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**DISSERTATION THESIS**

**Not Just Women and Girls: The Impact of the Gender Binary Distinction on Male  
Gender-Based Violence in the Balkan Context**

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**Athena Hantzaridis**

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This dissertation is dedicated to all survivors of sexual violence or assault.

## **Abstract**

The sexual gender-based violence employed in the Western Balkans throughout the wars of the early 1990s left thousands of survivors, both male and female. However, despite changing attitudes toward gendered attributes and evidence highlighting the nondiscriminatory nature of sexual violence, the feminine identity continues to serve as the archetype for victimization in survivor rehabilitation and public policy. This paradigm teaches that victimization and vulnerability to sexual violence are exclusive to female bodies, inherently ignoring other bodies, such as males, that remain susceptible to such violence. This exclusion leaves male victimization under-reported, under-researched, and lacking in advocacy efforts. An analysis of the physical and psychological impact of male victimization highlights the ungendered nature of sexual trauma. This dissertation explores the inaccurate and harmful exclusion of male victimization in gender-based violence and its impact on male survivors, using secondary sources analyzing the wars of the former Yugoslavia in the early 1990s through social and cultural discourse analysis. By recounting the lack of institutional and medical resources available to male survivors, this project highlights the need for a comprehensive survivor-centered approach to survivor treatment and public policy. Through a gender-sensitive understanding of victimization and gender-based violence, justice and adequate assistance can be provided to all survivors.

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## **Introduction**

Among the many horrors of war such as death, destruction, and starvation, the phenomenon of gender-based violence is one of them. While sexual gender-based violence has historically been a predominant tactic of war dating as far back as the 5th century AD, the study of this phenomenon is fairly recent. Before the twentieth century, historians and academics viewed sexual violence such as rape as a certainty of war (King and Greening, 2007). From the sexual slavery of “comfort women” in China and Korea by Japanese soldiers to the rape of German women and girls by Soviet Troops in World War II, blame for these horrendous acts was frequently put on the ravenous and unstoppable sexual appetites of male soldiers (Oosterhoff, Zwanikken and Ketting, 2004). It was not until the latter half of the twentieth century that the sustained prevalence of sexual violence was viewed through the lens of gender binary distinction and gender inequality. Gender-based violence is defined by the UN Refugee Agency as harmful acts carried out against an individual based on their gender (UNHCR, 2021). The study of this phenomenon became prevalent in the international community in hopes of understanding and decreasing this preventable and ongoing human rights violation. With women and girls disproportionately affected by this type of violence, international and feminist research centered on this population and the use of the feminine identity as a weapon. It became understood that implications of the gender binary distinction, by which the female gender is hinged on peacetime notions of purity, chastity, and an overall need for protection, could be weaponized to destroy a population (Turshen, 2000). Where the social and economic status of a woman relies on her reproductive value, the sexual violation of a woman through interpersonal violence can render her unable to exist in her current society. The loss of her perceived purity can result in severe communal exclusion and an inability to marry. The loss of marriage eligibility for many women can result in an inability to own land, contribute to the local economy, or collect income, rendering her unable to independently exist within her surrounding culture (Turshen, 2000). When this interpersonal violence is escalated and used on a massive scale in war, this can render an entire population of women unable to exist in their society, destroying the foundation of vulnerable communities (Turshen, 2000).

Contemporary conflicts in the Western Balkans, the Democratic Republic of the Congo, and Rwanda brought the issue of gender-based violence to the forefront of the international

research community. Sister tribunals at the Hague, The International Criminal Tribunal for the former Yugoslavia (ICTY), and the International Criminal Tribunal for Rwanda (ICTR) saw some of the first prosecuted cases on gender-based violence. These landmark prosecutions would change the landscape of international law on sexual violence, setting international standards and calling further attention to the issue. Exemplified by these tribunals was the versatility of gender-based violence, a mechanism that can be used to achieve a variety of aims. During the 1994 genocide in Rwanda, gender-based violence was used against Tutsi women by the Hutu militia as a form of torture and as a reward for Hutu soldiers, routinely followed by execution (Weitsman, 2008). Alternatively, gender-based violence was weaponized as a mechanism of ethnic cleansing in the wars of the former Yugoslavia. Often this sexual violence took the form of forced impregnation and became a central tactic for Serbian forces against the Muslim population of Bosnia and Herzegovina (Salzman, 1998). This gender-based violence was committed with the aim of introducing Serbian paternity into the Muslim community to dilute the Muslim population and increase the Serbian population (Salzman, 1998). The investigation and conclusions presented by the Sister tribunals revealed that gender-based violence as a mechanism of genocide could take many forms despite striking similarities at the core of the violence. Still, there remained gaps in knowledge regarding victimization, with particular victim populations overlooked, misunderstood, and lacking advocacy (Turchik, Hebenstreit and Judson, 2015).

## **Methodology**

### **Personal Motivation**

This dissertation seeks to explore the inaccurate and harmful exclusion of male victimization in gender-based violence. Using the conflicts of the former Yugoslavia in the early 1990s, gender-based violence as a mechanism for ethnic cleansing is understood through the lens of female and male victimization. This dissertation recounts the physical and psychological impact of male victimization in the Western Balkans, the lack of institutional and medical resources that were available to male survivors, and the lack of acknowledgment of this experience by the international community. Key to understanding what occurred in the Western Balkans are the societal and institutional mechanisms that created the environment by which

male victimization continues to be overlooked, invalidated, and excluded from academic and public discourse. Lastly, this dissertation proposes a comprehensive survivor-centered approach that employs a gender-sensitive understanding of victimization and gender-based violence, aiming to provide justice and adequate assistance to all survivors.

## **Research Methods**

Using secondary resources through a social cultural approach to discourse analysis, this dissertation seeks to understand male victimization regarding gender-based violence in the Western Balkan context. According to the European Commission, gender-based violence is defined as “violence directed against a person because of that person's gender or violence that affects persons of a particular gender disproportionately” (European Commission, n.d.). This violence can include physical, sexual, or psychological harm to an individual, which can be employed on an individual or systemic level (European Commission, n.d.). Throughout this dissertation, gender-based violence will refer to sexual violence inflicted systemically and on a large scale. In addition, the terms rape and sexual assault will be used interchangeably. Lastly, for the purposes of this dissertation, gendered terminologies such as male and female will refer to the sex of an individual assigned at birth and assume a cis-gendered gender identity. This dissertation does not explore the nuance of trans or non-binary victimization, which remains misunderstood and under-researched.

Through a social cultural approach to discourse analysis, this dissertation explores the impact gender-binary distinction on legal, non-government organization, and medical systems regarding male victimization and gender-based violence. The interaction between language, societal constructs, and institutional support systems are explored and supported through secondary research analysis. I argue the gender binary distinction plays a key role in the construction of public opinion and societal beliefs within the Western Balkan context. These societal beliefs and opinions are essential to the misunderstanding and exclusion of male victimization in gender-based violence survivor treatment, discussion, and policy. Secondary sources employed throughout this study highlight the physical and mental consequences of exclusion for survivors across the gender spectrum. Lastly, this dissertation seeks to recommend



changes in the medical, institutional, and public policy levels regarding survivor treatment, language employed, and education surrounding gender-based violence.

## **Secondary Sources**

This dissertation uses secondary sources regarding the conflicts in the former Yugoslavia from 1991-1995 to analyze male victimization in the Western Balkan context. The breakup of the Socialist Federal Republic of Yugoslavia, consisting of Bosnia and Herzegovina, Croatia, Serbia, Slovenia, Montenegro, and Macedonia began in 1991 and resulted in conflicts between the newly independent republics (United Nations International Criminal Tribunal for the former Yugoslavia, 2017d). This dissertation focuses on the conflicts between Croatia, Serbia, and Bosnia and Herzegovina, concluding in 1995 with the Dayton Peace Agreement (Amt, 2022). During these conflicts, many male soldiers and civilians were subject to gender-based violence primarily taking place in detention centers upon capture (Loncar, Henigsberg and Hrabac, 2009).

The primary focus of this research is to analyze male victimization through gender-based violence as well as the impact of the gender binary distinction on institutional and societal support for male survivors. This dissertation employs secondary sources which have collected data from individual survivors, healthcare facilities, and organizations in the Western Balkans including Croatia and Bosnia and Herzegovina regarding male and female victimization. These sources provide data regarding violence experienced, trauma symptoms, media reactions, and obstacles to receiving healthcare and institutional support. These sources were obtained through library databases and other reputable online sources.

In a study conducted by Loncar, Henigsberg, and Hrabac 60 Croatian or Bosnian male victims of sexual violence were interviewed to define the key attributes of sexual abuse of men in war and to understand the mental health consequences of sexual violence in male survivors (Loncar, Henigsberg and Hrabac, 2009). Janine Clark provides first-hand accounts from 10 men imprisoned at Čelopek camp. These interviews describe the conditions and violence experienced at Čelopek camp, as well as the impact of the trauma on their mental health (Clark, 2017). Karen Engle provides an analysis of the media within the Western Balkans, specifically Croatia, and Serbia, comparing the reaction and publications surrounding male and female victimization respectively (Engle, 2005). Anna Gopsill identifies research gaps regarding male victimization in Bosnia and Herzegovina (Gopsill, 2020). In a study conducted by Oosterhoff, Zwanikken, and

Ketting, the testimonies of 16 health professionals and data from three centers providing care to refugees and survivors of torture in Croatia highlights the survivor experience as well as attitudes regarding male victimization among healthcare workers ((Oosterhoff, Zwanikken and Ketting, 2004). Lastly, the All Survivors Project provides recommendations for survivor treatment and rehabilitation, focusing on male victimization in Bosnia and Herzegovina and Sri Lanka (Withers and All Survivors Project, 2017).

### **Gaps in Knowledge**

With estimates of female sexual violence victims in Bosnia ranging from twenty thousand to fifty thousand women (Boose, 2002), it is not surprising the amount of media and scholarly attention this population received. Following international media attention shining a light on the violence taking place in the former Yugoslavia, female survivors in refugee camps found themselves inundated with reporters requesting insight into the horrors they experienced as gender-based violence survivors (Engle, 2005). However, this sense of urgency and attention was not extended to all gender-based violence survivors throughout the Western Balkans. Despite rumors of male rape and sexual violence taking place in detention camps across the former Yugoslavia beginning as early as 1991, male survivors found themselves overlooked, neglected, and ignored (Loncar, Henigsberg and Hrabac, 2009). Exact estimates of how many men experienced sexual violence in the former Yugoslavia remain unreliable due to underreporting. However, statistics highlighting the prevalence of sexual violence in specific areas, such as in the Sarajevo canton where 80% of male detainees identified themselves as survivors of sexual violence (Gopsill, 2020) provide insight into the widespread nature of the violence. Despite gender-based violence against males taking place on all sides of the conflict, disproportionately impacted by this violence were Muslim men held prisoner in Serbian detention camps (Olujic, 1998). According to reports and first-hand accounts, male prisoners were subject to various forms of sexual violence at the hands of detention guards such as castration, rape, and blunt trauma to the genitals (Loncar, Henigsberg and Hrabac, 2009). While this sexual violence served to humiliate and dehumanize prisoners, its intended purpose was ethnic cleansing through loss of fertility. By rendering large quantities of Muslim men of reproductive age unable to reproduce, compounded by the forced impregnation occurring in Muslim women's camps and forced mass exodus, Serbian forces aimed to create a mono-ethnic state (Boose, 2002). Despite the

prevalence of this violence throughout the wars of the former Yugoslavia, male victimization was widely unreported and unacknowledged by Balkan society and the media (Moser and Žarkov, 2005, pp.69–82). Many survivors found themselves without adequate mental healthcare due to prejudice and an overall lack of knowledge within the field. Others suffered due to a lack of regional and local institutional support, unable to receive welfare due to legal inconsistencies and burdensome application requirements.

The phenomenon of gender-based violence against male bodies is often glossed over by the media and academics alike. This ignorance is rooted in social constructs such as rape myths and gendered attributes perpetuated by the gender binary. Myths such as a male's inability to be raped and homophobic implications following male victimization serve as prime examples of inaccuracies surrounding the phenomenon that is embedded in many societies. Academic research, international reports, and survivor testimony tell a drastically different story than that of rape myths. Sexual violence in war has never been exclusive to female victimization and continues to impact men and boys around the world. Male victimization and the weaponization of the male identity manifests similarly to that of female victimization as both are hinged on a rigid gender binary. Through gender-based violence, men are violated and therefore victimized, stripped of their masculinity by which their emasculation begins their feminization. Where gender is understood through highly gendered attributes, victimization is deemed a feminine characteristic. Within a society that values and perpetuates hegemonic masculinity, male victimization is an oxymoron because “real” men would not allow themselves to be sexually violated or be in a position to become a victim, no matter the circumstance. As the gender binary does not allow for deviation and victimization is a feminine attribute, these male victims and survivors are inherently feminized. This is emasculation and the shame attributed to male victimization is intended by perpetrators of sexual violence. This shame prevents survivors from seeking the physical and psychological assistance they often require, which can result in severe isolation and an inability to exist within their community. The ignorance and misinformation surrounding male victimization have far-reaching and significant consequences for male survivors as well as all survivors of sexual violence.

## **Research Value from Secondary Sources**

The gender binary is deeply ingrained, if not integral, in the perpetuation of sexual gender-based violence. Historically, the concept of gender is correlated with the social distinctions placed on individuals based on age, religion, nationality, ethnicity, and socioeconomic background (Manos, 2022). These social distinctions shape how individuals are viewed and interacted with in a specific community, and present nuance in the face of a traditional gender binary (Manos, 2022). However, within the gender-based violence space, verbiage, policy, and advocacy tend to center on those who were assigned female at birth. Through this lens, the feminine identity serves as the archetype for victims. We see this through the feminization of male victims and survivors and the homosexual implications they face. Thus we are presented with a cycle that perpetuates the gender binary by which women are inherently victims, despite other socioeconomic factors. This paradigm teaches that victimhood and vulnerability to sexual violence are built-into female bodies, presenting sexual violence as almost a certainty of female existence and leaving them at further risk of sexual violence. Furthermore, to gender victimization by sexual violence as a feminine attribute ignores other bodies, such as males, that remain susceptible to violence. This exclusion leaves male victimization under-reported, under-researched, and lacking in advocacy efforts. A lack of understanding is then further ingrained in society, leaving male victims with increasing obstacles to overcome when speaking out, receiving care, or existing within their current society.

