Gender Protection / Protecting the Gender Order: Rethinking Responses to Sexual Violence in Armed Conflict and its Aftermath

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by

Chloé Lewis

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Department of International Development
Queen Elizabeth House
University of Oxford
Linacre College

ABSTRACT

This dissertation examines the gendered parameters of internationally driven responses to sexual violence in armed conflict. Responding to sexual violence in conflict is now an established priority across international policy agendas, including the United Nations Security Council's framework on Women, Peace and Security (WPS). Over the last decade, a vast multi-sectoral response architecture has been developed to address and redress the issue. At the level of scholarship, the targeted focus on sexual violence in international security gave new life to feminist debates around the boundaries of 'gender' in armed conflict. In particular, scholars point to the limits of dualistic assumptions of gender positioning women as the inevitable victims of sexual violence in conflict, and men as its inevitable perpetrators. While pervasive across conflict contexts, sexual violence documented in eastern DRC has been an important focus of these developments and attendant debates across scholarship, policy and practice.

Against the backdrop of the WPS agenda and through the case study of eastern DRC, this dissertation builds on this scholarship. Empirically, it explores the relationship between internationally developed responses to sexual violence in conflict and their implications in practice. Conceptually, it examines how, why, and with what effect gendered assumptions underpinning the response architecture bear upon understandings of 'gender' in conflict more broadly. Drawing on extensive qualitative research conducted at the UN Headquarters in New York and in eastern DRC, I demonstrate that responses to sexual violence reify the (perceived) inevitability of female 'victim-survivorhood' and male 'perpetratorhood.' In other words, and by calling particular attention to institutional politics of policymaking and operational constraints of policy implementation, I argue that gender protection mechanisms ultimately protect 'gender.' In doing so, this thesis adds empirical and conceptual weight to calls for more complex, intersectional, and inclusive understandings of gender (and) protection in armed conflict and its aftermath.

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To my sister, words fail me here. So, to start, I’ll borrow Maya Angelou’s, who wrote, “I don’t believe an accident of birth makes people sisters or brothers. It makes them siblings, gives them mutuality of parentage. Sisterhood and brotherhood is a condition people have to work at.” My word, do we do the work; my word, do *you* do the work. I don’t know how people navigate life and the world without a sister like you. I’m lucky I don’t have to. Thank you for holding space for everything and anything I throw your way; for always having the right thing to say for everything and anything I throw your way; for being unfailingly strong in the face of everything and anything life throws our way; for always being on the other end of the phone, or when we’re really lucky, on the other end of a train station; for keeping life light and sparkling, even when – or, especially when - it’s heavy and dark; for being my brightest of lights and most unshakable of rocks. Above all, thank you for your love and sistership, I don’t know what I would do without it, without you.

I close these acknowledgements with a final, all-encompassing thank you.

LIST OF ACRONYMS

AG – Armed Group

AMG – Military Garrison Magistrates Office

CMN – Case Matrix Network

CMO – Operational Military Court

CRSV – Conflict-Related Sexual Violence

CVE – Counter-violent Extremism

DHS – Demographic Health Survey

Devinit – Development Initiatives

DRC – Democratic Republic of the Congo

EMAP – Engaging Men through Accountable Practice

FARDC – Forces Armées de la République Démocratique du Congo

FCO – Foreign & Commonwealth Office

FBO – Faith-Based Organisation

FVVS – Female Victims of Sexual Violence (Femmes Victimes de Violences Sexuelles)

GAD – Gender and Development

GBV – Gender-Based Violence

GBVIMS – Gender-Based Violence Information Management System

HRW – Human Rights Watch

ICC – International Criminal Court

ICTJ – International Center for Transitional Justice

ICTR – International Criminal Tribunal for Rwanda

ICTY – International Criminal Tribunal for the former Yugoslavia

IDP – Internally Displaced Person

IMAGES – International Men and Gender Equality Survey

INGO – International Non-Governmental Organisation

IR – International Relations

IPSV – Intimate Partner Sexual Violence

IPV – Intimate Partner Violence

IRC – International Rescue Committee

JAMA – Journal of the American Medical Association

LSE – London School of Economics and Political Science

MARA – Monitoring, Analysis, and Reporting Arrangement

MONUC – United Nations Mission in the Democratic Republic of the Congo

MONUSCO – United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

MSF – Médecins Sans Frontières

NGO – Non-Governmental Organisation

NGOWG – NGO Working Group on Women, Peace and Security

ODA – Official Development Assistance

OP – Operative Paragraph

OSF – Open Society Foundation

OSISA – Open Society Initiative for South Africa

PEP Kits – Post-Exposure Prophylaxis Kit

PEVS – Specialised Police for the Protection of Children and Combating Sexual Violence

PKO – Peacekeeping Operations

PNC – Police Nationale Congolaise

POC – Protection of Civilians

PP – Preambular Paragraph

PSPEF – Specialised Police for the Protection of Women and Children

PSVI – Prevention of Sexual Violence Initiative

RLP – Refugee Law Project

SCR – Security Council Resolution

SEA – Sexual Exploitation and Abuse

SGBV – Sexual and Gender-Based Violence

SNIS – Système National d'Information Sanitaire

SRSG – Special Representative of the Secretary-General

SSR – Security Sector Reform

SSV – Survivor of Sexual Violence

STI – Sexually Transmitted Infection

SViC – Sexual Violence in Conflict

TCC – Troop Contributing Country

TMG – Military Garrison Tribunals

ToE – Team of Experts on Sexual Violence and the Rule of Law

UK – United Kingdom

UN – United Nations

UN Action – UN Action Against Sexual Violence in Conflict

UNDP – United Nations Development Programme

UNGA – United Nations General Assembly

UNFPA – United Nations Population Fund

UNHCR – United Nations High Commission for Refugees

UNICEF – United Nations Children's Fund

UNJHRO – United Nations Joint Human Rights Office

UNOCHA – United Nations Office for the Coordination of Humanitarian Affairs

UNOHCHR – United Nations Office of the High Commissioner for Human Rights

UNSC – United Nations Security Council

UNSG – United Nations Secretary-General

UN Women – United Nations Entity for Gender Equality and the Empowerment of Women

USIP – United States Institute of Peace

VAW – Violence Against Women

WID – Women in Development

WAD – Women and Development

WPA – Women Protection Adviser

WPS – Women, Peace and Security

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INTRODUCTION

This dissertation critically examines institutional responses to sexual violence in armed conflict and its aftermath. Specifically, it explores the gendered assumptions underpinning international policies adopted to respond to sexual violence in conflict and their situational implications in practice in the Democratic Republic of Congo (DRC). Responding to sexual violence in conflict is an established priority at the highest echelons of the international community. In 2008, the United Nations Security Council (UNSC) adopted resolution 1820 establishing sexual violence as a threat to international peace and security.[1] In the decade since, the Council adopted a subsequent three resolutions[2] specifically addressing the issue as part of its women, peace and security (WPS) agenda.[3] In turn, in 2012 the UK government launched its Prevention of Sexual Violence Initiative (PSVI), rendering responding to sexual violence in conflict an explicit component of UK foreign policy.[4] In June 2014, the then Foreign Secretary William Hague co-hosted a Global Summit to End Sexual Violence in Conflict with United Nation High Commissioner for Refugees (UNHCR) Special Envoy Angelina Jolie. Held in London, this was the largest ever global gathering addressing this issue.[5] That same month, and further demonstrating the institutionalisation of sexual violence across international policy agendas,

[1] UNSC (2008), *Security Council resolution 1820 on Women, peace and security*, Adopted by the Security Council at its 5916th meeting on 19 June 2008, S/RES/1820.
[2] UNSC (2009), *Security Council resolution 1888 on Women, peace and security,* Adopted by the Security Council at its 6195th meeting on the 30 September 2009, S/RES/1888; UNSC (2010) *Security Council resolution 1960 on Women, Peace and Security,* Adopted by the Security Council at its 6453rd meeting on the 16 December 2010, S/RES/1960 (2010); UNSC (2013), *Security Council resolution 2106 on Women, peace and security*, Adopted by the Security Council on at its 6984th meeting on 24 June 2013, S/RES/2106.
[3] Discussed at greater length in Chapter I, the remaining four resolutions are: UNSC (2000), *Security Council resolution 1325 on Women, Peace and Security*, Adopted by the Security Council at its 4213th meeting on the 31st October 2000, S/RES/1325 (2000); UNSC (2009), *Security Council resolution 1889 on Women, peace and security*, Adopted by the Security Council at its 6196th meeting on the 5 October 2009, S/RES/1889 (2009); UNSC (2013), *Security Council resolution 2122 on Women, peace and security*, *Security Council Resolution 2122 on Women, peace and security,* Adopted by the Security Council at its 7044th meeting on the 18 October 2013, S/RES/2122 (2013); UNSC (2015), *Security Council resolution 2242 on Women, peace and security*, Adopted by the Security Council at its 7533rd meeting on the 13 October 2015, S/RES/2242 (2015).
[4] FCO (2012), "Foreign Secretary announces UK initiative on preventing sexual violence in conflict," *News Story*, Gov.UK, 29 May 2012.
[5] UK Government (2014), "Global Summit to End Sexual Violence in Conflict (Archived)," Gov.UK.

the International Criminal Court (ICC) published a Policy Paper on Sexual and Gender-Based crimes outlining the steps it will take to integrate a gender perspective and analysis throughout its work.[6] While pervasive across armed conflicts,[7] the widespread and especially brutal nature of sexual violence documented in the eastern provinces of DRC rendered the experiences of women and girls in this region a central impetus for and focus of these developments.

Accompanying this still evolving international response architecture is a vast body of research shedding light on the scale, causes, and consequences of the phenomenon across conflict settings, notably in DRC.[8] These advancements across scholarship, policy, and practice have significantly sharpened understandings of what is commonly referred to as the 'gender dimensions of armed conflict,' developing diverse critiques of the discourses and policies assembled around this phenomenon. In particular, with this spotlight on sexual violence, some feminist scholars and advocates have raised confronting questions as to the disproportionate attention granted to this issue, pointing to its effect on re-entrenching a dualistic and limited 'gender' paradigm. Notably, it is one that positions women as the (inevitable) victims of sexual violence in conflict and of men as its (inevitable) perpetrators, eliding women's myriad agentive roles and men's experiences of victimisation.[9] Taking these critiques seriously, this

[6] Office of the Prosecutor (2014), *Policy Paper on Sexual and Gender-Based Crimes*, The Hague: ICC.

[7] I write this noting the important literature pointing to variation in reported rates and patterns of sexual violence in armed conflicts across time and space, see e.g. Cohen, K. D. & Nordås, R. (2014), "Sexual Violence in armed conflict: Introducing the SVAC dataset, 1989-2009," *Journal of Peace Research*, 51(3): 418-428; Wood, E. (2006), "Variation in Sexual Violence during War," *Politics & Society*, 34(3), pp. 307-341.

[8] E.g. Buss, D. et al. (eds.), *Sexual Violence in Conflict and Post-Conflict Societies: International Agendas and African Contexts*, London & New York: Routledge; Cohen, D. (2016), *Rape During Civil War*, Ithica & London: Cornell University Press; Crawford, F. K. (2017), *Wartime Sexual Violence: From Silence to Condemnation of a Weapon of War*, Washington, DC: Georgetown University Press; Lake. M. M. (2018), *Strong NGOs and Weak States: Pursuing Gender Justice in the Democratic Republic of Congo and South Africa*, Cambridge: Cambridge University Press; St. Germain, T. & Dewey, S. (eds.), *Conflict-Related Sexual Violence: International Law, Local Responses*, Sterling, Virginia: Kumarian Press; Wood, E. (2009), "Armed Groups and Sexual Violence: When Is Wartime Rape Rare?," *Politics & Society*, 37(1): 131-162.

[9] E.g. Heathcote, G. & Otto, D. (2014), "Rethinking Peacekeeping, Gender Equality and Collective Security: An Introduction", in Heathcote, G. & Otto, D. (eds.), *Rethinking Peacekeeping, Gender Equality* and Collective Security, Basingstoke & New York: Palgrave McMillan, pp. 1-20; Linos, N. (2009), "Rethinking gender-based violence during war: Is violence against civilian men a problem worth addressing?," *Social Science & Medicine*, 68: 1584-1551; Otto, D. (2010), "Power and Danger: Feminist Engagement with International Law through the UN Security Council," *Australian Feminist Law Journal*, 32(1): 97-121.

dissertation draws on extensive qualitative research undertaken at the United Nations in New York and in eastern DRC to explore the relationship between the internationally driven sexual violence response architecture and its effect on reinforcing – or protecting – this particular conceptualisation of gender in armed conflict.

Given its complexity, a number of questions arise vis-à-vis delineations of gender, and sexual violence more specifically, institutionalised within contemporary response efforts and their operationalisation in conflict-affected settings. Among them, such questions pertain to the assumptions about its victims/survivors and its perpetrators underpinning the response apparatus and their implications for differently gendered bodies. Specifically, then, what do such assumptions tell us about understandings of gender and its operation in armed conflict? Whose gendered experiences of armed conflict are seen? Whose are obscured, and with what effect(s)?

Against the backdrop of the WPS agenda and through the case study of eastern DRC, this thesis critically examines such questions. To do so, it explores the conceptual, policy, legal, and programmatic spaces available to female and male gendered subjects of sexual violence responses. Conceptualised through six gendered figures that I demonstrate have been produced by contemporary responses to sexual violence, the dissertation illustrates how, why, and with what effect these rely on and reinforce a limited conception of women's and men's experiences of conflict. Building on existing literature on gender and armed conflict, I contend that response mechanisms restrict possibilities for more complex and intersectional understandings of gendered harms in conflict, and, thus, for transforming gender relations in such contexts. In doing so, this study affirms the need to heed closer attention to dynamics surrounding the design and operationalisation of gender protection in conflict-affected contexts and their consequences at the individual, relational, and community levels.

Empirically speaking, I examine the spaces of inclusion and exclusion of differently gendered bodies across different institutional responses, namely at the Security Council and at the granular level in the North and South Kivu provinces of DRC. Conceptually, I investigate how these bear upon understandings of the ways in which gender impacts and is impacted by armed conflict. I argue that existing spaces for male and female subjects function to reproduce the longstanding dualistic view that women are exclusively victimised in armed conflict, while men, as the inevitable perpetrators of sexual violence, are rarely, if ever, seen as its potential victims. Ultimately, I contend that this continues to restrict possibilities for understanding – and responding to – the more complex operation of gender in armed conflict and its aftermath.

Representing an emerging, although still sensitive question, this research originally set out to explore the silencing of male victims in responses to sexual violence in conflict. This still constitutes an important dimension of the study and towards which the discussion builds. However, to understand how and why male victimisation remains side-lined in contemporary response structures requires an explicitly *relational* gendered analysis of their evolution and operation in conflict-affected contexts. In other words, one needs to discern the gendered underpinnings of whom internationally driven response mechanisms are construed to protect, and, conversely, whom they are construed to condemn. To this end, this dissertation examines female and male subjects produced by and interacting with institutional responses to sexual violence in conflict. With this in mind, in the remainder of this introductory chapter I briefly situate this study in the domain of gender, peace and security and introduce eastern DRC as a case study. I then outline the questions and methodology guiding this research and close with an overview of the thesis structure.

GENDERING PEACE AND SECURITY: A BRIEF INTRODUCTION

The establishment of 'gender' – as a political, analytical, and, increasingly, technical concept – across international institutional agendas follows decades of feminist scholarship and

activism across the realms of international development, international law, and international peace and security. The changing geopolitical landscape brought about by the end of the Cold War resulted in new ways of conducting, conceptualising, and responding to armed conflicts.[10] With this came a shift away from singularly state-centric approaches to international peace and security, towards integrating notions of human security and the protection of civilians.[11] Amidst this shifting backdrop, the conflict in the former Yugoslavia and the Rwandan genocide in the 1990s brought acute international attention to the particular horrors of sexual violence perpetrated against civilians in contemporary armed conflicts.[12] The resultant changes in the conception and administration of international justice were notably evidenced in the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR).[13] Subsequently, in 1998, the Rome Statute – which established the ICC – incorporated 'gender' within the purview of an international criminal law treaty for the first time and explicitly established sexual violence as a grave crime therein.[14]

Following this trend, the concepts of 'gender' and 'gender mainstreaming' were formally introduced on the UNSC mandate on the 31st October 2000, with the landmark adoption of Security Council resolution (SCR) 1325 on women, peace and security.[15] In brief, the resolution brought recognition within the Council of the disparate impacts of armed conflict on women and girls. In particular, it called for the greater participation of women in political processes and conflict resolution, as well as for their protection from sexual and gender-based

[10] E.g. Kaldor, M. (2007), *New and Old Wars: Organized Violence in a Global Era*, 2nd ed., Cambridge: Polity Press; Otto, D. (2010), "Power and Danger," p. 109.
[11] Engle, K. (2014), "The Grip of Sexual Violence: Reading UN Security Council Resolutions on Human Security", in in Heathcote, G. & Otto, D. (eds.), *Rethinking Peacekeeping, Gender Equality* and Collective Security, Basingstoke & New York: Palgrave McMillan, Ch. 1, pp. 23-47.
[12] Crawford, F. K. (2017), *Wartime Sexual Violence*, pp. 91-97.
[13] E.g. Hayes, N. (2017), "Prosecuting conflict-related sexual violence at the ICTY," *The International Journal of Human Rights*, 21(9), pp. 1347-1350; Sellers, V. P. (2008), "The Prosecution of Sexual Violence in Conflict: The Importance of Human Rights as a Means of Interpretation," Geneva: OHCHR.
[14] UNGA (1998), *Rome Statute of the International Criminal Court (last amended 2010)*, 17 July 1998.
[15] UNSC (2000), *Security Council resolution 1325 on Women, Peace and Security*, Adopted by the Security Council at its 4213th meeting on the 31st October 2000, S/RES/1325.

harms. Seven resolutions on WPS have since been adopted. Amidst this policy context, 2008 marked an especially significant juncture around which the analyses in this dissertation centre. Adopting SCR 1820 – its second WPS resolution and the first to address sexual violence *in conflict* specifically – the Council placed the issue squarely within the remit of its mandate.

As the institutional home of the agenda, the Security Council has come to represent an important site of feminist engagement, in scholarship as well as in practice.[16/17] Evolving with these international policy and legal developments is an expansive, dynamic, and far from homogenous body of scholarship.[18] By revealing the silences historically cast over women's experiences of war, much of the early feminist work centred on exposing and confronting the androcentric character of conventional approaches to armed conflicts and the institutions governing them.[19] In line with critical feminist traditions within which this study is situated, a portion of this scholarship pays close attention to representations of women and the reinscription of gendered and racialised essentialisms in international policy and legal discourses.[20] In particular, this body of work foregrounds the dangers of "victimizing

[16] Otto, D. (2014), "Beyond Stories of Victories and Danger Resisting Feminism's Amenability to Serving Security Council Politics," in Heathcote, G. & Otto, D. (eds.), *Rethinking Peacekeeping, Gender Equality* and Collective Security, Basingstoke & New York: Palgrave McMillan, pp. 157-172, pp. 159-161.

[17] The UN Security Council is not the only site of feminist engagement in this respect. Others include the World Bank (e.g. Moser, Törnqvist & von Bronkhorst, 1999); the ICC (e.g. Oostervald, 2005); NATO (e.g. Prescott, 2013); and the African Union (e.g. Adams, 2015).

[18] E.g. Kirby, P. & Shepherd, J. L. (2016), "Reintroducing women, peace and security," *International Affairs*, 92(2): 249-254.

[19] E.g. Charlesworth, H & Chinkin, C. (2000), *Boundaries of International Law: A Feminist Analysis*, Manchester: Manchester University Press; Enloe, C. (1989), *Bananas, Beaches & Beaches: Making Feminist Sense of International Politics*, Berkeley & Los Angeles: University of California Press; Gardham, G. J. & Jarvis, J. M. (2001), *Women, Armed Conflict and International Law*, The Hague: Kluwer Law International; Peterson, S. V. (2002), "Feminisms and International Relations," *Gender & History*, 10(3): 581-589.

[20] Fiddian-Qasmiyeh, E. (2016), "The faith-gender-asylum nexus: an intersectionalist analysis of representations of the 'Refugee Crisis,'" in Mavelli, L. & Wilson, E. (eds.), *The Refugee Crisis and Religion: Secularism, Security and Hospitality in Question*, London & Maryland: Rowman & Littlefield International, Ch. 15, pp. 207-222.

rhetoric"[21] and raises questions vis-à-vis the implications of reducing Women, Peace and Security to the single issue of women's sexual victimisation.[22]

Encoded in the resolutions and the attendant operational response structures is a carefully delineated definition of sexual violence in conflict contexts. Crudely, this sexual violence is widespread and systematic; it is perpetrated by parties to armed conflicts against civilian populations; it is used to displace and at times even destroy communities. Meeting these criteria, sexual violence is a crime under international humanitarian law and, with the adoption of SCR 1820, is recognised as a threat to international peace and security. It is this manifestation of sexual violence that has driven international responses and, for a time, at the exclusion of diverse forms of sexual and gendered harms in conflict. These include intimate partner violence (IPV), sexual exploitation and abuse (SEA) committed by international actors, as well as sexual harms committed against men and sexual and gender minorities.[23] The dominant and quint-*essentialising*[24] narrative of sexual violence in conflict, therefore, relies on a precise understanding of the nature of the harm, its victims, and its perpetrators. Since

[21] Borrowing from Kapur, R. (2002), "The Tragedy of Victimisation Rhetoric: Resurrecting the 'Native' Subject in International/Postcolonial Feminist Legal Politics," *Erotic Justice: postcolonialism, subjects and rights*, London: The Glass House Press, Ch. 3, pp. 95-136.

[22] E.g. Heathcote, G. & Otto, D. (2014), "Rethinking Peacekeeping;" Kirby, P. & Shepherd, J. L. (2016), "The futures past of the Women, Peace and Security agenda," *International Affairs*, 92(2): 373-392.

[23] E.g. Dolan, C. (2014), "Has Patriarchy been Stealing the Feminists' Clothes? Conflict-related Sexual Violence and UN Security Council Resolutions," *IDS Bulletin: Undressing Patriarchy: Men and Structural Violence*, 45(1), pp. 80-84; Dolan, C. (2015), "Letting go of the gender binary: Charting new pathways for humanitarian interventions on gender-based violence," *International Review of the Red Cross*, 96(894): 485-501; Hagen, J. (2016), "Queering women, peace and security," *International Affairs*, 92(2): 313-332; Lewis, C. (2014), "Systematic Silencing: Addressing Sexual Violence against Men and Boys in Conflict and its Aftermath," in Heathcote, G. & Otto, D. (eds.), *Rethinking Peacekeeping, Gender Equality* and Collective Security, Basingstoke & New York: Palgrave McMillan, pp. 203-223; Myrttinen, H. & Swaine, A. (2015), "Monster Myths, Selfies and Grand Declarations: A Conversation on the Global Summit to End Sexual Violence in Conflict," *International Feminist Journal of Politics*, 17(3): 496-502; Westendorf, JK. & Searle, L. (2017), "Sexual exploitation and abuse in peace operations: trends, policy responses and future directions," *International Affairs*, 93(2): 365-387.

[24] I use this neologism – and its variant 'quint-*essentialist*'– throughout this analysis to denote the idea that the institutionally defined narrative of sexual violence is so dominant as to have become *defining of* approaches, and indeed, responses to sexual violence in conflict. The term is grounded in the idea that the dominant narrative represents a 'quintessential' - or archetypal - narrative of sexual violence in conflict, but seeks to go further than that by emphasising its defining character. Speaking to the longstanding feminist concern with and challenge to sexed/gendered essentialisms (e.g. Fuss 1989), the concept encapsulates the defining set of assumptions about the nature of sexual violence in conflict determined, in large part, by the profile of its victims and its perpetrators.

representations of an issue invite, and perhaps even require, particular responses, questions around how this narrative bears upon the types of responses meted out, and to whom, are important ones.

With such questions in mind, scholars have critically examined representational politics of sexual violence in conflict and their implications for conflict-affected women, and to a lesser degree, men. In this respect, some have highlighted the disproportionate geographical attention granted to conflicts in Africa, and in eastern DRC especially. As Misra notes, eastern DRC has become something of a "byword for sexual violence against women for the last decade."[25] This has largely resulted from the haunting testimonies of survivors and perpetrators emanating from the region, usually presented alongside equally distressing statistics. Attentive to the "Afrientalist"[26] assumptions underpinning and reproduced by the international security gaze, this literature underscores the role of postcolonial "imaginative geographies of place"[27] in shaping descriptive and interpretive frames of sexual violence in the region.[28] In light of its (over-)visibility, some have questioned the utility of further research on the issue in the region.[29] Recognising the need for representational and methodological sensitivity, I maintain that it is precisely because of the sheer brightness of the spotlight shone on sexual violence in eastern DRC that contextually critical research on the response architecture and its situational effects remains an ever necessary and timely endeavour.

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[25] Misra, A. (2015), *The Landscape of Silence: Sexual Violence Against Men in War*, London: Hurst & Co., p. 14.
[26] Everill, B. & Kaplan, J. (2013), "Introduction: Enduring Humanitarianism in Africa," in Everill, B. & Kaplan, J. (eds.), *The History and Practice of Humanitarian Intervention and Aid in Africa*, Basingstoke & New York: Palgrave Macmillan, pp. 1-22, p. 17.
[27] Daley, P. (2015), "Researching Sexual Violence in the Eastern Democratic Republic of the Congo: Methodologies, ethics, and the production of knowledge in an African warscape," in Gray C. L., Momsen, A., Momsen, J. (eds.), *The Routledge Handbook of Gender and Development,* Abingdon: Taylor and Francis, Ch. 44, pp. 429-440, p. 438.
[28] Mertens, C. & Pardy, M. (2017), "'Sexcurity' and its effects in eastern Democratic Republic of Congo," *Third World Quarterly*, 38(4): 956-979.
[29] Buss, D. E. (2014), "Seeing Sexual Violence in Conflict and Post-Conflict Societies: The Limits of Visibility," in Buss, D., et al. (eds.), *Sexual Violence in Conflict and Post-Conflict Societies: International Agendas and African Contexts,* London & New York: Routledge, Ch. 1, pp. 3-27, p. 4; Henry, M. (2013), "Ten Reasons Not To Write Your Master's Dissertation on Sexual Violence in War," *The Disorder of Things*, 4 June 2013.

