



Male Rape in Armed Conflict

Male Rape Victims in the Lord's Resistance Army war and the Conflict in Eastern Congo

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This document represents part of the author's study programme while at the Institute of Social Studies. The views stated therein are those of the author and not necessarily those of the Institute.

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List of Acronyms

UPDF	Uganda Peoples Defence Force
FARDC	Forces Armees De La Republique Democratique Du Congo
ICC	International Criminal Court
UNHCR	United Nations High Commission for Refugees
LRA	Lord's Resistance Army
MOHRAU	Men of Hope Refugee Association Uganda
RLP	Refugee Law Project
UN	United Nations
CEDAW	Convention for the Elimination of All Forms of Discrimination Against women.
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political rights
ICTR	International Criminal Tribunal
UK	United Kingdom
RUF	Revolutionary United Front
NRA	National Resistance Army
ICTY	International Criminal Tribunal of the Former Yugoslavia

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Dedication

I dedicate this paper to NUFFIC my sponsors who awarded me the scholarship to fulfil my dreams. I pray that many more lives will be changed through the support that NUFFIC offers. Thank you

Abstract

Sexual Violence against Men in Uganda is an underreported crime. Sexual Violence against Men is considered a taboo in most cultures. It is an issue not talked about because many consider the rape of Men nearly impossible. However, Sexual Violence against Men is an issue that can no longer be ignored. It is clear that Men have also been Victims of rape in armed conflicts all over the world. The laws that define rape should be revised to include Men and boys as victims of rape. This is because there are several reported growing incidents of Male rape in Uganda today. A Medical doctor working in Ntinda hospital said of all referrals from the refugee law project the Male patients referred to her have at least reported incidents of Sexual Violence. In this hospital, Approximately 15 operations are carried out on a monthly basis to repair the damaged anuses of Male rape survivors. A demographic health survey in 2006 showed that at least 11% of Ugandan Men had identified themselves as Victims of Sexual Violence which is not related to conflict. Another study showed that in Pabbo camp in Gulu district of Northern Uganda, boys and Men were reported among Victims of Sexual Violence.

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Relevance to Development Studies

The study of male rape in armed conflict is important in development studies because Men are a part of the development process. If Men are disempowered economically families will suffer and the cycle of poverty will continue to haunt our societies. Men are the bread winners in every society. Society looks up to Men to look after their families and protect their women and children. Therefore the issue of male rape can no longer be ignored because the future of most families is in the hands of Men. The study of Male rape is also important because service providers and health personnel need to be informed about the occurrence of Male rape so as to best help the victims. By helping the victims of Male rape, the right to health is promoted which is a key aspect in development.

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Keywords

Male Rape, Homosexuality, Masculinity, Social Exclusion, “Tek gungu” or “bend over”, Conflict, Rights based approaches.

Chapter 1: Introduction to the Research

1.1 Introduction to The Research Problem

Male Rape is considered a Taboo. It is further complicated by the fact that data on Male rape is non-existent and very difficult to come across (Oosterhoff, Zwanikken et al. 2004: 68). institutions such as the Police, Courts, Health Workers and Government have not yet acknowledged the existing reality of Male rape(Oosterhoff, Zwanikken et al. 2004: 68).

Health workers as well as other institutions have internalized stereotyped assumptions of Masculinity and feminism. Such assumptions include Men being Aggressive and Women being Submissive. As a result institutions do not conceive it possible that Men can be victims of Rape. Male rape Victims have in some cases been dismissed from Health centers on the grounds that Male rape is unheard of (Oosterhoff, Zwanikken et al. 2004: 68).

Male rape Victims are also likely to be branded as homosexuals because the act involves sexual activity with Men (Sivakumaran 2005: 1274). Such behavior is considered by society as Homosexuality regardless of whether or not there was consent (Sivakumaran 2005: 1274). Given the reality of homophobia in society today, branding Male rape victims as homosexual's amounts to a taint on the victim of Male rape (Sivakumaran 2005: 1274).

Very few people are willing to talk about Male rape. Sivakumaran argues that Male rape is a cause without a voice. Institutions involved in the process of decision making have been unwilling to mention the subject of Male rape. And those that are interested in speaking about Male rape have been silenced for political reasons (Sivakumaran 2005: 1275).

Sivakumaran argues that care has not been taken in defining rape. He argues that rape has been defined solely as Male to female rape. According to Sivakumaran, there are four types of rape. These include: Male to female rape, Male to Male rape, female to Male rape and female to female rape. Male to female rape is the most common form of rape and was the first kind of rape to gain international attention. Male to Male rape has not been so recognized as compared to the other types of rape (Sivakumaran 2005: 1279). The focus of this paper is on male to male rape.

Research on gender based Violence has a tendency to focus on Women and Children as Victims of rape and War. In the Democratic Republic of Congo, FARDC (Forces Armees De La Republique Democratique Du Congo) was held accountable for 40% of Sexual Violence in Congo in 2007 ('Baaz Eriksson Maria' 2009: 497).

Rape is used as a weapon of war to show dominance over conquered groups of Men and Women. It can also be used to show the gains of war. Rape is perpetrated by persons who have themselves been Victims of assaults. Rape is also used as a form of revenge ('Baaz Eriksson Maria' 2009: 497).

Demands for group Solidarity in Military Structures results in planned rape actions which leave individuals unable to account for their rape actions. The increased use of drugs and alcohol allows the perpetrators to deny a sense of responsibility and agency and thus enabling the perpetrators to commit crimes of rape against their civilian victims ('Baaz Eriksson Maria' 2009).

The problem of Male rape has gained less significant attention than any other topic in Sexuality. Most people still do not believe in the existence of Male rape. The rationale for the limited reporting on Male rape in Ugandan society today is attributed to increased homophobia and society's constructions of Masculinity among other factors (Oosterhoff, Zwanikken et al. 2004: 74).

Society's Construct of Masculinity has played an important role in the limited information on Male rape. Society construes Manhood as the ability to exert Power over Another. Society views Masculinity and Victimhood as incompatible. However the frequent occurrence of Male rape in armed conflict in Northern Uganda and Eastern Congo challenges the view that Masculinity and victimhood are incompatible.

The Rome statute of the international Criminal Court defines rape as follows: article 7(1)(g) , “ the perpetrator invaded the body of a person by conduct resulting in penetration however slight of any part of the body of the victim or perpetrator with a sexual organ or of the anal penetration or genital opening of the victim with any object or any other part of the body”.(2) “the invasion was committed by force or by threat of force or coercion such as that caused by Fear, Violence, Duress, Detention and Psychological detention or abuse of power, against such person or another person by taking advantage of a coercive Environment or the Invasion was committed against a person incapable of giving genuine Consent.”(Dr. Dolan Chris' 2014:7).

The definition of rape under the Rome statute is gender neutral which implies that victims of Male rape can seek redress under the provisions of the Rome statute. Uganda ratified the Rome statute on June 14th 2002, however Ugandan domestic laws have not addressed the issue of Male rape. Uganda adopted the international criminal Court Act in 2010 as a National Statute to incorporate the provisions of the Rome statute into domestic law.

The newly adopted ICC (international criminal court) Act does not include sexual Crimes that occurred before 2010, which excludes Victims of Male rape during the 20 year war conflict in Northern Uganda and the Male victims of rape from Eastern Congo. The passing of the Anti-homosexuality Act on February 24th 2013 has complicated the problem of Male rape in Uganda. The Anti-homosexuality Act criminalizes Consensual Sex between persons of the Same Sex. Section 2(2) of the anti-Homosexuality Act criminalizes Same Sex marriage with up to life imprisonment. The passing of the Anti-Homosexuality legislation has made it more difficult for victims of Male rape to seek legal redress and Social Services provided by agencies and Non-governmental Organizations (Dr. Dolan Chris' 2014).

There are three types of gaps in the legal frame work of Uganda. First, Crime definitions in the laws of Uganda exclude Men as victims of Sexual Violence, this implies that usually the perpetrators of sexual violence are Men. Secondly, the requirement of the need to prove consent with regard to Sexual Violence

crimes by the laws complicates the problem of Male rape because Male rape is usually committed under Coercion and threats. Thirdly, the Criminalization of consensual Sexual behavior by the laws affects reporting on conflict related Sexual Violence by Male victims of rape because the Men victims of rape do not want to be seen in the eyes of the law as homosexuals ('Shayne, Henry, Farharizvi, Tchoukleva, Ioana' 2013: 46).

1.2 Justification and Position of the Researcher. In view of the current controversy surrounding the Anti-homosexuality legislation in Uganda, any talk on homosexuality is likely to threaten personal security. Literature on Male rape is scanty, this is because society considers Male rape a taboo. Some organizations that handle victims of war like the international Red Cross society, United Nations High Commission for refugees, Interaid Uganda and Amnesty international acknowledge that sexual violence against Men and boys in conflict situations is a growing concern. However it has not been well documented. This research paper seeks to add to the already existing literature on Male rape. Existing literature on Male rape focuses on the causes of Male rape, the myths surrounding Male rape, the impact of Male rape on victims and critiques the fact that institutions have failed to recognize that Male rape is a serious issue that needs to be addressed. Rape has for long been considered a female issue where by the perpetrator is a Man and the victim is a woman or child. Not much has been heard about Male rape victims. The laws only mention indecent assault committed against boys under the age of eighteen years. Existing Literature on Male rape has not addressed the gap in the law of rape in Uganda and many other countries. This research paper seeks to understand the gap in the law of rape in Uganda and compare Uganda's law of rape to how other countries have categorized rape.

1.3 RESEARCH OBJECTIVES AND QUESTIONS:

The objectives of this research paper include: to understand the prevalence of Male rape in Uganda, to understand how the legal system in Uganda has characterized male rape compared to how other countries characterize Male rape, to understand how the particular characterization of male rape in Uganda makes it difficult socially and legally for victims to claim assistance.

Research question:

What has been done to assist the Victims of Male Rape in Northern Uganda both legally and socially?