## **Literature Review**

Gender-based violence can be defined as the use of sexual and physical violence against individuals by armed groups during a conflict in the context of institutional policies and decisions (Meger, 2011). While rape as a weapon of war has been present throughout all of history, it is only in recent years that we have begun to understand that rape can be used as a means of political and economic violence, rather than strictly interpersonal violence (Turshen, 2000). The widespread use of gender-based violence as a weapon of destruction is now recognized as a prominent feature in contemporary conflicts (Merger, 2011). Within the academic and international space, gender-based violence has widely been considered an issue pertaining solely to women. This is due to, in part, that women and girls constitute the majority

of gender-based violence victims and survivors. Gender-based violence as a weapon of war can be perpetrated in a variety of contexts and, concerning female victims and survivors, is grounded in peacetime meanings of sexuality and the reproductive value of women (Olujic, 1998). Patricia Weitsman argues in her article on the relationship between identity and sexual violence that “a woman’s identity never really stands alone; it is always juxtaposed by her sexual relationships with men, whether coercive or consensual” (Weitsman, 2008). This can be understood through the objectification of women by gendered concepts of virtue, virginity, and family honor established during peacetime by patriarchal societies (Olujic, 1998). These gendered concepts leave communities vulnerable to gender-based violence, which weaponizes these ideas to harm individuals physically and psychologically. Men in these societies are viewed as the protectors of “feminine” values and sexuality, which is rooted in the belief that a woman is only as good as her productive and reproductive labor power. Through the weaponization of these values, gender-based violence uses sexual violence to humiliate and devalue the victim, and by extension their family (Olujic, 1998). In the process, this violence strips women of their political, economic, and social assets (Turshen, 2000). Male family members, in contrast, are humiliated by their inability to protect their female kin and the consequential devaluing of their bloodline (Olujic, 1998). This strips them of their masculinity, which is of the utmost importance in these societies.

### **Historical Examples**

Gender-based violence is not a practice exclusive to any geographical area, ethnic group, or period. The history of sexual violence as a tactic of war or to accomplish political goals is extensive, dating as far back as the “rape of the women” when Rome was founded (King and Greening, 2007). During what many scholars have nicknamed the “genocide century” or the twentieth century, rape was “a weapon of choice” and served as a “constant” for soldiers (King and Greening, 2007). We see this through the “Rape of Nanking” in China during World War II, the rape of Jewish, Roma, and Soviet women by Nazi forces, or the rape of Italian women at the hands of Moroccan mercenaries (King and Greening, 2007). These examples offer only a fraction of the use of rape over 100 years. This weapon has proven versatile as it can be used in various contexts to achieve similar results. During the Rwandan Genocide of 1994, gender-based violence was used as a means of torture by rebel Hutu forces against the Tutsi population

(Weitsman, 2008). The conflict, which took place from April 7th to July 15th of 1994, resulted in a 75% drop in the country's Tutsi population (Weitsman, 2008). Sexual violence and mutilation were used on a massive scale as a means of torture before execution and as a reward for Hutu soldiers. An estimated 90% of surviving Tutsi women experienced this violence (Weitsman, 2008). In Nigeria, the Islamic militant group Boko Haram uses gender-based violence through forced maternity to grow their group's numbers (Turshen, 2000). Boko Haram made international headlines in 2014 for the Chibok Kidnapping, in which 276 female students were abducted from their boarding school. The victims were subject to sexual torture, forced marriage, and forced maternity (Turshen, 2000). Roughly two-thirds of the captured girls were able to escape or were rescued, many of whom were pregnant or had given birth (Turshen, 2000). The Chibok survivors, along with other Boko Haram survivors have faced extreme ostracization upon reintegration as many regard them as 'Boko Haram Wives' and loyal to the group terrorizing Nigeria. The marginalization of these women and their children has been attributed to the disintegration of many Nigerian communities (Turshen, 2000). Additionally, gender-based violence was a prominent aspect of the Second Congo War that began in 1998. Analysis showed that 70% of the rapes committed during the conflict were preplanned with the specific aim of terrorizing Congolese women and destroying the communities they belonged to (Merger, 2011). The threat of gender-based violence persists in current conflicts. Following the Russian military invasion of Ukraine on February 24, 2022, there have been reports of rape in "Russian-controlled areas" by Human Rights Watch and the Ombudsman and Ministry of Interior of Ukraine (Gender-Based Violence Area of Responsibility, 2022). In a 2022 report by the United Nations Populations Fund, key vulnerable groups for conflict-related gender-based violence included those trapped in areas with ongoing military operations, those with disabilities particularly disabilities that render them immobile, and women supporting the Ukrainian repose as soldiers or healthcare workers (Gender-Based Violence Area of Responsibility, 2022).

Gender-based violence can also include sexual torture, which has serious mental, physical, and sexual health consequences for the victim or survivor. Regional and international law regarding sexual torture is a culmination of decades of evolving policy. Before World War II, sexual torture and violence were considered "inevitable by-products of war", which is highlighted by the lack of convictions concerning this violence at the Nuremberg Trials (Oosterhoff, Zwanikken and Ketting, 2004). In 1949, wartime sexual violence was addressed by

international law at the Geneva Conventions on the Protection of Civilians in Time of War. The creation of Protocol II of the Geneva Convention explicitly outlawed “outrages on personal dignity” with particular mention of “humiliating and degrading treatment” including rape, enforced prostitution, or any form of indecent assault” (Oosterhoff, Zwanikken and Ketting, 2004). In 1984 at the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, a definition of sexual torture was outlined in Article 1. This article stated that a given act can be defined as torture when it: causes severe mental or physical suffering, is inflicted with the constant of any person acting in an official capacity and is committed to obtain information, as punishment, intimidation, or coercion (Oosterhoff, Zwanikken and Ketting, 2004). This article, however, does not explicitly mention sexual violence as a form of torture. While sexual violence during armed conflict can be random, in many cases the violence is an organized effort by an entity to future political or military aims (Oosterhoff, Zwanikken and Ketting, 2004). Data has shown that sexual torture usually occurs after arrests and round-ups of a local population, taking place during the first week of detention (Oosterhoff, Zwanikken and Ketting, 2004). Marginalized groups and ethnic minorities are particularly vulnerable to sexual torture, as sexual violence can be used as a means of terrorizing and controlling a population (Oosterhoff, Zwanikken and Ketting, 2004). Despite the prevalence of systematic sexual violence, neither the Nuremberg Trials nor the Tokyo Tribunals, two major international tribunals, drastically changed the landscape of international law concerning the practice (Oosterhoff, Zwanikken and Ketting, 2004). While it can be argued that progress was made before the International Criminal Tribunal for the former Yugoslavia and International Criminal Tribunal for Rwanda respectively, Kimi Lynn King and Megan Greening argue “the culture of impunity surrounding sexual violence” continued until the conflicts in the Western Balkans and Rwanda (King and Greening, 2007).

### **Theory Regarding Sexual Violence**

Despite evidence that men are susceptible to sexual violence, the historical approach within the research space has focused on the notion that sexual assault “equals a male perpetrator and a female victim” (Turchik, Hebenstreit and Judson, 2015). Examples of this can be found in evolutionary psychology theory, biological theory, and feminist theory. Within the evolutionary psychology theory of sexual offending, experts believe sexual coercion tactics are a set of

evolved mechanisms developed to solve “adaptive problems necessary for survival in ancestral environments” (Turchik, Hebenstreit and Judson, 2015). In Randy Thornhill and Craig T. Palmer’s controversial book *A Natural History of Rape*, it was argued that sexual violence could be an involved adaptation “that was directly favored by selection because it increased male reproductive success” (Turchik, Hebenstreit and Judson, 2015). Other arguments suggest that sexual violence and coercion may be “used as an immediate mating opportunity” or that “sexual and nonsexual aggression is used to increase future opportunity and decrease the opportunity for women to mate with other men” (Turchik, Hebenstreit and Judson, 2015). Turchik, Hebenstreit, and Judson highlight that within all of these hypotheses “aggressive copulatory tactics” are male characteristics. Barry M. Maletzky critically notes that evolutionary models of sexual aggression “do not account for male victims” (Turchik, Hebenstreit and Judson, 2015). Some studies using neurobiological and biological models have attempted to understand whether or not sexual offenders have neurobiological and neuropsychological impairments that predispose them to commit this type of violence. While these models “do not appear to assume the gender of the offender or victim”, it is important to note that these studies were conducted mainly on male offenders (Turchik, Hebenstreit and Judson, 2015).

Feminist theory on sexual violence, while multifaceted, typically hinges on the following assumptions, according to Turchik, Hebenstreit, and Judson: rape is primarily associated with power and not primarily motivated by sexual desire, rape is associated with gender disparities in social status and power, and exposure to violence against women increases the male tendency to rape (Turchik, Hebenstreit and Judson, 2015). In Susan Brownmiller’s 1975 bestselling *Against Our Will: Men, Women, and Rape*, she argues that rape is a “conscious process of intimidation” to maintain the patriarchal status quo (Turchik, Hebenstreit and Judson, 2015). This notion stood in direct opposition to the popular belief that sexual violence was due to “an unbridled and uncontrollable male sexual drive” (Turchik, Hebenstreit and Judson, 2015). Within feminist theory, we are confronted with what some argue is a “female-centric notion of rape”, that consists of highly gendered language and notions (Turchik, Hebenstreit and Judson, 2015). Empirical support for feminist theory in this space rests “on corroboration of hypotheses consistent with the general assertion that social, political, and economical egalitarianism between the sexes should be related to decreases in sexual violence” (Turchik, Hebenstreit and Judson, 2015). In conjunction with these hypotheses, other research has corroborated that cultural and



societal norms condone violence against women and therefore lead to “increased acceptance toward interpersonal violence against women” (Turchik, Hebenstreit and Judson, 2015). These extremely gendered understandings of sexual violence have a domino effect, directly influencing public understanding, advocacy efforts, and resource allocation (Turchik, Hebenstreit and Judson, 2015). The reinforcement of the gender binary through scientific research further perpetuates restrictive gender roles, with the feminine solidified as weak and subordinate. Through this lens, it is extremely difficult for male victimization to exist.

### **Gender Binary Distinction**

Gender-based violence is grounded in historical and cultural understanding of gender, perpetuated by the gender binary. It is important then, to have a concrete understanding of gender and the gender binary distinction before understanding how it can be weaponized. The gender binary distinction refers to the belief that sex, referring to the biological makeup of an individual, is binary and directly determines gender, referring to “associated roles” or one's self-identity (Morgenroth et al., 2020). This view on gender is popular in the Western world, requiring individuals to fall into one of the two binary categories (Morgenroth et al., 2020). Feminist theorist Simone de Beauvoir claims that gender is a “historical situation rather than a natural fact” (Butler, 1988). In the late twentieth century, feminist theory began to dispute the idea that sex “dictates or necessitates certain social meanings” for an individual’s experience, with de Beauvoir arguing “one is not born, but, rather, becomes a woman” (Butler, 1988). Through this lens, gender is a fluid identity and requires a “stylized repetition of acts” (Butler, 1988). While an individual’s sex cannot be denied when discussing the body, it must be recognized as distinct from the process “by which the body comes to bear cultural meanings” (Butler, 1988). The body can be understood as an entity that has the ability to embody “cultural and historical possibilities” (Butler, 1988). These possibilities are defined by historical conventions which limit expression, and each individual expresses themselves differently within these confines. The process by which a body takes on these possibilities is one of continual performance (Butler, 1988). Through this lens, ‘woman’ or ‘man’ represents a historical idea rather than a natural fact, highlighting a distinction between sex assigned at birth and the cultural and historical possibilities of performed gender (Butler, 1988).

To be a woman or a man is to take the shape of the historical and cultural idea of ‘woman’ or ‘man’ every day. A body can take on gender through a gender performance in which gendered acts are “renewed, revised, and consolidated” over time (Butler, 1988). Butler argues that gender is “not a fact” and without the “various acts by which gender is created”, gender would not exist (Butler, 1988). An important distinction must be made between whether gender can be considered an expression or a performance. Through the lens of expression, gestures expressive of gender imply a preexisting identity by which “an act or attribute might be measured”, and that gender exists before the “acts, postures, and gestures” by which it is known (Butler, 1988). Rather, when understood as a performance, there are no ‘true or false’ and ‘real or distorted’ acts of gender, and the notion of a “true gender identity” is revealed as a mechanism of regulation by which we are constricted (Butler, 1988). Butler highlights that gender is a performance with clearly punitive consequences, and those who fail to perform their gender in adherence to the restrictions placed on them, are regularly punished through direct and indirect mechanisms (Butler, 1988). Within the gender binary distinction, the ‘shape’ a man or a woman can take on is additionally restricted to an individual’s biological sex from which it cannot be separated. Through the gender binary, gender is polarized and serves a “social policy of gender regulation and control”, by which there is a ‘right’ or ‘wrong’ way for an individual to perform gender (Butler, 1988). This binary is enforced at all levels of society through heteronormative expectations or rhetoric as the default.

As a post-Ottoman geography, the Western Balkans have been subject to both Eastern and Western influence. We see how geographic influence shapes gender bias, instrumental in how individuals in the Western Balkans relate to their surroundings and connect with others, before and after the “Western colonial encounter of capitalist modernization” (Tsibiridou, 2022). Tsibiridou argues that male honor, female patrilineal descent, and patrilocal practices in post-Ottoman geographies such as the Western Balkans are strongly related to enclosure in motherhood, the control of sexuality, and modesty justified through religious morals (Tsibiridou, 2022). Colonial European modernity additionally inspired new sexism and established the new patriarchal order, hinged on the “capitalist bourgeois family model of productivity and expectations” through which the reproductive value of females, or rather their capacity for reproduction, serves as a determinate for their overall value within a family or society (Tsibiridou, 2022). Tsibiridou considers violence against female bodies, in both pre and

post-colonial contexts as a matter of the “broader management of hierarchies and social inequalities” as well as “ethnic and racial technologies for state apparatus administration” (Tsibiridou, 2022). Both Eastern and Western influences have shaped what Tsibiridou calls “women’s everlasting colonized bodies” which are forced into submission and remain under permanent surveillance, despite paradoxes such as the presence of matriarchy within patriarchy (Tsibiridou, 2022). It is with this specific perspective of the gender binary distinction that we lay the ground for how victimization is understood and treated in the Western Balkans.

