

# THE HAGUE PRINCIPLES ON SEXUAL VIOLENCE

## CASE STUDY PACKAGE

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In discussions with survivor-activists about The Hague Principles, the reflection of inclusivity arose, recognizing that the document encompasses all forms of sexual violence and offers the opportunity to educate others on this notion. In order to effectively communicate this idea, case studies could be beneficial in your own advocacy for the following reasons:

- To show that these atrocities are a global issue, impacting the lives of victims and survivors in every continent of the world.
- To demonstrate that there are differences in what sexual violence may look like in a way that fully expresses the pain and suffering of victims and survivors.
- To provide a tool for you as a survivor-activist to speak about others who experienced similar situations, in order to prevent that you are perceived solely as survivors talking about your grievances, but are taken more seriously as activists. You can also show that you are not (only) expressing your individual grievances, but also a larger-scale problem.

*As a result, this package was created, with the idea that more case studies can be added, also by survivor-activists themselves.*

## EXAMPLES OF TARGET AUDIENCES OF THE CASE STUDIES:

- Policy-makers
- Churches
- Community leaders
- Social media campaigns
- Local and international organizations working on sexual violence
- General public
- Other survivors

## EXAMPLES OF ACTIVITIES THAT CAN INCLUDE THE CASE STUDIES:

- Exercises as part of the workshop on The Hague Principles Survivor Advocacy
- Awareness-raising workshops or events
- Meetings with policy-makers
- Illustrations for your own articles, publications, or interviews
- Meetings with church and community leaders

This package consists of 5 case studies from Ukraine, Iraq, Uganda, Mexico and Syria. They aim to outline the wide range of forms of sexual violence, the consequences and how these link to the acts outlined in The Hague Principles on Sexual Violence.

### CASE STUDY A. AMINA'S STORY (UKRAINE)

*Sexual violence takes many forms beyond the more often recognized violations of rape or forced prostitution. Furthermore, legal definitions of rape often are not inclusive of all forms of sexual violence. Understanding sexual violence from the perspective of the survivor points to a wide range of acts that constitute sexual violations, for example: depriving people of sexual autonomy; intentionally transmitting HIV; humiliating a person based on their sexuality; having someone perform sexual movements; and kissing or licking a person, especially a sexual body part. The list continues, as Amina's story illustrates:*

Many Ukrainian survivors suffered from threats of sexual acts during detention, including threats of rape and threats of transfer to a detention center known for high levels of sexual violence committed against those held captive. Although these acts are not recognized in law, they constitute a form of sexual violence. Amina regularly suffered from this type of violence. She was imprisoned for 3 months as a result of her involvement supporting the Ukrainian army in defeating the pro-separatists. Amina brought blankets and supplies to the Ukrainian

soldiers when she could, and after being caught by one faction, she was forced into detention without trial. During this time, in addition to the threats of sexual violence, she was also deprived of access to proper hygiene, necessary treatment, and medicine for sexually transmitted infections. Several times, Amina was told to undress and consequently ridiculed as a result of hair on her back due to hormonal medical treatment. Perpetrators would forcibly remove her clothing and take pictures of her back while laughing.

For Amina, the consequences of these acts were devastating. Even now, she has nightmares of being forced to undress, and is suffering from other medical issues that were left untreated. The constant state of fear Amina lived in during detention due to threats still lingers today in her daily life. Because of the culture of silence in Ukraine, Amina has been stigmatized into not disclosing the sexual violence she suffered, making it more difficult to carry out her regular duties related to work and her family.

Amina's case illustrates that sexual violence does not only entail rape as it is defined by law, but also can take other forms<sup>2</sup>. The following acts were perpetrated against Amina:

- Depriving someone of access to hygiene, treatment or medicine related to menstruation, pregnancy, childbirth, fistula care, rectal hematoma, HIV or other sexually transmitted disease, sexual maiming, disfigurement, gynecological, urological or urinary treatment or any other aspect of sexual or reproductive health.
- Causing someone to form reasonable apprehension, or fear, of acts of sexual violence.
- Watching someone in a state of nudity or participating in acts of sexual nature, including seeing or hearing through images, footage, art or audio recordings.
- Threatening to violate a person's sexual autonomy or sexual integrity, through any means.

*Not all of these acts are explicitly recognized under international and national laws. The Hague Principles on Sexual Violence work towards an accepted explanation of what constitutes sexual violence. The Principles were developed after extensive consultations with 60+ civil society organizations and 500+ survivors globally, to broaden the understanding of sexual violence.*

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<sup>1</sup> Though cases are fictitious, they are largely based on reported information during the consultations conducted with victims and survivors.

<sup>2</sup> More context for each of the acts listed below can be found in the Commentary to the Civil Society Declaration.