SEXUAL VIOLENCE IN EASTERN DRC: INTRODUCING 'THE RAPE CAPITAL OF THE WORLD'

DR Congo remains mired in seemingly intractable and frequently shifting cycles of armed conflict, which, for over two decades, have predominantly affected the eastern provinces of the country.[30] In recent years, the geographical reach of the conflicts has expanded as violence erupted in DRC's central Kasai province, taking a heavy toll on the civilian population and costing the lives of two UN experts.[31] In July 2017, it was estimated over 3000 people had been killed and 1.4 million people had been displaced as a result of the fighting in this region.[32] As a consequence of these more recent conflicts and intensifying violence in DRC's volatile east, the resulting displacement "mega crisis" in the country has been named "the worst in the world" for two consecutive years.[33] Given the longer histories of conflict in the east – and North and South Kivu in particular – international humanitarian and peacebuilding responses have largely been concentrated there. This was certainly the case during the data collection for this research. As such, the Kivus represent the exclusive geographical focus of this dissertation. The implications of findings presented in this dissertation, however, may extend beyond the Kivus.

Responding to the conflicts and their impacts is an expansive, albeit increasingly precarious, international peacekeeping and humanitarian presence. In effect, DRC is home to the largest UN peacekeeping mission in the world, the mandate and size of which has expanded

[30] While a critical backdrop, the dynamics of the conflicts in DRC are not the central of this dissertation or the analysis presented. For detailed accounts and analyses of the historical and contemporary developments of the conflicts in DRC, including their complex causes, the myriad armed actors involved, and their consequences beyond sexual violence, see e.g. International Alert (2015), *Beyond Stabilisation: Understanding the Conflict Dynamics in North and South Kivu, Democratic Republic of Congo*, London: International Alert; Stearns, K. J. (2011), *Dancing in the Glory of Monsters: The Collapse of the Congo and the Great War of Africa*, New York: Public Affairs; Stearns, J. & Vogel, C. (2017), *The Landscape of Armed Groups in Eastern Congo: Fragments, politicized networks*, Kivu Security Tracker, December 2017; UN Group of Experts (2016), *Final report of the Group of Experts on the Democratic Republic of the Congo*, 23 May 2-16, S/2016/466; UN Group of Experts (2017), *Final report of the Group of Experts on the Democratic Republic of the Congo*, 4 August 2017, S/2017/672.

[31] UN Group of Experts (2017), *Final report of the Group of Experts on the Democratic Republic of the Congo*, 4 August 2017, S/2017/672.

[32] Clowes, W. (2017), "Briefing: The conflict in Kasai, DRC," *IRIN News*, 31 July.

[33] Norwegian Refugee Council (2017), "DR Congo mega crisis forcing millions to flee," report, 6 December 2017.

significantly since its first iteration in 1999.[34] As part of its expansion, the role of the UN Mission[35] – initially deployed as a small contingent of ninety UN military liaison personnel to observe the Lusaka Ceasefire Agreement signed in July 1999 – grew to incorporate a Protection of Civilians mandate.[36] From 2002 onwards, Security Council resolutions renewing the Mission's mandate began to reference the "importance of a gender perspective," in accordance with SCR 1325, and called particular attention to sexual violence against women and girls relatively consistently.[37] The significance of this language notwithstanding, it was only in the mid to late-2000s that institutional mechanisms were established to address the gendered impacts of the conflict, and sexual violence more specifically.[38]

Indeed, during the early to mid-2000s, sexual violence came to represent a particularly important feature of the conflicts in eastern DRC, shaping how the conflicts in the region and their consequences have been understood, represented, and responded to by diverse actors. This resulted, in large part, from the scale and brutal nature of sexual violence reportedly perpetrated by various, if not most, parties to the conflicts with a clear impact on international funding and attendant programming in the region. Illustrating the magnitude of the issue, one of the more widely cited studies calculated that "48 women are raped every hour in DRC."[39] Figures like these contributed to and sustained DRC's depiction as "the rape capital of the world"[40] and

[34] UNSC (1999), *Security Council resolution 1279*, Adopted by the Security Council at its 4076th meeting on 30 November 1999, S/RES/1279.
[35] Formerly the UN Mission in the Democratic Republic of Congo (MONUC), in 2010, the UN peacekeeping mission was renamed as the UN Organisation Stabilisation Mission in the DR Congo (MONUSCO). Reflecting its mandate change towards stabilisation, the change was brought about by SCR 1925. UNSC (2010), *Security Council resolution 1925*, Adopted by the Security Council at its 6324th meeting on 28 May 2010, S/RES/1925.
[36] UNSC (2004), *Security Council resolution 1565*, Adopted by the Security Council at its 5048th meeting, on 1 October 2004, S/RES/1565, OP. 4(b).
[37] The first reference to 'gender' in the Mission's mandate is found in the preambular paragraphs of SCR 1445. UNSC (2002), *Security Council resolution 1445*, Adopted at its 4653rd meeting on the 4 December 2002, S/RES/1445, PP. 6.
[38] UNSC (2007), *Resolution 1794 (2007)*, Adopted 21 December 2007, S/RES/1794 (2007); Senior Advisor and Coordinator on Sexual Violence for DRC (2008), *Update on Combating SV in DRC*, 31 October 2008.
[39] This figure originally emerged from an analysis of the 2007 Demographic Health Survey (Peterman, A. et al. 2011). It is discussed at length in Chapter III.
[40] BBC News (2010), "UN Official calls DR Congo 'rape capital of the world,'" *BBC News*, 28 April 2010.

"the worst place on earth to be a woman."[41] Pertinently, such reporting played a tangible role in the development of the gender protection architecture in DRC. Giving some sense of its scale, in 2012, DRC was the largest country recipient of funding for sexual and gender-based violence projects, receiving more than double granted to any other country.[42]

In crude terms, the multi-sectoral response mechanisms developed in the country centre on providing medical, psychosocial, legal, and socioeconomic assistance for (female) survivors, on fighting impunity for crimes of sexual violence, and, increasingly, on engaging men in attitudinal and behavioural change programmes. The latter two sets of interventions, in particular, aim to deter and, ultimately, to prevent sexual violence by holding (male) perpetrators accountable and by transforming gender norms. By design, these represent the most clear and direct interaction between sexual violence response mechanisms and men. Moreover, they reflect an entrenching shift towards explicitly incorporating men and masculinities in gender policy and programming and thus, potentially, away from viewing gender as a singularly women's issue.

Exploring the possibilities and limits of the sexual violence response apparatus in eastern DRC, I adopt an intersectional approach to gender.[43] Throughout the dissertation, I foreground distinct markers that mutually constitute and are mutually constituted by gender identities, notably race, class and socio-economic status, faith, and sexualities. The analyses presented in this dissertation are particularly attentive to the interactions of mutually constitutive identity markers with institutions comprising the response apparatus as these emerge implicitly and

[41] HRW (2009), *Soldiers Who Rape, Commanders Who Condone: Sexual Violence and Military Reform in the Democratic Republic of the Congo*, New York: HRW, p. 14.
[42] Devinit (2014), "Trends in donor spending on Sexual and Gender-Based Violence (SGBV)," *Briefing*, 9 June 2014.
[43] In broad terms, intersectionality refers to the mutually constitutive interactions of social identity markers, such as race, class, sexualities, faith, etc., with gender. Originating from the work of Black feminist scholars, this concept is increasingly - and not unproblematically - applied to analyses of masculinities (e.g. Crenshaw 1991; Henry 2017). This is discussed in greater depth throughout this dissertation

explicitly, as well as intentionally and unintentionally from varying institutional vantage points. Yet, while highlighting some degree of gender complexity in internationally driven responses to sexual violence, I nevertheless posit that, fundamentally, these remain confined to a restrictive women-as-victims and men-as-perpetrators paradigm.

A Brief note on Research Questions and Methodology

Against this backdrop, this dissertation is guided by the following overarching question:

> - *How, if at all, do existing conceptions of and responses to sexual violence in conflict bear upon understandings of 'gender' in conflict?*

To address this question, the thesis is structured around the following sub-questions:

> - *How do key response and service providing entities conceptualise and represent sexual violence in DRC? Why, and what are the implications, if any, for the nature of responses and assistance delivered in DRC?*
>
> - *How are 'women' and female subjects conceptualised in international policy and operational practice in DRC? Why, and with what implications?*
>
> - *How are 'men' and male subjects conceptualised and represented in international policy and operational practice in DRC? Why, and with what implications?*

To investigate these questions, this dissertation is grounded upon extensive primary research conducted between 2013-2017 with diverse stakeholders at the UN Headquarters in New York and in the North and South Kivu provinces of eastern DRC. Qualitative in its approach, this study is grounded in over 300 semi-structured interviews with policymakers, international and national non-governmental organisations, civil society, the DR Congolese military and police,

judicial actors, service providers, and programme beneficiaries.[44] It also draws upon observational data of the everyday, granular work of actors responding to sexual violence in eastern DRC as well as of more exceptional and high-level policy and advocacy events. The multi-sited and multi-institutional nature of this research enables an empirically-driven analysis of the roles of political dynamics, institutional mandates and bureaucratic imperatives in shaping international policies and programmes on the one hand; and the interactions of these factors with operational constraints and lived realities as they are implemented in eastern DRC on the other. This, in turn, permits a more nuanced understanding of the distinct, and sometimes discordant, forms 'sexual violence' assumes through different institutional prisms in policy and in practice than existing literature has offered thus far. With this methodological note in mind, I turn briefly to outlining the structure of the thesis.

A Brief Note on Structure

As outlined below, this dissertation proceeds in three parts. The first Part of the thesis locates the study conceptually, methodologically, and contextually. The second and third Parts present the gendered subjects of sexual violence discourse and response in eastern DRC. These are perhaps more aptly conceived of as triptychs,[45] each composed of three distinct but associated chapters which are "intended to be appreciated together."[46] In effect, Part II is devoted to specific variants of the 'female victim-survivor,' while Part III examines the male figures of sexual violence discourse and response in DRC. This structure permits an in-depth analysis of female and male subjects comprising and comprised by the response apparatus and illuminates how, why, and with what effect they, collectively, constitute assumptions of gender and armed conflict.

[44] Importantly, and as explained in Chapter III, for ethically-grounded reasons, this research project does not include data collection with survivors of sexual violence in DRC.
[45] Fiddian-Qasmiyeh, E., *personal conversation*, Oxford, March 2018.
[46] OED (2018), "Definition: Triptych," Oxford *Living* Dictionaries.

Part I - Situating the Study

The first chapter – *Can the 'Other' of Feminism Speak*? – has three principal objectives. The first is to lay out the conceptual and policy backdrop guiding this dissertation. The second is to review debates in feminist approaches to armed conflict and international law, in particular relative to representations of female subjects and the place of men in gendered approaches to peace and security. Exploring the question of what does and does not constitute feminist research, I put forward a case for addressing male (sexual) victimisation in conflict through a feminist lens. Having set the conceptual backdrop of the study, Chapter II – *Walking the Tightrope* – outlines the methodology adopted and the particular ethical challenges of undertaking sexual violence research in eastern DRC. To this end, it introduces the multi-sited and multi-institutional methodology adopted for this project and outlines collaborative projects from which this study has benefited. Moreover, as an integral part of feminist methodologies, I reflect on my positionalities and their multi-directional relationship with the research, both relative to its thematic focus on sexual violence and geographic focus on/in eastern DRC.

Introducing the case study, the third chapter – *The Making of 'the Rape Capital of the World'* – traces the centrality of eastern DRC in contemporary policy and advocacy surrounding sexual violence in conflict. In particular, it outlines the evolution of the institutional infrastructure established in the region to respond to sexual violence and discusses attendant demands for 'better data' on the issue. Finally, the chapter situates 'the rape capital of the world' in its postcolonial context. Building on the conceptual and methodological background introduced in Chapters I and II, this chapter thus provides the contextual, institutional, and historical backdrop against which the gendered subjects of contemporary sexual violence discourse and responses in DRC are explored.

Part II - Discordant Subjects: Rethinking the Female Survivor of Sexual Violence in DRC

Part II is the first to foreground the gendered subjects of contemporary sexual violence

discourse and response in eastern DRC and is dedicated to its female figures. Feminist scholarship has long been attentive to the tendency for women and girls to be viewed through the singular designation of victimhood in international policy and practice developed to address the gender dimensions of armed conflict. Affirming this stance, the analyses presented in Part II demonstrate that the designation of victimhood itself is deserving of closer attention. In particular, I draw attention to the nature of the sexual and gendered harm female victims/survivors (are presumed to) have endured. Having examined how language and numbers are used to produce a certain account of sexual violence in DRC in Chapter III, this tripartite discussion begins to look at what, and indeed who, lies beneath the surface of the dominant discourse as it refracts through different sets of institutional eyes comprising the response infrastructure.[47]

In Chapter IV, I present *The Quint-essentialist Survivor*. Investigating the deliberations leading up to the adoption of SCR 1820, I examine how and why particular accounts of sexual violence in conflict were prioritised vis-à-vis international peace and security policy. In doing so, I underscore the role of institutional imperatives and political dynamics in the delineation of policy definitions. Embodying this international political definition of sexual violence in conflict, The Quint-*essentialist* Survivor thus represents the dominant and archetypal female subject against which the subsequent two shadow figures are produced in operational practice.

Indeed, with this overarching figure in mind, Chapter V – *The Programmatic Survivor* – foregrounds the complexities of delivering sexual violence assistance. Embedded within existing critiques of the 'commercialisation' of sexual violence responses in eastern DRC, this discussion explores definitions of 'survivorhood' as they relate to women's and girls' access to multi-sectoral (medical, psychosocial, legal, and socio-economic) services. The

[47] Borrowing from Mohanty, T. C. (1984), "Under Western Eyes: Feminist Scholarship and Colonial Discourse," *boundary 2*, 12(3): 333-358.

Programmatic Survivor highlights the challenges associated with the reliance on victims/survivors disclosing sexual violence to access assistance and underscores related difficulties of determining direct causation between an incident of sexual violence and the assistance sought. Shifting the analytical gaze towards the fight against impunity for sexual violence, which is a central focus of internationally driven response mechanisms in eastern DRC, in Chapter VI, I present *The Legal Victim.* Examining the application of domestic and international legislation relative to sexual violence crimes in the region, this discussion explores the nature of sexual violence cases that make it to and through the courts. While, this chapter thus adds to calls for more nuanced appraisals of the interaction of sexual violence legislation with socio-historical norms and operational contexts, collectively the three female subjects are overall, nevertheless, defined by their 'victim-survivorhood.'

Part III – Gendered Men: Re-Exploring Male Subjects of Sexual Violence in DRC

Part III explores a triptych of male subjects constituted through sexual violence discourse and response in eastern DRC. As noted above, this was initially conceived to be the primary focus of the study. Reflecting this, and since scholarship on masculinities in conflict is still emerging, and, as a result, a greater contribution is to be made here, the discussion of *Gendered Men* is longer than Part II. Exploring these three male subjects, Part III examines the parameters of efforts to 'gender' men in policy and programmatic responses to sexual violence.

In Chapter VII – *The Quint-essentialist Perpetrator* – I reconsider the deliberations leading up to the adoption of SCR 1820, this time with a focus on the male perpetrator figure, to investigate how 'he' was construed for international peace and security policy. Having done so, I return to efforts to fight impunity in North and South Kivu. Through an analysis of the high profile Minova trial and the less exceptional everyday functioning of the justice system, I demonstrate that The Quint-*essentialist* Perpetrator is less easily discernible in practice.

Against the backdrop of male 'perpetratorhood' in conflict, Chapter VIII – *The Strategic Ally* – explores the growing institutional shift towards 'engaging men and boys' in gender programming. This chapter broadens the scope of the analysis to include intimate partner violence and civilian, or non-combatant, men in conflict-affected contexts. Examining an internationally driven violence prevention programme implemented in North and South Kivu, I explore the possibilities and limits of such male inclusive strategies. Finally, in Chapter IX – *The Male Victim Subject* – I investigates the enduringly elusive nature of sexual violence against men in conflict in policy, statistical data, and in response practice. Advances in addressing the issue notwithstanding, this chapter demonstrates that steps towards substantively responding to male victims/survivors remain inconsistent, contested, and closely associated with still taboo questions of (homo)sexuality. I suggest that while (Congolese) women are viewed as 'always-already victims,' (Congolese) men are construed as 'almost-never victims.' Underpinning each of the male subjects presented in Part III is a close attention towards illuminating their implications for contemporary understandings of and responses to masculinities in conflict.

Conclusion

To conclude, I revisit the key threads of the dissertation and re-affirm how existing responses to sexual violence in conflict in DRC are premised on and in turn reify limited conceptions of gender and its operation in conflict. Doing so, I consider the implications of this study for conflict-affected contexts beyond DRC.

CHAPTER I

CAN THE 'OTHER' OF FEMINISM SPEAK?: ON WOMEN, PEACE AND SECURITY AND THE BOUNDARIES OF FEMINISM

"From a feminist perspective there are a number of questions here that really go to the heart of what the feminist project is about or perhaps, more accurately, what it is not about. Addressing the impact of armed conflict on men is a perfectly respectable and necessary area of scholarship and activism, but is it feminist?" [48]

In the closing chapter of *Undoing Gender*, Butler asks "Can the 'Other' of Philosophy Speak?"[49] In this piece, she offers reflections on her relationship with philosophy – "as a philosopher somehow outside of philosophy but intimately invested in it"[50] – and on philosophy's relationship with its 'others.' Among other more peripheral approaches, Butler explores the position of feminist interventions, including her own, in or vis-à-vis 'institutional philosophy.'[51] At its core, her essay examines "what [and who] belongs to philosophy and what [and who] does not."[52] The specifics of Butler's discussion relative to institutional philosophy *per se* are not of concern here. Rather, of interest are the questions raised as to the drawing, negotiating, maintenance, and protection of disciplinary, theoretical and canonical boundaries in relation to conceptually or corporeally defined 'others.'

Drawing inspiration from the title and intent of Butler's reflections in/on philosophy, here, I consider such questions within feminism. This chapter, then, is about feminism and its

[48] Gardham, J. & Stephens, D. (2014), "Concluding Remarks: Establishing Common Ground between Feminism and the Military," in Heathcote, G. & Otto, D. (eds.), *Rethinking Peacekeeping*, Ch. 13, pp. 265-279, p. 245.
[49] Butler, J. (2004), *Undoing Gender*, New York & Abingdon: Routledge, pp. 232-250.
[50] Zavaletta, S. A. (2005), "Undoing Gender (review)," *The Comparatist*, 29: 152-153, p. 153.
[51] By 'institutional philosophy,' Butler is referring to traditional approaches to Philosophy habitually populating university faculties, at least at the time of writing.
[52] Butler, J. (2004), *Undoing Gender*, p. 245.

boundaries relative to its principal 'other' – 'men' – in the realm of gender and armed conflict.[53] The apposite place of 'men in feminism' represents a longstanding debate in feminist scholarship and praxis.[54] Addressing this question almost three decades ago, Williams counselled that "feminist attitudes to this need to be opened up and clarified."[55] As men and masculinities receive growing attention across the domains of international development, peace and security, and forced migration, revisiting this question is pertinent and timely. As underscored in the introductory quotation above, the question of men in/and feminism is still seen to go to "the heart" of what is 'feminist,' and what is not.[56]

A core aim of feminist interventions in international peace and security has long been to expose and confront the androcentrism characterising the field. These have done so largely by redressing silences and revealing the limited gendered underpinnings of its fundamental concepts, methods, and practices.[57] Across scholarly disciplines, policy, and legal discourses, feminist scholars and activists have thus pushed against and redrawn boundaries by asking, in its most simple iteration, "where are the women?"[58] Deploying this question, feminist interventions have revealed the ways in which 'women'[59] have been systematically overlooked, subordinated, and 'othered' in international political and international legal institutions. Foregrounding women's experiences of and roles in armed conflict, this work has thus

[53] In their introduction to *Rethinking the "Man" Question,* Papart and Zalewski note that the "profound impact of performative understandings of identity on feminist scholarship" render inverted commas around the term 'man' unnecessary (Zalewski & Papart, 2008: 2). While unstated in the text, it is assumed that this extends to 'women.' This dissertation proceeds with the same commitment to challenging essentialisms relating to male and female sexed bodies, and similarly does not place the terms 'women' and 'men' in inverted commas throughout the text.
[54] Williams, R. L. (1990), "Men in Feminism," *Women: A Cultural Review*, 1(1): 63-65.
[55] Ibid, p. 65.
[56] Gardham, J. & Stephens, D. (2014), "Concluding Remarks," p. 245.
[57] Peterson, S. V. (1998), "Feminisms and International Relations," *Gender & History*, 10(3): 581-589; Tickner, A. J. (1992), *Gender in International Relations: Feminist Perspectives on Achieving Global Security*, New York: Columbia University Press; Enloe, C. (1989), *Bananas, Beaches & Beaches: Making Feminist Sense of International Politics*, Berkeley & Los Angeles: University of California Press; Cohn, C. (1987), "Sex and Death in the Rational World of Defense Intellectuals," *Signs*, 12(4): 687-718.
[58] Enloe, C. (1989), *Bananas, Beaches & Beaches*, p. 7. Subsequent iterations of this question applied to conflict contexts have included "where are the girls?" (e.g. Nordstrom 1999).
[59] See Zalewski & Papart, at *supra* note, 53.

categorically challenged and offered important alternatives to the taken-for-granted masculinist nature of "generic personhood" underpinning these domains.[60] The implications of feminist interventions are far-reaching across scholarship, policy, and practice. Certainly, if we consider that feminist international relations and international legal scholarship emerged in the late 1980s and early 1990s,[61] their rapid growth and influence are nothing short of remarkable.

Over the last two decades, the significance, and most would agree successes, of this work is notably reflected in the inception and evolution of the UN Security Council's Women, Peace and Security (WPS) agenda. This framework, now constituting eight resolutions,[62] brought recognition within the Council of war's differential impact on women. The agenda continues to represent an important site of feminist scholarship, policy, and activism. It is within this body of work that this discussion is largely situated. While feminist engagement across these arenas often proves mutually reinforcing, some tensions also arise. One area of contestation centres on the tenacity of gendered and raced essentialisms, permeating efforts to redraw the boundaries of international security. In particular, scholars have paid close attention to the tendency to represent women-in-conflict singularly as victims, of sexual violence in particular, at the expense of more agentive depictions of women's roles and experiences in conflict.[63] Debates are also emerging as to the appropriate place of men in gendered approaches to peace

[60] Cohn, C. (2013), "Women and Wars: Towards a Conceptual Framework," in Carol, C. (ed.), *Women and Wars: Contested Histories, Uncertain Futures*, Cambridge & Malden: Polity Press, Ch. 1, pp. 1-35, p. 16.
[61] See discussion at *supra* note, 19.
[62] Full list of UNSC resolutions on WPS: UNSC (2000), *Security Council Resolution 1325 on Women, Peace and Security*, Adopted by the Security Council at its 4213th meeting on the 31st October 2000, S/RES/1325; UNSC (2008), *Security Council Resolution 1820 on Women, peace and security*, Adopted by the Security Council at its 5916th meeting on 19 June 2008, S/RES/1820; UNSC (2009), *Security Council Resolution 1888 on Women, peace and security,* Adopted by the Security Council at its 6195th meeting on the 30 September 2009, S/RES/1888; UNSC (2009), *Security Council Resolution 1889 on Women, peace and security,* Adopted by the Security Council at its 6196th meeting on the 5 October 2009, S/RES/1889; UNSC (2010) *Security Council Resolution 1960 on Women, Peace and Security,* Adopted by the Security Council at its 6453rd meeting on the 16 December 2010, S/RES/1960; UNSC (2013), *Security Council Resolution 2106 on Women, peace and security*, Adopted by the Security Council on at its 6984th meeting on 24 June 2013, S/RES/2106; UNSC (2013), *Security Council Resolution 2122 on Women, peace and security,* Adopted by the Security Council at its 7044th meeting on the 18 October 2013, S/RES/2122; UNSC (2015), *Security Council Resolution 2242 on Women, peace and security,* Adopted by the Security Council at its 7533rd meeting on the 13 October 2015, S/RES/2242.
[63] See discussion at *supra* note, 23.

and security,[64] and, increasingly, vis-à-vis the (in)visibility of sexual and gender minorities.[65] It is, unsurprisingly, in these areas of tensions that the limits of feminist boundaries are most acutely brought to bear.

Ongoing contentions largely hinge on the key concept of 'gender,' broadly defined as "the social attributes and opportunities associated with being male and female."[66] The infusion and diffusion of 'gender' – as a political, analytical, and technical concept – across institutions governing international peace and security have created significant "footholds" for feminist policy and practice on international institutional agendas.[67] Indeed, the vast institutional advancements brought about by 'gender mainstreaming' across development, security, humanitarian, peacekeeping, and peacebuilding policy and practice are evident. This much is generally agreed upon, even if their impacts on the ground remain more opaque.[68] Yet, while the concept of 'gender' has now established a firm presence on institutional agendas, it remains the site of contestation over the substantive and normative parameters of its meaning.[69] Sensitive questions remain as to who and what can – and should – fall within the purview of 'gender' and a 'gender perspective of armed conflict.' One area of discernible disagreement relates to the place of feminism's principal 'other': men. In this chapter, I explore whether addressing the impact of armed conflict on men is, or should be, of feminist concern. I do so –

[64] E.g. Gardham, J. & Stephens, D. (2014), "Concluding Remarks;" Kirby, P. & Shepherd, J. L. (2016), "The futures past of the Women, Peace and Security agenda;" Lewis, C. (2014), "Systematic Silencing;" Sivakumaran, S. (2010), "Lost in translation: UN responses to sexual violence against men and boys in situations of armed conflict," *International Review of the Red Cross*, 92(877): 259-277.
[65] Hagen, J. (2016), "Queering women, peace and security," *International Affairs*, 92(2): 313-332; Myrttinen, H. & Daigle, M. (2017), "When merely existing is a risk: Sexual and gender minorities in conflict, displacement and peacebuilding," London: International Alert.
[66] For full UN definition, see: "UN (n.d.), "Concepts and Definitions: Equality between women and men (gender equality)."
[67] Otto, D. (2010), "Power and Danger," p. 104.
[68] E.g. Merry, E. S. (2006), *Human Rights and Gender Violence: Translating International Law into Local Justice,* Chicago & London: Chicago University Press.
[69] E.g. Baden, S. & Goetz, M. A. (1997), "Who Needs [Sex] When You Can Have [Gender]?: Conflicting Discourses on Gender at Beijing," *Feminist Review*, 56: 3-25; Gardham, J. & Stephens, D. (2014), "Concluding Remarks;" Dolan, C. (2014), "Has Patriarchy been Stealing the Feminists' Clothes?"

taking seriously the apprehensions raised by feminists about "bringing in men"[70] – by paying particular attention to gendered politics of victimhood and the incremental recognition of, and debates around, men's experiences of (sexual) victimisation in armed conflict.