Megan Greening and Kimi Lynn King assert in their research on the International Criminal Tribunal for the former Yugoslavia that rape and sexual violence are ultimately about power. War, being the ultimate power struggle, necessarily draws in men as victims and survivors (King and Greening, 2007). However, male victims and survivors of sexual violence are often a footnote in the broader discussion on sexual violence and gender-based violence (Clark, 2017). Janine Clark asserts that rape and sexual violence are crimes of identity, regardless of the gender of the survivor, with the male victims robbed of “everything that he believes to be the essence of his male identity” (Clark 2014). In Ann Cahill’s book *Rethinking Rape*, she argues that rape or sexual violence “...can mean the destruction of the person one has become up to that point” (Clark, 2014). Societal stigma, rooted in cultural norms fuels sexual violence as a crime of identity (Clark, 2014). These cultural norms, such as the critical importance of chastity and purity in the case of female victims, are entrenched in the gender binary. The level to which importance is placed on these gendered attributes must be looked at through the specific cultural context in which the sexual violence occurs (Clark, 2014). These cultural norms become of even greater importance within the context of war, in which one’s identity may already be under attack. To understand the consequences of this crime of identity, the performance of the masculine or male identity must be looked at, specifically the concept of hegemonic masculinity.

### **Hegemonic Masculinity**

Sharon R. Bird defines hegemonic masculinity as “the maintenance of practices that institutionalize men’s dominance over women” (Bird, 1996). Hegemonic masculinity embodies the most “honored way of being a man” and requires all other men to position themselves regarding this understanding (Connell and Messerschmidt, 2005). It additionally legitimizes the

“global subordination” of women to men. Masculinity is representative of the way a man positions themselves through social action and practices and differs depending on the gender relations within a particular social and cultural setting (Connell and Messerschmidt, 2005). Hegemonic masculinity, like all performances of gender, is fluid and ever-changing with constant negotiations and reconfigurations. The “masculine domination” or subordination of women, is not a “self-reproducing form” Connell and Messerschmidt argue, but rather requires the policing of masculinity and the exclusion of women (Connell and Messerschmidt, 2005). This policing takes on many forms, from homophobic assaults and murders to the teasing of boys in school for acts deemed too feminine (Connell and Messerschmidt, 2005). Through hegemonic masculinity, the maintenance of power often involves the dehumanization of other groups. These “other groups” can include other masculinities, or complicit masculinities (Schippers, 2007). Those who perform complicit masculinities benefit from the patriarchy but are not participating at the “frontlines” of the patriarchy (Schippers, 2007). Those who perform complicit masculinities are those who perform subordinate masculinities, serving as the “inferior other” (Schippers, 2007). Subordinate masculinities are often conflated with homosexuality and femininity. As whiteness and wealth are synonymous with hegemonic masculinity, men of marginalized communities are restricted to the performance of marginalized masculinities (Schippers, 2007). Hegemonic masculinity at a regional level is performed through ‘masculine’ practices that have local significance and provides a cultural framework that takes shape through daily repetition and interpersonal interactions (Connell and Messerschmidt, 2005). Although hegemonic masculinity may differ from region to region, the gender binary’s influence creates significant overlap. From a young age, the importance of performing masculinity is made clear to males through the encouragement of certain practices (Connell and Messerschmidt, 2005). Participation in sports, eating meat, and interest in a heterosexual partner are emphasized as practices that embody masculinity and are therefore supported as the “correct” way to act as a masculine man (Connell and Messerschmidt, 2005).

Through in-depth interviews with eight American men, Sharon Bird identified three aspects within homosocial male relationships that she argues are crucial to understanding the perpetuation of hegemonic masculinity (Bird, 1996). These aspects, emotional detachment, competitiveness, and the sexual objectification of women, each play a role in perpetuating the gender binary (Bird, 1996). Within the male homosocial group, Bird found that emotional

detachment was highly favored. Stigma was attached to “feminine expressions of intimacy” such as discussing feelings or emotions (Bird, 1996). To stray from emotional detachment was to risk exclusion and ostracization. One interviewee asserted that tears were “a very extreme thing in male circles” because to cry is to appear soft or weak, which would put you in jeopardy with the rest of the group (Bird, 1996). Bird asserts that hegemonic masculinity is “not expressed or maintained through excessive emotionality”(Bird, 1996). However, it is important to note discrepancies between hegemonic masculinity, and individualized masculinity performed. All eight interviewees expressed an understanding of what was expected of them by hegemonic masculinity, however, they did not necessarily perform in accordance with these expectations at all times (Bird, 1996). One interviewee lamented that when he was experiencing difficulty in his life and sought the comfort of his male friends, he was disappointed by their inability to discuss such matters (Bird, 1996). Another expressed regret regarding his detachment toward his mother as a child. This detachment, the interviewee stated, only subsided when he “stopped caring what everyone else thought” and “got over” that this non-hegemonic behavior was not something “real men are supposed to do” (Bird, 1996).

The concept of competition is multifaceted within hegemonic masculinity. Competition contributes to the perpetuation of male dominance while also serving as a stage where one can establish themselves as appropriately masculine (Bird, 1996). Johnson asserts that to establish themselves as “not female”, young men seek out other men with whom to display this “non-femaleness” (Bird, 1996). Competition with women did not serve the same purpose, as interviewees noted that from an early age, women seemed “less accepting and less understanding” regarding competitions (Bird, 1996). Even those who said they did not necessarily identify as competitive understood the expectation to be competitive and asserted they would act accordingly if put in a situation that required it (Bird, 1996). Interviewees whose understanding of masculinity was consistent with hegemonic masculinity specified a clear preference for homosocial interactions involving sports or other competitive activities (Bird, 1996). Competitive spaces often include a physical aspect to them. Physical strength, asserting authority, and the ability to use interpersonal violence in the face of conflict can all be seen as performative acts of hegemonic masculinity (Schippers, 2007). The categorization of such characteristics as the masculine, Schippers argues, guarantees a “legitimate dominance” of men over women, compounded by the characteristics assigned to femininity (Schippers, 2007).

Physical subordination, vulnerability, compliance, and an inability to use violence effectively are deemed feminine characteristics. The categorization of traits in this manner establishes symbolic meanings that directly impact the relationship between the feminine and masculine (Schippers, 2007). Competitiveness asserts influence in the last aspect discussed by Bird, by which men engage in competition that involves the objectification of women. Interviewees noted that women and females were “othered early” which could be seen through rhetoric when discussing sexual exploits (Bird, 1996). Often, women were referred to as “them”, “other”, “girl” or as blatantly as objects to be used for sexual pleasure (Bird, 1996). Interviews illustrated that women are both competed for but also objectified through hegemonic masculinity (Bird, 1996). Bird concluded that hegemonic masculinity’s perpetuation continues “consistently and continually” despite individual gender performance that contradicts hegemonic meanings (Bird, 1996). Through this conclusion, she asserts that violations of hegemonic masculinity by individuals typically fail to produce alternations in the gender order, but rather result in penalties for violators (Bird, 1996).

## **Gendered Power**

An argument on the necessity of binary gender can be found in advocating reproductive interests (Butler, 1988). Often feminist and cultural anthropology has argued that culture is governed by a protocol that reproduces “the bonds of kinship” which requires the strict regulation of reproduction aided by taboos (Butler, 1988). An extreme example of this type of taboo can be found through the incest taboo, preventing reproduction that is likely to result in genetic disease or disability. Through a feminist lens, an understanding of gender through the gender binary is problematic as it restricts gender performance to biological sex and femininity remains in a fixed state of subordination (Schippers, 2007). This understanding provides what Connell asserts is an “answer to the problem of the legitimacy of the patriarchy, which guarantees the dominant position of men” (Schippers, 2007). Another component critical to the perpetuation of the gender binary and hegemonic masculinity is compulsory heterosexuality. Compulsory heterosexuality, grounded in biology, is critical as heterosexual desire creates the paradigm through which the masculine and feminine are placed into a binary and hierarchical relationship, according to Butler (Schippers, 2007). Butler asserts that heterosexual desire is “defined as an erotic attachment to difference, and as such, it does the hegemonic work of fusing

masculinity and femininity as complementary opposites...assuming men have a natural attraction to women because of their differences” (Schippers, 2007). Through this lens, to have an erotic desire for a “feminine object” is deemed masculine and the erotic desire for a “masculine object” is feminine (Schippers, 2007). Schippers argues that masculinity and femininity as defined by the gender binary are used by individuals, groups, and societies as the rationale for how to lead their lives repeatedly. This repetition results in the implied relationship between the genders being “taken for granted” within interpersonal relationships, culture, and social structures (Schippers, 2007). Social practice plays a critical role in the perpetuation of this relationship, embodied through all aspects of daily life, and is the mechanism by which individuals coordinate, evaluate, and regulate social practices (Schippers, 2007).

When sexual violence and rape are viewed as an expression of gendered power and patriarchy, it can be understood that the rape of a male is “not just a violation of the victim, but of the societal expectation of what it means to be a man” (Clark 2014). Historically, the rape of a male has not been taken nearly as seriously as the rape of a woman. This can be seen through the laws surrounding sexual violence in the United Kingdom: the rape of a male was only recognized as a crime in 1994 (Clark, 2014). To acknowledge the victimhood of a male survivor of sexual violence challenges the gender binary which anchors many cultures and communities (Clark, 2014). Rape myths that a “real man would not allow [himself] to be raped” serve the gender binary and perpetuate harmful rhetoric regarding hegemonic masculinity (Clark, 2014). Clark argues that as a society we are “primed and ready to recognize male perpetrators...but turn a blind eye to male victims” (Clark 2014). Sexual violence against males can result in feminization both directly and indirectly. Through the lens of hegemonic masculinity, a man is strong, sexually active, and able to defend himself; to be a survivor of sexual violence contradicts these values and exhibits a loss of masculinity (Clark, 2014). The restrictive gender binary leaves no room for this contradiction and emasculation results in inherent femininity. This creates a self-serving cycle: this rhetoric prevents male survivors from speaking out resulting in the underreporting of male rape, fueling the secrecy and taboo of such violence, further preventing survivors from speaking out.

In a society in which masculinity is typically associated with heterosexuality, the rape of a man can result in the community questioning a survivor's sexuality (Clark 2014). The myth,

particularly prevalent within strong patriarchal societies, that only gay men are raped, can result in an internal crisis on the part of the survivor, doubting his own sexuality (Clark, 2014). This myth can be compounded by a lack of sexual education. In a society where many are not taught proper sex education, it can be difficult for a phallus owner to understand that an erect penis does not equate to consent. Although typically associated with pleasure, the biological response of an erection or ejaculation can be present despite anxiety, terror, or rage (Clark, 2014). The existence of the myth equating sexual victimization to homosexuality serves as an example of why gender-based violence against males can be so damaging for an individual and their standing within a community. Finally, Clark highlights a deeply important consideration surrounding male victimization: “When men report sexual victimization, they are publicly admitting that they were not interested in sex, were unable to control situations, and were not able to take care of matters themselves—all statements that run counter to the hegemonic constructs of masculinity” (Clark 2014).

The United Nations Commission of Experts stated that data “strongly suggests that systematic rape did exist” in the former Yugoslavia (Oosterhoff, Zwanikken and Ketting, 2004). In the context of a female survivor in the Western Balkans, rape strips the survivor of their sexual and reproductive value, which is at the core of their female identity within Balkan societies (Clark, 2014). Rape and other forms of sexual violence have the ability to alter one’s status within their community, leaving a survivor socially disoriented and marginalized (Clark, 2014). Many scholarly articles have taken on the task of detailing the atrocities committed against upwards of twenty thousand women in the conflicts in the former Yugoslavia (Boose, 2002). While undeniably worthy of scholarly exploration, the experiences of female victims and survivors throughout the Western Balkans have eclipsed the suffering of another equally important group: male victims and survivors. Sexual violence against males was used by all sides during the former Yugoslav conflicts, however, an overwhelming majority of such violence was committed by and under the instruction of Serbian armed forces against Muslim males. According to data from studies with survivors, men were subject to forced sexual action, psychosexual torture, and blunt force trauma to genitalia with the express intent of reproductive damage during their time in detention camps (Loncar, Henigsberg and Hrabac, 2009). Such sexual violence was widely under-reported by survivors and by the media, in large part due to the strong stigma surrounding male sexual victimization. Clark asserts that this stigma is in large



part a defense mechanism by society, shielding communities from the reality that men, those who we have deemed as our inherent protectors, are unable to protect themselves from sexual violence (Clark, 2014). Still, there is a need within the gender-based violence space to adopt a more holistic, multidimensional, and ultimately more accurate approach to victimhood (Clark, 2014).

## **Historical Background**

### **Conflict in the former Yugoslavia (1991-1995)**

The Socialist Federal Republic of Yugoslavia, founded in 1943 (Cleverly, 2021), was a federation consisting of six republics: Bosnia and Herzegovina, Serbia, Slovenia, Croatia, Macedonia, and Montenegro (United Nations International Criminal Tribunal for the former Yugoslavia, 2017d). Following the death of Josip Broz Tito, ethnonationalism significantly increased within each republic causing political and ideological issues within the Federation (Cleverly, 2021). The breakup of the Federation began on June 25th, 1991, when both Croatia and Slovenia declared independence, with Macedonia declaring the same in September of the same year (United Nations International Criminal Tribunal for the former Yugoslavia, 2017d). Bosnia and Herzegovina followed suit and declared their independence on March 3rd, 1992, despite a boycott by Bosnian Serb political leadership (Cleverly, 2021). By April 27th, 1992 the remaining republics, Serbia and Montenegro, declared themselves the Federal Republic of Yugoslavia (FRY) (United Nations International Criminal Tribunal for the former Yugoslavia, 2017d). The declaration of independence by each of the former Yugoslav republics was met with varying levels of intervention by the Yugoslav People's Army, largely dependent on the percentage of the Serbian population within the republic (United Nations International Criminal Tribunal for the former Yugoslavia, 2017) Both Macedonia and Slovenia experienced minimal violence upon their departure from the Federation in great contrast to the atrocities to come in Serbia, Bosnia and Herzegovina and Croatia (United Nations International Criminal Tribunal for the former Yugoslavia, 2017). Slovenia experienced a relatively brief military conflict, referred to as the 'Ten-Day War', which ended in victory for Slovenian forces, while Macedonia enjoyed a "peaceful separation" (United Nations International Criminal Tribunal for the former Yugoslavia, 2017). Macedonia would not see conflict until 2001 when the ethnic Albanian

National Liberation Army (NLA) militant group sought autonomy for the Albanian-populated areas of the republic (United Nations International Criminal Tribunal for the former Yugoslavia, 2017). This conflict would result in the deployment of a NATO monitoring force, the disarmament of the Albanian militia, and a peace agreement regarding political power-sharing (United Nations International Criminal Tribunal for the former Yugoslavia, 2017).