## CASE STUDY B.

### MAIA'S STORY (IRAQ)

*Sexual violence takes many forms beyond the more often recognized violations of rape or forced prostitution. Furthermore, legal definitions of rape often are not inclusive of all forms of sexual violence. Understanding sexual violence from the perspective of the survivor points to a wide range of acts that constitute sexual violations, for example: instilling fear of sexual violence; depriving people of sexual autonomy; intentionally transmitting HIV; humiliating a person based on their sexuality; having someone perform sexual movements; and kissing or licking a person, especially a sexual body part. The list continues, as Maia's story illustrates:*

ISIS began invading the Sinjar District in Iraq in their efforts to take control of more area in the region and capture women and girls for human trafficking. Maia was taken by the terrorist organization from her hometown and forced into three months of sexual slavery. During this time, she suffered at the hands of four perpetrators. When she was sold to the second man, she was held in captivity with another Yezidi girl. During this time, they were often beaten and forced to live in small spaces together. With all her captors, she was repeatedly forced to take birth control in the form of both pills and injections.

In addition to the ongoing violence Maia experienced, she was frequently referred to as a "dirty Yezidi" and consistently made to feel as though her ethnic identity and culture was inferior. Her perpetrators often made comments with a sexual innuendo about her ethnic background. Not only did Maia suffer from rape, but in one instance when she was unable to move when she was being raped because of the physical abuse she endured, her face was partially burned by one of her captors as punishment.

Maia now lives in a refugee camp, where she has been welcomed back by her family. Despite the changes in the Yezidi culture that have led to more acceptance of returning ISIS victims as "pure" members of Yezidi society, Maia still suffers from shame and is unlikely to see her perpetrators punished. She is suffering from severe post-traumatic stress disorder, and does not have comprehensive access to psychological support. Most days, Maia continues to live in fear, despite being surrounded by her family, and she will always be reminded of the abuse by the scars on her face.

Maia's case illustrates that in addition to the rape, other forms of sexual violence were also committed<sup>4</sup>. The following acts were perpetrated against Maia:

- Humiliating or mocking a person based on their perceived sexual orientation, gender identity, sexual performance, sexual activity (or lack thereof), or sexual body parts
- Punishing someone for refusing to engage in sexual activity
- Being confined with another person
- Depriving someone of reproductive autonomy, such as by subjecting them to forced pregnancy, forced sterilization, reproductive sabotage, forced parenthood; or preventing them from making choices as to whether or not to use contraception, undergo sterilization, impregnate another person or carry a pregnancy in their own body to term.

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## CASE STUDY C. DEMBE'S<sup>5</sup> STORY (UGANDA)

*Sexual violence takes many forms beyond the more often recognized violations of rape or forced prostitution. Furthermore, legal definitions of rape often are not inclusive of all forms of sexual violence. Understanding sexual violence from the perspective of the survivor points to a wide range of acts that constitute sexual violations, for example: instilling fear of sexual violence; depriving people of sexual autonomy; intentionally transmitting HIV; humiliating a person based on their sexuality; having someone perform sexual movements; and kissing or licking a person, especially a sexual body part. The list continues, as Dembe's story illustrates:*

Dembe was forced to be a "wife" to a high-ranking commander of the Lord's Resistance Army when she was 15. For 8 years, she was severely beaten, raped, tortured and humiliated (e.g., being forced to dance naked), having to move around with combatants throughout the region. When she returned home, she faced continued incidents of sexual violence within her own community, where men repeatedly stuck their tongues out at her, often making other gestures towards her with a sexual overtone.

During captivity, Dembe became pregnant and gave birth to her child who lived with her and currently resides with her in her community. Before giving birth, she contracted HIV from another commander who raped her, while knowing he had the disease. At this time, she was not provided with the necessary medication to treat the disease.

Dembe's child is HIV positive and she struggles to get him the necessary treatment every month. She is considered to be "unmarriageable" because her community knows everything about her story. To this day she continues to carry around heavy stigma. In addition to psychological symptoms such as nightmares and flashbacks, Dembe has developed phobias such as fear of all men in uniforms. Though she is receiving some support and making progress in terms of her mental health, she has yet to see justice done for the crimes she suffered.

Dembe's case illustrates that in addition to rape, other forms of sexual violence were also committed<sup>6</sup>. The following acts were perpetrated against Dembe:

- Having someone perform movements, including dance, with a sexual association
  - Subjecting a person to a child marriage or a sexually exploitative relationship
  - Intentionally transmitting HIV or other sexually transmitted infections
  - Impregnating a person, through any means
  - Depriving someone of access to treatment, or medicine related to menstruation, pregnancy, childbirth, fistula care, rectal hematoma, or HIV or other sexually transmitted diseases
- Sexually harassing someone by engaging in (repeated) unwelcome sexual conduct which can be interpreted as offensive, humiliating, or intimidating under the circumstances (Making noises, statements or gestures with a sexual overtone)

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## CASE STUDY D.