Research Sub Questions:

1. What is the prevalence of Male Rape in Armed Conflict in Uganda and what provisions are made regarding responses and supportive provisions for victims?
2. How does the legal system in Uganda Characterize Male rape and how does this compare with how other countries recognize it?
3. To what extent does the particular characterization of Male rape make it especially difficult both socially and legally for Victims to claim official assistance

1.4 Methodology (How to get Answers to the questions, which Method, which sources)

This Research is a desktop Research and literature review on Male rape in Armed Conflict in the Lord's Resistance Army (LRA) war and the victims of Male rape residing in Uganda from the Conflict in Eastern Congo. I interviewed the Director of the Refugee Law Project, Dr. Chris Dolan whose organization has handled victims of Male rape in Armed Conflict in northern Uganda. In an interview with Mr. David Onen, a gender expert working for the Refugee Law project, there is no clear statistical findings on Male rape because of the difficulty of reporting on Male rape. The documents released by the refugee law project discuss the prevalence of Male rape in armed conflict in Uganda and the surrounding regions, the reports also address the legal framework of Uganda regarding Male rape. The reports also address the health sector and how medical personnel and other institutions have been very slow to acknowledge the existing problem of Male rape in Uganda today. The reports also addressed the challenges that Male rape survivors face in their communities. I also used Video testimonies of respondents who reported having been sexually abused by UPDF fighters during the war. These video testimonies were documented by the refugee law project. These video testimonies narrate the ordeals of the victims of male rape.

1.5 Ethical challenges and concerns:

Writing about Male rape in armed conflict is an uphill task. since the victims have many challenges because it is not just the rape that the victims are struggling with but also the social stigma of Male rape by authorities like the police, health workers and the community.

Some challenges in data collection included: delayed responses from the refugee law project for the data I collected. The office of the prime minister was also not in position to give permission to conduct interviews on the subject of Male rape because the matter was still politically very sensitive at the time of data collection.

Literature on Male rape is also limited because not much has been said and heard about the issue of Male rape.

I dealt with the challenges in data collection by requesting for published documents on the subject of male rape from the refugee law project in Uganda. The refugee law project is a non-governmental organization that helps victims of male rape in Uganda. The organization has published documents and video recordings on the subject of male rape in Uganda. The most recent videos published by the refugee law project on the subject of male rape in Uganda include: “gender against men” and “they slept with me”

I also dealt with the challenges of data collection but conducting unstructured interviews with the director of refugee law project, Dr. Chris Dolan. He has written a wealth of information on the subject of male rape in Uganda and currently runs an organization that helps victims of male rape in Uganda and around the region. I also conducted unstructured interviews with Mr. David Onen, a

gender expert working for the refugee law project who discussed with me the issue of prevalence of male rape in Uganda.

The office of the prime minister of Uganda did not give me permission to conduct any interviews with the victims of male rape because of the hotly contested anti-gay law at the time. However I dealt with this challenge by using video recordings of male victims of sexual violence who had openly come out through the media and narrated their experiences of being raped during the 20 year conflict in northern Uganda.

Chapter Two: Conceptualizing Male Rape. (Theoretical And Empirical Distinction between Sexual Violence against Men, Male rape and Homosexual rape, all occurring in conflict)

Framework for analysis:

The analysis of this paper will include concepts, approaches and theories. The first concept analyzed in this paper is the concept of "masculinity." The concept of masculinity will discuss hegemonic and subordinated masculinity by showing how these forms of masculinity are behind the intentions of the perpetrators of male rape. Secondly, the analysis of this paper discusses the theory of social exclusion. The theory of social exclusion shows how male rape victims are affected by social exclusion. The theory of social exclusion will apply the concepts of active exclusion and passive exclusion and explain how these concepts relate to the problem of male rape in Uganda. Thirdly, this paper analyses human rights based approaches to development. There are four approaches to development. These include: legal mobilization approach, global compliance approach, programming and policy approach to development and rights talk approach to development. The four approaches to development will be discussed in the analysis of this paper to show how human rights approaches have been used by the refugee law project to promote awareness of the problem of male rape in Uganda. Finally the paper draws conclusions based on the findings and offers a set of recommendations that could be used to understand the problem of male rape.

2.1 Literature review on Occurrence and Conceptualization of Male rape:

To understand the problem and definition of Male rape, I draw examples from Male rape in situations of armed conflict in some countries.

Addressing Sexual Violence in Armed Conflict:

Afghanistan. In March and September 2013, the Afghanistan Human rights Commission indicated a series of Sexual Violence committed against Men and boys. Perpetrator profiles included the police and military commanders and former warlords, tribal leaders and non-state armed groups. Reporting of Sexual Violence against Men and boys is severely limited but the United Nations has received threats of violence against Men in detention.

Democratic Republic of Congo: During the Conflict in 2013, Sexual Violence against Men and boys was often reported in the regions of Rutshuru territory (north Kivu) which was under M23 control for much of 2013. Also in north

Kivu, Sexual Violence was documented during displacement and around camps for internally displaced persons

Male rape in Croatia: the following organizations provided assistance to Male survivors of Sexual Violence in Croatia; the Medical Centre for human rights, the international rehabilitation Centre for torture victims, and the Centre for psycho trauma which provides psych social treatment for war veterans(Oosterhoff, Zwanikken et al. 2004: 72). these three organizations provided data on 22 Male rape victims who were enrolled in therapy programs, 2500 testimonies of Men and women were collected, between 1992 and 1994,. 1648 were Men. Further data was obtained from 55 Male survivors of Sexual Violence (Oosterhoff, Zwanikken et al. 2004: 72). The 55 survivors of Male rape in Zagreb reported psychosomatic complaints which included: headaches, Muscle ache, Vomiting, stomach ache and sweating's (Oosterhoff, Zwanikken et al. 2004: 74). The survivors also reported Sexual dysfunctions which included: impotence, problems maintaining an erection and pain during Sexual intercourse (Oosterhoff, Zwanikken et al. 2004: 74).

In Central America, 76% of Male political prisoners who were surveyed in one prison in El Salvador in 1986, described at least one incident of Sexual Torture. In Eastern Europe, a study of 6,000 survivors in detention camps in the former Yugoslavia showed that 80% of Men reported having been raped. In Asia, 21 % of Sri Lankan Males who were seen at a London torture treatment Centre from 1997 -1998 reported Sexual Abuse while under detention by the government in Sri Lanka.(Dr. Chris Dolan 2013: 16) from 2003 to 2004, investigators documented Sexual Violence suffered by detainees in Iraq at the Abu Gharib prison by United States soldiers.(Dr. Chris Dolan 2013)

In a Medical foundation study of 184 Tamil Srilankan Men, 21 % reported having been sexually assaulted while in detention. The sexual assault constituted of acts like forced nudity, Verbal Sexual threats and torture. 5 % of the Men reported of being raped. Ahmed an Iranian man in his 20s was detained tortured and raped for several months. The guards called him a homosexual and ridiculed him. (Peel 2004: 32)

An analysis of 120 prevalence studies showed that 3 % of Men worldwide have experienced rape in their lifetime. In contrast to 13% of women. The World Health Organization reported an estimate of 5 % and 10% Men throughout the world who have reported childhood Sexual Abuse. These findings were conducted in developed countries while in developing countries the findings were 20% in Peru, 3.6 % in Namibia and 13.4% in Tanzania.(Stemple 2008: 607)

2.2. Mythologies Surrounding Male rape: Social framing, particularly the Myth that Male victims of rape have become homosexuals.

There are numerous Myths that surround the Concept of Male rape. The myths that are central to the analysis of this paper include: there is the myth that male rape causes homosexuality and further still that homosexuals and bisexuals deserve to be raped because they are deviant. Secondly, the myth that male victims of rape are to blame for their rape

because real men should be able to protect themselves from any form of abuse. Many people assume that it is not possible that an Adult Male can be overpowered and raped. It is also assumed that male rape does not affect men as badly as it does to the women. Society assumes that men are emotionally strong and are able to tough it out and cope with the experiences of rape. (Arnold Kвесiga 2013: 241). The myth that male victims of rape have become homosexuals is common in homophobic environments like in Uganda where some male victims of rape fear coming out to talk about their ordeals because the society will look at them as homosexuals (Turchik A. Jessica 2012: 212).

Other myths that surround the concept of male rape include:

There is the Myth that outside of prison, Male rape cannot occur (Arnold Kвесiga 2013: 241). There is also the myth that homosexuality is a mental and physical disorder. Homosexuality had been recognized as a psychiatric disorder until 1973 when it was removed from the international and medical journal (Turchik A. Jessica 2012: 212). However, some people still hold the view that homosexuality is a mental and physical disorder.

2.3. Gender Based Sexual Violence, Typologies of rape: towards understanding of legal framing of Male rape particularly the typologies of rape as a result of the spirit of war and recreational mass rape.

“Rape, there are different types of rape. They are all forbidden. There is the rape when a soldier is a way, when he has not seen his women for a while and has needs and no money. This is called the lust or need rape. Other types of rape are a result of the spirit of war and aim at humiliating the dignity of people. This is considered an evil rape.”(Baaz Eriksson Maria' 2009: 1). According to Baaz Erickson there are three kinds of rape, which include: Systematic Mass rape, Recreational and National security rape. Recreational rape has been attributed to the Men’s biological Make up that explains the Men’s desire of Sexual release. National Security rape on the other hand is explained as a rape used by governments and the Military to ensure what they call “National Security”. Other types of rape like systematic mass rape are aimed at demoralizing other ethnic groups and sending a message to Men that as protectors of society they are inadequate to protect the community or they have failed in their role as protectors of the community (‘Baaz Eriksson Maria' 2009).

The practice of Men raping Men occurs around the world in all environmental settings and are not limited to Prisons and Neighborhoods, Conflicts and Military organizations and College campuses (Scarce 2001: 2) . According to scarce, the term rape has been gendered. When the term “rape” is on its own it is presumed that the perpetrator is Male and the

victim is female. However it has to be termed as Male rape to include the Men as Victims of rape (Scarce 2001: 8).