Due to the sizable Serbian minority within Croatia, the republic did not experience a peaceful exit from the Federation (United Nations International Criminal Tribunal for the former Yugoslavia, 2017). Roughly one-third of Croatia rebelled against the newly independent Croatia and declared themselves an autonomous Serbian state, with the assistance of the Yugoslav People's Army (United Nations International Criminal Tribunal for the former Yugoslavia, 2017). This newly independent Croatian Serbian state strived for a mono-ethnic society, which required the expulsion of Croats and other non-Serbs from the territory, executed through a violent ethnic cleansing campaign by the Yugoslav People's Army (United Nations International Criminal Tribunal for the former Yugoslavia, 2017). Reports show, however, that ethnic cleansing was not solely executed by the Yugoslav People's Army but by the Croatian army as well, with both sides targeting respective civilian bases (Genocide Studies Program, 2022). Much of the heavy fighting within Croatia occurred in the latter half of 1991, with an UN-Monitored ceasefire coming into effect in early 1992 (United Nations International Criminal Tribunal for the former Yugoslavia, 2017). Despite this ceasefire, the Croatian military continued to refurbish their armed forces, and by 1995, undertook two major offensives to regain territory (United Nations International Criminal Tribunal for the former Yugoslavia, 2017). Croatian forces were successful in regaining all but one area of its previously held territory known as Eastern Slavonia, which was only regained by Croatia in January of 1998 through a peaceful UN-administration sanctioned transition (United Nations International Criminal Tribunal for the former Yugoslavia, 2017).

With both Serbia and Croatia attempting to claim territory on behalf of their ethnic kin in Bosnia and Herzegovina, the republic endured the deadliest of conflicts of all the states in the Western Balkans (United Nations International Criminal Tribunal for the former Yugoslavia, 2017). Bosnia and Herzegovina was the most ethnically diverse republic, with a population of roughly 43% Bosnian Muslims, 33% Bosnian Serbians, and 17% Bosnian Croats (United

Nations International Criminal Tribunal for the former Yugoslavia, 2017). This diversity, compounded by the republics' strategic geography within the Western Balkans, resulted in a two-front war (United Nations International Criminal Tribunal for the former Yugoslavia, 2017). More than 100,000 individuals perished during the conflict in Bosnia and Herzegovina, with an additional two million individuals displaced (Drakulić, 2015). Bosnian Muslims suffered the most out of any ethnic group during the Bosnian War at the hands of an ethnic cleansing campaign of mass exodus, concentration camps, and systematic rape executed by both the Yugoslav People's Army, which would later be the Army of Republika Srpska, and the Croatian armed forces (Drakulić, 2015). The violence escalated to genocide in July of 1995 in the Bosnian town of Srebrenica, where over 8,000 Bosnian Muslim men and boys were executed in roughly 11 days under the command of Ratko Mladic of Republika Srpska (Drakulić, 2015).

The conflicts between Republika Srpska, Croatia, and Bosnia and Herzegovina formally came to a close with the Dayton Peace Agreement of 1995 and outlined a general framework for establishing a "peaceful" Bosnia and Herzegovina (Amt, 2022). The treaty separated territory and power-sharing mechanisms within Bosnia and Herzegovina based solely on ethnicity: 49% of Bosnia's territory was allocated to Republika Srpska, the Bosnian Serbian entity of the country, and the remaining 51% of the territory was given to the Federation of Bosnia and Herzegovina (FBiH). This newly established Federation would consist of ten autonomous cantons with a majority Bosnian Muslim population (Amt, 2022).

### **Gender-Based Violence: Female Survivors in the former Yugoslavia**

Gender-based violence was used as a mechanism of torture, humiliation, and ethnic cleansing by all sides throughout the conflicts in the Western Balkans (United Nations International Criminal Tribunal for the former Yugoslavia, 2017). This violence was carried out mainly in detention camps, with an overwhelming majority of survivors being Muslims held in Serbian camps (Olujic, 1998). In August of 1991, documentation designating rape as a means to ethnically cleanse Bosnia and Herzegovina was drafted by Serbian army officers and given the name the RAM plan (Salzman, 1998). This document spelled out the policy of rape and the plan to "target women, especially adolescents, and children" to strike fear and panic among the Bosnian Muslim population, encouraging retreat from specific territories (Salzman, 1998).

Research and evidence accumulated by humanitarian organizations such as the United Nations and Human Rights Watch support evidence of “research, planning, and coordination of rape camps” through a systematic policy enacted by the Serbian government with “the explicit intention of creating an ethnically pure state” (Salzman, 1998). In another example of express intent and planning, in October of 1992, the Serbian government published a document entitled “Warning” which detailed demographic changes, mainly the “imbalance” of ethnic groups within the region (Salzman, 1998). The document claimed that “Albanians, Muslims, and Romans” had extremely high birth rates that were “beyond rational and human reproduction” (Salzman, 1998). This document was eventually adopted into a resolution by the Serbian Socialist Party which promoted Serbian population renewal while seeking to suppress the birthrates of predominantly Albanian and Muslim areas (Salzman, 1998). This rhetoric and documentation would serve as further evidence of the “systematically planned and strategically executed” ethnic cleansing committed in the hopes of creating a “Greater Serbia” (Salzman, 1998).

It is estimated that between twenty thousand and fifty thousand women were raped throughout the Bosnian war (Boose, 2002). While it is generally estimated that 1 in 20 women will be impregnated by their rapist, female survivors in the former Yugoslavia were impregnated at a much higher rate (Linos, 2009). In a small study conducted with 68 women in Croatia and Bosnia and Herzegovina, 43% of the women became pregnant following a rape that occurred during the war (Linos, 2009). In the most violent of cases, women were sent to designated female-only camps to carry out a Serbian policy of “mass rape, forced impregnation, and forced maternity” (Olujic, 1998). The rape camps employed by Republika Srpska were designed with two intentions: to encourage the evacuation of all non-Serbs from the areas claimed by Republika Srpska to create a mono-ethnic state as well as to render as many Bosnian Muslim women within existing communities “contaminated and unmarriageable” (Boose, 2002). Prior to the rise of violent nationalism within the former Yugoslav states, ethnic mixing was seen in a positive light. Ethnic identities gave way to a larger and more unified identity, a “Yugoslav” identity (Boose, 2002). Under the Serbian agenda, this mixing could no longer be tolerated. However, the sexual violence employed by Serbia went beyond destroying Bosnian Muslim communities through the contamination and devaluing of Muslim women. These Muslim women, now unfit to exist within their previous Muslim communities, would serve to create new Serbian communities in their place. In such cases, victims were subject to repeated individual

and gang rape to increase the chances of pregnancy in order to “purify” bloodlines through the introduction of Serbian paternity, increasing the Serbian population with the implication of creating new Serbian communities (Weitsman, 2008). This type of sexual violence assumes that identity and ethnicity are passed down biologically and paternally (Weitsman, 2008). The intended survivors of this violence merely serve as “vessels that impart paternal identity” to serve the agenda of the aggressor (Weitsman, 2008). Once a woman became pregnant she was held separately within the detention center, received special privileges such as more meals, and was not subject to further sexual violence (Olujic, 1998). An important aspect of this tactic was holding women until abortion was no longer viable to ensure forced maternity (Olujic, 1998). Those who did not get pregnant were severely punished for their inability to conceive and were subject to torture to force confessions regarding taking contraceptives (Olujic, 1998). Deaths within the camp resulted from both the physical and psychological toll the violence took on women, resulting in injury-related deaths and suicides (Olujic, 1998). The forced impregnation of Bosnian Muslim women also served as a way to “interfere with the reproduction” of this victimized group (Engle, 2005). In this way, the pregnancies serve in a “genocidal capacity” twofold (Engle, 2005). Through this lens, it is argued that the womb of a Bosnian Muslim woman who is pregnant as a result of rape is “occupied” and therefore “incapable of bearing a child of her own ethnicity” (Engle, 2005). Under the Genocide Convention, the act of systematic prevention of the “reproduction of members of another” serves as a form of destruction and is considered a means of genocide (Engle, 2005).

The forced maternity and the children born as a result of this practice pose a serious challenge to identity politics commonly established during conflict and can create further strain on an already diminishing community. Weitsman argues that during wartime, social groups have a heightened sense of self, drawing together to validate their identity. These children inadvertently embody both the survivor and the aggressor, which can result in marginalization by both their kin and the surrounding community (Weitsman, 2008). Within the family of the child and survivor, the child may serve as a painful and physical reminder of the trauma experienced. As a result, it can be difficult for survivors and their families to separate the children from the violent circumstances of their conception, in turn corroding inter-family relationships (Weitsman, 2008). Clark argues that children born of rape can be viewed as secondary victims, due to the indirect trauma and stigma they experience (Clark, 2014). The trauma of rape can leave a mother

or family unable to provide the love and care that is critical to psychological well-being and development, with research showing that emotional neglect can have an “even greater” negative impact on a child than physical abuse (Clark, 2014).

In the case of Bosnia and Herzegovina, where the express intent was to eradicate the ethnic population of the victims through the introduction of Serbian paternity, a child who embodies the aggressor poses a major threat to the surrounding community. Through this lens, the family of the child can also be associated with the aggressor by the surrounding community, impacting their social and economic standing. The children born as a result of rape in Bosnia and Herzegovina have been given the name “a generation of children of hate” and have been defined by their conception (Weitsman, 2008). This identity imparted to these children is one, Weitsman argues, that can “handicap a child for life (Weitsman, 2008). In Karmen Erjavec and Zala Volcic’s analysis working with eleven Muslim Bosnian girls born as a result of rape in Bosnia and Herzegovina, they found that the girls became an “object into which everyone else [could] channel their own frustrations” regarding the war (Clark, 2014). Erjavec and Volcic maintained as late as 2010 that “intolerance and hate against these children is still an uncomfortable truth in today’s Bosnia” (Clark, 2014). The marginalization of the survivor, their family, and the resulting child is an intended consequence of the sexual violence employed by the aggressor. The generational trauma created as a consequence of this gender-based violence will continue to impact communities for years to come, highlighting how this violence intends to destroy communities long term.

When rapes and other sexual violence occurred outside of detention centers, Bosnian Serb civilians were often forced to watch or participate in acts of rape or murder against their Bosnian Muslim neighbors (Boose, 2002). This not only prevented such atrocities from being reported but ensured that once the violence came to an end, mixed communities could not exist as they had previously (Boose, 2002). The ability of sexual violence to undermine and destroy the foundation of an existing community highlights how the implications of this tactic reach far beyond the initial victim. The systematic gender-based violence carried out by the Serbian forces would later be categorized as ethnic cleansing by the international community and the International Criminal Tribunal for the former Yugoslavia, going beyond the understanding of ethnic cleansing at the time (United Nations International Criminal Tribunal for the former

Yugoslavia, 2017). Kelly Dawn Askin argued in her 1997 work *War Crimes Against Women: Prosecution in International War Crimes Tribunals* that ethnic cleansing is “not limited to physical elimination... a person may be raped in order to cause chaos or terror to make people flee the area... a woman may be raped to forcibly impregnate her with a different ethnic gene. Different tactics but with the same objective—destroying or removing the unwanted groups” (Engle, 2005). This distinction of ethnic cleansing through gender-based violence separates the sexual violence that occurred throughout the war on all sides from the systematic violence ordered by the Serbian offense.

## **Male Victimization in the former Yugoslavia**

### **Systemic Gender-Based Violence and Trauma Symptoms**

Rumors of male sexual assault within detention centers in the former Yugoslavia began circulating in late 1991 among medical staff involved in the care of refugees in newly independent Croatia (Loncar, Henigsberg and Hrabac, 2009). In 1992, medical personnel working with refugees from Bosnia and Herzegovina reported similar findings. According to victims, male sexual assault was occurring in Serbian prisoner camps, typically at night and within the first two weeks of capture, with sexual violence peaking during the months of May and June of 1992 (Loncar, Henigsberg and Hrabac, 2009). Historically, the sexual violence experienced by male victims during war has been categorized as a form of torture, rather than tactical sexual violence (Gopsill, 2020). This categorization does not acknowledge the gendered aspect of this type of violence. In Bosnia and Herzegovina, sexual violence was extremely prevalent in male concentration camps, with 80% of male detainees from the Sarajevo canton identifying as survivors of sexual violence (Gopsill, 2020). This tactic weaponizes gendered concepts of masculinity and masculine sexuality to strip men of their perceived value.

According to historical data along with the study conducted by Loncar, Henigsberg and Hrabac, when men are subjected to sexual violence, they experience a traumatic reaction similar to what female survivors experience. This trauma response was described by Burgess and Holmstrom in 1974 and given the name “rape trauma syndrome” (Loncar, Henigsberg and Hrabac, 2009). This syndrome involved different phobias, anxiety, depression, and other changes

in behavior as a result of rape (Loncar, Henigsberg and Hrabac, 2009). Data highlights that this syndrome can be more pronounced in men due to the stigma surrounding male sexual assault and the tendency for male survivors to isolate themselves following their assault (Loncar, Henigsberg and Hrabac, 2009). This leaves male survivors to cope with their trauma and symptoms without support, which can result in the development of Post Traumatic Stress Syndrome (PTSD) (Loncar, Henigsberg and Hrabac, 2009).