Recent years have seen a shift towards explicitly recognising men as gendered beings - rather than as the presumed and un-gendered default category - in gender policy and programming in conflict-affected contexts.[71] Men are, thus, increasingly seen as 'gendered' beings. Efforts to 'engage men and boys' in promoting gender equality and addressing sexual (and gender-based) violence are now relatively common. The nature and parameters of this engagement, however, are worthy of critical enquiry. This chapter argues that, despite this growing attention, imbuing 'men and masculinities' with the possibility of victimhood and vulnerability remains contentious for a host of epistemological, political, and ethico-practical reasons. A central thread of this dissertation is that the reluctance to substantively address male vulnerabilities in conflict restricts possibilities for more complex and intersectional understandings of how gender operates in armed conflict and its aftermath. In this chapter, then, I make a preliminary and predominantly conceptual case for addressing men's vulnerabilities in conflict as a feminist endeavour. I do so suggesting that this represents a potentially important step towards further unsettling rigid gendered binaries, which still tend to singularly equate notions of 'victimhood' and 'vulnerability' with "womenandchildren,"[72] and with female gendered bodies in particular.

Against this backdrop, the core aims of this chapter are three-fold. The first is to outline the UN Security Council's resolutions on Women, Peace and Security (WPS), representing the

[70] White, C. S. (2000), "'Did the Earth Move?' The Hazards of Bringing Men and Masculinities into Gender and Development," *IDS Bulletin*, 31(2): 33-41.
[71] Hearn, J. (2011), "Gender Regimes Changing Men," in Cornwall, A., Edström, J., & Greig, A. (eds.), *Men and Development: Politicizing Masculinities*, London & New York: Zed Books, Ch. 12, pp. 155-169; Myrttinen, H., Khattab, L., & Naujoks, J. (2017), "Re-Thinking Hegemonic Masculinities in Conflict-Affected Contexts," *Critical Military Studies*, 3(2): 103-119.
[72] Enloe, C. (1990), "Womenandchildren: Making Feminist Sense of the Persian Gulf Crisis," *The Village Voice*, 25 September.

policy landscape within which this dissertation is situated. The second is to introduce the conceptual framework guiding this dissertation and to review the relevant feminist literature in the realm of peace and security, notably vis-à-vis representational politics of victimhood. The third examines definitional debates around 'gender' and considers the position of men therein, particularly in the realm of armed conflict. Demonstrating that addressing male vulnerabilities and victimisation in conflict, for some, stretches gender beyond legitimate feminist boundaries, in closing this chapter I make a normative and reflexive case for addressing sexual violence against men in conflict through a feminist lens.

SECTION I

INTRODUCING WOMEN, PEACE AND SECURITY: SETTING THE POLICY LANDSCAPE

By revealing and resisting the masculinist traditions of international peace and security, feminist interventions in international law and international relations have made visible women's diverse and complex lived experiences of armed conflicts. These have successfully developed avenues for women's interests, needs, and rights in conflict to be recognised, addressed, and upheld in significant respects. In this regard, the Security Council's WPS agenda now represents "a significant reference point in the management and resolution of, as well recovery from, violent conflict."[73] Forming the principal policy backdrop of this dissertation, here I briefly trace its evolution and introduce its core tenants.

On the 31st October 2000, the Council unanimously adopted resolution 1325, inaugurating its thematic agenda on Women, Peace and Security. This date marked the first time the Council had dedicated an entire open debate on 'women, peace and security,' the import of which was not lost on the activists and advocates responsible for its existence.[74] As stated by the then

[73] Kirby, P. & Shepherd, J. L. (2016), "Reintroducing women, peace and security," p. 249.
[74] Cohn, C., Kinsella, H., & Gibbins, S. (2004), "Women, Peace and Security: Resolution 1325," *International Feminist Journal of Politics*, 6(1): 130-140.

Special Adviser to the Secretary-General on Gender and the Advancement of Women, Angela King, "[i]t has taken the United Nations fifty-five years to have a full debate in the Security Council on 'Women, Peace and Security.'"[75] Indeed, given that 'gender mainstreaming' was formally adopted as a global strategy during the Fourth World Conference on Women in Beijing some five years prior, some note that SCR 1325 represented its "belated arrival" in the Council.[76] Nevertheless, the significance of the resolution is evident: SCR 1325 is the only UNSC resolution to be marked by an anniversary[77] and to have been translated in over 100 languages, maximising its reach to women's rights activists globally.[78]

Through its eighteen operative paragraphs, SCR 1325 outlines a number of actions to be taken by a range of actors, including the Secretary-General, UN departments, Member States, parties to conflicts, and the Council. In addition to mandating a formal study of the impact of armed conflict on women and girls, this foundational resolution appealed for:

> "the greater participation of women in decision-making in national, regional, and international institutions; their further involvement in peacekeeping, field operations, mission consultation and peace negotiations; increased funding and other support for UN bodies' gender work; enhanced state commitments to women's and girls' human rights and their protection under international law; the introduction of special measures against sexual violence in armed conflict; and the consideration of women's and girls' needs in humanitarian, refugee, and disarmament and post-conflict settings […]"[79]

[75] King cited in ibid, p. 130.
[76] Otto, D. (2010), "Power and Danger," p. 100.
[77] The anniversary is marked annually through an open debate. Every year, UN Member States brief the Council on measures taken to implement WPS and the NGO Working Group is asked to invite a civil society representative from a conflict-affected context to address Council members. NGOWG (2018), "Peacebuilders," *Our Work*.
[78] Peace Women (2018), "Call for Translation of Women, Peace and Security Resolutions!" Women's International League for Peace and Freedom, *e-news*. See also, Rolls, B. S. (2014), "Thinking Globally and Acting Locally: Linking Women, Peace and Security in the Pacific," in Heathcote, G. & Otto, D. (eds.), *Rethinking Peacekeeping, Gender Equality and Collective Security*, Basingstoke: Palgrave Macmillan, Ch. 5, pp. 118-130.
[79] Kirby, P. & Shepherd, J. L. (2016), "Reintroducing women, peace and security," p. 249.

In broad terms, therefore, SCR 1325 acknowledged women's multiple and diverse roles, interests, and needs in armed conflict and its aftermath with "powerful breadth and depth."[80] It is notable in the resolution's text, however, that the Council reserves the least potent language for itself, tending towards "expressing its willingness," for instance, "to incorporate a gender perspective into peacekeeping operations."[81] In contrast, it deploys much stronger language relative to its partner entities, which it "encourages," "calls upon," and even "urges" to uphold newly stated responsibilities to mainstream gender in their relevant areas of work.[82] I call attention to this dimension of the resolution's language because it signalled the Council's reticent stance vis-à-vis the value - and, in fact, relevance - of 'gender' to its mandate, seen to belong in the domains of the UN Secretariat, General Assembly, or human rights bodies. This institutional context is at times insufficiently acknowledged in scholarly analyses of the agenda.

Although SCR 1325 broke new ground in the Council, steps towards its implementation were slow moving and it was only eight years later that the subsequent resolution, SCR 1820, was adopted.[83] This was, in part, due to the lack of institutional accountability mechanisms within the Council to monitor its progress. Moreover, while SCR 1325 was heralded for its comprehensive breadth, it was perceived by some as being too wide-ranging to be politically and operationally practicable. This contributed to calls for a follow-up resolution, with some advocates calling for one specifically on sexual violence in conflict.[84] Such a focus was not ubiquitously supported by feminist scholars and advocates, some of whom feared that it would detract from SCR 1325's broader framework.[85]

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[80] Ibid, p. 127.
[81] UNSC (2000), *Security Council Resolution 1325*, OP. 5.
[82] Ibid, OPs. 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17.
[83] UNSC (20008), *Security Council Resolution 1820*.
[84] Goetz, AM. (2015), "Conflict-Related Sexual Violence: the politics of the UN Security Council's approach to the protection of civilians," *Department of International Relations Fred Halliday Memorial Lecture*, London School of Economics and Political Science, 19 November 2015, London.
[85] Barrow, A. (2010), "UN Security Council Resolutions 1325 and 1820: constructing gender in armed conflict and international humanitarian law," *International Review of the Red Cross*, No. 877, pp. 221-234, p. 231.

Nevertheless, on the 19th June 2008, the Council adopted SCR 1820, which focused (almost) exclusively on sexual violence in conflict. Importantly, the resolution established sexual violence as a "tactic of war" in armed conflicts and as an impediment to international peace and security, placing sexual violence squarely within the purview of the Council's mandate.[86] Conceptually and politically, this marked an important step towards dispelling the long-held acceptance of sexual violence as an "inevitable by-product of war," and a lesser crime therein.[87] In actionable terms, SCR 1820 spoke to the same range of stakeholders as SCR 1325. Notably, it demanded the immediate and complete cessation of all acts of sexual violence against civilians by all parties to armed conflict; stressed the need to exclude sexual violence amnesty provisions; stressed the importance of fighting impunity for sexual violence; and addressed sexual violence in displacement and in disarmament, demobilisation, and reintegration (DDR) processes. SCR 1820 thus strengthened international political and normative understandings of, as well as responses to, sexual violence in conflict in significant ways.[88]

Despite this, the immediate reaction to SCR 1820 was "more mixed than the warm welcome given to R1325."[89] UN Women's former Peace and Security Advisor and key actor in the production of SCR 1820, Anne-Marie Goetz, recounted that "the ink had not even dried on the first draft of [the resolution] before a blistering critique was launched by two of the bedrocks of the women's peace movement."[90] Critiques centred predominantly on the resolution's elemental focus on sexual violence, which some saw as a troubling and potentially harmful reduction of the diverse and complex issues affecting women in armed conflict to "the single issue of women's sexual vulnerability."[91] The concern was that the resolution (re)entrenched a

[86] UNSC (2008), *Security Council resolution 1820*, OP. 1.
[87] Goetz, AM. (2015), "Conflict-Related Sexual Violence."
[88] Barrow, A. (2010), "UN Security Council Resolutions 1325 and 1820," p. 231.
[89] Otto, D. (2010), "Power and Danger," p. 102.
[90] Goetz, AM. (2015), "Conflict-Related Sexual Violence."
[91] Otto, D. (2010), "Power and Danger," p. 102.

direct and, effectively, singular alignment of 'gender' not just with women, but with women and victimhood within the Council's purview.[92] SCR 1820 thus produced something of an "oppositional politics" between the 'participation' and 'protection' components of the agenda.[93] Indeed, feminist scholars and activists continue to pay close attention to the representational balance between protection and participation in the Council's work.[94]

While there was an eight-year gap between the adoption of resolution 1325 and that of 1820, the following eight years saw the Council adopt a further six WPS resolutions.[95] The trend across the successive resolutions has been a "sea-sawing and leap-frogging" between protection and participation, with each building on and strengthening the normative and institutional gender architecture within the UN and beyond.[96] In essence, resolutions 1889 (2009), 2122 (2013), and 2242 (2015) are generally categorised as addressing women's leadership in conflict and post-conflict, while resolutions 1888 (2009), 1960 (2010), and 2106 (2013) predominantly address sexual violence. Presented in this way, there is a *prima facie* equal balance between protection and participation across the agenda.[97]

The resolutions established new institutional mechanisms to promote the implementation of WPS obligations by relevant stakeholders. With respect to women's participation, these include new indicators to monitor their integration across the Council's work (SCR 1889); positioned gender equality as critical to peace and security (SCR 2122); and created an Informal Experts Group to strengthen WPS coordination in the Council (SCR 2242).[98]

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[92] Barrow, A. (2010), "UN Security Council Resolutions 1325 and 1820," p. 222.
[93] Kirby, P. & Shepherd, J. L. (2016), "The futures past of the Women, Peace and Security agenda," p. 381.
[94] Taylor, S., et al. (2013), *Mapping Women, Peace and Security in the UN Security Council: 2012-2013, Report of the NGOWG Monthly Action Points*, New York: NGOWG.
[95] UNSC (2009), *Security Council resolution 1888*; UNSC (2009), *Security Council resolution 1889*; UNSC (2010), *Security Council resolution 1960*; UNSC (2013), *Security Council resolution 2106*; UNSC (2013), *Security Council resolution 2122*; UNSC (2015), *Security Council resolution 2242.*
[96] Goetz, AM. (2015), "Conflict-Related Sexual Violence."
[97] UN Women (2017), "Poster: Security Council resolutions: women, peace and security."
[98] SCR 2242 also integrated the agenda with efforts to counter violent extremism (CVE), see e.g. Aoláin, N. F. (2016), "The 'war on terror' and extremism: assessing the relevance of the Women, Peace and Security Agenda,"

With respect to sexual violence protection, subsequent resolutions have further strengthened the normative and substantive response framework. They have done so by establishing the Office of the UN Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG SViC) along with a Team of Experts on Sexual Violence and the Rule of Law (ToE), and specialised expertise on sexual violence - or, Women Protection Advisers (WPAs) - to be deployed in peacekeeping operations (PKOs).[99] To facilitate data collection on sexual violence in PKOs, resolution 1960 established a monitoring, analysis, and reporting arrangement (MARA).[100] Others have further stressed the importance of women's participation in prevention and response mechanisms, called for targeted sanctions relating to sexual violence, and urged timely, non-discriminatory, and comprehensive assistance for survivors.[101]

It is evident that there has been a relatively rapid evolution of international policy and legal frameworks addressing the gendered dimensions of armed conflict. These advancements have doubtless reshaped the boundaries of international peace and security, institutionalising (some) feminist ideals therein. Setting aside questions of implementation for the time being, there is now a vast and robust policy infrastructure in place to respond to sexual violence in conflict. Because of this, Goetz remarked that SCR 1820 represented no less than a "feminist insurgency" in the UN Security Council.[102] Yet, with its focus on sexual violence, the resolution reignited tensions among feminist scholars and activists as to the appropriate degree of attention this issue should be granted relative to other gendered experiences of conflict. Before turning to 'the man question,' I elucidate these debates and their underpinnings.

International Affairs, 92(2): 275-291; d'Estain, G. S. (2017), "Engaging women in countering violent extremism: avoiding instrumentalisation and furthering agency," *Gender & Development*, 25(1): 103-118.
[99] UNSC (2009), *Security Council resolution 1888*, OPs. 4, 8, 12.
[100] UNSC (2010) *Security Council resolution 1960*, OP. 8.
[101] UNSC (2013), *Security Council resolution 2106*, OPs. 13, 19.
[102]Goetz, AM. (2015), "Conflict-Related Sexual Violence."

SECTION II

i. FEMINISMS, PEACE AND SECURITY: DELIMITING (DISCURSIVE) DEBATES

Paralleling the evolution of the women, peace and security framework has been a vast growth in feminist scholarship of armed conflict. This literature has been propelled by questions emerging from the WPS resolutions, vis-à-vis their textual content and their implementation.[103] This body of work is extensive, dynamic, and far from homogenous. On the one hand, this makes it impossible to do justice to its full range here. On the other, its heterogeneity highlights the necessity of acknowledging the plurality of feminisms. This discussion centres on recurrent debates around representational politics relating to gender and race in international peace and security. As noted above, these questions resurfaced with the adoption of SCR 1820 and the ensuing narrowing of the agenda towards addressing sexual violence in conflict. For some, the resolution undermined a longstanding feminist commitment to "countering the woman-as-victim image" and promoting progressive transformation towards gender equality.[104] Articulating this sense of dismay, Heathcote and Otto lamented that "[s]eeing women returned so quickly to the singular designation of victimhood has caused some to despair."[105] In an earlier analysis, Otto went so far as to state that she was "reluctant to describe most of its content as feminist."[106] To contextualise these responses towards SCR 1820's protective gender scripts, I return to earlier feminist aims and debates in this domain.

Feminist interventions in the inter-related fields of international relations, international law, international development, and forced migration long predate the adoption of SCR 1325 and 1820. In reference to earlier interventions in International Relations (IR) in the 1980s and 1990s, Peterson notes that feminist scholars "followed a familiar pattern" of 'making women visible' towards exploring the gendered underpinnings of IR's concepts, methods and

[103] For a concise overview, see Kirby, P. & Shepherd, J. L. (2016), "Reintroducing women, peace and security."
[104] Peterson, S. V. (1998), "Feminisms and International Relations," p. 584.
[105] Heathcote, G. & Otto, D. (2014), "An Introduction," pp. 2-3.
[106] Otto, D. (2010), "Power and Danger," p. 110.

practices.[107] This mirrors the earlier trajectory of feminist approaches to international development from the 1970s to the present, traceable and encapsulated in the acronyms: WID (Women *in* Development), WAD (Women *and* Development), and GAD (Gender *and* Development). In brief, this corresponds to a shift from an "add women and stir"[108] approach, to one that is attentive to situationally specific constructions of gender roles and identities.[109] Occurring at different paces, similar trends were perceptible across feminist approaches to refugee and forced migration studies,[110] to international law,[111] and peace and security.[112/113]

By making women visible, Oyěwùmí notes that the distinctive contribution of western feminism has been to "make explicit the gendered (therefore embodied) and male-dominant nature of all western institutions and discourses."[114] (Western) feminist analyses thus foreground gendered binary logics, which rely on and are reproduced by interdependent constructions of masculinity and femininity.[115] Indeed, a common thread in feminist international legal and international relations scholarship has long been to expose the ways in which women have been "excluded, marginalised, silenced, misrepresented, patronised, or victimised by [international] institutions."[116] Yet, the immediacy of redressing women's

[107] Peterson, S. V. (1998), "Feminisms and International Relations," p. 581.
[108] Bunch, C. (1987), *Passionate Politics, Essays 1968-1986: Feminist Theory in Action*, New York: St. Martin's Press.
[109] Moser, C., Törnqvist, A. & von Bronkhorst, B. (1999), "Mainstreaming Gender and Development in the World Bank: Progress and Recommendations," Washington, DC: World Bank, p. 3.
[110] E.g. Fiddian-Qasmiyeh, E. (2014), "Gender and Forced Migration," in Fiddian-Qasmiyeh, E. et al. (eds.), *The Oxford Handbook of Refugee and Forced Migration Studies*, Oxford: Oxford University Press, Ch. 31, pp. 395-408.
[111] E.g. Otto, D. (2005), "'Disconcerting 'masculinities:' Reinventing the gendered subject(s) of international human rights law," in Buss, D. & Manji, A. (eds.), *International Law: Modern Feminist Approaches*, Oxford & Portland: Hart Publishing, Ch. 6, pp. 105-129; Otto, D. (ed.) (2017), *Queering International Law: Possibilities, Alliances, Complicities, Risks*, Abingdon & London: Routledge.
[112] E.g. Kirby, P. & Shepherd, J. L. (2016), "The futures past of the Women, Peace and Security agenda."
[113] As alluded to in the concluding chapter, 'queered' approaches represent an emerging next 'phase' of gendered and feminist interventions across these fields and is gaining increasing traction. This raises some questions conceptually, as well as across policy and practice.
[114] Oyěwùmí, O. (1997), *The Invention of Women: Making an African Sense of Western Gender Discourses*, London & Minneapolis: University of Minnesota Press, p. 6.
[115] E.g. Peterson, S. V. (1998), "Feminisms and International Relations."
[116] Munro in Edwards, A. (2010), *Violence Against Women under International Human Rights Law*, Cambridge: Cambridge University Press, p. 2.

marginalisation in international law and policy has, for some, proved in tension with efforts to resist women's misrepresentation and victimisation in/by those same institutions. According to Otto, this unease lends itself to a scholarship couched in stories of "victories" versus "danger" vis-à-vis feminist engagements with international institutions.[117]

A key, and 'victorious,' feminist strategy across development, human rights, and security has been to particularise women's needs and experiences, often highlighting their subordinate status relative to men. Across these domains, advocacy and mobilising around (men's) violence against women came to represent the "centrepiece" of women's human rights movements in the 1980s and 1990s.[118] This reflects what some call '(sexual) subordination feminism' or 'radical feminism,' which underscore sexuality as the principal site of women's oppression.[119] These developments preceding the Council's WPS agenda signalled important advances in making women's subordination visible within the international community. Proving to be a politically expedient means of introducing 'gender' on international institutional agendas, Edwards remarked that women's vulnerability to men's violence was emphasised to "convince international bodies that what happens to them is *worthy* of international attention."[120]

Demonstrating its traction, the first International Day Against Violence Against Women was declared in 1981 and officially designated by the UN General Assembly in 1999.[121] In 1991, the Women's Global Leadership Institute (WGLI) was convened, out of which originated the 16 Days of Activism Against Gender-Based Violence, which is still marked annually across the world.[122] One of the initial aims of original 16 Days of Activism campaign was to urge the

[117] Otto, D. (2014), "Beyond Stories of Victories and Danger."
[118] Merry, E. S. (2006), *Human Rights and Gender Violence.*
[119] Otto, D. (2010), "Power and Danger," p. 102. See also, e.g., Brownmiller, S. (1975), *Against Our Will: Men, Women and Rape*, New York: Simon and Schuster; Mackinnon, A. C. (2007), *Are Women Human? And Other International Dialogues*, Cambridge & London: Harvard University Press.
[120] Edwards, A. (2010), *Violence Against Women*, p. 5, emphasis in original.
[121] Center for Women's Global Leadership (2018), "Activist Origins of the 16 Days Campaign," *16 Days of Activism Against Gender-Based Violence: About*, Rutgers School of Arts and Sciences.
[122] Ibid.

preparatory committee of the UN World Conference on Human Rights, held in Vienna in 1993, to recognise gender-based violence as a human rights issue.[123] Succeeding, the Vienna Declaration and Programme of Action called for the appointment of a Special Rapporteur on Violence against Women. In December later that year, the Declaration on the Elimination of Violence against Women was unanimously adopted by the UN General Assembly.[124] Sustaining attention on the issue, the 1995 Beijing Platform for Action dedicated a chapter on Violence Against Women.[125] During that same decade, sexual violence perpetrated in conflict similarly received greater international attention, notably resulting from reports of systematic mass sexual violence in the conflicts in the Former Yugoslavia and the Rwandan genocide.[126]

Yet, Otto reminds us not to conflate the earlier silence surrounding women with their absence from international legal, and by extension, policy instruments and structures. Chronicling the often-implicit presence of female subjects of international legal imagination historically, she notes that women "have been produced as the necessary 'other' against which the masculinity of the [international legal] regime's normative actors can be projected."[127] Pointing to the early institutionalisation of women as objects of masculinist legal protection, Otto highlights the "remarkable stability" of female subjects valued for their chastity, motherhood, acceptance of heterosexual family hierarchy and of the paternal protection of the state and its law.[128] Moreover, noting the temporal and political parallels between the development of international legal instruments and the European colonial project, she draws particular attention to the colonial female subject produced as the victim of "her 'uncivilized' culture and male

[123] Ibid.
[124] UNGA (1993), *Declaration on the Elimination of Violence against Women*, 20 December 1993, A/RES/48/104.
[125] UN (1995*), Beijing Declaration and Platform of Action*, adopted at the Fourth World Conference on Women, 27 October 1995.
[126] Crawford, at *supra* note, 12.
[127] Otto, D. (2006), "Lost in translation: Re-scripting the sexed subjects of international human rights law," in Orford, A. (ed.), *International Law and its Others*, Cambridge: Cambridge University Press, pp. 318-356, p. 321.
[128] Ibid, p. 325; see also, e.g. Charlesworth, H & Chinkin, C. (2000), *Boundaries of International Law,* p. 48.

compatriots."[129] While her particular contour may shift over time and across distinct institutional spaces, the imaginary of the subordinated and victimised (post)colonial female subject in international law and policy follows a long and enduring representational legacy.[130] Highlighting this continuity, Otto raises confronting questions as to the implications of the perpetual casting of women as victimised subjects in international law.[131]

In this critical tradition, postcolonial feminists call attention to the intersections of gender, race, and the ways in which representations of women are connected to transnational systems of domination and subordination.[132] In general terms, this body of scholarship is habitually centred on challenging monolithic constructions of the "Third World Woman" produced "under western eyes."[133] It thus underscores the ways in which 'third world women' have come to embody "the real, or most authentic, victim subject" in international law, advocacy, and policy.[134] Kapur argues that these institutionalised discourses reinforce depictions of the "third world woman" as "thoroughly disempowered, brutalised and victimised."[135] Calling into question the political efficacy of such representations, Kapur stresses that such representations are "far from liberating for women."[136]

This insight is premised on a distinction between the "explanatory potential" of discourse – which, following Foucault, "systematically forms the object of which [it] speaks"[137] – and its "political effect."[138] The supposition is that through "the reiteration, repetition, and

[129] Ibid, p. 328.
[130] Ibid, p. 321; see also, Otto, D. (2006), "A Sign of "Weakness"?: Disrupting Gender Certainties in in the Implementation of UN Security Council Resolution 1325," *Michigan Journal of Gender and Law*, 13(113): 113-176.
[131] Postcolonial feminists writing on/from
[132] Fiddian-Qasmiyeh, E. (2014), *The Ideal Refugees: Gender, Islam, and the Sahrawi Politics of Survival*, Syracuse, New York: Syracuse University Press, p. 7.
[133] Mohanty, T. C. (1984), "Under Western Eyes."
[134] Kapur, R. (2002), "The Tragedy of Victimisation Rhetoric," p. 114.
[135] Ibid, p. 115.
[136] Ibid.
[137] Foucault, M. (1972), *The Archaeology of Knowledge*, London: Tavistock Publications Ltd, p. 54.
[138] Mohanty, T. C. (1984), "Under Western Eyes," p. 336.

ritualization"[139] of gendered scripts, binary divisions between women and men are reinforced. In this way, sexual difference becomes "coterminous with female subordination, and power is automatically defined in binary terms: people who have it (read: men), and people who don't (read: women)."[140] Such a dualistic model, Mohanty argues, is "ineffectual in designing strategies to combat oppression."[141] Similarly, Kapur contends that feminist advocacy strategies that prioritise men's violence against women lend themselves to protectionist and conservative policy responses vis-à-vis women, which "reinforce women's victim status."[142]

As alluded to above, in addition to resisting essentialising representations of women, this body of scholarship exposes the operation of gender and race in transnational systems of domination and subordination. In other words, it reveals the "interconnected representations of the [inter]national gendered Self and Other,"[143] wherein the 'self' (west) represents the 'civilised' and the 'other' (non-west) represents the 'uncivilised.' Through such representational politics, the 'Third World Woman' becomes depicted as "thoroughly disempowered and helpless"[144] whose (presumed) needs are spoken for by individuals with greater power and privilege.[145] Aptly encapsulated in the Spivakian axiom of "white [wo]men saving brown women from brown men,"[146] this disposition is one that, some have noted, reverberates through the WPS agenda.[147] Importantly, then, this scholarship maintains that postcolonial dynamics serve to "increase or reinforce the oppression of the group spoken for."[148]

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[139] Butler cited in Fiddian-Qasmiyeh, E. (2014), *The Ideal Refugees,* p. 15.
[140] Mohanty, T. C. (1984), "Under Western Eyes," p. 344.
[141] Ibid.
[142] Kapur, R. (2002), "The Tragedy of Victimisation Rhetoric," p. 7.
[143] Fiddian-Qasmiyeh, E. (2014), *The Ideal Refugees,"* p. 5.
[144] Kapur, R. (2002), "The Tragedy of Victimisation Rhetoric," p. 10.
[145] Nzenza quoting Alcoff cited in Fiddian-Qasmiyeh, E. (2014), *The Ideal Refugees*, p. 7.
[146] Spivak, C. G. (1988), "Can the Subaltern Speak?," in Nelson, C. & Grossberg, L. (eds.), *Marxism and the Interpretation of Culture*, Champaign: University of Illinois Press, pp. 271-316, p. 296.
[147] Pratt, N. (2013), "Reconceptualizing Gender, Reinscribing Racial-Sexual Boundaries in International Security: The Case of UN Security Council Resolution 1325 on 'Women, Peace and Security,'" *International Studies Quarterly*, 57(4): 772-783.
[148] Nzenza quoting Alcoff cited in Fiddian-Qasmiyeh, E. (2014), *The Ideal Refugees*, p. 7.