The Motivation for carrying out Male rape in Conflict situations is usually to overpower and Humiliate and degrade their victims more than out of lust, passion or Sexual desire (Scarce 2001: 18). Male rape in armed conflict is also used as a means of sexual Torture and Aggression (Mezey, King 2000: 1345). According to Mb king, although rape is a Sexual Act, it is usually motivated by a wish to dominate and degrade the Victim (Mezey, King 2000).

Men have been raped, humiliated and Degraded in Conflicts such as; The Abu Ghraib scandal in Iraq, the war in Bosnia and the Democratic republic of Congo war, the conflict in El Salvador, the conflict in the former Yugoslavia, including the Second World War.(Stemple 2008: 610). during the conflict in the former Yugoslavia, an investigation team on Sexual Assault Concluded that Men were Castrated and Mutilated and forced into acts of rape with other Men, and also forced to perform fellatio and other sex acts on each other(Stemple 2008: 613). Male rape was used as a means of torture in the former Yugoslavia war in the 1990s (Oosterhoff, Zwanikken et al. 2004: 68). In Croatia, sexual torture against Men was used as a means of getting information.(Oosterhoff, Zwanikken et al. 2004: 69). The convention against torture defines torture as an act which causes severe and Mental suffering and is committed for the purposes of obtaining information through intimidating, using coercion and threats. Male rape constitutes an act of torture.

The definition of torture requires that the Act must be instigated by a person in an official position (Oosterhoff, Zwanikken et al. 2004: 69). For the act to amount as torture, it must be exercised by a person in authority with the intention of getting information or intimidating the victim. Male rape was considered as torture in the case of Tadic and celibacy in the Conflict in the former Yugoslavia. Were the courts opined that rape is a form of torture. In the tadic and celibacy case, the court decided that rape constitutes torture when it is inflicted by an official or with official authority (Oosterhoff, Zwanikken et al. 2004: 69). Rape has also been held as a means of terrorizing other Ethnic groups. (Oosterhoff, Zwanikken et al. 2004: 69). Rape is also regarded as a crime against the dignity of humanity (Oosterhoff, Zwanikken et al. 2004: 72).

Male Victims of Sexual Violence have been exposed to acts such as forced Nudity, taunting, Verbal Sexual Threats, humiliation, genital Mutilation, Sterilization, Anal and Oral rape, and forced into acts of incest. Sexual Violence against Men can take many different forms (Hedlund 2012). Male to female rape has been considered an issue of power control in which case the perpetrators seek to maintain the gender hierarchy

of Men exercising control and power over the women whereas the women take on a subordinated position that society has ascribed to the women (Sivakumaran 2005: 1281).

The perpetrators of Male rape usually aim at feminizing and emasculating their victims (Sivakumaran 2005: 1282). Men who are raped are therefore stripped of their social status as "Men". They are feminized (Sivakumaran 2005: 1282). Male victims of rape are turned into women and made to serve the function of women as Men's social inferiors. (Sivakumaran 2005: 1282). The term emasculation is used to describe the Male victim of rape who has been stripped of his Masculinity and has been made weak and feminine (Sivakumaran 2005: 1283). For a man who is sexually attacked demeans his Masculinity (Sivakumaran 2005: 1283).

The concept Male rape is also difficult to define. The term Male rape describes the rape of one Man by another Man (Sivakumaran 2005: 1285). Male rape is simply the rape of one man by another Man. There are no other connotations attached to the concept of Male rape. Although, there is also the phenomenon of Homosexual rape.

According to Sivakumaran, the term Homosexual rape has two meanings: The etymological meaning and the everyday meaning. (Sivakumaran 2005: 1285). The etymological meaning refers to the rape of one member by another of the same sex. And can thus be positioned with Male rape. While the everyday meaning describes the rape of one member in which both parties are Homosexuals (Sivakumaran 2005: 1285).

It is suggested that the term homosexual rape should be used in circumstances in which both parties are homosexuals. In the rape of Men, society focuses attention on the sexual nature of the act rather than on the power and dominance issues involved (Sivakumaran 2005: 1285).

Part of the intention of the perpetrators in Male rape is also to get their victims to ejaculate during the assault. When the victim ejaculates, this will result in the Victim questioning their Sexuality. The Victim may perceive themselves as Homosexuals simply because they ejaculated (Sivakumaran 2005: 1291). It also hinders the victim from reporting the Assault for fear that their sexuality will be questioned. Part of the intentions of the perpetrators of Male rape is to cast aspersions of homosexuality on their victims (Sivakumaran 2005: 1293). This is achieved by forcing the victim to commit acts which are associated to homosexuality. The perpetrator will force the victim to ejaculate or the rape may be done as a form of queer bashing (Sivakumaran 2005: 1293). Male rape in public is also a public display of Masculinity used for controlling and dominating others. Described as a weapon of the powerful (Sivakumaran 2005: 1300). Male rape is an expression of dominance and control over the

victim rather than of Sexuality (Hodge 1995: 225). It has also been stated that Male rape is rarely a homosexual problem. The act is perpetrated mostly by heterosexual men (Hodge 1995: 225).

2.4 Male rape in the laws of Uganda

The laws of Uganda do not recognize Male rape. The law characterizes sexual offences against boys as an indecent assault. Section 147 of the penal code act provides that any person who unlawfully and indecently assaults a boy under the age of eighteen years commits a felony and is liable to imprisonment for fourteen years. The laws of Uganda criminalize same sex relations under section 145 of the Ugandan penal code act. It provides that any person who has carnal knowledge of another against the order of nature commits an offence and is liable to life imprisonment. The penalties for assaults against women are not the same with assaults against men. Under Ugandan laws, rape of a woman carries a death penalty under section 124 of the penal code act whereas indecent assault of a boy under the age of eighteen years is punishable by imprisonment of fourteen years.

Chapter Three: The Prevalence of Male Rape in Uganda in Armed conflict and Supportive Provisions for Victims.

What is the prevalence of Male rape in armed conflict in Uganda and what provisions are made regarding responses and supportive provisions for victims?

3.1 Background to the War

The war in Northern Uganda began in 1986 by the Lord's resistance Army against President Yoweri Museveni's government. The war caused the displacement of over 1.7 million Ugandans who suffered rape, Mutilations and Deaths. (Okello, Hovil 2007: 434) The cause of the War has been relegated to deep seated grievances against the incumbent regime. However the war lost popularity because it was a poor expression of the deep seated grievances against the government and it resulted to the Massive killings and rape crimes committed by the lord's resistance army as well as the Uganda people's defense force. (UPDF). (Okello, Hovil 2007: 434)

3.2 Occurrence of Sexual Violence against Men and Male rape in the Context of war in and Around Uganda.

Quantitative data on the subject of Male rape is extremely difficult to come by. Some major organizations like United Nations High Commission for Refugees and the International Red Cross society do not have data on the prevalence of Male rape in armed conflict although they acknowledge Male rape as an existing reality. Others like the Refugee Law Project and InterAid Uganda have documented individual account testimonies of victims of Male rape. Many Male Victims of rape are silent about their plight while others took years to openly discuss their plight. The reason for the non-reporting on Male rape is because Male rape is attributed to feminism and society's construction of Masculinity.

Statistics regarding Male rape show that 90% of Men in conflict affected countries are in situations where the law provides no protection for Male rape victims. 62 countries representing two thirds of the world's population only provide for female victims of rape. 67 states criminalize Men who report sexual Abuse. In 28 countries only Men are recognized as perpetrators of Sexual Violence.(Dr. Dolan Chris' 2014: 6)According to Dr. Chris Dolan, Sexual Violence against Men in Armed conflict has occurred in over 25 conflicts in Africa in the last two decades.(Dr. Chris Dolan 2013: 2).

In debates on gender and development, literature is centered on women. Assumptions about gender define Men as naturally Aggressive, Sexually demanding and invulnerable while women are naturally peaceful, sexually passive and weak. This perpetrates the view that Men are usually the victimizers and the women are the victims.(Cleaver 2002: 2)

The popular notions of Sexuality coupled with homosexual behavior discredit the view that Men can be victims of rape. In Uganda and many other cultures the legal system and other institutions do not distinguish between consensual and non-consensual sexual behavior. As a result Male rape in view of the existing legislation may be viewed as consensual sexual behavior.

The limited reporting of Sexual Violence against Men is attributed to social, legal and structural barriers that hinder the reporting of Male rape.(Shayne, Henry, Farharizvi, Tchoukleva, Ioana' 2013: 13). The structural barriers include: physicians and aid workers are not trained to recognize symptoms of Male rape.(Shayne, Henry, Farharizvi, Tchoukleva, Ioana' 2013: 13).

Male rape victims are also exposed to destructive stereotypes and Cultural factors that consider the Males as invulnerable to Sexual Abuse. As a result Victims under report Sexual Abuse because of the feminism attached to rape, the homosexual nature of the act and cultural constructs of Masculinity.(Shayne, Henry, Farharizvi, Tchoukleva, Ioana' 2013: 14)

The term prevalence of Male rape refers to the number of Male rapes that have ever occurred in a population. (Scarce 2001: 16) it is impossible to estimate the prevalence of Male rape because many Men are silent about their plight fearing that they will be branded as homosexuals or considered as less of a Man. (Scarce 2001)

Since homosexuality is criminal under the Uganda anti-homosexuality legislation, most victims of Male rape do not report to the police about Male rape. Cultural factors also hinder most Men from reporting Male rape because the rape of a Man is considered a taboo. The United Nations Security Council recognized for the first time Men and boys as Victims of Sexual Violence in conflict in UNSCR 2016. (Dr. Dolan Chris' 2014: 1)

Sexual Violence against Men and boys in Conflict Situations is underreported, under documented and under acknowledged. ("Refugee Law Project" 2013). Sexual Violence against Men and boys in conflict situations ranges from anal penetration to genital mutilation and being forced to commit Sexual Acts ("Refugee Law Project" 2013). The majority of the Sexual Violence against Men and boys is committed most especially by the Men themselves although in a few number of cases Women can be accomplices to Sexual Violence against Men.