In the Loncar, Henigsberg, and Hrabac study, “Mental Health Consequences in Men Exposed to Sexual Abuse During the War in Croatia and Bosnia”, 60 Croatian or Bosnian male victims of sexual violence were interviewed to define the key attributes of sexual abuse of men in war as well to understand the mental health consequences of sexual violence in male survivors (Loncar, Henigsberg and Hrabac, 2009). Through a structured interview method, survivors detailed the methods of sexual violence employed in detention centers and well as discussed the symptoms they experienced after the trauma (Loncar, Henigsberg and Hrabac, 2009). According to survivors, sexual violence most frequently took place within the detention centers, and prison guards were associated with raping survivors and proclaiming “various psychosexual threats” aimed at the loss of fertility or direct castration (Loncar, Henigsberg and Hrabac, 2009). Within the interviews, researchers were able to classify sexual torture into three general categories: physical torture of the genitals, forced sexual activity, and psychosexual torture (Loncar, Henigsberg and Hrabac, 2009). Within the physical torture of genitalia category, 68.3% of subjects experienced severe beating of their testes or genitalia, the most common form of sexual violence experienced within the study of any category and usually conducted on men of reproductive age (Loncar, Henigsberg and Hrabac, 2009). The placing of objects in a person’s rectum by force was the most experienced form of forced sexual activity, with 25% of subjects reporting this experience, followed by forced performed fellatio at 21.6% (Loncar, Henigsberg and Hrabac, 2009). Despite myths that sexual violence against men is limited to anal rape, only 3.3% of subjects reported having been raped (Loncar, Henigsberg and Hrabac, 2009). In line with the agenda of ethnic cleansing through gender-based violence experienced by many women throughout the former Yugoslavia at the hands of Serbian forces, 56.6% of subjects reported psychosexual torture threats aimed at losing their fertility, and 31.6% reported threats of direct castration (Loncar, Henigsberg and Hrabac, 2009). Survivors reported that semi-castrations within the detention centers were performed either by cutting the victim’s scrotum or penis using



a sharp object or by “tying up the penis with rope or wire, followed by pulling the rope by hand, pliers or suitable objects” (Loncar, Henigsberg and Hrabac, 2009). While 11.6% of subjects reported experiencing semi-castration, all castration victims known to subjects died as a result of this torture method (Loncar, Henigsberg and Hrabac, 2009). Knowledge of these instances was gained through interview testimonials, with reports of six men dying due to this sexual violence (Loncar, Henigsberg and Hrabac, 2009).

When subjects were interviewed about the social, physical, and psychological consequences of the sexual violence they experienced, they reported reactions that were divided into four categories: traumatic reaction symptoms, traumatic experience symptoms, avoidance symptoms, and physical stress symptoms (Loncar, Henigsberg and Hrabac, 2009). Within the first category, traumatic reaction symptoms, all sixty men reported experiencing sleep disturbances (Loncar, Henigsberg and Hrabac, 2009). Over half of the subjects reported experiencing concentration difficulties and pathological reactions “resembling or symbolizing trauma”, 76.6% and 56.6% respectively (Loncar, Henigsberg and Hrabac, 2009). While 40% of subjects reported strong psychological disturbances more than one year after the trauma within the second category, an overwhelming 95% of subjects reported experiencing nightmares and flashbacks that revived the trauma (Loncar, Henigsberg and Hrabac, 2009). Concerning avoidant behavior, 78.3% of subjects reported feeling that “any perspective in the future is lost” and nearly half of the subjects reported feeling isolated, 46.6%, with slightly fewer subjects reporting feeling numbness or deadness, 40% (Loncar, Henigsberg and Hrabac, 2009). A “permanent headache” and profuse sweating were the most commonly reported physical stress symptoms at 78.3% each (Loncar, Henigsberg and Hrabac, 2009). Frequent attacks of tachycardia, during which the heart beats at over 100 beats a minute, were reported by 61.6% of subjects, with tremors and blood pressure disturbances reported at slightly lower percentages, 45% and 40% respectively (Loncar, Henigsberg and Hrabac, 2009). Along with the categorized symptoms outlined above, it was reported that most subjects additionally exhibited “castration anxiety” as well as feelings of homophobia and “symptoms of identity crisis” (Loncar, Henigsberg and Hrabac, 2009). Overall, subjects reported pronounced feelings of “shame, dishonor, and humiliation” which in turn, the researchers argued, “[resulted] in their unwillingness to seek professional help” (Loncar, Henigsberg and Hrabac, 2009). It can be argued that feelings of humiliation experienced by survivors were compounded and reinforced by common public

opinion that only women can be victims of sexual abuse (Loncar, Henigsberg and Hrabac, 2009). Loncar, Henigsberg, and Hrabac note that from a research and psychiatric viewpoint, the “mental health problems in these men are not the consequence of mental illness but of this human rights violation” (Loncar, Henigsberg and Hrabac, 2009).

A study conducted in Croatia in which the testimony of 16 health professionals and data from three centers providing care to refugees and survivors of torture in Croatia provides further insight into what survivors experience and how they seek care (Oosterhoff, Zwanikken and Ketting, 2004). Healthcare workers provide critical insight into the lives of survivors, as they are a “less confrontational and confidential avenue for survivors to process their experiences” (Oosterhoff, Zwanikken and Ketting, 2004). Each of the three centers provided data on three very different populations. The International Rehabilitation Council for Torture Victims provided information from 22 civilian male survivors of torture enrolled in its group therapy program, who were self-selected for their willingness to talk about their traumatic experiences (Oosterhoff, Zwanikken and Ketting, 2004). Of the 22, 14 individuals reported having suffered some type of sexual torture (Oosterhoff, Zwanikken and Ketting, 2004). The Medical Centre for Human Rights provided data on 55 male sexual torture survivors (Oosterhoff, Zwanikken and Ketting, 2004). Of the 55 subjects, 24 survivors were subjected to genital beatings or electroshock, 11 were raped, 7 were forced to engage in sexual acts, and 13 were fully or partially castrated (Oosterhoff, Zwanikken and Ketting, 2004). The Centre for Psychodrama at the University of Rijeka, which provides psychosocial treatment for war veterans, provided quantitative data for 5,751 war veterans (Oosterhoff, Zwanikken and Ketting, 2004). From this pool of war veterans, who were not selected based on whether they had or had not experienced sexual torture, nine survivors reported having suffered genital beatings and/or electroshock, and five men reported being survivors of rape (Oosterhoff, Zwanikken and Ketting, 2004). While the three centers are not comparable, they nonetheless provide further evidence of the atrocities experienced by survivors (Oosterhoff, Zwanikken and Ketting, 2004).

Similar to the findings of Loncar, Henigsberg, and Hrabac, data highlighted that many survivors experience physical, psychosomatic, or psychosocial side effects following their sexual torture, including self-blame, irrefutable damage to their genitalia, impotence, and weight loss (Oosterhoff, Zwanikken and Ketting, 2004). The impact of side effects experienced go beyond

the individual but can lead to psychosocial problems including marital issues, alcohol and drug abuse, and anger issues (Oosterhoff, Zwanikken and Ketting, 2004). The shame and fear survivors can experience following sexual torture have the potential to greatly impact their socio-political life, leaving survivors feeling unable to share their experiences with others, leading to social isolation (Oosterhoff, Zwanikken and Ketting, 2004). Men in particular can experience distress regarding their sexuality or sexual identity following their sexual torture due to homophobic beliefs held by their surrounding community (Oosterhoff, Zwanikken and Ketting, 2004). This can be compounded by the presence of an erection during sexual torture. This biological response can be extremely confusing for survivors as this can be “mistakenly [considered] proof of sexual excitement” (Oosterhoff, Zwanikken and Ketting, 2004). In general, it can be difficult for survivors to participate in consensual sexual activity moving forward, as it is not uncommon for intrusive thoughts about sexual torture to plague survivors (Oosterhoff, Zwanikken and Ketting, 2004).

Within Janine Clark’s fieldwork in the village of Selo in Bosnia and Herzegovina, gaining access to male survivors in hopes of giving a voice to this neglected population proved extremely challenging (Clark, 2017). At the time of her research, Bosnia and Herzegovina had various non-governmental organizations (NGOs) for female survivors, but no equivalent NGOs dedicated to the support of male survivors (Clark, 2017). Despite calls to several camp inmates’ associations, frequently no male survivors could be found, whether because they had moved, were unwilling to speak, or because the association “did not have any male members who experienced sexual violence” (Clark, 2017). Eventually, a total of 10 men, all of which had been imprisoned at Čelopek camp and transferred to Batković camp, agreed to be interviewed for research purposes (Clark, 2017). By May 1992, Bosnian Muslims had received repeated warnings to surrender their weapons and evacuate the village of Selo (Clark, 2017). Between May 26th and 28th, the Serbian paramilitary group Zute Ose or Yellow Wasps took women, children, and the elderly to Crni Vrh (Clark, 2017). These individuals were released and allowed to depart on foot, unlike the Bosnian Muslim men of Selo (Clark, 2017). After two days of detention in a Novi Izvor building in Zvornik, 175 men were taken to the *Dom Kulture* in Čelopek camp, 83 of which would ultimately survive (Clark, 2017). The first three days of detention at Čelopek camp consisted of starvation and extreme physical and psychological abuse including the forced consumption of severed body parts (Clark, 2017). On June 11th during the

Muslim holiday of Bajram, all detainees were forced to strip before being subjected to extreme sexual violence (Clark, 2017). At the orders of Dušan (Repić) Vučković, men were sexually abused by guards, forced to perform sexual acts on other prisoners, and subjected to castration (Clark, 2017). Detainees were forced to remain in Čelopek camp for one month before their transfer to Batković camp where they were forced to do hard labor (Clark, 2017).

Within the 10 interviews conducted by Clark, none of the men spoke about their personal experience regarding the sexual violence but spoke in “very general terms” about the atrocities committed within the Čelopek camp (Clark, 2017). While this silence created “gaps in interview data”, such silence can be viewed as a tactic of self-preservation deemed necessary by survivors (Clark, 2017). This silence, Clark argues, must be understood in the context of hegemonic masculinity, through which there is little room for men to acknowledge or discuss their vulnerability (Clark, 2017). This vulnerability is compounded by the symbolism behind the harm or disfigurement of the male genitalia, representative of a male’s manhood (Clark, 2017). The act of silence can be seen as a performance of gender as the ideal man is strong and always in charge of his emotions (Clark, 2017). Where a man cannot discuss a topic and remain in charge of his emotions, silence must be chosen. When discussing how the events that occurred at Čelopek camp impacted their long-term, many shifted focus to the impact on their families (Clark, 2017). The men worried about how their need for separation when anxious impacted their children, whether their personality change following the war impacted their ability to be good parents, and how their family would be viewed if they saw a psychologist (Clark, 2017). With masculinity intrinsically linked to fatherhood within Bosnian culture, it can be understood how interviewees worried about their ability to be good fathers (Clark, 2017). Despite a medical team, including a psychologist visiting Selo once a month, the interviewees stated they rarely took advantage of these services, with one noting that the assistance was available too late “..help was needed at the end of the war but it didn’t come and so we’ve had to find our own ways of dealing with everything” (Clark, 2017). However, almost all of the men admitted to some form of self-medicating, whether through antidepressants, sedatives, or sleeping pills (Clark, 2017). This avoidant coping was consistent among the interviewees, yet they all acknowledged that as men, they needed to be strong, support their families, and ultimately move forward (Clark, 2017). Data has shown that the use of avoidant coping carries a greater risk of depression and other mental

health issues, serving as an example of the importance of proper mental health treatment (Clark, 2017).

Toward the conclusion of their report, Loncar, Henigsberg, and Hrabac state that “through testimony from interviewed survivors, it became clear that the cases described were only the tip of the iceberg” (Loncar, Henigsberg and Hrabac, 2009). The number of reported and officially registered cases of raped men during the wars in the former Yugoslavia is extremely relative as sexual violence against men is one of the least reported and documented types of violence to occur (Loncar, Henigsberg and Hrabac, 2009). This is largely in part a consequence of cultural beliefs held by communities regarding sexual violence, as men are “expected to be able to protect themselves against such acts”, compounded by the “burden of public and family condemnation” (Loncar, Henigsberg and Hrabac, 2009).

### **Criminal Tribunal for the former Yugoslavia (ICTY) and Domestic Prosecution**

It was not until the International Criminal Tribunal for the former Yugoslavia (ICTY), which dealt with the testimony of mainly female gender-based violence survivors, that sexual violence as torture received legal recognition (Oosterhoff, Zwanikken and Ketting, 2004). The International Criminal Tribunal for the former Yugoslavia was formally created in May of 1993 by the United Nations to respond to the atrocities that took place in the Western Balkans throughout the 1990s (United Nations International Criminal Tribunal for the former Yugoslavia, 2017a) The International Criminal Tribunal for the former Yugoslavia is known internationally for setting precedents within international law regarding genocide, war crimes, and crimes against humanity (United Nations International Criminal Tribunal for the former Yugoslavia, 2017a). Through this tribunal, 90 individuals were sentenced, with more than one-third of those convicted found guilty of crimes involving sexual violence as defined under Article 7(1) of the ICTY Statute (United Nations International Criminal Tribunal for the former Yugoslavia, 2017a). Article 7(1) of the ICTY Statute addresses “the issue of individual criminal responsibility”, through which a person who “planned instigated, ordered, committed or otherwise aided and abetted in the planning, preparation, or execution of a crime” shall be held “individually responsible” for the crime in question (United Nations International Criminal Tribunal for the former Yugoslavia, 2017a).

Given the amount of sexual violence involved in many cases presented before the Tribunal, revisions to typical procedures and guidelines regarding the presentation of evidence were applied in order to ensure a “safe and secure environment” for survivors (United Nations International Criminal Tribunal for the former Yugoslavia, 2017a). Through Rule 96, the corroboration of the testimony of a survivor of sexual violence is not required to prevent crimes of sexual violence and would not fall under “the stringent evidentiary standards” applied to other crimes, highlighting the complicated nature of prosecuting these types of cases. In addition, Rule 96 provided that “evidence concerning the prior sexual conduct” of the survivor will not be admitted into evidence, to “adequately protect [survivors] from harassment, embarrassment, and humiliation”, which could further traumatize survivors and serve as a deterrent to providing critical testimony (United Nations International Criminal Tribunal for the former Yugoslavia, 2017a). Lastly, Rule 96 addressed the manner in which “non-consent can be proven” by acknowledging that a survivor cannot consent when they have: a. been subjected to or threatened with or has reason to fear violence, duress, detention, or psychological oppression or b. reasonably believed that if they did not submit, another might be so subjected, threatened, or put in fear (United Nations International Criminal Tribunal for the former Yugoslavia, 2017a). This is of great importance, as historically survivors may have been regarded as a consenting party because they “did not put up active resistance” (United Nations International Criminal Tribunal for the former Yugoslavia, 2017b). Finally, Rule 96 clarified that where sexual violence has occurred “as part of an ongoing genocide campaign or detention of the victim”, the absence of consent can be inferred (United Nations International Criminal Tribunal for the former Yugoslavia, 2017b). Of this innovative approach, Gabrielle Kirk McDonald, former President of the ICTY, stated “it’s just not foreseeable that consent could be a defense when a woman is in such a coercive and life-threatening situation as a war” (United Nations International Criminal Tribunal for the former Yugoslavia, 2017b). Though McDonald’s statement contains gendered language, there is no indication that this policy was not applied to all individuals, regardless of gender (United Nations International Criminal Tribunal for the former Yugoslavia, 2017b). The ICTY additionally required the inclusion of women into the “organizational structure” of the tribunal and required an investigation into the sexual violence that occurred in the former Yugoslavia by the Office of the Prosecutor (King and Greening, 2007). A cabinet, led by legal

advisor Patricia Visor-Sellers, was created with the purpose of dealing with “gender-based prosecutions” (King and Greening, 2007).