Such insights are useful for examining representations of sexual violence in conflict and the institutional responses that ensue.[149] Heineman remarks that sexual violence in conflict is habitually presented with vivid detail, often with "blow by blow accounts of screams, violations of particular body parts, ages of victims and duration of the torture."[150] Echoing the analysis above, she highlights that this may at once appease the audience's voyeuristic desires and "highlight the virtues of those telling the stories on the victim's behalf" while ultimately "differentiat[ing] between the 'civilized' and the 'uncivilized.'"[151]

Discourses of gender and violence in Africa, and arguably in DRC in particular, have proved especially prone to such depictions. Largely for this reason, Desiree Lewis notes that "the topic of represented sexualities in Africa is particularly charged in both academic and popular accounts."[152] Writing about researching and theorising sexualities in Africa, Tamale reminds us that the "bodies of African women especially worked to buttress and apologise for the colonial project."[153] Similarly and with specific reference to sexual violence in DRC, Mertens and Pardy argue that the "imaginary of sexually violated black bodies by dangerous black men reinforces Spivak's claim that colonialist powers justify their interventions as 'white [wo]men saving brown women from brown men.'"[154] Pointing to longer colonial-cum-humanitarian histories of western imaginaries of the (DR) Congo,[155] the authors specify that, "[t]his time brown is black, once again."[156] As detailed in subsequent chapters, women's testimonies of sexual violence in eastern DRC played an important role in positioning sexual violence on the

[149] Oyěwùmí, O. (1997), *The Invention of Women.*
[150] Heineman, D. E. (2011), *Sexual Violence in Conflict Zones: From the Ancient World to Era of Human Rights*, Philadelphia: University of Pennsylvania Press, p. 16.
[151] Ibid.
[152] Lewis, D. (2012), "Representing African Sexualities," in Tamale, S. (ed.), *African Sexualities: A Reader*, Cape Town, Dakar, Nairobi, Oxford: Pambazuka Press, Ch. 19, pp. 199-216, p. 200.
[153] Tamale, S. (2012), "Researching and theorising sexualities in Africa," in Tamale, S. (ed.), *African Sexualities: A Reader*, Cape Town, Dakar, Nairobi, Oxford: Pambazuka Press, Ch. 1, pp. 11-36, p. 15.
[154] Mertens, C. & Pardy, M. (2017), "'Sexcurity' and its effects in eastern Democratic Republic of Congo," *Third World Quarterly*, 38(4): 956-979, pp. 962-963.
[155] I write '(DR) Congo' in this format when alluding to the *longue durée* of imaginaries of DRC, spanning its colonial appellation as the Belgian Congo through to its contemporary designation as DRC.
[156] Ibid, p. 963.

Security Council agenda, so much so that their experiences effectively came to define policy responses thereto. Following critical feminist traditions of foregrounding gendered and raced subjects of international laws and policies, one might wonder whether a figure of the 'Congolese woman' exists within the 'third world woman,' or even 'African woman' in contemporary representations of sexual violence in the region. I explore this question in Chapter V.

For now, what is important to note is that as gender violence, and attendant gender protection mechanisms, became a focal point of (western) feminist activism and advocacy, critical feminist scholars have raised questions as to the political implications and efficacy of this emphasis. These critiques posit that an institutionalised focus on women's victimisation may undermine the emancipatory potential of feminist interventions outside the confines of international institutional walls and policy texts, particularly for women in the Global South. It is from this vantage point of the historical durability of the female victim subject that reactions to SCR 1820 were as fiercely critical as they were. Linking discourse with the political consequences thereof, a considerable focus of this critical work has centred on deconstructing the language and semiotic structures of international legal and policy texts.[157]

While intellectually indebted to this body of scholarship, the empirical analyses that follow point to two interrelated limitations therein. The first is the potentially troublesome effect of critiquing sexual violence in conflict, including in DRC. Certainly, exercising critique is important. Institutional discourses habitually represent a limited piece of complex realities and typically rely on simplified and static gendered, or otherwise defined, subjects. A critical lens

[157] Engle, K. (2014), "The Grip of Sexual Violence;" Lewis, C. (2014), "Systematic Silencing;" Otto, D. (2006), "Lost in Translation;" Scully, P. (2009), "Vulnerable Women: A critical reflection on Human Rights Discourse and Sexual Violence," *Emory International Law Review*, 23: 113-124; Shepherd, J. L. (2008), *Gender, Violence and Security*, London and New York: Zed Books; Shepherd, J. L. (2010), "Women, armed conflict and language – Gender, violence and discourse," *International Review of the Red Cross*, 92(877): 143-159.

on gender and armed conflict permits us to ask, inter alia, who or what is seen or unseen, heard or unheard, visible or invisible? Who is to be empathised with - or pitied - and who is to be feared? Who deserves accountability and who is to be held accountable? It permits one to question who tells whose story, how, to what (political) ends and thus to guard against the "dangers of a single story."[158] In short, it permits complexity. Yet, a reflexive critique must also be cautiously attentive to the concomitant dangers that emanate from critical practices, perhaps especially when dealing with profoundly sensitive, personal, and often traumatic experiences of sexual violence that are encoded in advocacy, policy, and legal discourses. Efforts to complicate singular or dominant narratives should not come at the expense of acknowledging the material bases from which they derive. In other words, critique requires authorial vigilance against undermining, or even denying, experiential realities.

Relatedly, it is not uncommon for critical feminist scholarship to be couched in, or motivated by, a desire to challenge gendered assumptions and biases that are *unreflectively* or *unconsciously* reproduced through institutional texts and discourses. Challenging unconscious biases reproduced in language and discourse is certainly an important endeavour, and one to which feminists have long been committed. This framing, however, can elide the intricacies of the policymaking process and the constrained, strategic, deliberate, and, at times, opportunistic manoeuvring by (feminist) actors therein. It can, moreover, overlook the importance of institutional mandates, bureaucratic imperatives, and operational constraints in determining the shape of policies in their production and their implementation. Paying attention to these constraining realities, I propose, can contribute towards strengthening mutual understanding across scholarship, policy, and practice and, thus, towards creating feminist narratives that transcend stories of "victories" and "danger."[159]

[158] Ngozi. A. C. (2009), "The danger of a single story," *TEDGlobal*, July 2009.
[159] Otto, at *supra* note, 117.

ii. ACCOUNTING FOR INSTITUTIONAL IMPERATIVES AND OPERATIONAL REALITIES

By calling for attention to institutional imperatives and operational realities in WPS scholarship, I do not mean to suggest that scholars do not grant any recognition to the complex challenges and, perhaps, irreconcilable dilemmas that emerge from feminist engagements with international institutions. There is a great deal of literature dedicated to confronting these binds.[160] This work points to the dangers of essentialisms and the institutional co-option of feminist ideals, including their politicisation in serving geopolitical aims and, paradoxically, their depoliticisation as they are translated into bureaucratic imperatives. There is generally some acknowledgement of pragmatic realities and the strategic use of essentialisms to elicit specific (institutional) outcomes.[161] While such acknowledgement is not uncommon, it is nevertheless rare to find detailed accounts of micro-politics behind macro-level policies. As Basu observes, "the kind of attention paid to the deliberative politics within the Security Council in the lead-up to the adoption of UNSCR 1325 has been largely missing within the scholarly literature examining subsequent developments in the WPS agenda."[162]

Speaking to this gap and with the explicit aims of "valorising the role of the 'femocrat'" and "enrich[ing] the historical record" of the WPS resolutions, Goetz addressed the kinds of critiques described above in her capacity as former UN Women Peace and Security Adviser.[163] Acknowledging the "cost" of strategic decisions made,[164] Goetz's principal contention was that

[160] E.g. Baden, S. & Goetz, M. A. (1997), "Who Needs [Sex] When You Can Have [Gender]?; Bedford, K. (2007), "The Imperative of Male Inclusion: How Institutional Context Influences World Bank Gender Policy," *International Feminist Journal of Politics*, 9(3): 289-311; Cornwall, A. & Molyneux, M. (eds.) (2008), *The Politics of Rights: Dilemmas for Feminist Praxis*, New York & Abingdon: Routledge; Halley, J. (2006), *Split Decisions: How and Why to Take a Break from Feminism*, New Jersey: Princeton University Press; Otto, D. (2014), "Beyond Stories of Victories and Danger."
[161] Fiddian-Qasmiyeh, E. (2014), *The Ideal Refugees*, p. 10.
[162] Basu, S. (2016), "Gender as a national interest at the UN Security Council," *International Affairs*, 92(2): 255-273, p. 256.
[163] Goetz, AM. (2015), "Conflict-Related Sexual Violence."
[164] These included the 'splitting' of the WPS agenda between protection and participation, and the reinforcement of gendered essentialisms pitting women-as-victims and men-as-perpetrators.

by focusing on the language and text of the resolutions, scholars have neglected to "investigate the history and process of producing policy processes as well as implementing them."[165] In consequence, existing analyses grant insufficient empirical and analytical weight to institutional context, namely to geopolitical dynamics in the Council, power battles in the UN, and their impact on policy outcomes. She thus made a methodologically-grounded call for feminist ethnographies of policymaking to permit more in-depth understandings not only of what is politically and strategically expedient in women's rights policy and advocacy, but of what is politically and strategically *viable* in any given political moment.[166]

Obtaining the level of access required for such an endeavour is difficult, perhaps especially in the Security Council, mired as it is by secrecy and closed-door meetings. Nevertheless, I heed Goetz's call. The empirical analyses that follow weave together an ethnographically informed understanding of the institutional constraints within which women's rights advocates operate in general and with a rear-view gaze towards SCR 1820 in particular. By engaging with the politics behind the resolution, the following discussions shed light on how and why sexual violence in conflict was prioritised at this juncture. Doing so, it also examines how sexual violence – notably in relation to the nature of the harm, its victims, its perpetrators, and the attendant redress prescribed – was defined, encoded, and consequently, 'quint-*essentialised*' in the resolution and the broader response infrastructure developed thereafter. While ultimately reaffirming the tenacious presence of the (Congolese) "woman-in-conflict,"[167] defined by her sexual victimhood, engaging with the deliberations behind her (re)creation permits a more nuanced understanding of her contours than existing analyses have generally offered thus far.

[165] Goetz, AM. (2015), "Conflict-Related Sexual Violence."
[166] Ibid.
[167] Borrowing from Cook, S. (2015), "The 'woman-in-conflict' at the UN Security Council."

Equally, while investigating the politics behind policy formation and the institutional imperatives that shape them offers important insights into the reproduction of gender essentialisms in the WPS resolutions, such an approach alone, too, has its limitations. An analysis restricted to one institutional entity, especially one as powerful as the Security Council, is unable to account for the material effects of its policies – and the essentialisms that underpin them – as these are operationalised.[168] As outlined in Chapter III, the sexual violence response architecture in eastern DRC brings together an array of institutions and actors in a protracted, complex, and frequently shifting warscape. Although a variety of coordination mechanisms exist to harmonise its constituent components, these nevertheless function within their own institutional and material constraints. While some factors may appear too granular as to bear any theoretical or conceptual relevance, the discussions that follow suggest otherwise. Indeed, close, contextual empirical examination of sexual violence policy implementation reveals its sometimes unexpected implications on the gendered and raced bodies it is intended protect, or punish. The following chapters thus combine an ethnographically grounded understanding of policy formation in the Security Council, with similarly ethnographically grounded analyses of its operationalisation in North and South Kivu.

This multi-sited and multi-institutional approach, therefore, permits an understanding of how and why certain discursive essentialisms are made and remade in a powerful entity, such as the Security Council, *as well as* of their effects as they "travel"[169] through distinct institutional prisms. In this way and in line with Buss, I uphold the institutional context as an "important site, in its own right, for the production of knowledge and consensus about conflict sexual

[168] E.g. Mosse, D. (2004), "Is Good Policy Unimplementable? Reflections on the Ethnography of Aid Policy and Practice," *Development & Change*, 35(4): 639-671.
[169] Borrowing from Said, E. (2001), "Traveling Theory," in Bayoumi, M. & Rubin, A. (eds.), *The Edward Said Reader*, London: Granta Books, Ch. 7, pp. 195-217.

violence."[170] I would add 'discord' to Buss' quote here given that my study's findings reveal significant nuances in the discursive and material character of the gendered subjects produced by different institutional structures.[171] To bring these nuances and their implications to light, I draw on the sensory metaphor of sight.[172] Elaborating a distinction between the act of 'making visible' as a longstanding central motif in feminist scholarship and activism – and 'sight' as an analytical tool, Buss emphasises that the latter enables a "series of intellectual moves through which to explore women and armed conflict."[173] In short, it usefully permits one to ask "who sees, who is seen, what is seen, and how?"[174] To this end and conceptualised through six gendered figures, the following chapters examine how, why, and with what effect conflict-affected women and men in eastern DRC are 'seen' under different sets of institutional eyes constituting the 'gender protection' architecture.

Thus far, this overview of the women, peace and security agenda and debates around the dangers of gendered essentialisms therein has centred predominantly on 'women' as the category of analysis. This is, perhaps, not unexpected given that a primary concern of feminist scholars and activists has been to ask 'where are the women (and girls)?'[175] As highlighted above, some contention remains as to the shape, nature, and outcomes of the boundaries that have been pushed, notably vis-à-vis the focus on women's sexual victimisation in conflict. One

[170] Buss, D. (2014), "Seeing Sexual Violence in Conflict and Post-Conflict Societies," pp. 16-17; see also Basu, S. (2016), "Gender as national interest at the UN Security Council;" Bedford, K. (2007), "The Imperative of Male Inclusion."

[171] As noted by Cornwall and Molyneux, "[w]hat is radical in one context, challenging embedded institutional and social authority, is less so in another, and strategies have to be elaborated accordingly." Yet, as they note, "if rights are pursued in different ways and in different arenas," it is somewhat unclear "who or what has the responsibility for ensuring that rights on paper are effective in practice." (2008: 10-12).

[172] Other well-known applications of the metaphor of sight in academic texts include, Mohanty, C. (1984), "Under Western Eyes;" Pachirat, T. (2013), *Every Twelve Seconds: Industrialized Slaughter and the Politics of Sight*, New Haven: Yale University Press; Scott, C. J. (1998), *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*, New Haven: Yale University Press.

[173] Ibid, p. 5.

[174] Ibid.

[175] For a recent analysis of the politics of childhood of/in feminist discourses, see e.g. Fiddian-Qasmiyeh (2018), "Ideal women, invisible girls? The challenges of/to feminist solidarity in the Sahrawi Refugee Camps," in Rosen, R. and Twamley, K. (ed.) *Feminism and the Politics of Childhood: Friends or Foes?* London: UCL Press. 82-97.

strategy promoted by gender and armed conflict scholars is to shed empirical light on the diversity of women's roles and experiences of armed conflict – including as perpetrators of violence in conflicts,[176] as political actors and peace activists,[177] and as economic agents[178] – so as to disrupt institutionalised gender scripts. Acknowledging the importance of this work, I begin to explore what potential might also exist in exploring men's gendered experiences of armed conflict as a means of further unsettling rigid gendered representations of conflict.

SECTION III

i. GENDER AT ITS LIMITS: LOCATING MEN IN CONFLICT

Having established a firm presence on institutional agendas, the definitional expanse of 'gender' remains contested. As Whitworth reminds us, "contestations over meanings matter, and they matter not only to those who wage and sustain them, but they matter also to [those] who are left to live with the consequences."[179] Contestations over 'gender' are multiple. In its most simple and uncontested iteration, 'gender' is construed as "the social attributes and opportunities associated with being male and female,"[180] or the "socially defined aspects of being male and female."[181] It is thus socially constructed, situationally and temporally specific, and is conventionally understood to stand in contrast with a person's anatomical 'sex.' Although some question the validity of a biologically defined 'sex,'[182] the political and analytical value of this distinction is well-established. Accepting 'gender' as socially

[176] Alison, M. (2009), *Women and Political Violence: Female Combatants in Ethno-national Conflict*, Abingdon & New York: Routledge; Sjoberg, L. (2016), *Women as Wartime Rapists: Beyond Sensitisation and Stereotyping*, New York & London: New York University Press.
[177] Berry, E. M. (2018), *War, Women, and Power*, Cambridge: Cambridge University Press; Tripp, M. A. (2015), *Women and Power in Postconflict Africa*, Cambridge: Cambridge University Press; Rolls, B. S. (2014), "Thinking Globally and Acting Locally: Linking Women, Peace and Security in the Pacific."
[178] Turshen, M. (2014), "The Political Economy of War: What Women Need to Know," in Buss, D. et al. (eds.), *Sexual Violence in Conflict and Post-Conflict Societies: International Agendas and African Contexts*, London & New York: Routledge, Ch. 2, pp. 28-39.
[179] Whitworth, S. (2004), *Men, Militarism, & UN Peacekeeping: A Gendered Analysis*, Boulder & London: Lynne Reinner Publichers, p. 1.
[180] Taken from UN (n.d.), "Concepts and Definitions."
[181] Moser, C., Törnqvist, A. & von Bronkhorst, B. (1999), "Mainstreaming Gender and Development," p. 3.
[182] Otto, D. (2006), "Lost in Translation," p. 319.

constructed, ascribed, and "performed"[183] permits one to see women's and men's gender roles, relations, identities, and the inequalities between them as relational, and, importantly, as changeable. Yet, gender's political and analytical overtures have, equally, been the source of disagreement among diverse feminist (and decidedly anti-feminist) stakeholders.[184]

Conceiving of 'gender' dualistically – whereby that which is 'female' and 'male' are construed as interdependent and mutually defining – not only permits, but effectively *requires*, a relational perspective. This means recognising that gender and its impacts are "not restricted to women,"[185] but are contingent upon and affect men. As Ward notes, "the language [of gender] itself speaks to the necessity of examining the societal and relational contexts […] and therefore begs the inclusion of men, women, boys, and girls."[186] This is recognised in the UN's official definition of 'gender mainstreaming,' which refers to:

> "the process of assessing the implications for women *and men* of any planned action, including legislation, policies or programs, in any area and at all levels. It is a strategy for making the concerns and experiences of women as well as of men an integral part of the design, implementation, monitoring and evaluation of policies and programs in all political, economic and societal spheres, so that women *and men* benefit equally, and inequality is not perpetuated. The ultimate goal of mainstreaming is to achieve gender equality."[187]

By definition, this means that intrinsic to 'gender' – a key feminist concept developed to reveal women's historically overlooked experiences, needs, and interests, to foreground structural

[183] Butler, J. (1990), *Gender Trouble: Feminism and the Subversion of Identity*, New York & Abingdon: Routledge; see also Zalewski & Papart at *supra* note, 53.
[184] Baden, S. & Goetz, M. A. (1997), "Who Needs [Sex] When You Can Have [Gender]?."
[185] Gardham, G. J. & Jarvis, J. M. (2001), *Women, Armed Conflict and International Law*, p. 10.
[186] Ward, J. (2002), "If Not Now, When? Addressing Gender-Based Violence in Refugee, Internally Displaced, and Post-conflict Settings: A Global Overview," New York: The Reproductive Health for Refugees Consortium c/o the Women's Commission for Refugee Women and Children, p. 8.
[187] UN (2002), *Gender Mainstreaming: An Overview*, New York: UN, p. v, emphasis added.

inequalities between women and men, and offer possibilities to challenge them – exists the potential to turn attention 'back onto' men and away from women.[188]

The prospect of gendered attention to men in international peace and security may *prima facie* appear counter-intuitive given that a fundamental aim of feminist interventions has been to redress androcentric biases therein.[189] Yet, as observed by Gardham and Jarvis in relation to international humanitarian law (IHL), "to the extent that IHL regulates armed conflict, it does so from the perspective of a particular type of male […] The majority of male victims of armed conflict, be they combatants or civilians, would fail to recognise themselves in that male norm."[190] In a similar vein, Otto remarks that male figures of international law are defined as "the marker of full humanity, autonomous and self-determining, and *in no need of special rules for his protection*."[191] These assumptions and their bearing on men's lived experiences in/of conflict warrant investigation.

[188] It is important to distance this discussion from a distinctly anti-feminist 'men's rights' posture. The men's rights movement in this context refers to the "backlash" strand of men's rights activism, grounded in the idea that feminism has 'gone too far,' that it harms men, and has resulted in a 'crisis of masculinity' (e.g. Dowd 2010; Flood 1997; Maddison 1999; Gillepie 1996). Emerging as a reaction to women's rights, this lends itself to an oppositional, antagonist, and zero-sum politics rather than one of partnership towards the goal of gender equality. Indeed, feminist work on men and masculinities tends to distance itself from this stance, emphasising that 'bringing in men' must be achieved "without weakening the drive for justice for women" (Connell 2003: 11).
[189] Wright, H. (2014), "Masculinities, conflict and peacebuilding: Perspectives on men through a gender lens," London: Saferworld, p. 1.
[190] Gardham, G. J. & Jarvis, J. M. (2001), *Women, Armed Conflict and International Law*, pp. 10-11.
[191] Otto, D. (2006), "Lost in translation," p. 325, emphasis added.