The feminization of Men through Sexual Violence is aimed at promoting the gender construct of Subordination of Women. In such circumstances through feminizing the Men, Sexual Violence against Men is used as a weapon to disempower gender hierarchy and fracture the Community. Testimonies of Sexual Violence against Men and boys show that Sexual Violence is usually pre-meditated, planned and systematic ("Refugee Law Project" 2013).

A study by the John Hopkins hospital on the prevalence of Male rape revealed that 447 Male refugees based in a refugee settlement in Western Uganda were screened for cases of Sexual Violence. 99% of the Men originated from the Conflict in Eastern Congo and lived for over a year in the Settlement. 13.4% had experienced Sexual Violence while in the Settlement. 38.5% of the Men had experienced Sexual Violence in their whole lives. A report in 2010 on Sexual Violence in the Eastern Congo showed 39.7% among Women and 23.6% of Sexual Violence among Men. (Dolan 2014b: 2)

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Regarding the scope of Male rape in Conflict, a study showed that in Liberia 32.6% of Male combatants and 7% of Male civilians had experienced Sexual Violence during Armed Conflict. In the United States in 2012, a report showed that 53% of reported cases of Sexual Abuse occurred in the Military. (Dr. Dolan Chris' 2014: 1) In some cases holes are dug in the ground and Victims are forced to have Sex with holes in the ground. One victim narrated, "The officers took me to another location where they dug a hole in the ground and forced me to have sex

with it. They were beating and asking me to moan like I was enjoying it.” (Arnold Kwesiga 2013: 245)

Another Victim raped by Soldiers explained: “I had been detained in a cell with soldiers who were detained for disobedience charges. Four soldiers asked me to give them money to buy candles to light the cell which money I did not have. They then proceeded to Sexually Abuse me anally and went ahead to rape me in the mouth until they released their sperms in my mouth and forced me to swallow. At that point I vomited and they continued beating me up. One of the officers told me that from that time I was going to be his wife. I didn’t know what he meant by this until he came to the room at night and told me to remove all my clothes and then bend over. I was very scared and I didn’t know what he wanted until he painfully inserted his penis in my anus. He started having sex with me like I was a woman. I was screaming and he hit me with the gun butt. It was the most horrific experience of my life. And it happened again and again over the two months I was in the bushes. I was turned into his woman.”(Arnold Kwesiga 2013: 245)

The Forms of Conflict Related Sexual Violence against Men in Armed Conflict include:

- (i) Oral rape
- (ii) Having ropes being tied to genitalia and being pulled around by rope
- (iii) Having electric wires being attached to the genitalia
- (iv) Linking two men with ropes being tied to the genitalia and making them walk in opposite directions.
- (v) Being made to dig holes in the ground or in trees and then to rub themselves in that hole to the point of ejaculation.
- (vi) Being forced to have vaginal sex with women under detention.
- (vii) Being forced to have anal or oral sex with other detainees or brothers or fathers.
- (viii) Being forced to commit sexual acts with the victim’s spouses while children are watching.
- (ix) Being used as a mattress while soldiers rape their family members on top of them.
- (x) Being held for lengthy periods of time as sexual slaves.
- (xi) Forced circumcision, forced castration and other forms of genital mutilation. ('Dr. Dolan Chris' 2014: 3)

3.3 CHALLENGES FACING BOTH SERVICE PROVIDERS AND SURVIVORS OF MALE RAPE:

There are very few organizations that are willing to talk about issues related to Male rape (Sivakumaran 2005: 1280). once an issue draws public attention, organizations are set to further the issue. However this is not the case with Male rape. A number of Organizations like the refugee law project that handles Male rape victims have been banned by the government from furthering the cause of Male rape as government has labelled such organizations as promoting homosexuality.

Health challenges: Many health centers are not informed about Male rape. This applies to both the government and the private hospitals. Some health personnel's think that Male rape is a problem of homosexuality.(Dolan 2014a) this has led to the victimization of Male rape victims by health personnel's. This affects the access to health services by Male rape victims and some resort to taking pain killers to blot out the pain. However they end up with long term health complications. Some survivors report incidents of being referred to gynecologists who are trained in handling women's issues to seek medical help from gynecologists. As a result some victims of Male rape take matters into their own hands and resort to traditional healers. (Dolan 2014a)

Stigma and discrimination challenges: Male victims of rape have had to deal continuously with stigma and discrimination. This is because of homophobia which is still prevalent in our society. Stigma that Male rape victims experience takes the form of name calling, finger pointing and being thrown out of job.

Many Ugandans abhor homosexuality.(Dolan 2014a) As a result many Ugandans have refused to distinguish Male rape and homosexuality. The anti-homosexuality legislation that was signed on 24th February 2013 created fears among survivor groups of Male rape victims who have suspended community activities because of the fear of being branded and labelled as homosexuals by the community.(Dolan 2014a) There is still a lot of ignorance and misconception among the community members regarding the issue of Male rape and homosexuality.

Family related challenges: In patriarchal settings like Uganda and many other cultures, Men are seen as the sole provider for the family and head of the household. However victims of Male rape have their roles as household heads distorted. Many Men victims of Sexual Violence cannot continue with their roles as provider for the family because their health is affected and as such cannot do much physical work.(Dolan 2014a)

Some survivors of Sexual Violence do not get respect from their wives and children mainly because the rape occurred in the presence of their wives and children. As a result, the Men feel dehumanized in front of their family. (Dolan 2014a) Some survivors are also unable to control urine and stool as a result of the rape. Such secrets are kept at the mercy of their wives.

As a result some Men cannot question their wives for any domestic problem for fear of being exposed. (Dolan 2014a) Some Men have been rendered impotent as a result of the Sexual Violence. Others are unable to satisfy their wives sexually and have thus lost their wives to other Men. Some Men have also lost their wives to other Men because the women cannot wait for many years before their husbands recover from all the psychological and psychosexual impacts of Male rape upon their bodies. (Dolan 2014a)

Insecurity challenges: Some perpetrators are known to the survivors. Some perpetrators are hunting down survivors for fear of exposure.

Survivors of Male rape report that service providers are inadequately equipped to handle Male rape victims. Most services available for rape treat women and children. ('Dr. Dolan Chris' 2014: 4) survivors have also reported that health workers and, counsellors have further more endorsed the myth that Male rape victims are homosexuals. ('Dr. Dolan Chris' 2014: 4)

Myths like Male rape victims are gay, have reduced the support that service providers are willing to provide. The failure by service providers to disregard such myths have increased the stigmatization of Male rape victims ('Dr. Dolan Chris' 2014: 4). training on gender based violence has also given little attention to Men and boy victims of Sexual Violence. ('Dr. Dolan Chris' 2014: 4)

4 Chapter Four: How Does the Legal system in Uganda Characterize Male Rape compared to how other Countries Characterize Male rape?

4.1 Introduction:

This chapter discusses the legal system of Uganda with regards to Male rape. It explores the penal code act, the constitution and the anti-homosexuality legislation with regard to rape and sexual offences. The chapter shows that the definition of rape under Ugandan laws is limited to penile vaginal rape. However there are many kinds of rape. Some countries have expanded the law of rape to include anal penetration by a penis. Thus this chapter compares the legal

definition of rape in Ugandan laws to how other countries have categorized rape.

4.2 legal frameworks and specific references or gaps in Ugandan laws.

The definition of rape under the Rome statute is Gender Neutral which implies that victims of Male rape can seek redress under the provisions of the Rome statute. Uganda ratified the Rome statute on June 14th 2002, however Ugandan domestic laws are not adequate enough to handle the existing problem of Male rape. Uganda adopted the international criminal court act in 2010 as a national statute to incorporate the provisions of the Rome statute into domestic law.

However the newly adopted ICC (international criminal court) Act of 2010 does not include sexual crimes that occurred before 2010, which excludes victims of Male rape during the 20 year war conflict in Northern Uganda and the Male victims of rape from Eastern Congo. The Anti-homosexuality Act criminalizes consensual sex between persons of the same sex. Section 2(2) of the anti-Homosexuality Act criminalizes Same Sex marriage with up to life imprisonment. The passing of the Anti-Homosexuality legislation has made it more difficult for victims of Male rape to seek legal redress and Social Services provided by agencies and Non-governmental Organizations.

The legal framework for gender based Violence in Uganda includes: The 1995 Constitution of Uganda, the Penal Code Act, and the trial on indictment act, The Succession Act, the Divorce Act and the Children's Statute.

It should be noted however that none of these laws mentions Men and boys as victims of gender based violence. (Okello 2014: 436) Internationally, many legal instruments are inadequate to address the problem of Male rape. Most international instruments on Sexual Violence exclude Men as victims of rape.(Stemple 2008: 606) in UN resolutions, treaties and general assemblies, no human rights instrument includes Men as victims of Sexual Violence.(Stemple 2008: 618) CEDAW (convention for the Elimination of all forms of discrimination against women) defines gender based violence as a form of violence that limits women's ability to enjoy rights and freedoms as equal to Men (Stemple 2008: 619).

Resolution 1325 passed by the Security Council in the year 2000 was the first resolution on Sexual Violence and the protection of women. The resolution puts its focus on women and girls and does not in-

clude Men and boys. (Hedlund 2012: 16) the resolution also recognized Men and boys as civilian victims but not as victims of Sexual Violence.

In 189 countries, the penal codes do not include Men and boys as victims of rape. This is a hindrance to Men and boys from reporting to the police and other institutions on Male rape because the law does not recognize Men as victims of rape. It is also a hindrance to service providers who are willing to support Male rape victims. ('Dr. Dolan Chris' 2014: 5) many penal codes specify Male perpetrators of rape making it difficult for Males to consider themselves as victims of rape ('Dr. Dolan Chris' 2014: 5). laws that consider Men as perpetrators and women as victims rest on the notions of Male aggressiveness and female Submissiveness. ('Dr. Dolan Chris' 2014: 5)

The legal system in Uganda and many other countries define rape as something that happens to women and girls and not Men and boys. The definition of rape in the law is gender exclusive. ('Shayne, Henry, Farharizvi, Tchoukleva, Ioana' 2013: 45) Secondly the legal system in Uganda also criminalizes same sex acts under the anti-homosexuality legislation. The penal code act of Uganda of 1950 provides under section 145 "any person who has carnal knowledge of any person against the order of nature is liable to imprisonment for life."