The International Criminal Tribunal for the former Yugoslavia prosecuted several landmark cases regarding sexual violence that would shape how sexual violence during war was viewed and handled moving forward (United Nations International Criminal Tribunal for the former Yugoslavia, 2017a). Through the trial of four former Bosnian soldiers, the Mucic et al judgment recognized rape as a form of torture, a violation of both the Geneva Conventions and the laws and customs of war set out by the international community (United Nations International Criminal Tribunal for the former Yugoslavia, 2017c). The defendants were charged with several charges related to sexual violence, committed against both men and women (United Nations International Criminal Tribunal for the former Yugoslavia, 2017c). Upon passing judgment, the Tribunal stated that the rape of any person is a “despicable act which strikes at the core of human dignity and physical integrity” (United Nations International Criminal Tribunal for the former Yugoslavia, 2017c). It must be noted that Esad Landžo, charged with ordering two brothers to perform oral sex on each other in the presence of other detainees, was charged with “inhuman treatment” under Article 7(3) (Graham et al., 1991). This forced sexual violence was not considered rape, and therefore not charged as torture. This highlights a shortcoming on the part of the Tribunal, as this ruling does not qualify the survivors as having experienced sexual assault or torture because they were not anally raped (Graham et al., 1991). Based on this distinction, a survivor of this type of sexual violence is discouraged from seeking resources allocated to survivors of sexual assault, sexual torture, or torture in general.

The case presented against Duško Tadić, the former Bosnian Serb Democratic Party Board President of Kozarac, was the first-ever trial regarding sexual violence against men (United Nations International Criminal Tribunal for the former Yugoslavia, 2017c). Tadić was found guilty of cruel treatment and inhumane acts for forcing a detainee at Omarska camp to bite off the testicles of another detainee (United Nations International Criminal Tribunal for the former Yugoslavia, 2017c). Upon appeal, Tadić was additionally sentenced for “grave breaches of the 1949 Geneva conventions: inhumane treatment and willfully causing great suffering or serious injury to the body or health” (United Nations International Criminal Tribunal for the former Yugoslavia, 2017c). This serves as another example of sexual violence against a male

survivor receiving an invalidating label. One survivor experienced a forced interaction with the genitals of another individual while the other suffered what would likely be irreversible damage to their genitalia, which could impact their reproductive ability. Through the lens of the current understanding of sexual assault and sexual violence, that neither survivor is acknowledged as a survivor of sexual violence through this ruling presents a major shortcoming on behalf of the Tribunal.

The Kunarac et al ruling stands out as a landmark case as it established rape as a crime against humanity (United Nations International Criminal Tribunal for the former Yugoslavia, 2017c). This judgment, brought against Dragoljub Kunarac, Radomir Kovač, and Zoran Vuković, was the first in the Tribunal's history to acknowledge this type of sexual violence as a crime against humanity, which carries more weight (United Nations International Criminal Tribunal for the former Yugoslavia, 2017c). While a historic win for survivors of rape within the international community, this ruling fails to acknowledge sexual violence beyond rape. Consequentially, this leaves survivors of sexual violence or torture who did not experience rape behind. It was not until the 1998 International Criminal Tribunal for Rwanda (ICTR) that the legal definition of sexual violence was expanded (Oosterhoff, Zwanikken and Ketting, 2004). The sister tribunal clarified that sexual violence is “not limited to physical invasion of the human body and may include acts which do not involve penetration or even physical contact” (Oosterhoff, Zwanikken and Ketting, 2004). This expanded definition of sexual violence is of particular importance when discussing sexual violence against males. As illustrated by data from Loncar, Henigsberg and Hrabac, anal rape was not the most frequent type of sexual violence, with only 3.3% of subjects reporting having been raped while captive (Loncar, Henigsberg and Hrabac, 2009). Within the confines of the ICTY's understanding of sexual violence, the majority of survivors within Loncar, Henigsberg and Hrabac's study are invalidated, having not technically experienced sexual violence. As acknowledged by the ICTY through the recognition that the atrocities committed under the command of Ratko Mladić in Srebrenica were genocide, labels are incredibly important (United Nations International Criminal Tribunal for the former Yugoslavia, 2017c). In the case of the male survivors who were left unrecognized as survivors of sexual violence by the ICTY, the absence of a label provides yet another deterrent to seeking treatment as a result of the trauma they endured. Why would a male survivor seek treatment as a survivor of sexual violence when their community and the ICTY tell them they are not?



Reactions to the International Criminal Tribunal for the former Yugoslavia were mixed within the Western Balkans. Groups in Serbia and Croatia openly opposed the surrender of veterans to the tribunal, who were presented as war criminals by some and heroes by others (Drakulić, 2015). While the Republika Srpska and Serbian governments presented a unified opposition to any extradition, the republic of Croatia was polarized by the Tribunal (Orentlicher and International Center For Transitional Justice, 2010). Croatian war veterans, who became very powerful politically following the war, maintained the narrative that those who were on trial at the Hague should be seen as heroes. To extradite such a hero was seen as an act of hypocrisy by the Croatian government, which initially praised those who fought against the “Serbian aggressors” (Drakulić, 2015). Within male-dominated circles throughout the Western Balkans, the sentiment that prosecution of war crimes was an unnecessary and dangerous infringement on the autonomy of the republics could be heard. This sentiment would escalate to violence in the case of Milan Levar, the first witness for the Tribunal to be killed in revenge after testifying on the execution of 120 Serbians and 40 Croatians in Gospic from October 16th-18th in 1991 (Drakulić, 2015). Milan Levar was punished for publicly speaking both within the civilian media and with Tribunal officials, an act that labeled him a traitor. What example does this set for survivors, particularly Croatian male survivors, who wish to share their stories? To do so could place a survivor in grave danger, potentially labeled as a traitor to the homeland they fought for, an action some labeled punishable by death.

While the Bosnian survivors interviewed by Clark acknowledged the importance of the work being done by the Tribunal, they additionally expressed dissatisfaction with Tribunal outcomes (Clark, 2017). Echoing the sentiments of other Bosnians, interviewees complained the Tribunal’s trials went on too long and produced sentences that were too lenient (Clark, 2017). While it may be unreasonable to expect the Tribunal to prosecute every individual that committed atrocities during the former Yugoslav conflicts, through the lens of a survivor, a lack of justice for their specific experience is incredibly disheartening. In the case of the ten men interviewed by Clark, the lack of any prosecutions relating directly to Celopek left them feeling cheated (Clark, 2017). “What sort of justice can we expect now?” and “War criminals are living freely in Belgrade, so how can we so how can we live normally” were just some of the sentiments of the interviewees, reflecting that they felt they were the ones “paying the price for the crimes committed against them”, not their perpetrators (Clark, 2017). In this way, male

survivors are excluded once again, excluded from the justice and validation that comes with a guilty verdict.

Beyond the prosecutions of the International Criminal Tribunal for the former Yugoslavia, domestic prosecutions took place in Bosnia and Herzegovina as well, in which defendants were charged with conduct including forced nudity, forced oral sex, and other forms of “sexual humiliation” against male individuals (Withers and All Survivors Project, 2017). The domestic prosecution of these conflict-related crimes has been stunted and undermined by corruption and institutional fragmentation within the Bosnian judicial system. This, in part, is a consequence of the inherent structure of Bosnia and Herzegovina, by which the republic is physically and ideologically divided. Historically, the state structure has been regarded externally as “excessively complex, uncoordinated, and ineffective” (Lee-Jones, 2018). With four criminal codes in Bosnia and Herzegovina used at different levels of government, legislative inconsistency plagues the system (Lee-Jones, 2018). Within the 2003 Bosnia and Herzegovina Criminal Code, gender-neutral language regarding definitions of sexual violence is present and, through an amendment in 2015, the requirement to prove the “direct use or direct threat of force” in establishing a nonconsensual sexual experience, was dropped to fall in line with international standards (Withers and All Survivors Project, 2017). This Criminal Code, however, has historically been ignored by entity and district-level courts who implement the 1976 Criminal Code of the former Socialist Republic of Yugoslavia, despite the code being regarded as inadequate regarding sexual violence. Such inadequacies include a lack of recognition of command responsibility and the exclusion of certain acts, such as forced sterilization, from their definition of sexual violence crimes recognized by international law (Withers and All Survivors Project, 2017).

Often, conflict-related sexual violence against men is prosecuted as torture or inhumane treatment, rather than sexual violence, standing in contrast to how cases involving female survivors are prosecuted (Withers and All Survivors Project, 2017). This inaccurate categorization serves to perpetuate gender stereotypes and reinforces myths regarding sexual violence against males. Another shortcoming of the judicial system is the inadequate protection provided to survivors and witnesses in such cases. While a 2014 law on Witness Protection Program provides protection for witnesses during criminal proceedings in Bosnia and

Herzegovina, this law is not applicable to cases before cantonal or district courts, serving as another example of institutional fragmentation (Withers and All Survivors Project, 2017). This inconsistency has directly impacted the security of sexual violence survivors and therefore their ability and willingness to testify in court. This, paired with concerns regarding breaches of confidentiality, has led to international concern and international donor-funded projects to strengthen protection services. In addition, NGO institutions and networks have been established to provide protection services throughout the entire duration of a trial, as well as connect survivors with mental health and legal support organizations for sustained assistance (Withers and All Survivors Project, 2017). The mishandling of sexual violence cases and international intervention speaks to a lack of expertise within Bosnia and Herzegovina's judicial system, highlighting a lack of education and training at all levels of law enforcement regarding sexual violence against male bodies. The Organization for Security and Co-operation in Europe (OSCE) reported in a survey conducted in 2011/2012 that only one of 29 prosecutors interviewed received training on handling sexual violence cases (Withers and All Survivors Project, 2017). This knowledge gap has resulted in OSCE training regarding war-crime investigations and the application of International Protocol on the Documentation and Investigation of Sexual Violence in Conflict, supported by the UK government (Withers and All Survivors Project, 2017).

### **On Media Coverage**

In an assessment of how gender, sexuality, and ethnicity constitute each other in the media representations of sexual violence, Dubravka Žarkov analyzed articles from various newspapers and documents distributed within the former Yugoslavia from 1986 and 1994 (Moser and Žarkov, 2005, pp.69–82). This assessment confirmed gender biases within the Western Balkans as well as highlighted the erasure and emasculation of male survivors of sexual violence. The Bassiouni Report, published by Professor M. Cherif Bassiouni who served as the Chairman of the United Nations Security Council Commission to Investigate Human Rights Violations in the former Yugoslavia from 1992-1994 (United Nations International Criminal Tribunal for the former Yugoslavia, 2017a) provided critical insight into the cruelest of detention camps and the sexual violence that occurred throughout the conflict (Moser and Žarkov, 2005, pp.69–82). Camps run by Serbian Forces were highlighted as “the ones where the largest number of detainees have been held and where the cruelest and largest number of violations occurred”,

however, violations of human rights and cruelty occurred in detention camps on all sides of the conflict (Moser and Žarkov, 2005, pp.69–82). The Bassiouni Report concluded that “sexual assaults in the wars in Bosnia and Croatia were systematic and used with clear political purpose”, validating the rumors of strategic gender-based violence that both women and men had experienced (Moser and Žarkov, 2005, pp.69–82). Within the Bassiouni Report, Zarkov notes, testimonies regarding sexual violence against men came mainly from witnesses in contrast to the first-hand accounts provided by female survivors (Moser and Žarkov, 2005, pp.69–82). This difference, Zarkov argues, is “related to the position of masculinity and the male body within nationalist discourses on ethnicity, nationhood, and statehood” (Moser and Žarkov, 2005, pp.69–82). The disparity between reports on sexual violence experienced by women in contrast to men is seen within academia and local media coverage alike. By 1996, only four relevant academic texts mentioned men as victims of sexual violence (Moser and Žarkov, 2005, pp.69–82). Of significance is Adam Jones’ research on the influence of gender within the ethnic conflict in the Western Balkans where he argued that war could produce gender-based violence against both men and women (Moser and Žarkov, 2005, pp.69–82). Additionally, Petra Brečić and Mladen Lončar’s study on the characteristics of sexual violence against men, provided the most detailed account of the sexual abuse of men at the time (Moser and Žarkov, 2005, pp.69–82).

Both locally and internationally, communities were learning of the atrocities occurring in the Western Balkans through the media. The front pages of newspapers and magazines pictured horrific photos of starved men and “tearful, raped women”, but the sexual violence men were routinely experiencing remained absent (Moser and Žarkov, 2005, pp.69–82). Within the Croatian press between November 1991 and December 1993, only six articles regarding male survivors of sexual assault were published, standing in direct contrast to the 100+ articles about other forms of torture experienced by Croats in Serbian and Muslim-held camps (Moser and Žarkov, 2005, pp.69–82). Within the Serbian media, male survivors experienced complete erasure as the sexual torture of men was not mentioned within the Serbian press (Moser and Žarkov, 2005, pp.69–82). This disparity can be attributed to the understanding of masculinity and its accepted forms. Zarkov argues that within contemporary European gender relations, masculinity is expressed through, and is inseparable from, power (Moser and Žarkov, 2005, pp.69–82). Masculinity is expressed through the power to protect oneself and others, sexual

dominance, and intellectual and moral power (Moser and Žarkov, 2005, pp.69–82). Within the strict confines of this accepted expression of masculinity, a male cannot experience sexual violence and retain their masculinity. This is reflected within media where male sexual abuse and torture were discussed, and male survivors are described with attributes usually associated with femininity: “protected, naive, raped” (Moser and Žarkov, 2005, pp.69–82). In the case of male survivors in the Western Balkans, the restrictions placed on them by the gender binary are compounded by ethnic tensions. When a male body, Zarkov argues, is both “ethnic and male” simultaneously, the body becomes representative of the entire ethnic group (Moser and Žarkov, 2005, pp.69–82). This symbolic significance is applied to all parties, from the perpetrators to the survivors, and the way the media reports on these instances. Through this lens, the emasculation and humiliation of one man through sexual torture is the emasculation and humiliation of a nation (Moser and Žarkov, 2005, pp.69–82). What motivation then, does a nation’s media have to report on atrocities that they perceive to be an embarrassment? This embarrassment, within the context of violent ethnic tensions, cannot be afforded by a nation like Croatia attempting to construct a narrative of power and virility (Moser and Žarkov, 2005, pp.69–82). The preservation of this narrative by the media comes at the cost of erasing and invalidating the experiences of male survivors by omission.

