexual violence against males to control, emasculate, feminize, and create doubts of heterosexuality (Sivakumar, 2007).

Definitions of sexual violence in international bodies create exclusion and inclusion criteria that do not include perceptions of, or a person’s sexuality (Lewis, 2009). Acts of violence against men, women, and transgender are called or named differently: ‘rape’ versus ‘torture’, creating a reality where violence against women is seen as ‘sexual’ instead of ‘torture’ and where sexual violence against men is condemned as ‘torture’ in non-sexual terms (Petchesky, 2005). The conflation of ‘women and girls’ with ‘gender’ is reflective of a narrow understanding of gender violence and results in the binary gender categories that dominate the rights-based discourse of post-conflict transformation. As West (2013) states, “dominant humanitarian discourses can be seen to have sanctioned discussion of certain types of sexual and gender-based violence and silenced others” (p. 110), ignoring the possibility of gendered violence towards men and boys.

Male victims of sexual violence (including but not limited to sexual minorities) and sexual minority females both encounter barriers in humanitarian discourse and law. Men are excluded as a ‘class of victims’ of sexual violence in armed conflict (Lewis, 2009). The Beijing Platform for Action (United Nations, 1995) and the Vienna Conference of Human Rights (United Nations General Assembly 1993) began addressing the fact that women are disproportionately affected as victims of torture and sexual violence, and that as such, they should be afforded bodily integrity rights (Petchesky, 2005). In the time period since Beijing, however, we’ve seen that women also serve as perpetrators of sexual torture and violence, as with Abu Ghraib, Guantánamo, and Gujarat, and that men are also victims of sexualized violence, torture, and abuse, as seen in Croatia (Oosterhoff et al., 2004). Sexual violence against men and transgendered individuals during armed conflict is more regular than it is reported (Menon, 2013).

Men are not the only group excluded from discourse on sexual violence, torture, and abuse. While women are routinely included as victims of sexual violence, torture, and abuse in humanitarian discourse and law, it leaves lesbian women with only the gender recourse in human rights protections. Gender may be only one reason that a woman is attacked; this ignores those women targeted for violence based on their sexual orientation, not gender. It is suggested that international bodies should consider amending sexual violence definitions that do not include perceptions ‘of or a person’s sexuality’ in order to address the prejudicial conceptions of gender, sex, and homosexuality that exist in locations of homophobic violence. Petchesky (2005) suggests that the categories of sexual identities need to be broken out of the traditional binaries of male/female, homosexual/heterosexual in order to develop an understanding that sexual orientation is separate from gender identity, while also intersecting with it.

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