The 1995 constitution of Uganda provides in Article 31 that marriage between persons of the same sex is prohibited. " the anti-homosexuality act provides under section 2 . " a person commits the offence of homosexuality if (a) he penetrates the anus, mouth of another person of the same sex with his penis or any other sexual contraption. (b) He or she uses any object or sexual contraption to penetrate or stimulate sexual organ of a person of the same sex. (c) He or she touches another person with the intention of committing the act of homosexuality. (2) A person who commits an offence under this section shall be liable to life imprisonment. ('Shayne, Henry, Farharizvi, Tchoukleva, Ioana' 2013: 51)

However some countries recognize in their legal systems that both Men and Women can be victims of Male rape. In Sierra Leone in Prosecutor vs. Sessay, kallon and Gbao in the special court for Sierra Leone, three former RUF (Revolutionary United Front) commanders were charged with outrages upon personal dignity as war crimes for two separate incidents that involved offences against Men and women. ('Shayne, Henry, Farharizvi, Tchoukleva, Ioana' 2013) And the court recognized that both Men and women can be victims of rape. In the ICTY (international criminal tribunal of former Yugo-

slavia) the international criminal court tribunal of Yugoslavia in prosecutor vs. Ranko Cesic, the defendant who had forced two brothers to perform oral sex on one another was convicted of rape as a crime against humanity as well as humiliating and degrading treatment as a war crime. ('Shayne, Henry, Farharizvi, Tchoukleva, Ioana' 2013)

The Rome statute of the international criminal court has acknowledged that Sexual Violence can be committed against both Men and women. The Rome Statute of the international criminal court is the leading statute that is gender inclusive. ('Dr. Dolan Chris' 2014: 7) the Rome statute has three components that are important in advancing the cause of Male rape. First, its definition of gender refers to both Male and female. Secondly, its definition of rape is gender inclusive and it also shifts the need to prove consent in rape to physical force and coercion. Thirdly, the Rome statute seeks to punish rape as a war crime and a crime against humanity. ('Dr. Dolan Chris' 2014: 7)

These components in the Rome statute are a significant step in recognizing Men as victims of Sexual Violence. The Rome statute of the ICC (international criminal court)provides under article 7(1) (g) that rape , Sexual Slavery , enforced prostitution , forced pregnancy , enforced sterilization or any other form of Sexual Violence of comparable gravity are crimes against humanity. Article 7(3) of the Rome statute provides that the term gender refers to the two sexes, "Male and female" within the context of society. Thus by including Male and female, the Rome statute expressly includes Males and females as victims of Sexual Violence.('Dr. Dolan Chris' 2014: 7)

Sexual Violence against Men was recognized in judicial decisions for example in prosecutor vs. Kenyatta, the office of the prosecutor found that there were reasonable grounds to believe that the defendants were responsible for murder, 39 reported cases of rape and 6 cases of forcible circumcision. The chief prosecutor charged the cases of forced circumcision and Sexual Mutilation as other forms of Sexual Violence under article 7(1) (g) of the Rome statute. ('Shayne, Henry, Farharizvi, Tchoukleva, Ioana' 2013)

According to RLP (refugee law project) acts of Sexual Violence may constitute violations of the right to life, personal security, physical integrity, and the freedom from torture, inhumane and degrading treatment, the right to health, the right to equal protection under the law. Key treaties under which these rights are codified include: ICCPR (international covenant on civil and political rights) and ICESCR (international covenant on economic, social and cultural rights) In a petition dealing with Sexual torture against Men, the human

rights committee found that Libya had violated its obligations under the ICCPR (international covenant on economic, social and political rights) when it illegally detained, tortured and raped a Man. The African commission on human and people's rights in 2003 ruled in Democratic republic of Congo, Burundi, Rwanda and Uganda that rape of women and girls is a violation of the right to non-discrimination under article 2 and the right to life ('Shayne, Henry, Farharizvi, Tchoukleva, Ioana' 2013).

This case established a strong precedent for Male victims of Sexual Violence. In Colombia after many years of conflict related Sexual Violence against Men and women, in 2012 after effort from the UN team of experts on the rule of law and sexual violence in conflict, Men have been formally included as victims in the draft law on, "access to justice for Victims of Sexual Violence." International Criminal law instruments are gender neutral and provide redress for Male survivors of Sexual Violence.('Shayne, Henry, Farharizvi, Tchoukleva, Ioana' 2013) In prosecutor vs. Akayesu, ICTR (International Criminal Tribunal) decided in 1998, it acknowledged that rape committed with intent to destroy in whole or in part a population could constitute genocide. In prosecutor vs. Ali Muhammad Ali Ab-dal-Rahman the ICC (international criminal court) charged the accused with persecution of the fur population of Bindisi town in Sudan.('Shayne, Henry, Farharizvi, Tchoukleva, Ioana' 2013) By acts of rape among others.

The Rome statute criminalizes rape of both Men and women. It also emphasizes coercion, threat and force as elements of rape. Thus under the Rome statute, the victim does not have to prove lack of consent.('Dr. Dolan Chris' 2014) The consent element of rape is not included under the Rome statute as it is in the domestic legislation of Uganda's law on rape and other countries definition of rape.

In the post Kenyan elections of 2007 to 2008, the pretrial chamber found that there was evidence to believe that the Kenyan population had suffered several crimes against humanity, specifically murder, deportation and forcible transfer of populations, rape and other sexual violence and other inhumane acts. It also based evidence on numerous incidents of sexual violence against Men and women had occurred the report included that Men were subject to sexual and gender based violence including forced circumcision, sodomy and penile amputations.('Shayne, Henry, Farharizvi, Tchoukleva, Ioana' 2013)

In South Africa, the criminal law amendment Act 32 of 2007 included Men as victims of rape. Though the law provides that Men can be raped, the sexual offences act of South Africa still categorizes Male rape under Sexual Assault.('Dr. Dolan Chris' 2014: 8)

In United Kingdom in 1994, the public order act of the UK amended the law of rape to include anal penetration.

In June 2013, the UN Security council resolution 2106 on Sexual Violence in armed conflict also recognized Men and boys as victims of Sexual Violence.(Dr. Chris Dolan 2013: 9)

In August the Ugandan constitutional court consisting of a quorum of 5 judges outlawed the anti-homosexuality legislation that was signed into law on 24th February 2013. The Court based its decision on the grounds that the Members of parliament voted against the bill without enough quorum as required by the Constitution. However although legally the anti-homosexuality legislation has been outlawed. It does not change the position of Male rape victims because there are still existing colonial laws that criminalize same sex relations in Uganda.

The Criminal justice and Public order act of 1994 of the UK defines rape as follows: A man commits rape if he has sexual intercourse vaginal or anal with a person who at the time of the intercourse does not consent to it. This definition of rape is gender neutral and makes it possible for a victim of rape to be either Male or female.(Rentoul, Appleboom 1997: 268)

In the case of prosecutor vs. Francis kirimi Muthaura and Uhuru Muigai Kenyatta, the court found that there was evidence to believe that the defendants were responsible for 39 reported cases of mass rape, 112 deaths and at least six cases of forced circumcision.(Shayne, Henry, Farharizvi, Tchoukleva, Ioana' 2013: 30) The defendants carried out penile amputations and forced circumcision against Luo because of their political support of opposition candidate Raila Odinga. However the court charged the acts of forced mutilation and penile amputations as other forms of sexual violence under article 7(1) (g) of the Rome statute. The court said these crimes could not be charged as rape because they were not of a sexual nature. This case shows a significant mile stone in obtaining justice for Male victims of Sexual Violence and rape.(Shayne, Henry, Farharizvi, Tchoukleva, Ioana' 2013: 30)

4.3 What is the situation in Uganda now? Is Male rape recognized?

The petitioners who petitioned against the anti-homosexuality legislation said that the law is illegal because it violates the constitutional provision of freedom from cruel, inhuman and degrading treatment. However the court did not decide on this issue. Justice Steven Kavuma stated that the anti-gay law was null and void because it was passed by parliament in December 2013 without sufficient quorum as required by the constitution. The supporters of the law are set to appeal against the judge's decision. The annulment of the anti-gay law does not change the position of Male rape victims. The government spokesperson Ofwono Opondo said that homosexuality still remains illegal in Uganda under colonial legislations and is punishable by a life sentence. He also said that the law is still intact because the judges outlawed it on the basis of quorum and not on its content.

5 Chapter Five: Effects on Victims on the Non-Characterization of Male Rape both Socially and Legally.

To what extent does the particular characterization of Male Rape make it especially difficult both socially and legally for victims to claim official assistance?

5.1 Introduction:

Chapter five discusses the effects of the existing legislation on victims of Male rape. The victims of Male rape are affected socially and legally by the current legislation. However the effects are not only felt by the victims of Male rape. Service providers of Male rape are also affected, families, neighbors, health workers, activists are all affected by the law.

5.2 challenges to claiming assistance.

Male rape victims in Uganda have to grapple with Stigma. The stigma in Uganda on Male rape victims takes the form of name calling, finger pointing and being chased out of jobs. Thus victims of Male Rape cannot speak out because of the stigmas attached to male victims of rape. The Anti-Homosexuality Act provides under Section 2(C) that “touching another person with the intent of committing homosexuality” is a crime.(Tamale 2009: 53)

Socially this provision of the law is prone to Abuse by persons who witch hunt or bring false accusations against their enemies with the intent of destroying their reputation. For example in 2012 four Uganda pastors petitioned in court against well-known pastor Kayanja on the grounds of sodomy. However the court did not find sufficient evidence to convict the well-known pastor on grounds of sodomy. The four pastors are currently facing trial for tarnishing the reputation of pastor kayanja. (Tamale 2009: 53) male rape victims face the risk of being hunted down and killed because some people might be convinced that the victims of male rape are nothing less of homosexuals. For example on 26th January 2011, David Kato a renowned gay activist who was also known as the father of the gay movement in Uganda was hunted down in his residence in Bukasa, Mukono district and killed for being gay. Prior to his death, David Kato was published in a magazine with his photograph on the front of the magazine calling for David Kato to be executed. The execution of David kato sends chills among male rape victims because some people are completely unaware that there is a difference between being a victim of rape and consensual sex among persons of the same sex. Hence male rape victims are most likely to be treated as homosexuals.