Through gender, new possibilities emerge for exploring men and masculinities across various fields and disciplines, including in development,[192] conflict studies,[193] forced migration,[194] and (international) law.[195] This evolving interdisciplinary scholarship disavows the idea that "masculinity is either a coherent, monolithic system, or a 'character type'"[196] and aims to subvert naturalised equations of 'masculinity' and 'violence.'[197] The latter is, however, difficult to dispel entirely, perhaps especially in armed conflict. Paralleling earlier development in feminist theories, the recognition of multiplicity renders it necessary to speak of 'masculinities,' rather than of a singular, and, by definition, universal masculinity.[198] Masculinities are thus defined as "behaviours, languages and practices, existing in specific cultural and organizational locations […] commonly associated with males and thus culturally defined as not feminine."[199] Importantly, masculinities are neither "fixed" nor "absolute," they

[192] Cornwall, A., Edstroöm, J. & Greig, A. (eds.) (2011), *Men and Development: Politicizing Masculinities*, London & New York: Zed Books.
[193] Duriesmith, D. (2016), *Masculinity and New War: The gendered dynamics of contemporary armed conflict*, Abingdon & New York: Routledge; Eriksson Baaz, M. & Stern, M. (2009), "Why do Soldiers Rape? Masculinity, Violence and Sexuality in the Armed Forces in the Congo," *International Studies Quarterly*, 53: 495- 518; Jones, A. (ed.) (2009), *Gender Inclusive: Essays on violence, men and feminist international relations*, London & New York: Routledge, Ch. 10, pp. 138-161; Kirby, P. & Henry, M. (2012), "Rethinking Masculinities and Practices of Violence in Conflict Settings," *International Feminist Journal of Politics*, 14(4): 445-449; Myrttinen, H., Khattab, L., & Naujoks, J. (2017), "Re-Thinking Hegemonic Masculinities in Conflict-Affected Contexts," *Critical Military Studies*, 3(2):103-119.
[194] Jaji, R. (2009), "Masculinity on Unstable Ground: Young Refugee Men in Nairobi, Kenya," *Journal of Refugee Studies*, 22(2): 177-194; Fiddian-Qasmiyeh, E. & Qasmiyeh, Y. (2010), "Muslim Asylum-Seekers and Refugees: Negotiating Identity, Politics and Religion in the UK," *Journal of Refugee Studies*, 23(3): 294-314; Turner, S. (1999), "Angry Young Men in Camps: Gender, Age and Class Relations Among Burundian Refugees in Tanzania," *New Issues in Refugee Research*, Working Paper No. 9.
[195] Cooper, R. F. & McGinley, C. A. (eds.) (2012), *Masculinities and the Law: A Multidimensional Approach*, New York & London: New York University Press; Otto, D. (2005), "Disconcerting 'masculinities': Reinventing the gendered subject(s) of international human rights law," in Buss, D. & Manji, A. (eds.), *International Law: Modern Feminist Approaches*, Oxford & Portland: Hart Publishing, Ch. 6, pp. 105-129.
[196] Morrell, R., (2001), *Changing Men in Southern Africa*, London and New York: Zed Books Ltd, p. xiii.
[197] Greig, A., et al. (2000), "Men, Masculinities & Development: Broadening our work towards gender equality," United Nations Development Programme, New York: UNDP, p. 13.
[198] Connell, W. R. (2005), *Masculinities* (2nd. ed.), Cambridge: Polity Press; Morgan, J. D. (1992), *Discovering Men*, London and New York: Routledge.
[199] Whitehead, M. S. & Barrett, J. F. (2001), "The Sociology of Masculinity," in Whitehead, M. S. & Barrett, J. F. (eds.), *The Masculinities Reader*, pp. 1-26, Cambridge, UK: Polity Press, pp. 15-16.

are, instead, multiple, situational, and always shifting.[200] This insight is integral to gendered approaches to armed conflict wherein gender relations are frequently re-negotiated.[201]

Despite the explicit incorporation of 'men' in early definitions of 'gender' and advancing conceptualisations of men and masculinities in scholarship, in policy and practice, 'gender' is still frequently used as a "'neutral-sounding' euphemism for women."[202] As such, adopting a 'gender perspective' habitually and substantially "means addressing women's concerns,"[203] stripping it of its political content while perpetuating the notion that "it is only women who mark/have/represent gender."[204] This statement echoes Kimmel, who in 1997 noted that, "gender is everywhere and yet masculinity is oddly invisible."[205] More recently, Gardham and Stephens commented that, "there seems to be a tendency, however, to forget that gender does not equate only with women."[206] Cohn et al.'s earlier observation that "we slip from gender to women and women to gender, but have yet to slip from gender to men" thus still carries some weight.[207] While the focus on women is understandable and for many justifiable, one principal effect of this unidirectional slippage is that men become positioned as "gender-less,"[208] and "unaffected by gender."[209] Not only does this limit understandings of the operation of gender in conflict, but it may also limit possibilities for promoting gender transformative change.[210]

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[200] Cornwall, A. (1997), "Men, masculinity and 'gender and development," *Gender & Development*, 5(2): 8-13, p.10.
[201] El-Bushra, J. (2000), "Gender and Forced Migration: Editorial," *Forced Migration Review*, 9: 4-7; International Alert (2015), *Driven apart: How repeated displacement changes family dynamics in eastern DRC*, London: International Alert.
[202] Cohn, C. (2013), "Women and Wars," p. 3.
[203] Connell, W. R. (2003), "The Role of Men and Boys in Achieving Gender Equality," p. 10.
[204] Cohn, C., Kinsella, H., & Gibbins, S. (2004), "Women, Peace and Security," p. 136, emphasis in original.
[205] Kimmel cited in Dowd, E. N. (2010), *The Man Question*, p. 6.
[206] Gardham, J. & Stephens, D. (2014), "Concluding Remarks," p. 270.
[207] Cohn, C., Kinsella, H., & Gibbins, S. (2004), "Women, Peace and Security," p. 136.
[208] Dowd, E. N., et al. (2012), "Feminist Legal Theory Meets Masculinities Theory," p. 26.
[209] Carpenter, R. C. (2006), *'Innocent Women and Children': Gender, Norms and the Protection of Civilians*, Hampshire & Burlington: Ashgate, p. 7.
[210] "Gender transformative change" refers to "attempt[s] to re-define women and men's gender roles and relations," usually understood 'progressively,' that is, towards gender equality. This represents the underlying and ultimate aim of gender interventions in development, conflict, and postconflict settings.
UN Women (2018), "Gender neutral, Gender-Sensitive, and Gender Transformative," *Gender Equality Glossary*, UN Women Training Centre.

With this said, there are two broad points to raise here. First, I return to Otto's reminder not to conflate gendered silence with absence, highlighting women's implicit production as the 'other' of the international legal regime's masculinist normative actors.[211] Inverting this logic, men have thus surely existed inside/outside feminism as the necessary 'other' against which the aims and claims of 'the feminist project' are construed.[212] Dowd writes that "men have largely been absent from feminist theory as an *object of analysis,*"[213] meaning that men are generally "the assumed subject" or "the unstated norm."[214] Through feminist lenses, she elucidates, men tend to be viewed as a:

> "monolithic class or group, as a basis for comparison (demonstrating women's unequal position, such as their economic position); as the source of subordination by virtue of gender privilege or abuse of power (directly harming women, such as in violence in the form of sexual harassment, domestic violence, or sexual assault); as beneficiaries of gender privilege by virtue of norms that presume men as the subject […]."[215]

With the caveat that "this placement of men in feminist analysis is not unjustified," Dowd nevertheless contends that "it reflects an acceptance of men in most instances, as undifferentiated and as largely privileged by the gender system."[216]

Echoing this analysis with reference to the 1995 Beijing Platform for Action, Connell observes that men *qua* men are rarely explicitly named in gender policy spaces and discourses.[217] Rather, men are "*implicitly* present as background" and usually as "the perpetrators," "the 'problem," and/or "the power holders."[218] She explains that this is understandable "given the main pattern

[211] Otto, D. (2006), "Lost in translation," p. 321.
[212] E. g. Dowd, E. N., et al. (2012), "Feminist Legal Theory Meets Masculinities Theory," p. 26.
[213] Dowd, E. N. (2010), *The Man Question,* p. 13, my emphasis added.
[214] Ibid, p. 3.
[215] Ibid.
[216] Ibid.
[217] Connell, W. R. (2003), "The Role of Men and Boys in Achieving Gender Equality."
[218] Ibid.

of gender inequality, and [that this] was the only way by which gender issues could come onto the public agenda."[219] Yet, Connell also points to the potential limitations of the implicit positioning of men in this way. Stressing that shifting gender systems towards equality requires social consensus – which "must include men and boys"[220] – she indicates that this can most likely be achieved when men are persuaded of the positive benefits of gender equality for themselves and people in their lives.[221] This will require that policies "speak, in concrete and positive ways, to their concerns, interests, hopes and problems."[222]

Discursive, policy, and programmatic tides have turned towards much more explicit 'male inclusion,' bringing us to the second point. The phrase 'engaging men and boys,' or a variation thereof, is now relatively common. In fact, the need to work with men in gender policy and programming, including in conflict-affected settings, is now "well accepted."[223] As this shift towards more explicit male engagement becomes increasingly entrenched, it raises questions for feminist theorising and praxis. Notably, within what capacities, and what limits, are men engaged in such policy and programming in conflict-affected and humanitarian contexts? What male subjects underlie 'male inclusive' gender policy and programming? What can this tell us about feminist boundaries vis-à-vis men across scholarship, policy, and practice?

Some feminist scholars acknowledge that while it does not necessarily disrupt heteronormativity, "moving the gender spotlight to the constructed subject of man […] interrupt[s] the stability and normality of focusing on woman as a kind of gender problem."[224] Others caution that such questions go "to the heart of what the feminist project is about or […]

[219] Ibid, p. 10.
[220] Ibid, p. 4.
[221] Ibid.
[222] Ibid, p. 11.
[223] Jewkes, R., et al. (2015), "From work with men and boys to changes of social norms and reduction of inequalities in gender relations: a conceptual shift in prevention of violence against women and girls," *Lancet,* No. 385: 1580-1598, p. 1580.
[224] Zalewski, M. & Papart, L. J. (2008), "Introduction: rethinking the man question," p. 1.

not about."[225] Recognising that 'gender' "tak[es] us necessarily beyond a focus purely on women,"[226] Gardham and Stephens nevertheless note that "how far feminist approaches should proceed with the process of acknowledging and apprehending male experiences of harm during armed conflict and its aftermath is another question."[227] Their very question "is it feminist?"[228] suggests there are limits within which, from their perspective, gendering 'men in conflict' can be considered 'feminist,' and beyond which, it cannot.

As a key proponent of harmonising masculinities scholarship with feminist theorising, Dowd accedes that there is "good reason" for feminist unease about masculinities scholarship, "to the extent that is loses sight of the subordination of women, or implies that men are equally subordinated or that it is their 'turn' for analysis."[229] Speaking to/from this sense of angst, Heathcote affirms that, "we need to acknowledge that feminism is not an endless opening of ideas, but rather a method that has an empirical link to the *real world harm that many women encounter daily and globally*."[230] Accordingly, Halley lays out a three-tiered definition of a feminist argument, the first tenet of which is that a distinction must be made between men/male/masculine (m) and women/female/feminine (f). Second, this distinction must be premised on some kind of subordination between m and f, in which "*f is the disadvantaged or subordinated element.*"[231] Finally, in opposing and seeking to eradicate this subordination, "feminism carries a brief for f."[232] Implicit in these assertions is the notion that incorporating men in any way other than as 'oppositional' to women is to do a disservice to the quotidian harms and gendered subordination that many women encounter. This was a key rationale behind the shift from 'women' to 'gender' in development policy and practice: "the GAD

[225] Gardham, J. & Stephens, D. (2014), "Concluding Remarks," p. 270.
[226] Ibid, p. 271.
[227] Ibid.
[228] Ibid, p. 270.
[229] Dowd, E. N., et al. (2012), "Feminist Legal Theory Meets Masculinities Theory," p. 39.
[230] Heathcote in Gardham, J. & Stephens, D. (2014), "Concluding Remarks," p. 271, emphasis added.
[231] Halley cited in Edwards, A. (2010), *Violence Against Women*, p. 36.
[232] Ibid, my emphasis added.

approach maintains that to focus on women in isolation is to *ignore the real problem, which remains their subordinate status to men* ... [I]t emphasizes a focus on gender relations, when designing measures to 'help' women in the development process."[233]

Grappling with the question of "men in feminism," Williams observes that "most writers on the subject of men in feminism are agreed that the toughest knot in the complex problem isn't primarily men (enough has been said about them already), or feminism (which would dance away from any desire to name it), but about that little barbed word 'in.'"[234] "Those two letters," put into the arrangement of my heading," she continues, "could easily breed thousands of words of defence or prosecution, and has effected the establishment of boundaries which have then been attacked or preserved as vehemently as national borders."[235] While cautioning against "being determined or essentialised" by "boundaries of opposition," for Williams they are nevertheless necessarily useful for feminisms and feminists to "think and work effectively."[236] She ultimately argues that to "simply engage in a justification of men 'in' feminism is to do men's work for them once again,"[237] leaving very little room for doubt as to her stance on the matter. Further commenting on this connector between 'men' and 'feminism,' Mayne similarly notes that it *ipso facto* demarcates an "implicit 'other.'"[238] In contrast to Williams, she questions the "usefulness of a 'debate' in which the same oppositions emerge, again and again" and concludes her discussion by affirming that the important task of feminist theory is to "interrogat[e] the patterns of opposition and resolution, [rather than] to replicate them."[239] Bearing this in mind, where are men *in* gendered and feminist approaches to armed conflict?

[233] Moser in Bedford, K. (2007), "The Imperative of Male Inclusion," p. 293.
[234] Williams, R. L. (1990), "Men in Feminism," p. 65.
[235] Ibid.
[236] Ibid, p. 63.
[237] Ibid, p. 65.
[238] Mayne, J. (1987), "Walking the *Tightrope* of Feminism and Male Desire," in Jardine, A. & Smith, P. (eds.), *Men in Feminism*, New York & London: Routledge, Ch. 6, pp. 62-70, p. 69.
[239] Ibid, pp. 69, 70.

ii. GENDERING MEN IN CONFLICT: PERPETRATORS, STRATEGIC ALLIES, AND ELUSIVE VICTIMS

Scholarship on masculinities in conflict has grown significantly in recent years, notably in/on Africa. The focus of existing research has traditionally centred on militarism and militarised masculinities, and thus on examining men's roles and experiences as soldiers, (former) combatants, and peacekeepers in conflict and post-conflict contexts.[240] While developing more sophisticated understandings of masculinity in armed conflicts than conventional narratives permit, the overarching association of men – and armed men in uniform in particular – as perpetrators of violence is generally sustained.[241] This literature has generated important insights into the complex causes of sexual violence in conflict. As observed by Marks vis-à-vis the Revolutionary United Front (RUF), "[w]orking with women's rights advocates alone cannot provide a comprehensive understanding of the causes of gender-based violence nor will the exclusion of people who commit acts of violence change their beliefs and behavior."[242]

Building on this work, the analyses of masculinities in Part III foreground constructions of race and its interaction with militarised Afrientalist representations of the black African armed man in uniform in the production of 'sexual violence in conflict' as a policy agenda and its attendant efforts to fight impunity. Indeed, as Lewis observes, although studies of African masculinities have doubtless grown, "it is noteworthy that few of these explore the *construction* of black male sexuality *or the way this construction informs contemporary representations and*

[240] Clarke, Y. (2008), "Security Sector Reform in Africa: A Lost Opportunity to Deconstruct Militarised Masculinities," *Feminist Africa*, 10, 49-66; Enria, L. (2016), ""I must stand like a man:" Masculinity in Crisis in Post-War Sierra Leone," in Cornwall, A., Lindsfarne, N. & Karioris. F. (eds.), *Masculinities under Neoliberalism*, London: Zed Books, Ch. 9, pp. 136-150; Eriksson Baaz, M. & Stern, M. (2009), "Why do Soldiers Rape?;" Marks, Z. (2012), "Listening to Perpetrators: Connecting Wartime Violence with Postconflict Interventions," in Freedman, J. (ed.), *Engaging Men and Boys in the Fight Against Gender Violence: Case Studies from Africa*, New York & Basingstoke: Palgrave Macmillan, Ch. 5, pp. 101-130; Highgate, P. & Henry, M. (2004), "Engendering (In)security in Peace Support Operations," *Security Dialogue*, 35(4): 481-498; Routledge-Madlala, N. (2008), "We Need an International Campaign to Resist Androcentric Militarized Neo-Colonial Masculinities!," *Feminist Africa*, 10: 85-90.

[241] Enria, L. (2016), "'I must stand like a man,'" p. 136.

[242] Marks, Z. (2012), "Listening to Perpetrators," p. 102.

definitions of subjectivity."[243] Critical race theorists, including feminist critical race theorists in the USA, have long shed light on the demonising discourses surrounding black masculinities alongside their concomitant criminalisation reinforced through mass incarceration.[244] The application of critical race theory developed in the USA to analyses of the functioning of the judicial system in DRC is not a seamless one. Nevertheless, as the analyses in Chapters VI and VII – which most explicitly address efforts to fight impunity for sexual violence in eastern DRC – show, some important and troubling parallels are to be drawn vis-à-vis the uncritical institutionalised criminalisation of black male bodies.

Moreover, broadening research agendas beyond men as militarised perpetrators in conflict, some scholars are drawing attention to civilian, or non-combatant, masculinities. This literature reveals conflict-affected men's experiences as they contend with the socio-economic disruptions wrought by armed conflict and attendant renegotiations of their masculinity.[245] Some research draws the link between these dynamics and increased levels of intimate partner violence against women and girls.[246] It is this link and the logic that a dynamic must be generated to encourage men "to question their personal practices and the ideologies of masculinity which it embodies"[247] that are driving efforts to engage men in attitudinal and

[243] Lewis, D. (2012), "Representing African Sexualities," p. 205 (emphasis added).
[244] See e.g. Alexander, M. (2010), *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, New York: The New Press; Davis, Y. A. (2003), *Are Prisons Obsolete*, New York: Seven Stories Press; Dines, G. (1998), "King Kong and the White Woman: Hustler and the Demonization of Black Masculinity," *Violence Against Women*, 4(3): 291-307; Hill Collins, P. (2004), *Black Sexual Politics: African Americans, Gender, and the New Racism*, New York & London: Routledge.
[245] Barker, G., Levtov, R. & Slegh. H. (2014), "Gender Relations, Sexual and Gender-Based Violence and the Effects of Conflict on Women and Men in North Kivu, Eastern Democratic Republic of Congo: Results from the International Men and Gender Equality Survey (IMAGES)," Washington and Cape Town: Promundo-US and Sonke Gender Justice; Dolan, C. (2010), "The War is Not Yet Over: Community Perceptions of Sexual Violence and its Underpinnings in Eastern DRC," London: International Alert; Lwambo, D. (2014), "'Before the war, I was a man': men and masculinities in the Eastern Democratic Republic of Congo," *Gender & Development*, 21(1): 47-66; Turner, S. (1999), "Angry Young Men in Camps: Gender, Age and Class Relations Among Burundian Refugees in Tanzania," *New Issues in Refugee Research*, Working Paper No. 9.
[246] Freedman, J., Kivilcim, Z., & Baklacıoğlu, Ö, N. (2017), "Introduction: Gender, migration and exile" in Freedman, J., Kivilcim, Z., & Baklacıoğlu, Ö, N. (eds.), *A Gendered Approach to the Syrian refugee crisis*, Abingdon & New York: Routledge, pp. 1-15, p. 3; Peterman, A. et al. (2011), "Estimates and Determinants of Sexual Violence Against Women in the Democratic Republic of the Congo," *American Journal of Public Health*, 101(6): 1060-1067.
[247]White, C. S. (1997), "Men, masculinities, and the politics of development," p. 16.

behavioural change programmes. This growing programmatic work has been accompanied by increasing academic and institutional research seeking to assess its effectiveness in promoting gender equitable norms and reducing violence against women.[248]

Growing attention to 'engaging men' reflects a broadening of gender programming towards explicitly working with and through men. The parameters of this engagement, however, remain limited, and essentially reposition men as "the perpetrators," "the 'problem,'" and/or the "the power holders."[249] While not wholly unexpected, it affirms Dowd's contention that there exists, in feminist theorising and praxis, a categorical acceptance of men as "undifferentiated and largely privileged by the gender system."[250] While Dowd and others have pointed to the inadequacies of this perspective for feminist theorising generally,[251] I contend that it may be especially inadequate to account for, let alone address, men's experiences of armed conflict and their potential needs therein.

Finally, an emerging body of literature makes conflict-affected (civilian) men's *own* experiences of vulnerabilities to violence, notably sexual violence, in conflict visible.[252] While still relatively sporadic, mounting evidence and documentation of sexual violence perpetrated against men in conflict-affected contexts persistently shows that it is more pervasive than is conventionally acknowledged. In 2008, the UN Office for the Coordination of Humanitarian Affairs (UNOCHA) developed a discussion paper on the issue, which stated that sexual violence against men had been documented in twenty-five armed conflicts over the preceding

[248] Hossain, M., et al. (2014), "Working with men to prevent intimate partner violence in a conflict-affected setting: a pilot cluster randomized controlled trial in rural Côte d'Ivoire," *BMC Public Health*, 14(339): 1-13; Pierotti, S. R. et al. (2018), "Equality on his terms: Doing and Undoing Gender through Men's Discussion Groups," *Gender & Society*, 32(4): 540-562.
[249] Connell, W. R. (2003), "The Role of Men and Boys in Achieving Gender Equality," p. 11, emphasis added.
[250] Dowd, E. N. (2010), *The Man Question,* p. 13.
[251] Ibid.
[252] Allsopp, J. (2017), "Aggressor, victim, soldier, dad: intersecting masculinities in the European refugee crisis," in Freedman, J., Kivilcim, Z., & Baklacıoğlu, Ö, N. (eds.), *A Gendered Approach to the Syrian refugee crisis,* Abingdon & New York: Routledge, Ch. 10, pp. 155-174; Brun, C. (2000), "Making young displaced men visible," *Forced Migration Review,* No. 9, pp. 10-12.

decade alone.[253] Given that this discussion paper was produced a decade ago, it is likely that this figure is much higher today. The same year, Nagai et al. published the first report addressing sexual violence against conflict and displacement-affected men in an African context.[254] The study – based on a cross-sectional household survey of 2065 Sudanese refugees and Ugandan nationals in the Arua district in Uganda, and Sudanese non-refugees in Yei county Sudan – found that 30.4% of the male Sudanese refugee respondents and 39.6% of female Sudanese refugee respondents reported having experienced or witnessed sexual violence against a man.[255] Reported figures were much lower among the Ugandan nationals, indicating an association between conflict, forced migration and exposure to sexual violence, for both women and men.[256] Noting that little is known about sexual violence against male refugees, the authors concluded that it "need[s] to be studied in other conflict-affected populations."[257]

A study conducted in eastern DRC similarly found that reported exposure to sexual violence in conflict was higher than expected among men surveyed.[258] Assessing the association of sexual violence and human rights violations with physical and mental health, the authors revealed that almost a quarter (23.6%) of the 405 men sampled reported having been affected by conflict-related sexual violence.[259] Prompted by the findings of this study, Christian et al. investigated the effects of sexual violence on male survivors, their families, and their communities in South Kivu.[260] The research showed that "international NGOs present in the

[253] UNOCHA (2008), "The Nature, Scope and Motivation for Sexual Violence Against Men and Boys in Armed Conflict," Discussion Paper 2, Use of Sexual Violence in Armed Conflict: Identifying gaps in Research to Inform More Effective Interventions, UNOCHA Research Meeting, 26 June, New York.
[254] Nagai, M. et al. (2008), "Violence against refugees, non-refugees and host populations in southern Sudan and northern Uganda," *Global Public Health*, 3(3): 249–270.
[255] Ibid, p. 258.
[256] Ibid.
[257] Ibid, p. 267.
[258] Johnson, K. et al. (2010), "Association of Sexual Violence and Human Rights Violations with Physical and Mental Health in Territories of the Eastern Democratic Republic of the Congo," *Journal of the American Medical Association*, 304(5): 553-562.
[259] Ibid.
[260] Christian, M. et al. (2011), "Sexual and gender based violence against men in the Democratic Republic of the Congo: effects on survivors, the families and the community," Medicine, Conflict and Survival, 27(4): 227-246.

area do not address the issues of SGBV against men."[261] In this vein, a 2008 evaluation of UNHCR's sexual and gender-based violence programming concluded that "the sexual abuse of boys and men is often neglected, under-reported and hardly addressed."[262] In 2010, Director of the Refugee Law Project (RLP) and prominent researcher and advocate on the issue, Chris Dolan, emphatically stated that, "it's systematically silenced."[263]

The extent to which it is accurate to say that sexual violence against men and boys is *systematically* or even systemically silenced in international sexual violence policy responses at present is perhaps more open to question now than it was at the time of Dolan's appraisal.[264] Returning to the WPS resolutions, and SCR 1820 (2008) specifically, Scully observed that while the phrase 'women and girls' is used thirteen times in the text, no explicit reference is made to men and boys.[265] Since then, the first and, to date, only WPS resolution to make reference to men and boys as potential victims/survivors of sexual violence in conflict is SCR 2106 (2013), which, in its preamble, notes that it "also affect[s] men and boys."[266] Commenting on the "rather tentative" nature of the language, Dolan acknowledges that this contrasts the "complete silence of the preceding 13 years of such resolutions."[267] Building on this recognition at the high policy level, the same year the SRSG on Sexual Violence in Conflict convened an expert workshop addressing the issue.[268] Since its inception, the UK government's Prevention of Sexual Violence Initiative (PSVI) has foregrounded the issue. [269]

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[261] Ibid, p. 242.
[262] Rothkegel, S., et al. (2008), "Evaluation of UNHCR's efforts to prevent and respond to sexual and gender-based violence in situations of forced displacement," Geneva: UNHCR PDES.
[263] Cited in Storr, W. (2011), "The Rape of Men," *The Observer Magazine*, 17 July.
[264] Touquet, H. & Gorris, E. (2016), "Out of the shadows? The inclusion of men and boys in conceptualisations of wartime sexual violence," *Reproductive Health Matter*, 24(47): 36-46; Dolan, C. (2014), "Has Patriarchy been Stealing the Feminists' Clothes? Conflict-related Sexual Violence and UN Security Council Resolutions," *IDS Bulletin: Undressing Patriarchy: Men and Structural Violence*, 45(1): 80-84.
[265] Scully, P. (2009), "Vulnerable Women: A critical reflection on Human Rights Discourse and Sexual Violence," *Emory International Law Review*, 23: 113-124, p. 118.
[266] UNSC (2013), *Security Council Resolution 2106,* PP. 6.
[267] Dolan, C. (2014), "Has Patriarchy been Stealing the Feminists' Clothes?," p. 80.
[268] UN (2013), "UN forum highlights plight of male victims of sexual violence in conflict," *UN News,* 30 July.
[269] Kirby, P. (2015), "Ending sexual violence in conflict: The Preventing Sexual Violence Initiative and its critics," *International Affairs,* 91(3): 457-472.

Tracing the increasing attention to sexual violence in WPS and the broader Protection of Civilians (POC) agenda, Engle contends that these policy frameworks are concerned with "sexual violence – against males and females."[270] Engle's punctuation here is noteworthy. She repeatedly uses a hyphen when presenting her observation about the textual shift towards gender-neutrality in the resolutions and advocacy efforts around them, presumably for emphasis. For instance, she writes that sexual violence "has come to be treated as the quintessential harm of war – *for males and females;*"[271] noting again that the focus on violence against women and girls in conflict has been "transformed into a more generalised concern with sexual violence - *against everyone.*"[272]

Engle's claim hinges predominantly on linguistic moves away from the terminology of 'gender-based violence' towards 'sexual violence,' which she contends places the emphasis on the "sexual aspect of the violence rather than its gendered implications – for males or females."[273] Highlighting similar moves away from 'women and girls' to 'women and children,' Engle argues that such language expands concerns to all children, while the terminology of 'conflict-related sexual violence' similarly encompasses "all civilians (men as well as women)."[274] I do not dispute this shift. I do, however, challenge Engle's analysis and the conclusions she draws on three interrelated grounds.