### RITA AND ANA'S<sup>7</sup> STORY (MEXICO)

*Sexual violence takes many forms beyond the more often recognized violations of rape or forced prostitution. Furthermore, legal definitions of rape often are not inclusive of all forms of sexual violence. Understanding sexual violence from the perspective of the survivor points to a wide range of acts that constitute sexual violations, for example: instilling fear of sexual violence; depriving people of sexual autonomy; intentionally transmitting HIV; humiliating a person based on their sexuality; having someone perform sexual movements; and kissing or licking a person, especially a sexual body part. The list continues, as Rita and Ana's story illustrates:*

Rita, a lesbian woman, was imprisoned along with her friend Ana, after being accused of participating in organized crime and drug trafficking. Rita's sexual identity made her even more vulnerable to torture, which is often used in prisons in Mexico.

While in prison, guards used a number of forms of torture in an attempt to extract confessions from the women. Because Rita is a lesbian, she suffered from constant humiliation, and in some cases violence, because she was seen as "stealing" the women of the guards. The guards furthermore often stared and yelled obscene and degrading remarks at Rita and Ana, calling them both derogatory terms for homosexuals. They suffered in unhygienic prison cells and were forced to urinate in public. After Ana once complained about the cleanliness of the prison, Rita was forced to watch the guards administer electronic shocks to Ana's genitals.

In addition to the lack of criminal investigations, both women are severely struggling with post-traumatic stress disorder. There is little access to psychological support, and especially Rita is constantly afraid of further attacks against her due to her gender identity. Though they both made formal written complaints to the legal authorities, no case was opened and they were only released after signing a "confession" against their will.

Rita's case illustrates that sexual violence does not only entail rape as it is defined by law, but also can take other forms<sup>8</sup>. The following acts were perpetrated against Rita and Ana:

- Humiliating or mocking a person based on their perceived sexual orientation, gender identity, sexual performance, sexual reputation, sexual choices, sexual activity (or lack thereof), or sexual body parts
- Punishing or degrading someone's perceived noncompliance with gender norms; their perceived status as neither male nor female; or their perceived sexual behaviour, sexual orientation, or gender identity;
- Staring in a way that could be reasonably interpreted as indicating sexual objectification/sexual desire;
- Having someone perform, in view of others, bodily functions that are normally conducted in private, including measures related to menstrual hygiene;
- Mutilating, burning, constricting, or otherwise injuring a sexual body part, including after a person's death;

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## CASE STUDY E.

### NABIL'S<sup>9</sup> STORY (SYRIA)

*Sexual violence takes many forms beyond the more often recognized violations of rape or forced prostitution. Furthermore, legal definitions of rape often are not inclusive of all forms of sexual violence. Understanding sexual violence from the perspective of the survivor points to a wide range of acts that constitute sexual violations, for example: instilling fear of sexual violence; depriving people of sexual autonomy; intentionally transmitting HIV; humiliating a person based on their sexuality; having someone perform sexual movements; and kissing or licking a person, especially a sexual body part. The list continues, as Nabil's story illustrates:*

Nabil was sent to a detention facility for allegations against him following an anti-government protest. During admission to the facility, he was forced to be naked in front of the other prisoners, as guards yelled derogatory remarks at him and invasively touched his genitals. Where prisoners refused to take off their clothes, they were threatened with rape.

While in detention for 2 months, Nabil was often interrogated and underwent various forms of humiliation in an effort to get him to confess to crimes he did not commit. Several times, he suffered sexual violence through rape by the guards' batons, leaving him in extreme pain most nights while he slept in a small cell with 4 other men. By the time he was released, he had lost 12 kilos.

Now currently living in a refugee camp in Lebanon, Nabil is dealing with constant paranoid thoughts and loss of hope. Because of cultural and gender norms, Nabil suffers from feelings of emasculation, powerlessness and failure. The social consequences of sexual violence have also been debilitating: Nabil hides from people as much as he can, despite his previous activist role. He furthermore experiences acute physical trauma, including anal bleeding and severe muscle pain. He does not have access to services, as most existing support mechanisms focus on the needs of women and girls.

Nabil's case illustrates that sexual violence does not only entail rape as it is defined by law, but also can take other forms<sup>10</sup>. The following acts were perpetrated against Nabil:

- Causing someone to form reasonable apprehension, or fear, of acts of sexual violence;
- Being confined with another person;
- Penetrating someone's anal or genital opening, however slightly, with an object or body part;
- Making physical contact with a person, including by touching any of his/her sexual body parts;
- Having someone undress completely or partially, including the removal of headwear in cultures where this has a sexual implication, or requiring them to wear clothing with a sexual association.

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