The Anti-Homosexuality legislation has also affected the work of Service Providers of Male Rape. Since the law puts an obligation on officials and all persons to report anyone suspected of being homosexual.(Tamale 2009: 53) Organizations that deal directly with cases of Male Rape like RLP (refugee law project), interaid Uganda, Amnesty international, UNHCR (United Nations High Commission for Refugees) and international Red Cross society are under constant surveillance by government agents because these organizations might be seen as promoting homosexuality. The result is that very few victims are willing to come forward to get the help they need because of the stigma attached to Male rape.

The Anti-Homosexuality legislation also Heightened Homophobia such that the Ugandan population will not distinguish Male rape and Homosexuality because of the Multiple laws that criminalize Sodomy. The constitution, the penal code, the anti-gay law. Legally, Male rape victims as per the law cannot claim redress because there is no Ugandan law that provides for Men as victims of rape.

Secondly Male rape victims cannot approach Health centers to seek treatment because some health professionals stigmatize rape victims. The legal system on the rape discourse has ignored Men as victims of rape. As a result service providers are not prepared to handle victims of Male rape.

Legally, there are many laws in Uganda that criminalize Same Sex Activities. The Penal Code Act, the Constitution, the anti-homosexuality legislation. Most of these laws impliedly suggest that the perpetrator is usually a man and the victim is a woman. As a result, Male victims of sexual violence have no redress under the law because the law has offered protection for female victims only. Secondly, institutions are also slow to acknowledge that Male rape exists. Health workers, the judiciary, government and other institutions have not recognized Male rape as an issue. Yet a study based on health demographic survey in Uganda found that 11 % of Men had identified themselves as victims of sexual abuse though not conflict related.(Shayne, Henry, Farharizvi, Tchoukleva, Ioana' 2013: 18)

Socially, the victims of Male rape suffer from stigmatization from the community and family members. Society does not expect Men to be victims of Sexual Violence. Men are seen as protectors and providers to the family. If a Man is disempowered through the act of Male rape it undermines his Masculinity. This is not the case with female rape. Women are considered to be vulnerable to abuse. Thus if women report cases of rape, they are quickly understood and the

law provides a death penalty for anybody who rapes a woman. (Dolan 2014a)

Legally the ICC Act of 2010(International Criminal Court Act) which codifies the provisions of the Rome statute of the international criminal court and the Ugandan penal code are the domestic legislations that provide against Sexual Violence.('Shayne, Henry, Farharizvi, Tchoukleva, Ioana' 2013) However the ICC Act of 2010 seeks to support Male rape victims affected from the year 2010. This leaves out victims of Male rape before 2010. In this regard Male victims of rape have been denied justice.

The anti-homosexuality legislation does not only affect victims of Male rape. The law also affects service providers, activists and any other bodies that deal with issues of Male rape.(Tamale 2009: 53) activism, advocacy, civil society that deal with issues of Male rape are affected because their work is seen as promoting homosexuality.(Tamale 2009: 53)

Legally, the anti-homosexuality legislation has violated international laws and the constitution of Uganda. The anti-homosexuality legislation violates article 21(1) of the Ugandan constitution which provides that all persons are equal before and under the law in all spheres of economic, social, political and cultural aspects. As such the anti-homosexuality legislation that targets homosexuals discriminates against persons who are homosexuals and renders them unequal before the law. (Jjuuko Adrian 2013: 8)

Legally, the Anti-homosexuality Legislation violates the right to privacy provided for under Article 27 of the Ugandan constitution. Article 27 protects a person's body, home, correspondence, communications or other property from unlawful search and interference. Consensual Sex between Adults was regarded as a private matter in the case of Toonen vs. Australia.(Jjuuko Adrian 2013: 8) As such by criminalizing acts of homosexuality, the law violates the constitutional right to privacy.

The right to privacy was approved in the case of kasha Jacqueline, Pepe Onziema and David Kato vs. Giles Muhame and the rolling stone publications Ltd,(Jjuuko Adrian 2013: 8) where the court ruled that , “ with regard to privacy under Article 27 of the Constitution, Court has no doubt again using the objective test that the exposure of the identities of the persons and homes of the applicants for the purpose of fighting gayism and the activities of gays as can easily be seen from the general outlook on the expunged publication threatens the rights of the applicants right to privacy of the person and

their homes. They are entitled to that right.”(Juuko Adrian 2013: 8) it is possible that authorities especially the police can mount searches of homes of Male rape victims to ascertain whether their stories are truthful. This amounts to a breach of the right to privacy which is protected by the constitution of Uganda

Furthermore, in the case of Victor Mukasa, the high court of Uganda decided that the anti-homosexuality legislation amounts to discrimination because it targets homosexuals for being homosexuals. The high court concurred that discrimination violates article 21 which provides that no person shall be discriminated against on any grounds.(Juuko Adrian 2013: 8)

5.3 Limited Scope For Service Provision:

The anti-homosexuality law also criminalizes the funding of homosexuality. This provision of the law also has health implications for health practitioners. The law affects Uganda’s public health policies. (Tamale 2009: 54) for example, the most at risk populations policy established by the ministry of health in 2008 aims at supporting HIV/ AIDS victims. However since Male rape victims do fall under this category of most at risk populations, the existing anti-homosexuality legislation hunts down such organizations that are providing health services to Male rape victims. The anti-homosexuality legislation provides a 7 year imprisonment for organizations and initiatives that support homosexuality. (Tamale 2009: 54)

In March 2014 the minister for health, Hilary Onek suspended the refugee law project because the government said the refugee law project by working with male rape victims was in the process promoting homosexuality. As such service providers of male rape in Uganda have become the target of government. Further still the repealed anti-homosexuality legislation calls for any persons or organizations that deal with homosexuality to be reported to the authorities. The result is that service providers are discouraged because their attempts to help victims of male rape are considered as acts promoting homosexuality.

6 Chapter Six: Understanding Masculinity, Social Exclusion and Rights Based Approaches to Male rape.

6.1 Introduction:

Chapter Six discusses the theoretical frame work to the discourse of Male Rape. The chapter examines the theory of Masculinity, Social Exclusion and rights based approaches to the concept of Male rape. The chapter considers the Concepts of Hegemonic and Subordinated Masculinities and how these Concepts are intertwined in the discourse of Male Rape. Secondly the Chapter examines the discourse of Social Exclusion showing how Active and Passive exclusion are intertwined in the discourse of Male Rape. Lastly the chapter discusses rights based approaches. Rights based approaches are usually used in analyzing the discourse of poverty. The theory of rights based approaches is used to explore how rights based approaches can be adopted by organizations that are handling Male rape to enable Male rape victims become aware of their rights to legal redress and access to Social Services.

6.2 Sexual Violence and Masculinity:

The characteristics of Masculinity are said to be socially constructed. Thus Masculinity is viewed as not a natural trait but as something that must be achieved before one's peers. (Meger 2010: 121) In the context of male rape, a real man is strong, aggressive, sexually assertive and dominant and able to withstand assault. Thus a victim of male rape who does not live up to these qualities of masculinity risks rejection by society. So most victims of rape do not report their experiences in order to keep their manhood in the eyes of society.

The concept of Hegemonic Masculinity has been distinguished from Subordinated Masculinity. Hegemonic Masculinity embodies the most honored way of being a Man and presumes other Men to position themselves in relation to it. With regard to Male rape, victims remain silent so as not to destroy their hegemony and be relegated to a subordinated position like women.

In Male rape, the intention of the perpetrator is usually to maintain hegemony over the victim. Thus the perpetrators send out a message to the victims that they have been subordinated and are equal with women. The following examples serve to show how male victims of rape are subordinated through rape: This account is the story of Julius Okwera who was raped by N.R.A. (National Resistance Army) soldiers in the conflict in Northern Uganda.(Dr. Dolan Chris 2013b)

"I have one wife and seven children. It was in April 1987 very early in the morning, when I opened the door in the Morning, I found government soldiers at my door, and they accused me of feeding the rebels. I was dragged from my house to the compound where I was sodomized, I was sodomized by three Men as they pleased. My anus started to itch and Swell, I was taken to Lacor hospital.

My heart bleeds. I do not have where to take a bleeding heart.” (Dr. Dolan Chris 2013b)

Male rape is commonly referred to as “*tek-gungu*” or “*bend over*” in Northern Uganda to symbolize Sexual intercourse among Men. (Dr. Dolan Chris 2013b) Mr. Julius Okwera is among many other Victims supported by the refugee law project under its conflict, transitional justice and governance programme. The perpetrators are either government soldiers or the rebels. Mr. Julius Okwera is among the few victims of Male rape who have come up openly to talk about Male rape or “*tek gungu*” which means “bend over” as is well known.

The concept of hegemonic Masculinity is also highly practiced in Military settings.(Connell, Messerschmidt 2005) The concept tries to explain the power dynamics that exist between Men. The concept of hegemonic Masculinity seeks to explain that not all Men benefit from the institutions of patriarchy.(Connell, Messerschmidt 2005) Some forms of Masculinity are elevated above others. In Male rape, the perpetrators forcefully attain hegemonic Masculinity over their victims.

The concept Hegemonic Masculinities regulates relations between Women and Subordinated Men. Hegemonic Masculinity is also practiced by women in cases of Subordinated feminism. However the terms used in feminism are “emphasized” and “dominant” feminism.(Connell, Messerschmidt 2005) Homosexual activity between Men positions homosexual Men at a subordinated position in the hierarchy of Men. Thus resulting in Subordinated Masculinities because their Sexuality undermines heteronormativity which subordinates women and reproduces patriarchy.(Connell, Connell 2005) Thus from the perspective of Hegemonic Masculinity, Homosexuality is Associated with feminism and so is Male rape.