First, I question the extent to which *prima facie* gender-neutral terminology, particularly in the profoundly gendered spheres of 'sexual violence' and 'civilian protection,' can offer sufficient basis on which to argue that this substantively, or even adequately, extends the protective ambit of the resolutions to encompass men. Carpenter, for instance, notes that the term 'civilian' is

[270] Engle, K. (2014), "The Grip of Sexual Violence," p. 25.
[271] Ibid, p. 26, emphasis added.
[272] Ibid, p. 31, emphasis added.
[273] Ibid, p. 28.
[274] Ibid.

generally associated with women and children, and not with adult men.[275] Second, when international policy and legal texts do mention sexual violence against men and boys explicitly, these references tend to be in descriptive parts of the document and are subsequently absented from prescriptive sections delineating actions to be taken.[276] Relatedly, Dolan argues that even the more *explicit* inclusion of male victims/survivors seen in SCR 2106 may not be sufficient to redress what he calls the "systematic reluctance to confront the reality of conflict-related sexual violence against men and boys" and loosen the "conceptually and practically stifling grip of a patriarchal mode of 'doing gender.'"[277] This, he argues, would require "an unashamedly gender-inclusive [as opposed to gender-neutral] resolution."[278] Thirdly, picking-up Dolan's point vis-à-vis limitations of existing modes of 'doing gender,' Engle's analysis is entirely devoid of any discussion of sexual violence responses *in practice.* As explored in Chapter IX, the response architecture is, operationally, still far from gender-neutral in its reach. To make the case that international responses to sexual violence in conflict are now gender-neutral is thus inaccurate and misleading.

Incremental, if inconsistent, recognition of male victims/survivors of sexual violence in conflict is nevertheless evident. Some disagreement remains as to the role, even if indirect, of feminist activism and advocacy in casting a shadow over the issue. Gardham and Stephens proclaim that "there is no evidence to support the argument that the much-vaunted successes in bringing the issue of sexual violence against women to the attention of the UN and the international community generally, and to the forefront of developments in international law, have thrust the topic in relation to men into the shade."[279] In contrast, Dolan describes the "systematic

[275] E.g. Carpenter, C. R. (2005), ""Women, Children, and Other Vulnerable Groups": Gender, Strategic Frames and the Protection of Civilians as a Transnational Issue," *International Studies Quarterly*, 49: 295-344. I return to this point relative to nominal changes to specialised sexual violence response entities in DRC in Chapter IX.
[276] Sivakumaran, S. (2010), "Lost in translation," p. 267.
[277] Dolan, C. (2014), "Has Patriarchy been Stealing the Feminists' Clothes?," pp. 83, 84.
[278] Ibid, p. 83.
[279] Gardham, J. & Stephens, D. (2014), "Concluding Remarks," p. 270.

reluctance" within the international community – including by women's rights advocates – to confront the reality of sexual violence against men and boys; a reluctance that is "coupled with an active complicity in silencing that reality."[280] In Chapter IX, I return to and expound upon this debate, making it apparent that Dolan's characterisation is perhaps the more accurate one.

iii. CLOSING NOTE: (HOW) SHOULD THE 'OTHER' OF FEMINISM SPEAK?

The question '*can the 'other' of feminism speak*?' lends itself to a relatively descriptive analysis of the place of men in feminism, and in this particular case, feminist approaches to armed conflict. Accompanying it, and as yet only implicitly addressed, is a normative one: *should* the 'other' of feminism of speak? If so, *how* and towards *what end*? Closing this theoretical discussion, I consider the normative parameters of male inclusion in gender, peace and security and highlight some of the conceptual traps that may arise with the application of feminist tools to the study of men and masculinities, and to conceptions of male vulnerability specifically.

To explore this question, I return to Halley's characterisation of a feminist argument: first that a distinction must be made between men/male/masculine (m) and women/female/feminine (f). Second, that this distinction acknowledges f's subordinate status to m's. Thirdly, that in seeking to eradicate f's subordinate status, "feminism carries a brief for f."[281] This closely aligns with the underlying rationale driving the GAD approach to development, which, as noted above, maintains that focusing on women in isolation elides their subordinate status to men.[282]

Viewing men as perpetrators, and as strategic allies or agents of change (and, thus, I suggest, as potential perpetrators) in relation to women in gendered approaches to peace and security fits comfortably within this logic. Such approaches aim to deter, and, ultimately, to prevent

[280] Dolan, C. (2014), "Has Patriarchy been Stealing the Feminists' Clothes?," p. 80.
[281] Halley, at *supra* note, 231.
[282] Moser, at *supra* note, 233.

sexual violence by holding perpetrators accountable,[283] to better understanding the causes and motivations for gender-based violence (against women),[284] and to 'undoing' the gender norms legitimating existing inequalities for women.[285] Conversely, viewing men as potential victims of harms, and of sexual and gender-based harms in particular, remains less evidently or comfortably feminist. Writing in 2010, Edwards observed that "[t]he shift to viewing men as victims is radical,[286] that is, "affect[ing] the fundamental nature of something."[287] In effect, moving away from viewing women as *singularly* subordinated and harmed in/by the gender order, and thus away from viewing men *singularly* as oppressors has the potential to disrupt – or certainly complicate – the grip of conventional gender scripts.

It also, however, creates the potential to overlook the overarching subordination of women and girls resulting from the heteronormative operation of gender norms. Indeed, women are conventionally and predominantly (viewed as) the victims of "heteronormative injury."[288] Expressing her discomfort, Zalewski described efforts to address male victimisation as akin to the 'All Lives Matter' rhetoric, which emerged in response to and to delegitimise the 'Black Lives Matter' movement in the United States.[289] It is this delegitimating logic and potential for re-subordination – relative to gender – that underpins feminist concern with addressing male vulnerabilities in conflict, particularly through a feminist lens. Relatedly and in more material terms, some fear that viewing men as victims may detract attention and limited resources away from women, and that it creates the possibility for men to encroach on hard-won spaces for

[283] E.g. Houge, B. A. & Lohne, K. (2017), "End Impunity! Reducing Conflict-Related Sexual Violence to a Problem of Law," *Law & Society Review*, 51(4): 755-789.
[284] E.g. Marks, Z. (2012), "Listening to Perpetrators."
[285] E.g. Pierotti, R. Lake, M. & Lewis, C. (2018), "Equality on his terms."
[286] Edwards, A. (2010), "Transitioning Gender: Feminist Engagement with International Refugee Law and Policy 1950–2010," *Refugee Studies Quarterly*, 29(2): 21-45, p. 41.
[287] OED (n.d.). "Radical," Oxford *Living* Dictionary.
[288] Otto, D. (2017), "Introduction: Embracing queer curiosity," in Otto, D. (ed.), *Queering International Law: Possibilities, Alliances, Complicities, Risks*, Abingdon & London: Routledge, Ch. 1, pp. 1-12, p. 1.
[289] Zalewski, M. (2016), "Sexual Violence against Men (in conflict)," Lecture given for the *Conflict Security & International Order cluster seminars*, University of Bath, 3 November 2016, notes on file with the author.

women.[290] For these reasons, sexual violence against men is seen to lie beyond the legitimate bounds of feminism(s), and addressing the issue may even be counter to its principal objectives.

Conversely, others contend that rather than being counter to feminism's emancipatory aims, addressing sexual violence against men can be seen as an extension thereof.[291] I generally align myself with this stance, with some caution and sensitivity to the conceptual, practical, and operational challenges it raises. Offering a compelling case for feminist attention to male victimisation in conflict, Otto posits that "feminist campaigns will never succeed unless they take account of the relational quality of gender; the need to change both male and female subjectivities."[292] Although the relational quality of gender is habitually acknowledged, masculinities and feminist scholarship have tended to evolve in parallel, rarely speaking to each other,[293] thus hindering a truly relational gender analysis.

As discussed, there is an extensive feminist scholarship challenging pervasive representations of women as victims. There is, however, comparatively less scholarship devoted to complicating conventional representations of men in conflict. The implications of this omission are several-fold. In policy and practice, it leaves categories of conflict-affected harms, such as sexual violence against men and boys, largely unaddressed. Conceptually, it upholds a unidimensional model of gender whereby the dominant position of (all) men relative to (all) women is unquestioned. As Otto states: "For as long as masculinity is conceptualized as the dominant form of power in law, the female subject will remain trapped in the gender-subordinate position."[294] As demonstrated above, the prevailing sense remains that limited

[290] Dolan cited in Bennett, N. (2010), '"Changing gender norms is essential for peacebuilding in Congo,'" *The Guardian*, 20 October; Gillepie, T. (1996), "Rape Crisis Centres and 'Male Rape:' A Face of the Backlash," in Hester, M., et al. (eds.) *Women, Violence and Male Power: Feminist Activism, Research and Practice*, Buckingham: Open University Press, Ch. 13, pp. 148–65.
[291] Kirby, P. & Shepherd, J. L. (2016), "The futures past of the Women, Peace and Security agenda," pp. 386-388.
[292] Otto, D. (2006), "Lost in translation," p. 354.
[293] E.g. Dowd, E. N., et al. (2012), "Feminist Legal Theory Meets Masculinities Theory," pp. 25-50.
[294] Otto, D. (2006), "Lost in translation," p. 354.

gender and gender relations are continually re-inscribed and reproduced in peace and security policy. It appears surprising, then, that possibilities for complicating gender through analyses of masculinities in armed conflict remain relatively rare and controversial.

Having said this, it is important to take seriously the concerns raised by feminist scholars, particularly around the tangible prospects of attendant re-erasures of women. Scholarship on male vulnerabilities in conflict is habitually premised on understandings of gender that account for the qualitatively different, and intersecting, influences of race, class, sexuality, etc., on experiences of gender identity.[295] This work, in other words, habitually relies on the concept of 'intersectionality' developed by Black feminist scholars to explicate the mutually constitutive and oppressive forces of race and gender in shaping Black women's experiences.

Raising important conceptual and political concerns vis-à-vis the application of 'intersectionality' to the study of men and masculinities in conflict, Henry calls attention to the frequent failure of scholars to connect the analytical concept to "the 'originary' black feminist project from which [it] was born."[296] Henry argues that this effectively re-erases women – and Black women, in particular – from the very conceptual tools created to give voice to their double consciousness. The use of feminist tools relative to the study of masculinities in this way is thus reduced to being "just another critical approach, another interpretive method, not a politics and a way of life."[297] It affirms feminist concerns of re-marginalising the effects of gender, and intersecting social forces, on *women* in the study of armed conflict.[298] As a step towards avoiding reproducing such an erasure, I first and foremost explicitly acknowledge the

[295] Henry, M. (2017), "Problematizing military masculinity, intersectionality and male vulnerability in feminist critical military studies," *Critical Military Studies*, 3(2): 182-199, p. 182; see also, e.g. Crenshaw, K. (1991), "Mapping the Margins: Intersectionality, Identity Politics and Violence against Women of Color," *Stanford Law Review*, 43: 1241-1299; McCall, L. (2005), "The Complexity of Intersectionality," *Signs*, 30: 1771-1800.
[296] Ibid.
[297] Nelson, C. (1987), "Men, Feminism: The Materiality of Discourse," in Jardin, A. & Smith, P. (eds.), *Men in Feminism*, New York & London: Routledge, Ch. 17, pp. 153-172, p. 162.
[298] Otto, D. (2006), "Lost in translation," p. 354.

historical and political origins of this concept.[299] Second, I situate this analysis within a relational analytic frame that begins with and returns to a critical discussion of women's subordination and the gendered logics thereof.

Making a case to account for male victimisation in feminist approaches to armed conflict by drawing on the experiences of conflict-affected men in DRC may raise concomitant representational concerns. In the previous section, I explored postcolonial feminist critiques of "the tragedy of victimizing rhetoric."[300] Bearing this in mind and coupled with the long history of racialised representations of brutal violence in 'Africa' – and in (DR) Congo, in particular[301] – questions arise as to the potential problematics of ascribing an explicitly sexual victimhood to the 'Congolese man' in/by/for western (largely white) audiences. Writing about popular representations of Black men in the United States,[302] Dines observes that whether feminised or hypermasculinised, "Black masculinity continues to be represented as deviant."[303] Analyses of African male vulnerability may reproduce these same representational binds. As such and as previously stated, acknowledging male vulnerability and victimisation holds the potential to challenge singular associations of victimhood with women, and thus to contribute towards more complex understandings of the operation of gender in conflict. Yet, a feminist ethics of reflexive practice requires one to question whether this could produce an attendant "tragedy of

[299] Henry, M. (2017), "Problematizing military masculinity," p. 263.
[300] Kapur, R. (2002), "The Tragedy of Victimisation Rhetoric."
[301] Daley, O. P. (2015), "Researching Sexual Violence in the Eastern Democratic Republic of the Congo: Methodologies, ethics, and the production of knowledge in an African warscape," in Gray C. L., Momsen, A., Momsen, J. (eds.), *The Routledge Handbook of Gender and Development,* Abingdon: Taylor & Francis, Ch. 44, pp. 429-440; Mertens, C. & Pardy, M. (2017), "'Sexcurity' and its effects in eastern Democratic Republic of Congo;" Achebe, C. (2010), *An Image of Africa / The Trouble with Nigeria*, London: Penguin Classics; Verweijen, J. & Eriksson Baaz, E. (2018), "Confronting the colonial: the (re)production of 'African' exceptionalism in critical security and military studies," *Security Dialogue*, 49(1-2): 57-69.
[302] Echoing Collins Hill, I note here that it cannot be a seamless transposition or application of such critiques developed by critical race theorists in the United States to all black bodies within and outside of the US. Indeed, as Hill Collins remarks, "African American experience simultaneously reflects the problems faced by other groups of oppressed people; yet, it is also a unique history that must be explained in its own right" (2004: 13).
[303] Dines, G. (1998), "King Kong and the White Woman: Hustler and the Demonization of Black Masculinity," *Violence Against Women*, 4(3): 291-307, p. 305.

[*male*] victimisation rhetoric,"[304] and what its implications might be, here in particular for racialised representations of black African male bodies. It requires one to consider which gendered and raced subjects may be produced, reproduced, or perhaps silenced through such a process. I do not address these questions any further here but return to them in Chapter IX.

CONCLUSION

Building on critical feminist scholarship, this chapter set out to make a conceptual and normative case for complicating gendered approaches to peace and security by taking substantive account of male victimisation therein. To do so, it first provided an overview of the WPS agenda and postcolonial feminist approaches to armed conflict and international law within which this dissertation is situated. Tracing the ways in which feminist and women's rights advocates have redrawn androcentric boundaries of international security, the discussion also highlighted areas of tensions in and across feminist theorising, policy, and practice.

As evidenced above, sexual violence in conflict and women's victimisation (by men) more broadly have become the focus of international feminist advocacy, propelling 'gender' onto international institutional agendas. With respect to the WPS agenda more specifically, this focus was re-affirmed with the adoption of SCR 1820 in 2008, narrowing the broader focus of its landmark predecessor, SCR 1325 (2000) and re-igniting some disagreement among feminist scholars and advocates. While these do not always grant sufficient weight to institutional and operational constraints, the principal concerns levied centre on the perpetual re-entrenchment and re-definition of women as victims in/of armed conflict.

Emphasising women's diverse experiences of conflict offers one important feminist strategy for unsettling rigid gender norms and representations. There remains, however, some reluctance within feminisms to critically examine and account for men's diverse and complex

[304] Borrowing from Kapur, R. (2002), "The Tragedy of Victimisation Rhetoric."

experiences of/in armed conflict, particularly of their victimisation and vulnerabilities. On the one hand, this is surprising given the intrinsically relational nature of gender as a concept and construct, and the political possibilities that emerge from understanding men's gendered experiences of vulnerabilities. On the other, it is distinctly unsurprising given feminism(s)'s defining objective of exposing and challenging androcentrism. As further evidenced in Part III, steps towards incorporating men in gender policy and programming are increasingly common. Nevertheless, within these expanding spaces, men remain predominantly confined to their status as (potential) perpetrators and potentially strategic allies in advancing women's rights. Again, this may not be unexpected given feminism(s)'s central commitment to redressing women's subordination. Viewing men as victims, at least *prima facie* challenges the paradigm of "heteronormative injury"[305] on which feminism and feminist advocacy is predicated.

Ultimately, then, this chapter began to explore questions around who determines feminism(s)'s boundaries relative to its 'other(s),' how, in which institutions, and with what consequences. Debates remain as to whether men's (sexual) victimisation in conflict is or isn't, should or shouldn't be of feminist interest; whether it is or is not yet addressed in existing responses to sexual violence in conflict; and whether feminism and feminists play(ed) a role or not in casting any (further) shadow over the issue. The following chapters shed light on some of these questions. What is clear for our present purposes, however, is that the very existence of these debates is reflective of a persistent tension within feminism, caught between a commitment to pushing androcentric boundaries, while seeking to protect its (or, our) own; in particular vis-à-vis its (or, our) principal and masculinist 'other,' corporeally embodied by men.

As shown in the discussions to follow, the reluctance to engage with male gendered and sexual injuries not only limits understandings of and responses to gender's operation in conflict, but,

[305] Otto. D. (2017), "Introduction: Embracing Queer Curiosity," p. 1.

on a broader conceptual and political level, this reluctance may also undermine feminist attempts to disrupt gender norms, and our conceptions thereof. Nevertheless, any attempt to expand the parameters of feminism to include masculinities in all their complexities must, equally, take seriously the conceptual and material dangers of women's re-erasure. Otherwise stated, complicating gender in conflict through a focus on male victimisation must proceed with a conscious view not to deny or minimise harms affecting women. As further illustrated in Chapter III, it must also remain attentive to longstanding representational dynamics affecting women and men. With this cautionary note in mind and conceptual backdrop set, I turn to outlining the methodology adopted for this research.

CHAPTER II:

WALKING THE TIGHTROPE: METHODOLOGICAL AND ETHICAL REFLECTIONS ON RESEARCHING SEXUAL VIOLENCE IN EASTERN DRC

"Yet because there is no clear and easy route by which to confront the self who observes, most professional observers tend to develop defenses, namely 'methods' that 'reduce anxiety and enable us to function efficiently.' Even saying, 'I am anthropologist, this is fieldwork,' is a classic form of the use of method to drain anxiety from situations in which we feel complicitous with structures of power, or helpless to release another from suffering, or at a loss at to whether to act or observe."[306]

At its core, this study critically explores the relationship between conceptual, discursive, and internationally institutionalised understandings of sexual violence in armed conflict and their situational implications in practice. Its thematic focus on sexual violence, in armed conflict, *and* with a geographic focus on eastern DRC bring to the fore a number of quandaries. The phrase 'walking the tightrope' refers to situations in which one must tread carefully to avoid harm or danger on either side of the tightrope. Figuratively, then, it refers to a careful balancing act. This idiom offers an apt depiction of the processes of researching sexual violence in conflict, and in eastern DRC in particular, as each methodological and ethical decision presents its own set of dilemmas. As discussed below, more often than not, conducting this research was akin to walking multiple tightropes simultaneously.

My attentiveness to the multiple and intersecting challenges, relating to issues surrounding the politics of representation, re-traumatisation and (in)security, amongst many others, has had

[306] Behar, R. (1996), *The Vulnerable Observer: Anthropology that breaks your heart*, Boston: Beacon Press, p. 6.

profound implications for the design and undertaking of this research. These quandaries informed decisions relating to the research questions, research sites, research participants, as well as the tone adopted to present my findings, in written and non-written formats. Having elucidated the conceptual framework for this study, in this chapter I detail its methodology. And, in line with a feminist approach to research, I use this space to critically (self-)reflect on my positionalities, the ethical dilemmas I have negotiated, and my shifting emotional engagement with the work. These reflections deal, in a first instance, with challenging dimensions of researching sexual violence as a woman. In a second, I reflect on the difficulties of researching and representing conflict-related (sexual) violence in a region that has long been prone to reductive representations of such violence. I highlight the particular difficulties I negotiated writing about violence in DRC as a critical researcher having borne witness to and borne (some of) the consequences of conflict-related violence in the country.

While constituting a reflexive practice, these reflections go beyond 'reflexivity.' They are driven by and attest that "sensory, emotional and affective relations are central to the ways in which researchers engage with, produce, understand and translate what becomes 'research.'"[307] As an embodied researcher, some are hard to write. Conscious of the reader, I likewise note that some may be hard to read. I nevertheless document them here for two reasons. First, given that 'the personal' is profoundly political, and indeed, philosophical,[308] 'it' informs my research process in significant ways. It is, therefore, part and parcel of a feminist and reflexive ethic of research.[309] As Devereux notes, "*what happens within the observer* must be made known, if the nature of what has been observed is to be understood."[310] Second, from the practical and

[307] Fraser & Puwar in Page, T. (2017), "Vulnerable writing as a feminist methodological practice," *Feminist Review*, 115: 13-29.
[308] Bennett, E. (2011), *Hipparchia's Choice: The Personal and/or the Philosophical?*, Dissertation submitted for MSt Women's Studies, University of Oxford, unpublished.
[309] E.g. Finlay. L. (2003), "The Reflexive Journey: mapping multiple routes," in Finlay, L. and Gough, B. (eds.), *Reflexivity: a practical guide for researchers in health and social sciences*, Oxford: Blackwell Publishing, Ch. 1, pp. 3-20.
[310] Devereux in Behar, R. (1996), *The Vulnerable Observer*, p. 6, emphasis in original.

ethical perspectives of research preparedness,[311] as sexual violence in conflict becomes an area of continued empirical research, researchers should be equipped with the emotional and analytical tools to engage with the material with (critical) sensitivity. On reflection, I was not equipped. Through this discussion, my intention is not to centre myself as a (white female) researcher by navel- gazing. Rather, writing *vulnerably*[312] about the impacts of this research on/in me as a researcher and as a (largely) heterosexual woman may, on the one hand, contribute to better preparing current and future researchers to conduct reflexive and responsible research on these areas. It may also contributing to harnessing the requisite (critically) emotional tools to minimise harm, on the other. As reflections of this kind tend to be written out of academic outputs, erasing such experiential reflections may do a disservice to future researchers.

This chapter proceeds by outlining the research design, foregrounding practical challenges, such as access, and myriad ethical dilemmas negotiated. The data collection took place in four phases, which I outline in chronological order. I then discuss the analytical process and consider the limitations of the study. To close, I turn to the reflexive discussion.

SECTION I

i. RESEARCH PROCESSES & METHODS

In its original conception, this research set out to investigate the silencing of sexual violence against men in international policy and practice. This was reflected in the original research question: *how, why and to what effect is conflict- and displacement-related sexual violence against men silenced by the international community?* Sexual violence against men remains an important focus of the research. However, over the course of the data collection, it became clear that accounting for the 'female side' of gender, alongside an analysis of men and

[311] Lake, M. & Parkinson, E. S. (2017), "The Ethics of Fieldwork Preparedness," *Political Violence at a Glance*, June 5.
[312] Page, T. (2017), "Vulnerable writing."

masculinities, was both empirically (and politically) necessary and conceptually valuable. For these reasons, the principal research question broadened to:

> *How, why, and with what effect (if at all) do existing conceptions of and responses to sexual violence in DRC bear upon understandings of 'gender' in conflict?*

To this end, I designed a multi-sited and multi-institutional methodology. The first site, the UN Headquarters (UNHQ) in New York, was selected as the institutional home of the Security Council, and by extension, of its Women, Peace and Security agenda. It thus represents a key site of policy and (dominant) discourse production. Where relevant, I also draw on observations recorded during policy, advocacy, and academic events held in Washington D.C. and London. To follow sexual violence policy discourses through to their operationalisation in practice, the methodology includes the North and South Kivu provinces of eastern DRC as key sites of policy and programme implementation. Data was collected in four stages during 2013-2017, and through my affiliation with four different institutions (table 1).

Table 1: DPhil Data Collection Phases:[313]

Phase	Institution	Affiliation	Location	Timeframe	Research Focus	Primary Data Collected
1	NGOWG on Women, Peace and Security	Intern / Policy Research Fellow	New York	January 2013 - January 2014	High-level, multi-lateral policymaking (WPS)	-13 in-depth interviews - Participant observation
2	University of Oxford	DPhil Candidate	DRC	April 2014 - June 2014	Operational responses to sexual violence in conflict	- 36 in-depth interviews - Participant observation - Institutional records
3	Human Rights Center, Sexual Violence Program, University of California, Berkeley, School of Law	Independent Researcher	DRC	August 2014 - December 2014	Accountability for sexual violence crimes in conflict and post-conflict	- 124 in-depth interviews - Participant observation - Judicial records
4	Refugee Studies Centre, University of Oxford	Research Assistant	Oxford	January 2015 - July 2015	Faith-based responses to sexual and gender-based violence in conflict	- 9 in-depth interviews - Review of grey literature
4	World Bank Gender Innovation Lab (GIL)	Qualitative Lead Researcher	DRC & Oxford	January 2016 - June 2017	Engaging Men through Accountable Practice (EMAP)	- 185 interviews - Participant observation

[313] Two points are important to highlight here. The first is that the data collection phases presented in table 1, and the chapter more broadly, begin after my Transfer of Status from Probationary Research Student (PRS) to DPhil Candidate in December 2012. During my PRS stage of the DPhil, I conducted a textual and discursive analysis of international responses (predominantly of international institutional policy), which formed the basis for the initial research design. The second is that while I highlight my distinct institutional affiliations throughout the data collection phases, I was a DPhil researcher throughout each of the stages.

Collectively, this research is informed by data collected in over twenty sites between January 2013 to January 2017,[314] amounting to over 350 interviews, and extensive research notes. Described in greater detail below, the following primary and secondary data collection methods were used to provide the basis for the analysis presented in subsequent chapters and to ensure systematic triangulation of my findings:

> *Primary data* was collected primarily through semi-structured interviews; participant observation (within organisations, observation of meetings, workshops, and high-profile events); complemented with archival research (e.g. judicial records).
>
> *Secondary data* was collected in the form of existing research; publicly available Security Council official documents, in particular thematic (WPS and SViC) and country-specific (DRC) documentation, including resolutions, presidential statements, reports, and meetings notes; as well as so-called grey literature including reports, and other institutional documentation to inform and support my analysis.