Dubravka Zarkov’s analysis serves as a contrast to the experience of female survivors within the local and international media landscape. Within the international community, in part due to the overwhelming statistics regarding the rate of rape within Bosnia and the surrounding former Yugoslav territories, an assumption was made that many, if not all Bosnian Muslim women were survivors of rape (Engle, 2005). In what Engle calls an “odd reversal”, Bosnian Muslim women were often met with disbelief after denying having been raped (Engle, 2005). Journalists expressed frustration over the “silence” of Bosnian Muslim women who, in some cases, expressly denied having been victims of sexual violence but were not believed (Engle, 2005). Such silence or denial was viewed as a mechanism of self-protection, to the detriment of reporting. Journalist Seada Vranic lamented “the silence of the victims during my investigation was also my adversary. Very often I felt as if I were standing in front of a wall, yet it was human beings, not bricks...” (Engle, 2005). It is unreasonable to argue there is no space for the frustration of journalists and investigators in this instance. The direct testimony from a female survivor could be critical in uncovering information regarding the atrocities that occurred

throughout the Yugoslav conflicts and directly aided in the international prosecution of individuals by the International Criminal Tribunal for the former Yugoslavia. However, by perceiving silence or denial as evidence of rape, Bosnian Muslim women are restricted by the identity of a “raped woman” (Engle, 2005). This identity was categorized by a lack of power, deep depression, and a label as a “broken” individual (Engle, 2005). By forcing this label onto Bosnian Muslim women, survivors and non-survivors alike are left with very little agency and are “thrust against their will into the victimization of rape” (Engle, 2005). The position of these women, hounded by reporters, seemingly begging for their stories, are at odds with the position of the erased male survivors who struggle for validation or any type of exposure.

In a study conducted by Anette Bringedal Houge evaluating how the Norwegian newspaper *Aftenposten*’s coverage of sexual violence during the war in Bosnia and Herzegovina portrayed male sexual violence, we are given a glimpse into how this often taboo topic was covered internationally (Houge, 2008). Houge’s findings illustrated poor coverage of male sexual violence, with no single article dealing with the issue in detail (Houge, 2008). The longest reporting conducted on male sexual violence involved a man who was forced to penetrate a young girl with his fingers; the incident was given seven lines of text (Houge, 2008). While the media outlet produced 89 reports of sexual violence for which no gender was specified or mentioned, the analysis found that these texts “did not leave readers with the impression that men were among the victims” (Houge, 2008). Houge argues that even when no gender is mentioned, other factors, such as the “overall non-gendering, or non-reporting, of male victims” reinforce that a rape victim is automatically female (Houge, 2008). Lastly, Houge presents the argument that sexual violence has been gendered to the point that when writing about sexual violence involving male victims, the gender of the victims is mentioned consistently, in contrast to discussing sexual violence involving female victims (Houge, 2008). Rarely does one see “female victims of rape”, because when victims are expected to be female, the reader does not require clarification (Houge, 2008).

### **Lack of Institutional Support**

It is not uncommon for welfare and other social services to be provided to survivors of war by state institutions. Following the wars in the former Yugoslavia, many survivors faced obstacles in accessing reparative measures such as social benefits. In Bosnia and Herzegovina,

there is no state-level reparations program, but rather at the regional and local levels of entities (Withers and All Survivors Project, 2017). Each entity, the Federation of Bosnia and Herzegovina, Republika Srpska, and Brčko District, has individualized laws relating to reparative measures, and welfare packages vary greatly depending on your location (Withers and All Survivors Project, 2017). In the Federation of Bosnia and Herzegovina, survivors were required to apply for civilian victims-of-war status through selected civil society organizations until 2016 (Withers and All Survivors Project, 2017). Prior to legal amendments addressing this issue, citizens were discouraged from receiving benefits through this requirement, as many did not want to be associated with or become members of these victims-of-war associations. The process of receiving welfare in Republika Srpska as a survivor was made extremely difficult by the requirement to “demonstrate bodily damage of at least 60% as a direct consequence of the violation” (Withers and All Survivors Project, 2017). This requirement was particularly damaging to survivors of sexual violence and compounded by a deadline of December 2007 to receive any assistance (Withers and All Survivors Project, 2017). Brčko District’s legislation has additionally been deemed unnecessarily burdensome for survivors, requiring the presentation of a certificate issued by an independent commission confirming the individual is a survivor of sexual violence as well as medical proof of “permanent psychological harm” (Withers and All Survivors Project, 2017). Each district’s process can be understood as strenuous for a survivor of sexual violence, with the potential for retraumatization resulting in further psychological damage.

## **Discussion**

While the discussion of rape is prevalent within the international community as well as NGOs and IGOs, these articles more often than not discuss the rape of a woman by a man, as women are disproportionately impacted by this type of violence (Sivakumaran, 2005). When the rape of a male by another male is mentioned in these articles or discussions, it is typically to discuss the difficulties faced by these organizations or governments in an attempt to gather data or details regarding this phenomenon (Sivakumaran, 2005). With a lack of literature and research on the subject of male survivors of sexual assault, it can be concluded that sexual assault of men is rare or nonexistent (Donnelly and Kenyon, 1996). However, this does not reflect the reality of the situation, as Denise Donnelly and Stacy Kenyon of Georgia State University have noted, “the

full extent of male sexual victimization is obscured by traditional male gender role socialization” (Donnelly and Kenyon, 1996). Sandesh Sivakumaran argues that the issue of male/male rape and sexual violence, in which a male is both the perpetrator and the victim, has not been addressed in the same capacity as other forms of rape for two reasons: the cause is voiceless and is “tainted” by homophobia (Sivakumaran, 2005). Sivakumaran asserts that there are many, even within the healthcare and academic community, who feel uncomfortable discussing the issue of male victimization publicly. Further, the principal reason behind this lack of voice is that male/male rape is, as described, sexual activity between two males (Sivakumaran, 2005). This activity, whether consensual or not, can be seen as indicative of homosexuality. The issue of homosexuality within this issue “amounts to a ‘taint’ on the part of the victim of the rape” (Sivakumaran, 2005). This is intended by perpetrators and perpetuated by the state due to a lack of investigation or acknowledgment.

## **Homophobia**

The use of language in research, survivor resources, and public policy, plays an important role in homophobic myths regarding male victimization. The term homosexual rape, while meant to mean “same-sex” rape and which would describe the rape of a male by a male, cannot be taken at face value. Sivakumaran argues that the term homosexual has been “irrevocably tainted by years of use in a pejorative sense”, and therefore the “everyday” meaning of homosexual rape describes a rape in which one or both of the parties involved identify as homosexual (Sivakumaran, 2005). The use of the term homosexual rape can, knowingly or unknowingly, perpetuate the idea that only homosexual men are victims or perpetrators of male/male rape. This implication can be incredibly dangerous for an individual, putting their mental and physical health in jeopardy. After experiencing sexual violence, male survivors may question their sexuality, and consider themselves “tainted” with homosexuality (Sivakumaran, 2005). It is in recent memory that the American Psychiatric Association removed homosexuality from its list of psychiatric diseases, less than 20 years prior to the conflicts in the former Yugoslavia (Sivakumaran, 2005). It was not until 1992 that the World Health Organization would take similar steps (Sivakumaran, 2005). These examples illustrate the homophobia embedded in all aspects of society, particularly within the later twentieth century. Within the gender binary distinction, power is equated with masculinity, which is intrinsically equated with



heterosexuality. Through this lens, forced sodomy or other forms of sexual violence strip male survivors of their masculinity and power. However, within a power dynamic such as a prisoner and their captor such as the sexual violence that occurred in the former Yugoslavia, the perpetrators retain their masculinity and heterosexual status (Sivakumaran, 2005).

### **Failures in Identification**

Data has illustrated that trauma resulting from sexual violence is exacerbated by the non-reporting of, or a delay in, the reporting of this violation (Sivakumaran, 2005). Reasons for non-reporting can differ depending on a variety of factors, as well as gender identity. Male survivors are presented with a different set of hurdles when dealing with rape reporting than female survivors (Sivakumaran, 2005). The gender binary and societal constructs play an important role in the silencing of survivors. In Oosterhoff, Zwanikken, and Ketting's 2000 study of 16 health professionals, they found that staff struggled to understand male victimization. One therapist at the Centre for Psychotrauma confessed that she "did not believe that men could be raped" until she was presented with a man brought to the center who was "naked and bleeding from the anus" (Oosterhoff, Zwanikken and Ketting, 2004). It was only upon being presented with physical evidence of male sexual torture that she was able to accept male sexual torture as a reality. However, this initial attitude of disbelief potentially left her patients uncomfortable and unsafe. It is not unfair to assume that prior to being presented with physical evidence, she was unable or unwilling to identify signs of a male survivor. A failure to identify male survivors of sexual torture has to do with, in part, an inability within institutions and communities to recognize that male survivors exist. Medical staff is not exempt from preconceived notions of victimization or internalized gender roles. Within the gender binary and hegemonic masculinity, male victimization cannot be properly understood as manhood is equated with the ability to exert power over others. This limited understanding leaves men and women alike unable to understand or accept male victimization. This notion, when manifested in a medical professional, who is afforded a certain level of authority and trust, can reinforce dangerous myths regarding male victimization. This ignorance comes at the cost of male survivors, who are greatly impacted by the gender stereotypes perpetuated by the gender binary. This can result in difficulty conceptualizing and verbalizing experiences of sexual violence on the part of the survivor (Oosterhoff, Zwanikken and Ketting, 2004). The inaccurate and dangerous notion that men can

not be the victims of sexual assault is not exclusive to the Western Balkans. According to a study conducted by Georgia State University in 1996 to investigate the responses of law enforcement, medical professionals, rape crisis centers, and mental health professionals to male sexual assault victims, many professionals believed that men could not be raped (Donnelly and Kenyon, 1996). While some professionals denied the existence of male sexual assault altogether, others claimed that those who were raped experienced the violence because they “wanted it” (Donnelly and Kenyon, 1996). Donnelly and Kenyon’s findings were consistent with the conditions male survivors face in the Western Balkans and highlighted that the gender binary plays an important role in both a provider’s perceptions of male sexual assault and the services that are available to male survivors.

### **Understanding Male Victimization**

Across many spaces, there remains a lack of understanding of what constitutes sexual violence for both males and females alike. An understanding of sexual assault or violence can vary greatly from person to person and is influenced by environment and education. These inconsistencies can be found even within the human rights community or those tasked with caring for sexual violence trauma victims. A flawed or partial understanding of male sexual assault by authorities can lead to further trauma and injustice for the survivor. In a Dutch study on sexual torture in male victims which received responses from 17 refugee reception centers in Holland, Dr. van Tienhoven found that staff struggled with defining sexual violence in males (Carlson, 2005). Carlson asserts through the data collected in his study, that many males do not grow up understanding that they are able to be victims of sexual abuse or violence, unlike women who understand this possibility from a young age (Carlson, 2005). This can result in biases from professionals who do not see male victimization as an option.

As physical violence, even physical harm to sexual organs, during torture is very common, professionals can fail to interpret such injury as sexual violence (Carlson, 2005). In particular, survivors and professionals alike can struggle to conceptualize that blunt trauma to male genitalia is a form of sexual violence. Carlson correctly highlights that the hitting of testicles during peacetime activities, such as soccer, is generally considered a normal occurrence, which can result in a disconnect for individuals (Carlson, 2005). It is similarly important for it to be

understood that trauma to the male genitalia can occur without visible damage. We must additionally deconstruct the myth that “damage is the defining proof” of abuse or violence, as the goal of sexual violence is not always physical damage (Carlson, 2005). This damaging myth, which in the past has been applied to female survivors, only provides validation for survivors through the physical presence of trauma, an unethical and unrealistic requirement for survivors to have to meet. Elvan Isikozlu and Ananda Millard argue whether or not an individual can handle and recover from wartime rape or sexual violence depends a great deal on whether or not they have the support of their family (Isikozlu and Millard, 2010). The support of the family, however, is largely dependent on the dominant discourse and perceptions held within their community regarding rape and other forms of sexual violence. A lack of understanding by family members and medical professionals plays a major role in whether or not a survivor can conceptualize their trauma, and can result in a lack of treatment or categorization of the violence that occurred. (Isikozlu and Millard, 2010) However, a survivor’s frame of mind or understanding of victimization, as well as that of biased medical professionals or family members, should never influence the categorization of sexual violence (Carlson, 2005).

In some respects, the feminist movement has contributed to a lack of understanding surrounding male victimization due to its silence. Within the feminist movement, notions of power dynamics and gender dominance play key roles. These notions, particularly power dynamics, play a large role in any type of sexual violence. While feminist scholars have maintained that rape is “an act of dominance”, a traditional view of the power dynamic in which women are inherently subordinate is extremely gendered and upholds the gender binary. This view does not accurately reflect that “concepts of masculinity and femininity are neither uniform nor truly bipolar opposites” (Sivakumaran, 2005). Sivakumaran correctly highlights that the notion of feminizing or emasculating men through the act of male/male rape heavily relies on the gender binary as well as the traditional view of the power dynamic. Feminist scholar Catherine MacKinnon highlights that through rape men are “thereby stripped of their social status as men...they are feminized” (Sivakumaran, 2005). Through this feminization, they are “made to serve the function and play the role customarily assigned to women as men’s social inferiors” (Sivakumaran, 2005). The assertion that male victimization must result in feminization, by which they are inherently weaker and lower in social status, is an issue that falls well within the scope of the feminist movement.