The rape of Men subordinates Men and puts them in an inferior position as Women. Rape victims view themselves as being used as Women. Thus the Rape of Men leaves the victims in an inferior position relegated to women. Thus most of them feel they have been used like a Woman and their Manhood or sense of Masculinity shatters.

In a Patriarchal Society, being reduced to a Woman is the worst thing that could ever happen to a Man. The following example shows how men are feminized by the act of rape: A victim of Male rape called Atoma said, “How do I tell my wife that I was raped? What will she think of Me.? She won’t see me as her husband again. She will look at me like another woman.”(Dr. Dolan Chris 2013a)

Another victim Obita (not his real names) who decided to tell his wife he had been raped, says he regrets telling his wife that he was raped. “I

told my wife what had happened to me, and as a result I lost strength as a Man and I was unable to perform my conjugal duties as before.” (Dr. Dolan Chris 2013a)

Male norms stress values such as courage, inner direction, certain forms of Aggression, Autonomy, Mastery, Technological skill, group solidarity, adventure and considerable amounts of Toughness in Mind and body. These values have been linked to the concept of hegemony. (Connell, Connell 2005) The concept of Hegemony is about the winning and holding of power and the formation of social groups in the process.(Connell, Connell 2005) Heterosexuality and homophobia are the foundation of Hegemonic Masculinity. Men having power and dominance over women and other Men is the core of Hegemonic Masculinity.

Hegemonic Masculinity is used as a strategy for the Subordination of women.(Connell, Connell 2005) In this view, Hegemonic Masculinity involves bread winning and Manhood. With regards to Male rape victims, they are disempowered economically and are unable to work and meet demands of the family. This is because the rape physically affects their bodies. As a result Male rape victims loose their hegemony to family members.

It is said that Men enjoy a special relationship with weapons. The notion of Masculinity is often most times linked to weapons. Weapons are used by Men, designed for Men and used mostly by Men in many parts of the world. Boys are given swords and guns to play with or they make for themselves.(Myrttinen 2003: 1). From childhood boys play with toys such as guns. Boys mimic the behavior of armed Male models such as knights, the police, soldiers, warriors, thieves and cowboys. With their toy weapons. The display of weapons in public is the way that a Man views his Masculinity and his role in society at large. In Male rape in armed conflict the use of weapons symbolizes Masculinity. . (Myrttinen 2003)

In some cultures, the type of weapon the Man uses also defines his Masculinity. For example, AK-47 Kalashnikovs are part of the Kalashnikov culture (Myrttinen 2003: 38). In central Asia and Somalia, a gun that would symbolize rebellion in much of the world and Masculine responses to social chaos elsewhere in these regions it would look odd for a man to carry anything else other than a Kalashnikov.(Myrttinen 2003)

Western intervention forces whether peacekeepers are often times displayed as exhibiting patterns of Militarized Masculinity.(Myrttinen 2003).The irony of this display is that in many parts of the world the

Male protectors often kill and abuse the women and children they are meant to protect with their weapons as well as abusing fellow Men.(Myrttinen 2003)

Guns are also used by Men as violent phallic symbols. For example in chants of the US Marine corps, “this is my rifle (holding up gun), this is my gun (pointing at penis) ones for killing, and the other is for fun” (Myrttinen 2003).In South Africa, condoms issued to soldiers in the Second World War were used to cover the muzzle of their rifle to protect them from dust and sand. Soldiers are also taught to feminize the tools of war (Myrttinen 2003).To view their guns as brides, as female beings who they are expected to care for. The Male body as a weapon of war is also used to gain Sexual satisfaction and power by subjugating others.(Myrttinen 2003)

Terrorism has also been seen through the lens of Sexualized metaphors. For example the 2001 September 11th attacks on the twin towers have been described voluntarily or involuntarily as in Sexualized terms (Myrttinen 2003: 41).The twin towers have been described as symbolizing American economic and Military power, the attacks as being re-masculating acts following the emasculating experience of having American troops amongst them female soldiers guarding the holiest sites of Islam and the subsequent war in Afghanistan was viewed as re-masculating by the united states whose dominance had been challenged. Movies also depict violent forms of Masculinity (Myrttinen 2003: 41).For example, the previous James bond style hero with a small gun was replaced by the movie john Rambo style hyper Masculine hero with oversized weapons. In conflict Male rape is viewed as emasculating the Male victim. However the victim in conflict cannot retaliate because they lack the necessary weapons.

In South Africa, 44.9% of Men interviewed in three high crime communities wanted to own guns as part of their Masculine identity. In Cambodia, 43% of Men would own a gun if it were legal.(Myrttinen 2003: 43)

In Uganda today and many other cultures being a Man means being able to provide economically for the family. However when Men are emasculated through acts of rape, they are weakened in all aspects (politically, economically and socially) and are unable to do hard physical labor and meet the demands of the family. Their Masculinity becomes challenged. In such circumstances victims of Male rape will perceive themselves as failures because they are unable to work and meet the family’s needs.

6.3 Social Exclusion of Male Victims of Sexual Violence:

The historical antecedents of the concept of Social Exclusion date as far back as Aristotle. (Mathieson, Popay et al. 2008: 5) However in recent times, the concept of Social Exclusion was coined by Rene Lenoir working for the French Gaullist government at the time when Social cohesion was a political and cultural concern in France. (Mathieson, Popay et al. 2008) The idea of social exclusion dates back to the eighteenth century enlightenment on solidarity and the state being viewed as an embodiment of the will of the nation. (Mathieson, Popay et al. 2008: 5)

Rene Lenoir spoke of “Les exclus”, he was referring to populations in France that were unable to earn salary and whose rights to social citizenship were limited or not recognized. (Mathieson, Popay et al. 2008) The discourse of social exclusion has been understood as detachment from social life and the labor Market. (Mathieson, Popay et al. 2008: 12) Amartya Sen described Social Exclusion as a rising from a disadvantage of the lack of shared opportunities which are shared by others. (Sen 2000) According to Adam Smith, Social Exclusion includes the inability to appear in public without shame. (Mathieson, Popay et al. 2008: 14)

Social Exclusion has also been used to identify disadvantaged groups of people who have been excluded from social systems and relationships. This state is also seen to be associated with poverty. (Mathieson, Popay et al. 2008) According to Amartya Sen, Social Exclusion is a complex and multi-dimensional process that involves Exclusion in the Economic, Political, Cultural and Social arenas of individual's lives. (Sen 2000) It affects the quality and equity of society. Burchardt defines Social Exclusion as including participation. A person is excluded if they do not participate in key activities of the society in which he or she lives. (Mathieson, Popay et al. 2008) Hilary silver identified the paradigms of Social Exclusion as including the solidarity paradigm, the specialization paradigm and the Monopoly paradigm. (Mathieson, Popay et al. 2008) The solidarity paradigm originated from the French republican political ideology that views Social Exclusion as the breakdown of Social bonds between individuals and society. (Mathieson, Popay et al. 2008)

The specialization paradigm of Exclusion assumes that exclusion is a form of discrimination. The Monopoly paradigm views exclusion as a result of the formation of group monopolies which excludes others from access to resources. (Mathieson, Popay et al. 2008) Levitas has identified three discourses of Social Exclusion in the UK which included the redistributionist discourse, the moral underclass discourse, and the social integrationist discourse. (Mathieson, Popay et al. 2008)

The redistributionists discourse regards poverty as the cause of exclusion. The Moral under class discourse emphasizes culture rather than Material explanations of poverty. According to the underclass discourse, the poor are to blame for their own poverty. The social integrationist discourse views social exclusion in terms of the labor Market. Where there is discrimination among paid workers. Jobeall has identified three approaches to social exclusion which include: Neo liberal approach, re-labelling of poverty approach and the transformationist approach. (Mathieson, Popay et al. 2008)

The concept of Social Exclusion is a contested concept and has varying meanings. Social Exclusion is said to be multidimensional including social, political, cultural and economic dimensions.(Mathieson, Popay et al. 2008) Secondly, the concept of Social Exclusion is said to be dynamic. Which includes impacting people at different levels, in different degrees over different periods of time. Thirdly, Social Exclusion is said to be relational. The relational aspect of Social Exclusion has two dimensions. Firstly it focuses on the breakdown of social relationships between people and secondly relational is characterized by the product of unequal power relationships. (Mathieson, Popay et al. 2008)

Active exclusion is usually suffered by minority populations. Male rape victims are the minority population in the discourse of rape.(Sen 2000) In the case of Passive Exclusion, it occurs as a result of social processes without deliberate effort to instigate Exclusion.(Sen 2000) Stigmatization of Male rape victims is a result of both Passive and Active Exclusion.

In the case of Active Exclusion, the Uganda government has passed laws that have made it difficult for Victims of Male rape to be engaged actively in community activities. For example the anti-homosexuality act, the penal code Act, the constitution which have provisions that criminalize same sex relations. However socially the impact of this legislation has resulted into victims of Male rape being excluded by the community. Because there is no law that provides for victims of Male rape. Passive Exclusion occurs through natural process of Social Exclusion that have not be aided by the state or any other institution. The lack of laws that distinguish homosexuality and Male rape has resulted into passive exclusion suffered by the victims of Male rape.

Mathieson explains that the Core of Social Exclusion involves inadequate Social Participation, lack of Social Protection, lack of Social integration and lack of Power. .(Mathieson, Popay et al. 2008: 13)

Sen explains that Social Exclusion is a disadvantage that is caused by lack of shared opportunities that others enjoy. (Mathieson, Popay et al. 2008: 14) Mathieson (Mathieson, Popay et al. 2008: 12) also explains that the concept of Social Exclusion being a multidimensional concept has three structures. She identified the structures of Social Exclusion as including: structural or economic dimension which consists of a lack of Material resources that is caused by being excluded from the labor Market.