PHASE 1: UN HEADQUARTERS, NEW YORK (JANUARY 2013-JANUARY 2014)

The UNHQ in New York was the first site, with research taking place between January 2013 to January 2014. The purpose of this phase was to develop an understanding of the WPS agenda in policy and practice at this high political and multi-lateral level. Foreseeing challenges of accessing relevant informants, I arranged a three-month unpaid internship with the NGO Working Group on Women, Peace and Security (NGOWG) with the intention of conducting elite or expert interviews with policymakers and shapers at the end of my term there. For a number of reasons – predominantly relating to trust-building with my former line-manager and principal gatekeeper, to observe WPS policy developments taking place that year, in addition

[314] In North Kivu: Goma, Rutshuru (Centre), Kiwanja, Kibumba, Kingarame, Rusayo, Kibati, Kazihiro, Misheke, Kizimba II; in South Kivu: Bukavu, Uvira, Walungu (Centre), Murhesa, Miti, Kalulu, Katana Nuru, Kamanyola, Katogota, Luvungi.

to the ongoing insecurity in eastern DRC linked to M23 – the three-month internship transitioned into a thirteen-month Policy Research Fellowship.

As stipulated by the then Executive Coordinator of the NGOWG prior to the internship, my time in the office was to be confidential and was not to be used research purposes. As such, while I recorded notes on particularly pertinent encounters, meetings, and conversations, these have not been directly incorporated in, but inform, the empirical analyses. Having devoted over a year to building relationships with the NGOWG, my intent is not to engage in 'ethnographic whistleblowing,'[315] which I am sure was an initial concern among NGOWG members.

The overall value of this experience in developing my understanding of the everyday dynamics, possibilities, and challenges of women's rights and gender advocacy at UNHQ cannot be overstated. I gained an experiential understanding of the limits placed by political and strategic dynamics, shaping what is politically practicable in any given moment. Moreover, as an intern/fellow, I was granted a UN pass, meaning that I could access some meetings and events convened in the UN Secretariat and the Security Council. I took extensive notes during public events and draw on these in the chapters to follow. Of note, these included open debates, the launch of the Declaration to End Sexual Violence in Conflict, and Arria Formula meetings. Outside of New York, I attended the first Global Symposium on Men, Peace and Security co-convened (amongst others) by the United States Institute of Peace (USIP) and the World Bank in Washington D.C. in October 2013. Later, I attended the Global Summit to End Sexual Violence in Conflict in London in June 2014. The last set of events were not linked to my fellowship with the NGOWG, but provided an opportunity to follow-up with key informants.

[315] Mosse's work on development aid policy and practice could perhaps be categorised as such (Mosse 2005, 2011).

At the end of the Fellowship, the then Executive Coordinator of the NGOWG reached out to relevant stakeholders on my behalf to initiate interviews in January 2014.[316] Consequently, during my last month in New York, I conducted interviews with senior level policy-makers and shapers working on WPS and/or Sexual Violence in Conflict (SViC). Sampling for this phase of the study was thus purposive. Once the initial connection was established, I emailed prospective respondents. Of the twenty prospective respondents approached, I was able to arrange 13 in-depth interviews. This resulted predominantly from scheduling challenges. In one instance, a prospective respondent wrote that she did not have the requisite knowledge about masculinities in conflict and thus refused to be interviewed. This was the only outright refusal. Interviews took place in a variety of locales based on interviewees' suggestions. These included in respondents' offices or more public spaces such as coffee shops. With the informed consent of each interviewee, I recorded and subsequently transcribed all interviews. While some informants did not opt for anonymity, for the sake of consistency and to ensure confidentiality, I anonymise all interviews, making reference only to institutional affiliation and location.

The interviews were semi-structured, loosely following an interview guide developed to address questions driving this research. The guide was designed to begin with respondents' professional background and the place of the WPS resolutions in their work. I subsequently explored respondents' understandings of relevant concepts in this multi-lateral policy context, including 'gender,' 'sexual violence in conflict,' 'masculinities,' 'engaging men and boys,' and 'sexual violence against men.' Time permitting, the guide was structured such that the interview would build towards the more contentious subject of sexual violence against men in conflict. The closing segment of the interview addressed more specific questions relating to

[316] I express my deepest thanks to Sarah Taylor for her support and guidance, and for generously facilitating my access to key informants.

policy, programmes, donor funding, and explored ideas of what a more 'gender inclusive' WPS framework might look like. In the context of my independent doctoral data collection, this same interview guide was used across research sites and was thus translated into French for Francophone respondents in eastern DRC. This approach permitted an analysis of the similarities and dissimilarities in conceptualisations of key terms constituting the sexual violence in conflict response discourse and practice. Overall, this first phase provided the empirical policy backdrop for the study. Through the following phases in eastern DRC, I was able to 'travel with' policy discourses to key sites of sexual violence policy and programmatic response implementation.

PHASE 2: NORTH & SOUTH KIVU, DRC (APRIL 2014 – JUNE 2014)

The second phase of the research took place in the North and South, specifically, in the provincial capitals of Goma and Bukavu, from April 2014 to June 2014. I intended to stay until the end of June but cut this trip short to attend the Global Summit to End Sexual Violence in Conflict in London. Reflecting on this phase now, I realise the degree to which it was the most exploratory of the data collection trips in the region. As the first one, this is not surprising.

During this phase, I applied the same methods and tools described in Phase 1, conducting semi-structured interviews and observing as many meetings and workshops relating to 'sexual violence,' 'gender,' and 'protection' as possible. Interviews were conducted with a variety of stakeholders working in the domain of 'sexual and gender-based violence' and 'protection.' Purposive and snowball sampling were used for this phase, including with representatives from the UN, national and international NGOs, international donors, service providers, and the civilian-military relations office of the national army (FARDC). Access was secured through three principal strategies. First, through existing contacts.[317] On arrival, a MONUSCO Sexual

[317] I express my deepest thanks to Léa Steinacker, Jean-Benoît Falisse, and Andy Flower for facilitating introductions with contacts. This research would have been immeasurably more challenging without them.

Violence Unit Coordinator explained the institutional lay of the land and suggested potential respondents. Second, snowball sampling facilitated access to respondents, workshops, sensitisation activities, and meetings. Third, I used the *Qui Fait Quoi Où?* (QFQO) booklet produced by UNOCHA.[318] The QFQO is an inventory, which includes a breakdown of organisations and the '*volets*'[319] they work in, as well as key names, and contact details.[320] I secured 36 interviews, 28 of which were recorded and transcribed with the consent of participants. For interviews not recorded, I took comprehensive notes. Respondents cited from this phase are anonymised, with reference made to institutional affiliation and location.

Importantly, this sample did not include survivors of sexual violence, certainly *qua* survivors. I make this qualification because it is possible some respondents may have experienced sexual violence, but this was not a criterion for selecting interviewees nor was it discussed during the interviews. This decision was ethically-driven and made at the outset of the study. Until relatively recently, few guidelines existed for researchers studying sexual violence. Moreover, most existing guidance is specific to women and girls, which may not have been appropriate for a project that was initially designed to investigate sexual violence against men.[321]

Among the risks associated with interviewing individuals who have experienced sexual violence about their experience(s) of sexual violence,[322] include heightening emotional stress, re-traumatisation, and the difficulties of referring survivors-cum-respondents to appropriate

[318] I thank Espérance Mawanzo, who hosted me during the trip and provided me with the copy of the QFQO.
[319] This refers to the different thematics that humanitarian organisations work under.
[320] UNOCHA (2013), *Qui Fait Quoi Où ? – RD Congo, Sud Kivu.*
[321] E.g. Campbell, R. et al. (2009), "Training Interviewers for Research on Sexual Violence: A Qualitative Study of Rape Survivors' Recommendations for Interview Practice," *Violence Against Women*, 15(5): 595-617; Ellsberg, M. & Heise, L. (2005), *Researching Violence Against Women: A Practical Guide for Researchers and Activists*, Washington, DC: WHO & PATH; WHO (2007), *WHO Ethical and Safety Recommendations for Researching, Documenting, and Monitoring Sexual Violence in Emergencies*, Geneva: WHO; SVRI (2018), *Ethics*.
[322] Given my commitment to writing vulnerably, I note here that because of sensitive nature of sexual violence, ethics and research guidelines thus position survivors thereof as a particularly vulnerable group and establish codes of research conduct for such work. See *supra* note, 321.

services. Ford et al. state that interviewing survivors should be undertaken "only in very exceptional circumstances, and by trained investigators with a clear methodology and possibilities for referral for psychosocial support."[323] Similarly, Crabtree asserts that "[d]ata collection should not be sole purpose of interaction with GBV survivors" and therefore "should be collected only with, and conditional upon, service delivery."[324] Given that I did not have the appropriate training for interviewing survivors, nor did I have the requisite connections with service providing organisations to ensure referrals when designing the methodology, interviewing survivors, men or women, would not have been ethically responsible. Finally, with its focus on *institutional* representations of and responses to sexual violence in the region, such an approach was not necessary for the purposes of this particular study.

My decision received mixed responses. Some did not agree with this stance and encouraged me to conduct interviews with (male) survivors, or at least be open to the possibility as it would be "interesting." In contrast, in DRC there tended to be a sense of surprise, and even relief, when I informed interviewees that I did not wish to meet survivors. Some respondents noted that requests to visit health centres or hospitals are usually among the first questions they are asked by researchers or visiting delegations. One informant suggested that my approach might, in fact, facilitate access to participants as it may remove an initial suspicion, and a need to say no.[325] Some offered to facilitate visits to health centres and transit houses they worked in, which I declined. Without having built a relationship with the service providing entity, a short visit would have been tokenistic, and, indeed, voyeuristic.[326] While some interviews took place in

[323] Ford, N., et al. (2009), "Ethics of Conducting Research in Conflict Settings," *Conflict and Health*, 3(7): 1-9, p. 6.
[324] Crabtree, K. (2011), "Getting Data Right," *Monday Developments Magazine*, July, p. 24.
[325] MONUSCO Official, *interview*, Bukavu, April 2014.
[326] On the politics of 'conflict tourism,' e.g. Cochrane, F. (2015), "The Paradox of Conflict Tourism: The Commodification of War or Conflict Transformation in Practice" *Brown Journal of World Affairs*, 22(1): 51-69.

service providing entities, these were only conducted with service providers and not with patients/beneficiaries/clients/survivors.

This decision did not let me off the ethical hook. In effect, a number of ethical dilemmas arose from this approach, both vis-à-vis survivors and institutions alike. With regards to the former, I continue to grapple with the idea that by *not* including survivors – female or male – I may be perpetuating the silence generally shrouding their experiences.[327] Moreover, some researchers have noted that "one-on-one interviewing has remained a commonly used technique for its capacity to give voice to survivors";[328] while others have also noted that interviewing survivors of violence can generate "therapeutic value."[329] What are the implications, then, of not including the voices of individuals that I am ultimately writing on, for, and about? Whose voices privileged, and to what effect? To what extent am I reinforcing exclusionary mechanisms as a result of my ethically-driven decision? This last question highlights an ethical paradox in my methodology, which in seeking to understand processes of silencing of male survivors within responses to sexual violence, effectively effaces their very voices, albeit for ethical reasons. Assuming survivors' existence through borrowed testimonies and emerging statistics as a basis for 'illuminating their plight' is a practice towards which I feel some unease. Nevertheless, for the reasons outlined above, I did not include survivors in this research project.

PHASE 3: NORTH & SOUTH KIVU, DRC - ACCOUNTABILITY FOR SEXUAL VIOLENCE (AUGUST 2014-DECEMBER 2014)

In July 2014, I was hired by the Human Rights Center, Sexual Violence Program, of the University of California, Berkeley, School of Law to support the research in North and South Kivu for a multi-country study on accountability for sexual violence in conflict and post-

[327] See e.g. Lake, M. M. (2018), *Strong NGOs and Weak States*, pp. 50-52.
[328] Reinharz & Chase in Campbell, R. et al. (2009), "Training Interviewers for Research on Sexual Violence," p. 596.
[329] Behera, C. N. (2006), "Introduction," in Behera, C. N. (ed.), *Gender, Conflict and Migration*, New Dehli: Sage Publications India Pvt Ltd, p. 55.

conflict settings.[330] The aim of this research was to conduct a systems analysis of judicial and medico-legal responses to sexual violence to shed light on the challenges facing judicial and medical actors and strategies developed to overcome them.

The research was carried out across six sites in North and South Kivu, with actors working in the military and civilian justice systems, including lawyers, magistrates, judges, investigative police officers; government officials; medical practitioners; and representatives from NGOs, INGOs, and the UN. The team conducted 124 interviews in French and English during intermittent periods of data collection between August–December 2014. With the informed consent of respondents, interviews were recorded, and notes taken. Interviews I draw on from this study are anonymised with reference made to institutional affiliation and location.

In addition, we conducted archival research, specifically, of judicial records kept by courts, tribunals, police units, and magistrates' offices. The rationale behind this data collection strategy was to gain a more concrete understanding of cases reported to judicial institutions and of the attrition rate of cases through the penal chain. Doing so, we developed a clearer understanding of case recording and storage across institutions, and of the nature of sexual violence cases making it to and through the judicial systems. This study significantly broadened and deepened my understanding of the criminal justice systems in eastern DRC.

Driven by the same ethically rationale described above, this study did not include survivors as part of its sample. Through this research, however, I had more direct interaction with service providers than in my previous data collection, which made me acutely aware of the ethical dimensions of the privileged access to respondents we were often granted. From a logistical

[330] I express my deepest thanks to Kim Thuy Seelinger and Julie Frecerro for inviting me to collaborate on this study, for their support during the study and for permitting my access to the data for my doctoral research. I also profoundly thank Milli Lake and Susanne Alldén for their support and extraordinary collaboration during this study. As agreed, I have not and will not publish any material used from this study without further permission and without first discussing co-authorship.

perspective, this was welcomed. However, it reflected the relative ease of access that comes with being a white foreign researcher in this conflict-affected postcolonial context and its potential for extractive or exploitative research practices. With respect to service providers, for instance, our interviews took-up valuable time and resources away from patients, clients, or beneficiaries. In an attempt to mitigate these dynamics, we ensured that interviews with direct service providers were kept as short as possible.

PHASE 4: NORTH AND SOUTH KIVU, DRC - EVALUATING THE 'STRATEGIC ALLY' (JANUARY 2015-JANUARY 2017)

The fourth phase is distinct from the first three in that includes two research projects addressing, at least in part, emerging strategies to 'engage men' in efforts to promote gender equality and prevent sexual and gender-based violence. The first entitled 'Engendering Faith-Based Humanitarianism,'[331] was led by Dr Fiddian-Qasmiyeh at the University of Oxford's Refugee Studies Centre. The second was an evaluation of IRC's programme on Engaging Men through Accountable Practice (EMAP) conducted by the World Bank Gender Innovation Lab (GIL).[332]

In light of emerging interest in the role of faith-based actors in conflict-affected and humanitarian contexts, the first was designed to illuminate the gendered nature and implications of faith-based organisations (FBOs) in such settings. The data collection for this study, for which I was involved, centred on conducting a sample of in-depth, semi-structured interviews with faith-based and non-faith-based humanitarian actors, and academics in this field. Nine interviews were conducted. With the aim of developing an understanding of the possibilities and limits of faith-based interventions through a gender lens, interviews for the

[331] I express my deepest thanks to Elena Fiddian-Qasmiyeh for involving me in this project and giving me permission to draw on the data for my doctoral research, as well as to Georgia Cole for her collaboration. I also thank the Henry Luce Foundation for their generous funding for this project.

[332] I express my deepest thanks to Rachael Pierotti, Milli Lake, the research assistants for the opportunity to work together on this project and for all the support and profoundly insightful conversations that came with it, as well as for permitting me to draw on the data for my dissertation. Furthermore, and as agreed, I have not and will not publish any material used from this study without further permissions.

exploratory part of the research were not geographically specific. In light of the principle investigator's expertise in the Middle East and North Africa region and my focus on eastern DRC, these formed the case studies for our first research output.[333] With respect to the latter, the analysis focused on a specific faith-based intervention, *Transforming Masculinities*, designed and implemented by Tearfund. Interviews cited are anonymised with reference made to institutional affiliation and location.

The second research project was a large-scale, longitudinal, and mixed-methods randomised control trial evaluation of the IRC programme, EMAP, which took place from April 2016 - January 2017 across fourteen sites in North and South Kivu. My role was limited to the qualitative component of the evaluation, and I thus only outline the qualitative methodology. This research took place in two phases: 1) the baseline data collection prior the programme implementation (April-June 2016); and 2) the longitudinal data collection, conducted over the course of the programme implementation (August 2016-January 2017). My role was to coordinate and oversee the qualitative data collection in the field for the baseline, and remotely for the longitudinal phase. Following a robust research training and selection process, the data was collected by two teams of research assistants.[334] Research participants for this study fell into four categories: EMAP volunteers, EMAP non-volunteers, programme facilitators, and community leaders (religious and customary). The aim of this first phase was to ascertain which men chose to participate, and why; to gain contextual understandings of gender norms, expectations of the programme; and to develop a sense of previous exposure to 'gender programming.' In total, 128 interviews were conducted.

[333] Fiddian-Qasmiyeh, E., Lewis, C. & Cole, G. (2017), "'Faithing' Gender and Responses to Violence in Refugee Communities: Insights from the Sahrawi Refugee Camps and the Democratic Republic of the Congo," in Buckley-Zistel, S. & Krause, U. (eds.), *Gender, Violence and Refugees*, Oxford: Berghahn Books, Ch. 6, pp. 127-151.
[334] One site, Birambizo (North Kivu), was dropped due to insecurity.

The second phase took place in six sites across North and South Kivu. Drawing on more ethnographically-grounded methods, the RAs were embedded, as much as possible, within assigned research communities over the course of the sixteen-week programme. Within the limits of IRC's security protocols, the research assistants observed the men's discussions groups, 'hung out' with EMAP participants and facilitators, and conducted interviews with selected respondents. The RAs sent weekly data reports and feedback provided by the GIL team was incorporated into the data collection strategy and subsequent research notes.[335] Its aim was to overcome well-known challenges associated with measuring the impacts of attitudinal and behavioural change programmes, not least targeting men. Attentive to micro-dynamics between participants, as well as with their wives, this research examined processes of change induced by EMAP, and the norms and practices that were more or less amenable to change and why. The material drawn on is anonymised with reference made to 'participant category' and provincial location.

ANALYSIS

This research has benefited immeasurably from the collaborative and complementary projects described above, expanding the original study's empirical, geographical, and temporal scope. To bring them together in this dissertation, I analysed the data through this study's central research question: how, why, and with what effect are women and men included and excluded, represented and "*repress*-ented"[336] by distinct institutional responses. The analytical processes were slightly different for the chapters in Parts II and III. Counter-intuitively, I begin by describing the approach adopted for Part III – *Gendered Men* – because this was, at the outset, intended to be the exclusive focus of the study. The analytical framework – i.e. the male figures

[335] For a more comprehensive discussion of the methodology used for this study, see Pierotti, S. R., et al. (2018), "Equality on his terms."

[336] Fiddian-Qasmiyeh, E. (2010), "Concealing Violence against women in Sahrawi refugee camps: The politicisation of victimhood," in Bradby, H. & Hundt, G. L. (eds.), *Global Perspective on War, Gender and Health: The Sociology and Anthropology of Suffering*, Farnham: Ashgate, Ch. 5, pp. 91-110, p. 99.

– were sketched prior to the data collection through a discursive analysis of policy and advocacy materials on sexual violence in conflict (policy texts, reports, advocacy campaigns, institutional guidelines, etc.). The aim of the analysis was to identify dominant representations of men and masculinities in international sexual violence discourse, policy, and practice. The findings of the analysis were published elsewhere.[337] In this dissertation I largely draw on the same framework but give the gendered subjects new content based on the data collected.

The analytical framework applied in Part II – *Discordant Subjects* – was developed out of an inductive and grounded theory approach to the data collected in phases 1-3 described above. As an unplanned section of the dissertation, this exploration of female gendered figures of sexual violence discourse, policy, and practice emerged from the data 'speaking.' The three female victim-survivor subjects examined most clearly materialised from the multi-lateral policymaking space (phase 1), multi-sectoral service providers, and judicial institutions in DRC (phases 2 and 3). The coding, analysis and write-up of the data for the chapters in Part II was thus structured around these three components of the sexual violence response architecture.

SECTION II

LIMITATIONS

The wealth of data in which it is grounded notwithstanding, this dissertation is limited in a number of ways, including vis-à-vis the scope and nature of participants, the geographical reach of the data, and its interpretative approach. With respect to the first point, the sample of elite/expert interviews in New York was limited numerically. Furthermore, as is often the case with elite policy-level interviews, respondents often towed an institutional line. However, having spent the previous year immersed in the multi-lateral space, I was able to navigate interviews with probing questions demonstrating (some) insider knowledge to move beyond

[337] Lewis, C. (2014), "Systematic Silencing."

the institutional line. Moreover, in interviews with women's rights advocates who were evidently aware of and made reference to the critical academic literature on WPS, it was clear that the interview with me – as a DPhil candidate – was an opportunity to 'set the record straight,' so to speak. It was an opportunity to fill perceived gaps in the theory and thus provided me with rich material relating to the politics and histories behind the WPS policy agenda. I also made later trips to New York to follow-up on relevant policy trends.

In terms of the sample in DRC, as explained, this research did not include survivors of sexual violence within its remit. With its focus on institutional actors' experiences of the sexual violence response apparatus, this study is limited by the general absence of community perspectives on its functioning and effects. In other words, this research misses the view 'from below.' Moreover, viewed through the lens of institutional responses to gendered bodies in eastern DRC, I do not address the dynamics of the conflicts themselves.

A further limitation spanning both its geographic and sample reach within DRC, this research is limited to North and South Kivu. It thus does not include national-level political dynamics in the country's capital, Kinshasa. Furthermore, within the Kivu provinces, a significant proportion of the data collection took place in the provincial capitals, Goma and Bukavu. While I did travel to more remote areas, my time spent in each of these sites was significantly shorter due to time constraints, resource limitations, and security risks. As a result, the data presented here is not geographically representative and does not substantively address sexual violence responses in remote areas of the region. Finally, relying on the single case study of eastern DRC, this study's findings are not generalisable to sexual violence responses in other conflict-affected and humanitarian contexts. Indeed, it did not set out to be. Having said this, the questions it raises around the effects of sexual violence responses as these are operationalised through different institutional mandates are likely to be applicable to distinct settings.

At the level of analysis, this study is fundamentally qualitative, foregrounding questions of interpersonal communication, intersubjective interpretation, and the gaps in between. It is well recognised that "conversations and interactions in the field can never again be exactly reproduced."[338] It is inevitable that, while grounded in extensive data and experience 'in the field,' my interpretation and representation of the material is filtered through my own understanding and positionalities, which I reflect on below. As such, I regularly discussed my analyses with key informants (Congolese and foreign) to ensure factual and representational accuracy. At times I draw on insights that were not always representative of the sample; these are usually critical and go 'against the grain.' I indicate where this is the case. I do so conscious that such perspectives may be marginal, but with an openness to the possibility that they are more widely held and may have implications for the (perceived) functioning of gender programming in the region. I am, moreover, keenly aware that with its focus on gender, this dissertation does not grant consistent acknowledgement of its intersectional axes. I am especially conscious of its limitations surrounding sexualities and that, in its structure, it ultimately reifies the female-male gender binary it seeks to complicate.

SECTION III

REFLECTIONS ON RESEARCHING (SEXUAL) VIOLENCE IN EASTERN DRC

In the remainder of this chapter, I reflect on my positionalities and the possibilities, limits, and unease these engendered. Driven by a feminist commitment to reflexivity and a situated approach to knowledge, understanding where the researcher is writing from is key. Informed by a critical feminist methodological approach, I remained attentive to the conscious and unconscious reproduction of social and relational hierarchies in/through my research. This is especially important relative to research in/on DRC, which has long been prone to reductive

[338] Behar, R. (1996), *The Vulnerable Observer*, p. 7.

framings of 'barbaric' and 'brutal' violence by western observers. I strive not to reproduce such reductive narratives. It is, however, somewhat inevitable that by the very focus of this dissertation, the association between 'sexual violence in conflict' and 'eastern DRC' is reinforced, even if done so with the intention of complicating dominant narratives.

There are a number of components to my positionalities and their multi-directional relationship to my research that I explore here. These broadly fall into three categories: 1) what it means for me as a young (white) woman to be researching sexual violence against male and female bodies; 2) what it means for me as a (young) white woman to be researching sexual violence in a heavily researched African context; 3) what it means to be a (young) white (female) researcher writing on conflict-related violence following a conflict-related loss in the region. While I write myself into the dissertation to varying degrees, here, I give myself permission to "author-saturate"[339] this discussion with personal and experiential reflections. I do so not as a strategy to centre myself as an outside observer in this research. Rather, I write conscious that who I am and how I was perceived influenced what I saw and heard - in literal and analytical terms - and informed my "practices of representation."[340] I do so because conducting this research has paradoxically simultaneously softened and sharpened my critical (gender) lens. I do so because writing out these complex emotive experiences of challenging fieldwork does a disservice to future researchers. I do so in memory of a close friend.

i. ON RESEARCHING SEXUAL VIOLENCE AS A WHITE FEMALE RESEARCHER

In 2013, a widely-circulated article described a "mythical figure" of a "young, female, possibly middle class, sometimes Scandinavian" interested in writing about sexual violence in war.[341] While I am not Scandinavian, I am a young, female researcher who is middle class and who,

[339] Geertz in Behar, R. (1996), *The Vulnerable Observer*, p. 7.
[340] Woolgar in Lather, P. (1993), "Fertile Obsession: Validity After Poststructuralism," *The Sociological Quarterly*, 34(4): 673-693. p. 676.
[341] Henry, M. (2013), "Ten Reasons Not To Write Your Master's Dissertation on Sexual Violence in War."

for a good portion of my research, had blonde hair. Others, too, have written about the problematics of "the white woman's burden"[342] and "Madison Avenue feminism."[343] Having spent the better part of a year living at 128, Madison Avenue in New York, this last term was comically confronting. This (not so) 'mythical figure' also appears in contemporary Congolese literature. In Koli Jean Bofane's novel, *Congo Inc.*, the Congolese narrator describes an encounter with a white female (Belgian) researcher who wanted to know about the exact place of women in his 'tribal' society. "Bref," he reflects, "nothing new."[344]

The extent to which I represent something of a prototype was made evident through countless encounters, along with the perceptible eye rolls from (academic) conference participants when faced with yet another presentation by a white female researcher on 'sexual violence in eastern DRC.' Beyond oversaturation, concerns raised generally centre on the reproduction of longstanding 'Afrientalist' representations of violence. The response from some has been to call for a hiatus on researching sexual violence in conflict, perhaps especially in DRC.