## **Reframing Vulnerability and Victimization**

Through the gender binary distinction and hegemonic masculinity, attributes such as victimization and vulnerability have been unnecessarily gendered as female to serve the patriarchy. Sharon Lamb observes that there is shame in being a victim in our current culture because there is a shame “associated with being overpowered or vulnerable or hurt or unable to come to one's own defense” (Cunniff Gilson, 2016). It is intentional that victimization and vulnerability are associated with a lack of power, weakness, and an overall susceptibility to exploitation (Cunniff Gilson, 2016). The coupling of victimhood and femininity leaves female bodies at risk, Alcoff argues, as it can encourage others to perceive women as “helpless victims who are unable to resist” and therefore exacerbating their vulnerability (Alcoff, 2009). Thus we see a self-perpetuating cycle by which females are associated with victimhood, resulting in further victimization, moreover validating the initial association of victimhood and femininity. The traditional concept of victimization as an identity consists of criteria that determine who can and cannot be recognized as a victim. This requires an individual to fit or adhere to certain criteria in order to be deemed a “true” victim (Cunniff Gilson, 2016). This criterion is exemplified through the process by which Bosnia and Herzegovina legally recognizes an individual as a victim of wartime violence and therefore eligible for institutional support or welfare. This categorization of victimhood perpetuates a homogenous victim experience, ignoring nuance and individual incidence. Additionally, this conceptualization of victimization leaves women without agency, labeled as powerless and passive (Cunniff Gilson, 2016). The coupling of vulnerability and femininity, Debra Bergoffen argues, is exactly what allowed rape to be employed as an effective weapon of war. By creating a gendered distinction between those who need protection and those who provide protection, men are able to be shamed for their inability to be protectors. In this context, gender-based violence results in exclusion and stigma for the victim and social disintegration for those who surround her (Cunniff Gilson, 2016).

This understanding of victimization, by which there is a “true” victim and therefore others who are not deserving of this categorization, is conducive to victim blaming (Cunniff Gilson, 2016). We routinely see victim blaming through legal proceedings where victims are remarked on as equally responsible or chastised for alcohol consumption, resulting in a lighter sentence for the perpetrator. When public outrage ensues, the media or other commentators may

attempt to emphasize and reassert the vulnerability of the individual, in order to recategorize her as a “true victim” (Cunniff Gilson, 2016). While in good nature, such acts reinforce the dualism of vulnerability and invulnerability as well as a need for a perfect victim (Cunniff Gilson, 2016). Through this lens, men do not fit into the “true” victim category. While this serves to perpetuate hegemonic masculinity and male domination, it leaves men who are victims invalidated and without autonomy. If one is adhering to the gender binary and its gendered attributes, it is inconceivable that a man could be vulnerable to sexual violence. How then, can male victims receive adequate care or advocate for themselves without feminizing themselves and putting themselves at further risk for isolation and exclusion? This exemplifies the need to reframe vulnerability and victimization. By reframing vulnerability as ambiguous and gender-neutral, the oppressive and gendered nature of the concept is removed. This understanding of vulnerability acknowledges the complexity and nuance of sexual experience and sexual violence, rather than attempting to strictly categorize what is often ambiguous (Cunniff Gilson, 2016). Additionally, it highlights that victimization does not require inherent vulnerability, and sexual violence is experienced by many different types of individuals, who cannot be categorized uniformly.

### **Beyond Current Conceptualizations**

Turchik, Hebenstreit, and Judson argue that the “current conceptualizations, definitions, and assessment measures of sexual assault” discourage an understanding of sexual violence beyond a male perpetrator and a female victim (Turchik, Hebenstreit and Judson, 2015). Currently, male/female rape, in which the male is the perpetrator and the female is the victim, is in the foreground. This leaves all other forms of rape, male/male, female/male, and female/female at the peripheries. Foregrounding these types of rape would not diminish the importance or prevalence of male/female rape, but rather would allow for the recognition that the issue of rape has multiple dimensions and requires nuanced consideration (Sivakumaran, 2005). Sivakumaran notes that this acknowledgment will create “the potential for more inclusive politics, opening up a space for subjects who have remained unaddressed” (Sivakumaran, 2005). It cannot be argued that our current understanding of sexual violence does not have importance. Women and girls disproportionately experience sexual violence and make up the majority of survivors. However, with the knowledge that survivors, regardless of gender or sexual orientation, are susceptible to physical and psychological trauma, it is irresponsible to focus

solely on the majority. To best support all survivors, sexual violence must be viewed outside gender-specific terms. The question remains, how can this be executed? We are shown examples of positive professional behavior through Dr. Loncar at the Medical Center for Human Rights and the leader of an all-male therapy group at the International Rehabilitation Council for Torture Victims. Dr. Loncar, a previous inmate of a detention camp, led a therapy group for 55 male survivors at the Medical Centre for Human Rights during Oosterhoff, Zwanikken, and Ketting's 2000 study (Oosterhoff, Zwanikken and Ketting, 2004). In contrast to the previously discussed therapist at the Centre for Psychotrauma, Dr. Loncar's previous experience paired with his credentials provided a more comfortable and safe environment for survivors. At the International Rehabilitation Council for Torture Victims, the all-male therapy group hoped to provide an open and judgment-free environment for male survivors to discuss their experience with sexual torture (Oosterhoff, Zwanikken and Ketting, 2004). It was noted that many of the men within the group had known each other from their time in the detention camps, and once a single individual shared their story, others began to feel comfortable sharing their own (Oosterhoff, Zwanikken and Ketting, 2004). This group was run by a female therapist who, according to the study, was notably open and comfortable discussing the topic of sexual violence and male victimization. Previously staff, including male staff, had been unsuccessful in identifying more than a few male survivors of sexual violence over a five-year period. It can be understood that the sex of a professional does not necessarily increase or decrease the comfort level of survivors, but rather the attitude of the professional and their ability to provide a safe and welcoming environment.

The importance of a "gender-inclusive conceptualization" of sexual violence within research lies in the consequences of exclusion (Turchik, Hebenstreit and Judson, 2015). As recently as 2016, Turchik, Hebenstreit, and Judson reported the prevalence of rape myths regarding a man's inability to be sexually assaulted, remain common among the public and continues to penetrate social institutions such as healthcare, law, and the media (Turchik, Hebenstreit and Judson, 2015). This prevalence is reflected by statistics reporting that male survivors are less likely to report incidents of sexual violence and have trouble receiving survivor-oriented services (Turchik, Hebenstreit and Judson, 2015). King and Greening argue that while all individuals are able to understand the concept of sexual violence, women are more readily able to understand themselves as potential victims of such violence as opposed to men (King and Greening, 2007). This lack of understanding can in part be attributed to the

categorization of victimization as feminine. Making change within the research community can be the first step in shifting public understanding and consequently increasing awareness. Public awareness is critical as it fuels advocacy efforts, which are required for lobbying and legal reform to occur. A lack of public awareness leads to more stigma and barriers for survivors as they attempt to find information and access treatment resources.

Feminist theory, both in general and within the context of sexual violence, has progressed to be more gender-neutral. Brownmiller contributed to this progress by arguing that the assumption that rape is motivated by power rather than sexual drive can be applied to male survivors of sexual violence that occurred in prison settings (Turchik, Hebenstreit and Judson, 2015). Feminist theory must continue to expand to serve as a strong and gender-inclusive theory within this space. Turchik, Hebenstreit, and Judson argue that a first step towards gender inclusivity would be to expand our understanding of how aspects of power, equality, and control influence sexual violence without assuming a gendered nature to these aspects (Turchik, Hebenstreit and Judson, 2015). Within the context of sexual violence in war or for the use of political gain, we have seen that these constructs can be applied to any individual, regardless of gender. However, the assumption that these attributes and constructs belong to a single gender identity provides the basis for which a victim can be humiliated and allow gender-based violence to thrive. Routine Activity theory serves as an example of a gender-neutral theory tool to further understand sexual violence. While routine activity theory was developed to predict “perpetration and vulnerability to victimization” to crime and is not specific to sexual violence, the theory can be used to explore various types of sexual violence (Turchik, Hebenstreit and Judson, 2015). This theory posits that direct-contact criminal opportunity “requires three elements that must converge in time and space: a motivated offender, a suitable target or victim, and the lack of a capable guardian” (Turchik, Hebenstreit and Judson, 2015). This has allowed studies using this theory to explain both female and male victimization.

The inclusion of men into debates and theories regarding gender-based violence does not necessarily need to come at the cost of women. This can become the case, however, when inclusion is approached from an overly simplified perspective, ignoring the inherent privilege in gendered power relations (Drumond, 2019). While there are undeniable similarities in how gender can be weaponized against men and how men are impacted by such violence as opposed

to how women experience such acts, to equate the two as identical is inaccurate and dangerous. Paula Drumond, in her research regarding gender inclusion in global politics, highlights the misappropriation of gender inclusivity to serve anti-feminist and misogynistic rhetoric (Drumond, 2019). The urge to reveal who is impacted by sexual violence, Drumond notes, must not overshadow delving into how gender, sex, and violence interact and impact individuals (Drumond, 2019). The inclusion of men must not come at the erasure of the stories of women. The stories of men and women, with our current understanding of gender power dynamics, cannot be lumped into a single category.

## **Recommendations**

A comprehensive survivor-centered approach, aiming to provide justice and adequate assistance to all survivors through a nuanced understanding of victimization across the gender spectrum, must be employed at all levels. To achieve this, the research we currently have on male victimization must be utilized and knowledge gaps must be identified and filled. Continued research on male survivors of gender-based violence should keep pace with arising nuances and changes within society. Without unbiased and extensive research to support specialist expertise, it will be increasingly difficult to educate relevant government and professional stakeholders on the topic (Withers and All Survivors Project, 2017). The continued education of these stakeholders is critical, as law enforcement, judiciary members, and healthcare professionals all influence the sexual violence space. Their influence cannot be understated both institutionally and interpersonally.

Institutionally, laws and governmental policy regarding sexual violence must recognize the non-discriminatory nature of sexual violence and deliver justice in a manner that does not prioritize the victimization of one gender over another. These laws and policies play a critical role, not only in providing justice to survivors and the families of victims but in influencing broader social attitudes and responses to sexual violence, regardless of the context (Withers and All Survivors Project, 2017). This wide-reaching influence has the potential to promote awareness within non-governmental spaces, such as journalism and community support networks, which play a critical role in the documentation of human rights abuses (Withers and All Survivors Project, 2017). Acknowledgment in the media plays a critical role in



destigmatization, impacting interpersonal communication and individual attitudes. Individual attitudes toward victimization can influence familial support or the quality of healthcare received, both important in the healing process. Moreover, educating the public on sexual violence and male victimization can decrease the stigma surrounding the topic, influencing the amount of shame and stigma experienced by the survivor of sexual violence. Educational sexual violence prevention programs would benefit from directly discussing the beliefs, norms, and attitudes that influence public understanding of victimization and sexual violence (Cunniff Gilson, 2016). It would be additionally beneficial to have education-based prevention programs specifically directed at sites and institutions where hegemonic masculinity is perpetuated, such as within the military, fraternities, or athletics teams (Cunniff Gilson, 2016).

## **Conclusion**

So long as conflict persists, the threat of gender-based violence will remain throughout present and future conflicts internationally. By analyzing the societal and institutional reaction to the gender-based violence experienced by males in the early 1990s in the former Yugoslavia, this thesis illustrated the consequences of exclusion. The violence inflicted on males highlights not only that gender-based violence can aim to ethnically cleanse a population, but that the fertility of any individual can be weaponized, with over 50% of male subjects in a single study reporting psychosexual torture threats aimed at losing their fertility (Loncar, Henigsberg and Hrabac, 2009). The understanding that gender-based violence uniformly inflicts trauma regardless of the gender identity of survivors provides the fuel to investigate and fund prevention measures, in hopes of decreasing incidence levels and saving lives as a result. However, to properly employ preventative measures that keep both male and female bodies safe, both research and policy must take strides to deconstruct gender biases and abandon the rigid male perpetrator/female victim paradigm.

This dissertation has highlighted the ways in which the gender binary fuels gender-based violence through preconceived notions, rape myths, and rigidly gendered attributes. In both female and male survivors, we see how the shame of victimization negatively impacts the individual, reducing the rate at which they receive the care they need and contributing to trends of underreporting. Still, it remains apparent that male survivors are suffering differently than

female survivors, neglected in a space that is historically underfunded and lacking in advocacy concerning even its most acknowledged survivors. This neglect and lack of visibility are exemplified by the lack of coverage of the violence experienced by male soldiers in the Croatian and Serbian media in contrast to the visibility given to female survivors of gender-based violence (Moser and Žarkov, 2005, pp.69–82). In a field where they are often viewed as the perpetrators of violence, male survivors struggle to find adequate resources for healing mentally and physically. Understandably, many resources for survivors of gender-based violence or sexual violence, in general, tend to cater to the female population who continues to be disproportionately impacted by this violence. However, the gendered nature of resources leaves male survivors in a vulnerable and unsupported position. Some resources, despite their gendered nature, may apply to male survivors. Nevertheless, all survivors are deserving of care that takes into consideration individual circumstances. Yes, there are similarities in the ways in which male and female survivors experience sexual violence and heal, but this is not enough to condone care that does not understand or acknowledge the nuances of male victimization.

The exclusion of male victimization from the gender-based violence space serves only the patriarchy and the gender binary, rather than survivors. This exclusion perpetuates the myth that men cannot be raped, and that women alone suffer from this violence. In turn, the consequential feminization resulting from male victimization comes at the cost of both female and male survivors. To understand victimization as uniquely feminine is to support hegemonic masculinity by which women are inherently subordinate and inferior. It is from this notion that gender-based violence is able to thrive and weaponize attributes that society has unnecessarily assigned gender to. The coupling of femininity and victimization leaves women and girls increasingly vulnerable to victimization and benefits perpetrators of violence. Simply because gender-based violence weaponizes gendered attributes and adheres to the gender binary does not mean that the study or education regarding gender-based violence must adhere to these limitations. An inclusive approach, by which all types of violence and victimization are researched, understood, and validated must persist at all levels. While gender-inclusive language is the first step, simply stating all bodies experience sexual violence is not enough. A nuanced understanding of how gender-based violence manifests and is orchestrated cannot be painted with a broad and gender-neutral brush. How gender power dynamics influence and shape victimization in male and female bodies requires separate consideration. A gender-sensitive

approach, one that is inclusive and validating of all types of victimization, has the potential to drastically change the landscape of gender-based violence for the better.

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