The second dimension of Social Exclusion is the contextual or Social dimension which is expressed in the lack of integration into family life or the community and the third dimension of Social Exclusion is the subjective or personal dimension which consists of an erosion of self-worth or an increased sense of anomie. (Mathieson, Popay et al. 2008)

Male rape can lead to the various dimensions of Social Exclusion. Male rape victims in Uganda are affected by all the dimensions of Social Exclusion. The first dimension of Social Exclusion which is structural or Economic dimension results from being excluded from the labor Market. Some Victims of Male rape have been chased out of their jobs the result being that they have no access to the labor Market and are therefore Economically disempowered. This means they are unable to work and provide for their families. The second dimension of Social Exclusion is the Contextual or Social dimension of Exclusion which is caused by a lack of integration into family or community life. Victims of Male rape have in most cases been abandoned by family Members and stigmatized by the Community this has resulted into a lack of integration into the family and Community life of the victims. The third dimension of Social Exclusion is the personnel dimension which is caused by an erosion of self-worth. Most victims of Male rape suffer from an increased sense of anomie and erosion of self-worth brought about by experience of rape. Others commit suicide while others hate life. In circumstances were the victim is unable to get involved in physical labor to support himself and the family, the gender hierarchy is shifted in such a way that the woman becomes the bread winner for the family. This undermines the Masculinity of Male victims of rape.

6.4 framing, claiming and realizing rights of sexual violence victims:

The refugee law project has framed Male rape as a rights issue. Human rights based approaches have been used to frame problems as rights. They mainly have been used in the developing countries to

frame poverty as a human rights issue. Human rights based approaches to development target duty bearers and rights holders.(Gauri, Gloppen 2012) Duty bearers like the state, civil society are held accountable to respect, protect and promote human rights while the rights holders who are the victims are empowered to assert for their rights. (Gauri, Gloppen 2012)

However human rights based approaches to development have been used as an effective tool to frame rights of rights holders. Regarding the duties of the duty bearers the human rights based approaches require the state to ratify and live up to their commitments to international and regional treaties. Regarding rights holders, they are empowered through civil society organizations and other institutions to think of themselves as rights holders. (Gauri, Gloppen 2012)

Global Compliance Approaches: The global compliance approaches to development requires states to ratify international treaties and uses ratification to hold states accountable for the delivery of development services. Global compliance approaches achieve compliance at the national level through domestic mechanisms like civil society, courts and entrepreneurs. In the case of Male rape, the government of Uganda ratified the ICC Act (international criminal court) which seeks to incorporate the provisions of the Rome statute into domestic law. This is a big step forward to realizing the rights of Male victims of rape. However the law has come under criticism because it does not recognize victims of rape before the year 2010. (Gauri, Gloppen 2012)

Programming and policy approaches to development: Policies and programming involve the strengthening of human rights commissions and information campaigns.(Gauri, Gloppen 2012) the refugee law project has come up with programs that are designed to help victims of male rape to cope with their experiences of rape. These programs include support groups. Currently there are three support groups that have been established by the refugee law project. These include: men of hope, men of courage and men of peace. Men of hope is based in Kampala and has up to 70 members, men of courage is based in northern Uganda and has 50 members while men of peace is based in western Uganda and is the largest group with 250 members. These groups participate in community activities and strengthen one another by talking about their experiences of male rape. Through these support groups the victims of male rape receive healing and are able to cope well with their experiences.

Rights talk approaches to development: (Gauri, Gloppen 2012) this is mainly done by activists, non-governmental organizations and Social Movements. In Uganda currently the refugee law project has embarked on a sensitization campaign to the community. In this case the organization is bringing awareness to the community and local councilor leaders, medical students and legal students about the existence of Male rape. The refugee law project is also helping the community to know that there is a difference between Male rape and homosexuality. Currently the refugee law project is the only organization that is doing the rights talk to the community on the issue of Male rape. The rights talk campaign has been extended to health workers to bring awareness about the reality of Male rape.

Legal mobilization approaches. Legal mobilization depends on four key factors. These include: (i) organized and legal assistance and accessibility of courts, (ii) the receptiveness of courts which depends on patterns of judicial recruitment, retention, legal traditions and judicial strategies. (iii) The anticipated response of the targets of litigation to court rulings, (IV), the capacity for litigant follow up. However, legal mobilization has never been used for Male rape cases because the legal system in Uganda criminalizes same sex acts. However non-governmental organizations like the refugee law project are slowly advocating for the rights of Male victims of rape.(Gauri, Gloppen 2012)

6.5 Implications for RBA in Uganda

The rights based approaches are most likely to achieve justice for victims of Male rape. Organizations like the refugee law project have stepped forward to further the cause of Male rape through rights talk, legal mobilization approaches, global compliance approaches and policy and programming approaches.

Chapter Seven: Conclusion and Recommendations

This research paper addressed the question that what has been done to help the victims of Male rape both socially and legally. My findings were that Male rape is a growing concern in Uganda. Over the last few decades, many victims of Male rape during the LRA war kept quiet about their experiences including those raped under detention because Male rape was not heard of. However, organizations like the refugee law project, interaid Uganda, United Nations high commission for refugees, amnesty international are bringing a awareness to communities in Uganda about the existence of Male rape. The refugee law project reaches out to health workers, medical students, legal students and the community sensitizing members about the plight of Male rape and helping institutions to understand that there is a big difference between Male rape and homosexuality.

If the government of Uganda stops persecuting organizations that work with Male rape victims, rights based approaches will help victims of Male rape to seek legal redress.

In view of the above discussion I would make the following recommendations:

First the anti-homosexuality legislation of 2014 could define Male rape and make a clear distinction between male rape and homosexuality.

Secondly, health personnel could undergo training on how to handle and treat cases of Male rape.

Thirdly, the laws of Uganda could provide equal punishment for the rape of both women and Men.

Fourthly, the government could provide licenses to organizations that handle victims of Male rape and should ensure that such organizations are not persecuted.

References:

"Haswel kai, hossein salmon, Ludwig Abigail, Maali sahar", 2013. "Promoting accountability for conflict related sexual violence against men in Uganda". 15. Uc Berkeley School of law, international human rights law clinic.

"Refugee law project", 2013. "Report on screening of male survivors of sexual violence in ramwanja refugee settlement".

Arnold kwesiga, 2013. "Hiding my shame: the rape of men as a weapon of war in the democratic republic of Congo. **19**(2), pp. 1-1-17.

'Baaz Eriksson Maria', 2009. "Why do soldiers rape? Masculinity, violence and sexuality in the democratic republic of Congo.". **53**, pp. 495-495- 518.

Cleaver, f., 2002. *Masculinities matter: men, gender and development*. Zed books.

Connell, R.W. and Messerschmitt, J.W., 2005. Hegemonic masculinity rethinking the concept. *Gender & society*, **19**(6), pp. 829-859.

Connell, R.w. and Connell, R., 2005. *Masculinities*. University of California press.

Dolan, c., 2014a. "Male survivors of sexual violence in Kampala demand for better services." Kampala: refugee law project.

Dolan, c., 2014b. Into the mainstream: addressing sexual violence against men and boys in conflict.

Dr. Chris Dolan, 2013. *Promoting accountability for sexual related violence against men: a comparative legal analysis of international and domestic laws relating to sexual violence and refugee men in Uganda*. 24.

'Dr. Dolan Chris', 2014. "Into the mainstream: addressing sexual violence against men and boys in conflict." 14th may, 2014 2014, refugee law project, pp. 1-1-16.

Dr. Dolan Chris, 2013a. "Gender against men". Kampala: national television.

Dr. Dolan Chris, 2013b. "They slept with me". Kampala: national television.

Gauri, v. and Gloppen, s., 2012. Human rights-based approaches to development: concepts, evidence, and policy. , **44**(4), pp. 485-503.

Hedlund, a., 2012. Male rape.

Jjuuko Adrian, T.F., 2013. "The implications of the anti-homosexuality bill 2009 on Uganda's legal system". 44. England: institute of development studies.

Masereka, a., 2014-last update, constitutional court annuls anti-gay law [homepage of red pepper], [online]. Available: www.redpepper.co.ug/constitutional-court-annuls-anti-gay-law/ [25th september, 2014].

Mathieson, j., popay, j., Enoch, e., Escorel, s., Hernandez, m., Johnston, h. and Rispel, l., 2008. Social exclusion meaning, measurement and experience and links to health inequalities. *A review of literature. Who social exclusion knowledge network background paper, 1.*

Meger, s., 2010. Rape of the Congo: understanding sexual violence in the conflict in the democratic republic of Congo. *Journal of contemporary African studies*, **28**(2), pp. 119-135.

Mezey, g.c. and king, m.b., 2000. *Male victims of sexual assault*. Oxford university press.

Myrttinen, h., 2003. Disarming masculinities, *disarmament forum* 2003, pp. 37-46.

Okello, M.C. and hovil, l., 2007. Confronting the reality of gender-based violence in northern Uganda. *International journal of transitional justice*, **1**(3), pp. 433-443.

Oosterhoff, p., zwanikken, p. and ketting, e., 2004. Sexual torture of men in Croatia and other conflict situations: an open secret. *Reproductive health matters*, **12**(23), pp. 68-77.

Peel, m., 2004. *Rape as a method of torture*. Medical foundation for the care of victims of torture.

Rentoul, l. and apple boom, n., 1997. Understanding the psychological impact of rape and serious sexual assault of men: a literature review. *Journal of psychiatric and mental health nursing*, **4**(4), pp. 267-274.

Scarce, m., 2001. *Male on male rape: the hidden toll of stigma and shame*. Basic books.

Sen, A.K, 2000. *Social exclusion: concept, application, and scrutiny*. Office of environment and social development, Asian development bank manila.

'Shayne, henry, farharizvi, tchoukleva, ioana', 2013. "Promoting accountability for conflict related sexual violence against men in Uganda". 14. United kingdom: uc Berkeley school of law, international human rights law clinic.

Sivakumaran, s., 2005. male/male rape and the" taint" of homosexuality. *Human rights quarterly*, **27**(4), pp. 1274-1306.

Stemple, l., 2008. Male rape and human rights. *Hastings J*, **60**, pp. 605.

Tamale, s., 2009. A human rights impact assessment of the Ugandan anti-homosexuality bill 2009. *The equal rights review*, **4**, pp. 49-57.