For a period, this translated into a paralysing sense of discomfort, and even shame in doing this research. This was only reinforced during the data collection in DRC. In one particularly memorable instance, a Congolese judge explained that he was returning from a training workshop. When I asked what the training was for, he responded, "sexual violence, it's always sexual violence." He continued, "You know, when we see you [white people] coming, we know it's going to be about sexual violence. You sit down, say hello, within five minutes, there it is: sexual violence."[345] In another encounter, with her recorder in hand, a Congolese journalist asked me upfront: "what justifies *you* doing this research?" Through such encounters, I significantly questioned my place and legitimacy in pursuing this project.

[342] Oyěwùmí, O. (1997), *The Invention of Women.*
[343] Greer in ibid, p. 177.
[344] Bofane, J. K. (2014), *Congo Inc.: Le Testament de Bismark*, Arles: Act Sud, pp. 27-28.
[345] Civilian Judge, *interview*, Bukavu, October 2014.

The methodological, empirical, representational implications of my positionalities were manifold. First, from the perspective of data collection, it raised concerns around researcher and sexual violence fatigue, and social desirability bias. With respect to the former, it is possible that I was unable to schedule some interviews for this reason. However, once in the room with respondents, as a whole, interviews proceeded with ease. In terms of social desirability bias, in interviews with sexual violence 'responders,' it was clear they sought to demonstrate how 'well' they were doing in their respective part of the sexual violence response infrastructure. This perception was most prominent with Congolese respondents, who may have perceived my/our role as 'evaluating' their work. A key strategy to mitigate against this social desirability bias was to triangulate different sources of data, including across interviews, as well as through archival data, such as administrative records of sexual violence cases kept by judicial institutions,[346] and existing literature.

Doing so, it became clear that the nature of the violence discussed during interviews was more opaque than conventional portrayals depicted. This represents a core finding of this study. I am certainly not the first researcher to come to similar conclusions. Yet, existing critical scholarly writing that complicate the nature of responses to sexual violence in DRC, at times, fall into what I see as a distinct, but equally problematic, representational trap: by shedding a more complex light on their nature, such critiques risk minimising, or perhaps even denying, the material bases of the dominant narrative.[347] The result is that survivors of sexual violence, implicitly and, at times, explicitly, become viewed as potentially "fake victims."[348]

This raises questions about the position and role of the external (critical) researcher. I am not convinced that it is our place to make such claims about women's or men's experiences of

[346] The equivalent in New York were official and publicly available documents produced by the UNSC.
[347] Scheper-Hughes, N. (1995), "The Primacy of the Ethical: Propositions for a Militant Anthropology," *Current Anthropology*, 36(3): 409-440.
[348] Douma, N. & Hilhorst, D. (2012), "Fond de Commerce?," p. 49.

sexual violence and/or of responses thereto in such a complex context. While it may be presumed that (feminist) scholars researching sexual violence take its prevalence and the importance of sexual violence assistance as a given, such a stance is often lost in explicitly critical scholarly texts. Moreover, while I uphold the value of academic critique, given the perpetually precarious funding for gender programming (of all kinds) and the pressures on scholars to show 'policy impact,' we have a duty to critique responsibly. That is, to consider the consequences of our critique and to complicate without calling into question the value of response structures *as a whole*.

Reflecting on dominant academic conventions of writing sexual violence in conflict, further questions arise from the perspectives of data collection, analysis, and fieldwork preparedness. Having closely read as much of the existing literature as I could when preparing for fieldwork, I was – I thought – equipped with the requisite tools for data collection and analysis on sexual violence in DRC. What I wasn't prepared for, however, was the effect (and affect) the material would have on me. Offering insights that are as rare as they are raw into the emotional and intellectual affects of researching rape, Campbell notes that "it never occurred to [my colleagues] what it means to research rape, *as a woman*."[349]

I had read existing ethical guidelines about researching sexual violence; and I was not working with survivors but with discourses, policies, and practices. And yet, even such methodological strategies did not protect this researcher, 'intellectually engaged' with sexual violence, from "feeling rape."[350] In line with Campbell, I maintain that "examining our feelings and the emotional impact that research has on us can bring a deeper intellectual understanding of social phenomenon."[351] To argue otherwise is to rely on a false dichotomy between thinking and

[349] Campbell, R. (2002), *Emotionally Involved*, p. 1, emphasis added.
[350] Ibid, p. 9. For additional information on vicarious trauma in sexual violence research, e.g. SVRI (2015), *Guidelines for the prevention and managements of vicarious trauma among researchers of sexual and intimate partner violence*, Pretoria: SVRI.
[351] Ibid, p. 15.

feeling.[352] Indeed, the personal is not only political, it is profoundly philosophical.[353] In retrospect, designing this research as an intellectual project, I was ready to critique responses to sexual violence before I had a grasp of their complex realities, and of the complex realities of sexual violence in conflict.

Researching sexual violence as a woman is inescapably a profoundly emotive endeavour; its effects and affects on the researcher are multiple. Anger is pervasive. It can underpin both an impulse to depict the worst manifestations of sexual violence and it can drive an impulse to critique them. With respect to the latter, critique can emerge as a protective strategy, combining anger with disbelief. Furthermore, learning of the complex nature of sexual violence in eastern DRC, its myriad forms, and the myriad ways responses are operationalised and navigated by those presenting and labelled as 'survivors,' can also produce a complex set of emotional responses. Even if one 'knows' the context is more complex from reading existing literature, hearing this complexity directly can lead to feeling misled or even duped by dominant narratives. This, too, can produce its own sense of anger. Ensuring distance between data collection, analysis, and writing provides an important – and, I would suggest, necessary – period to integrate often overwhelming emotions into a critical intellectual analysis.

I began this research project with the explicit intention of critiquing the dominant narrative of sexual violence in conflict by calling attention to male experiences thereof. My perspective was, therefore, one which was not only wanted to make critical analytical space for men in a feminist discourse, but an empathetic critical space for men. This was motivated by a sense of empathy, combined with a desire to reject the singular subordination of women within the gender order. As a woman, I was and remain uncomfortable with the idea of being defined by the possibility of my victimhood determined by my gender. Stating 'men too,' so to speak, was

[352] Jaggar in ibid, p. 24.
[353] Bennett, E. (2011), *Hipparchia's Choice*.

and remains a way of resisting patriarchal definitions of gender depicting women as 'powerless' and men as necessarily 'powerful.' I started this project when I was twenty-two. I was young. My exposure to critical feminist literature of gender and armed conflict was still relatively new, my approach to deploying its tools fairly blunt; not yet tempered by sufficient life experience outside of the (un)comfortable confines of academia. Throughout the data collection, I was confronted with an overwhelming amount of material, almost ubiquitously shrouded in and underpinned by the dangers of men's violence against female bodies and the long-term social, relational, and individual consequences thereof. My initial intellectual commitment to thinking critically about gender and empathetically about men became strained.

Driven by a sense of anger on return from fieldwork, I trained to become a helpline volunteer at the Oxfordshire Sexual Violence and Rape Crisis Centre (OSARCC). The extensive training and experience I gained through OSARCC met my need to channel this anger and 'do something' in response to sexual violence 'at home' rather than 'over there' in DRC. It also enabled me to develop a better understanding of the multiple manifestations of sexual violence and abuse against women and girls, and of the multitude of lasting effects on individual survivors, anywhere and regardless of its particular nature. As the perspectives of survivors - as service users or programme beneficiaries - are a missing piece of this study, my work with OSARCC, combined with the data collection in North and South Kivu, provided me with a close, and human, connection to the subject matter. It enabled me to develop a sensitivity towards writing sexual violence that I would not have otherwise had. Moreover, as a service for women, by women, it helped me understand the importance of women-only sexual violence services. Equally, it introduced me to comparable debates taking place across the Rape Crisis Network in the UK vis-à-vis the place, or not, of male survivors within such spaces. As a sexual violence 'responder' myself, then, I became more attune to practical, programmatic, and ethical questions relating to responding to differently gendered bodies.

Alongside these invaluable impacts of working with OSARCC, it did, however, mean that I was further exposed to sexually traumatic material. Even with all the training in establishing emotional boundaries and practising self-care, this material seeps into one's psyche and one's body. Or, at least, it seeped into mine. Beginning this research, I had what I understood to be a healthy and positive relationship with men and with sex. This changed, and remains an ongoing process of recalibration. Indeed, my perception and relationship towards men changed significantly. With few exceptions, I came to view *all* men with distrust. As Campbell notes, "This work provides a daily reminder of what some men do to women, and there are days when it's easy to forget about the 'some' and let anger fuel overgeneralizations."[354] I began to look back on sexual encounters with some pain and concern, questioning whether I ever had control over my own sexual boundaries. The Dworkin-Mackinnon treatise on (heterosexual) intercourse as rape began to make a lot of personal sense.[355] Each disappointing encounter - in all their forms - with men, be they friends, strangers, colleagues, peers, or romantic interests, fuelled a deepening confirmation bias. With too few counter-experiences, each story shared by female friends of heartbreak and disappointment by male partners did the same.

There was, moreover, something specific about researching sexual violence *against men* that had its own but related impact on me, as a female researcher. Pervasive in existing reporting on sexual violence, and reflected in my analysis, is the idea that the penetrative rape of a man, by a man, is driven by a desire to emasculate the victim; to turn the victim into his 'wife.' Not so implicit in this logic, then, is the idea that penile penetration 'makes a woman.' On reflection, this idea is also expressed in the term 'womaniser' applied to men who engage in numerous sexual encounters; by womanising, they 'make women.' Calling into question my sexual identity, I refused to give men, or any man, the power to define my sexual or gender identity.

[354] Campbell, R. (2002), *Emotionally Involved*, p. 85.
[355] Dworkin, A. (2011), *Intercourse*, New York: Basic Books; Mackinnon, C. (1991), *Towards a Feminist Theory of the State*, Cambridge: Harvard University Press.

In the context of sexual violence research, which so intimately weaves the personal with political and philosophical, these reflections lead me to question whether it is ever possible to separate one's researcher role from one's gender or sexual identity. My jury is still out.

While I had initially designed this research as one on men and masculinities, for a period it was close to impossible to write about men with any requisite critical distance. This was largely why I began my writing with Part II, on the female subjects. Indeed, how does one write with critical empathy about the 'beings' who embody danger and the harmful 'other' of feminism? How does one make space for male vulnerability in feminist theory and praxis, when feminism ultimately developed in response to personal, social, economic, and conceptual violences enacted by men? How does one intellectually drag gender off the body when the harmful effects of masculinities are all that feminist women predominantly see? Is it, in fact, the place or responsibility of feminists to make space for such nuances in a still deeply patriarchal world? As a committed feminist, whose 'side' am I on in doing this work? These questions may seem evident to some, unnecessary to others. For me, these are questions I continue to grapple with as I think and write about the place of men in feminism.

For reasons discussed below, I took a step back from OSARCC in March 2017. Interestingly, it was only then that I was able to write what is now Part III on Gendered Men. A life mentor once told me that any good love affair should "rock you to your core." I have come to feel this way about my DPhil. It has absolutely rocked me to my core, in some good, some less good, but, overall, transformative ways. Recalibrating my relationship with men was but one.

ii. ON WRITING VIOLENCE THROUGH VIOLENT LOSS IN DRC

This last section considers a vastly different experience and the positional challenges it raised as an external researcher working on conflict-related violence in DRC. On March 13th 2017, I received a message from my friend and former colleague, Susanne, which read: "MJ is

unaccounted for in Kasai…" MJ, Michael Jesse Sharp, was the coordinator of the UN Group of Experts on DRC (GoE). He was a dear friend, among my closest, and, certainly, my closest male friend. He was among the most constant and consistent presences in my life, frequently checking-in and catching-up through our screens. He called me "Friendship" in a manner that so endeared me; there was something more encompassing, more powerful, with the idea that we embodied friendship to each other. He and I shared a level of comfort I so rarely find with men (for the reasons discussed above). The last time I saw Michael, the 10th December 2016, he shyly told me that if he had a gun to his head, and had to pick someone to marry, I would be his top choice. At the time, I jovially laughed this off as the least romantic thing anyone had ever said to me; in truth, I wondered whether in time this might be something we could revisit. Three months later, almost to the day, the wrong part of Michael's proposition had come true.

Two excruciating weeks followed Susanne's initial message. Michael and his colleague Zaida Catalan, along with their interpreter and three drivers were reported missing during their last mission in the Kasai province of DRC. The geographical mandate of the GoE had long been confined to the east of the country.[356] The GoE thus had a well-established presence in the region and individual experts on the Group had longstanding expertise and relationships in the area. Responding to escalating violence, the geographical scope of the GoE was expanded to cover the country, but with fewer resources.[357] On March 28th 2017, I awoke early from a vivid dream about an erupting volcano. It was 6am and there was a message on my phone from my friend Dominique, "Hey, call me when you get this." The wait, and the cycles of hope and despair it engendered, was over. Needing to be confirmed by dental records, it was believed

[356] UNSC (2009), *Security Council resolution 1986*, Adopted at its 6225th meeting on 30 November 2009, OP. 8.
[357] UN Group of Experts Expert, *personal conversation*, New York, December 2016; UNSC (2016), *Security Council resolution 2293*, Adopted at its 7724th meeting, on 23 June 2016.

their bodies had been found. Michael's body was intact, Zaida had been decapitated. The fate of their Congolese colleagues remains, publicly, unknown.

Vast media coverage ensued. "Kidnapped"; "abducted"; "bodies found"; "in a shallow grave"; "assassinated;" "slain"; "decapitated"; "summarily executed" are terms I had never conceived of hearing relative to the fate of a close friend and his colleague working in DRC. In essence, that such violence could happen to one of 'us' had, until then, been inconceivable. By 'us,' I am referring in a first instance our close friendship group; Michael was among the first friends I made in Congo, and forming part of a tight knit group, we had lived together. By 'us,' I am also referring to 'expatriates' working and researching in this deeply racialised postcolonial warscape. Perhaps I was naïve and underprepared. Perhaps this stemmed from insufficient experience in this field. Perhaps, and more likely, my under-preparedness reflected the protective layer that comes (came?) with being *muzungu* in DRC.

In effect, an attack of that nature on international staff, and on the GoE specifically, was unprecedented.[358] Several weeks after their bodies were found, the government's spokesperson, Lambert Mende, announced that a video of their assassination existed. Initially screened only to the UN and international diplomatic missions, it was later leaked through social media. Following long conversations with close friends, I decided that I would not watch it. In truth, I hadn't really thought I would get access to it, and certainly wouldn't look for it. Until one day, it found me. A Congolese informant sent me a video via WhatsApp, without warning, context, or description of what the file contained. It had not yet fully downloaded, but I had my suspicions. Faced with the video, I couldn't help but watch. These were the last moments of Michael's life, captured on the same phone screen through which he and I had nurtured our friendship.

[358] Bearak, M. (2017), "Courageous but not reckless:" The tragedy of an American U.N. worker slain in Congo," *The Washington Post*, 29 March.

I won't detail the contents of the video here, and, truthfully, I could only bring myself to watch half of it. After some consideration, I chose to include these reflections on Michael's death because it was a defining experience for me as much personally as it was professionally as a 'conflict researcher' in DRC. The murders of Michael and Zaida now constitute part of the complex tapestry of DR Congo's violent past, present, and future. Their murders now form part of the tapestry of my own life, and of my complex relationship with DRC. Above all others, this experience brought me outside of the (partially) protective bounds of 'observer' – I lived an act of conflict-related violence and am living the consequences of a conflict-related loss so intimately entwined with my relationship to my research.

I am acutely aware that my recounting of this story of friendship, (unspoken) love, and loss between two foreign white people taking place within or against the backdrop of the DR Congolese warscape can easily be read through its problematic dimensions. This is an unfortunate representational repercussion of this tragic unfolding of events, and one which I have questioned through my grief. I can see it; and, had I not been so close to it, I would likely have (insensitively) critiqued it. Would its affect have been the same had it been a Congolese friend or colleague? As the first and thus far only loss I have experienced in Congo, this is a question I hope never to have to explore 'empirically.'

The shock of the event was shared by international staff and Congolese nationals alike; the murders of two white UN staff represented a concerning step 'too far' or 'taboos being broken.' Reflected in such responses is the pervasive sense that the humanitarian status is respected in the region, on the one hand, and the more troublesome idea that whiteness protects in DRC, on the other. Indeed, while aware of the potential risks of working in DRC, I am not sure I – or colleagues and friends – truly considered the possibility of risks of this kind. Bearing in mind the immense loss of life resulting directly and indirectly from the conflicts in the country, this is possibly one of the greatest demonstrations of white/expatriate privilege I have come to

know. This one, perhaps, is only surpassed by the choice to leave DRC as the risks of working and researching in the country are re-evaluated.

Returning to their implications for my own writing about violence through violent loss in DRC, the events of March-April 2017 threw up a whole host of new questions. How does one write about conflict-related violence through trauma and grief? Stated more personally, how would *I* write about conflict-related violence through my own trauma and grief? Where would my anger be directed? Where would my empathy be directed? I cannot say for certain how differently, if at all, my authorial style would have looked had the events of March 2017 not taken place. I remained vigilant while writing about where my anger was targeted. This was largely towards the Congolese state and its high political representatives, and its international economic and political colluders who benefit so callously from the cycles of conflict. Constituting one of the limitations of this study from its initial design, these entities do not feature in this analysis. Overall, I sought to maintain a critical and empathetic distance vis-à-vis 'DRC' and 'armed men in uniform,' in particular.

Perhaps problematically, I was aware that through Michael's loss, I shed some of the authorial paralysis I had long experienced. Feeling, in some way, more closely and directly welded to the conflicts in DRC presented me with a sense of authorial legitimacy, in particular, to write accounts of violence. To be clear, (sexual) violence itself is not the locus of my analysis; it is instead on *institutional responses* thereto. However, to write about sexual violence responses without any engagement with the nature of the violence itself, as seen through the eyes of responders, would not do justice to the stories they hold and to their work. As such, on the rare occasions that I do write violence into my text, I do so with sensitivity, without embellishment,

and without creating hierarchies of (sexual) violence. I do so in recognition of and in solidarity with the voices represented in this study.[359]

As a closing note, this study centres almost exclusively on the perspectives of differently positioned actors within the sexual violence response apparatus. It thus focuses on advocates, policymakers, humanitarians, and direct service providers. Viewed through a critical lens in scholarly literature – whether feminist or otherwise – these actors tend to, whether implicitly or explicitly, emerge under a "hostile gaze."[360] As a consequence, foreign actors, at least implicitly, become represented as (the) 'wrongdoers' in conflict settings.[361] There is certainly a significant need to think critically about humanitarianism and its complicitous role in reproducing or reinforcing conflict dynamics, along with gendered and racialised hierarchies. I have certainly felt my fair share of anger and frustration towards international institutions in DRC. However, bearing our own academic mandate to critique does not absolve academic researchers from our own complicities in such settings.

Having worked with/in several institutions throughout this study, and having built important relationships along the way, I have aimed to balance the separation between my *vita contemplativa* from my *vita activa*.[362] While the former permits me to develop and explore questions, the latter enables me to live them. It is this particular balancing act that has perhaps softened, or certainly nuanced, my critique of internationally driven responses to (sexual) violence in conflict-affected and humanitarian contexts. In particular, it compels me to foreground everyday operational realities and their analytical value. By approaching critique with a concrete understanding and recognition of the complexities of working such contexts

[359] As inspired by Scheper-Hughes, N. (1995), "The Primacy of the Ethical," p. 418.
[360] Ibid.
[361] See also e.g. Sikkink, K. (2017), *Evidence for Hope: Making Human Rights Work in the 21st Century*, Princeton & Oxford: Princeton University Press, pp. 50-51.
[362] Borrowing from Jackson, M. (2013), *Lifeworlds: Essays in Existential Anthropology*, Chicago & London: The University of Chicago Press, p. 10, p. xiii.

may permit a distinction between institutional humanitarian systems and the individuals working within them. This, in turn, may grant due acknowledgement to humanitarian and other actors who are, to varying degrees, aware of the limitations of their work, but who nevertheless – and for better or worse – expose themselves to harm to reach conflict-affected populations. Such an approach may create more opportunities for constructive engagement with individuals working within the systems we ultimately, or ostensibly, seek to change.

CONCLUSIONS ON BALANCING TIGHTROPES

Framed around the figurative idiom of walking tightropes, I have sought to show that even ethically-driven decisions produce their own sets of not so easily resolvable dilemmas. As such, in addition to detailing the multi-sited and multi-institutional methodology and its limitations underpinning this qualitative study, this chapter foregrounded ethical and positional dimensions it engendered. While methodological and ethical quandaries arise in all research, this chapter addressed those that emerge when researching sexual violence in conflict, and in eastern DRC specifically. Notably, this included vis-à-vis my selection of research participants and my decision to exclude survivors from my data collection and the subsequent ethical (and empirical) concerns that emerge around whose voices are represented and silenced in this dissertation. Nevertheless, this underscores that, representational questions notwithstanding, the design of a study must factor in the training, skills, and contextual knowledge of the researcher. The final part of the chapter discussed the reflexive dimensions of this study, centring on my identity as a young white woman researching sexual violence, in a heavily researched African context, and, as a critical researcher having borne witness to and the personal consequences of a conflict-related loss.

At their core, the underlying threads of these reflections shed light on the importance of critically self-reflecting on the multi-directional relationship between researcher positionalities and the research material. Doing so may thus call for a deeper level of reflection vis-à-vis one's

emotional, embodied, as well as intellectual relationship with the research, perhaps especially when working with challenging and sensitive material, in challenging and sensitive settings. As described above, conducting this research fundamentally shaped the empirical analyses to follow. In particular, they rendered me acutely attentive to how one reads, researches, and writes with critical sensitivity about (sexual) violence, and responses thereto, in a protracted, deeply racialised postcolonial warscape. With this in mind, I turn to tracing the 'making' of DRC as 'the rape capital of the world' in contemporary and historical western imagination.

CHAPTER III

THE MAKING OF 'THE RAPE CAPITAL OF THE WORLD': CONTEXTUALISING SEXUAL VIOLENCE RESPONSES IN DRC

"The rape capital of the world is eastern Congo, where in some areas three-quarters of women have been raped […] a former U.N. force commander there, Patrick Cammaert, says it is 'more dangerous to be a woman than to be a soldier.'"[363]

Returning from a visit to eastern DRC in April 2010, then UN Special Representative of the Secretary-General on Sexual Violence in Conflict, Margot Wallström, addressed the Security Council. She recounted what she had seen and heard in the country wherein "sexual violence remains a dominant, even escalating, feature of the conflict." The country wherein reports suggest that "sixty percent of victims surveyed had been gang-raped by armed men." The country wherein "four out five women seeking care from health centres claim to have been raped by men in uniform." The country she called "the rape capital of the world."[364] This depiction, first used by Kristof,[365] is almost ubiquitously restated in reporting on DRC, at times alongside its designation as "the worst place on earth to be a woman."[366]

Five years later, Professor Chinkin gave the inaugural lecture of the Centre for Women, Peace and Security at the LSE. In her lecture, Chinkin spoke about "tackling cycles of violence against women in conflict" and presented an extensive, if disheartening, list of contemporary and historical case studies. One country was conspicuous, not by its usual centrality in such discussions, but by its absence. This country was, indeed, DRC. This conspicuous silence was

[363] Kristof, N. (2008), "The Weapon of Rape," *The New York Times,* 15 June.
[364] UNSC (2010), *Security Council open debate on Women and peace and security*, official meeting notes, 27 April 2010, S/PV.6302.
[365] Kistrof, N. (2008), "The Weapon of Rape."
[366] HRW (2009), "Soldiers Who Rape, Commanders Who Condone," p. 14.

raised by an audience member during the Q&A who, specifying that if she recalled correctly, she had not heard any mention of the region in the lecture, asked how the Centre will position itself relative to the issue. In a considered manner, Chinkin responded, "Why I didn't mention the DRC? I think, one, because it gets mentioned so much that it's almost become over-emphasised [...] actually, that's the only way in which the DRC is ever looked at these days."[367] This silence around sexual violence in DRC was unquestionably striking. In different ways, these two vignettes speak to the almost inextricable association between sexual violence in conflict and eastern DRC that has emerged since the early 2000s; an association deemed so mutually defining as to warrant a defying silence during this public event.

As sexual violence in conflict gained prominence as an international policy issue, eastern DRC became the quintessential reference point thereof - a tendency seen across academic research, policy, advocacy, practice, and even in popular culture.[368] As noted by Misra, eastern DRC has become something of a "byword for sexual violence against women for the last decade."[369] This trend has largely materialised out of the haunting testimonies of survivors and perpetrators alike, rendered only more horrifying by the distressing statistics with which these are habitually presented. It has, moreover, tended to rely on and reproduce a particular understanding of the nature of the harm, its victims, and its perpetrators. It is this quint-*essentialising* narrative of sexual violence in DRC and its gendered effects, which this dissertation examines.

This chapter begins to explore the knowledges, and their modes of production, underpinning 'the rape capital of the world.' I begin by providing an overview of the early research and reporting on sexual violence in eastern DRC, which 'sounded the alarm' in the early 2000's.

[367] Chinkin, C. (2015), "Women, Peace and Security: tackling the cycle of violence against women," *Inaugural Lecture of the London School of Economics and Political Science Centre for Women, Peace and Security*, London, 8 October.
[368] For instance, references are made in an episode of the popular TV series, *The Good Wife* (season 2, episode 5). Similarly, this association is re-affirmed in other unexpected places. Notably, Boylan's *Natural Human Rights*, includes a chapter philosophising "war rape" for which eastern DRC offers the single case study (2014: 225-233).
[369] Misra, A. (2015), *The Landscape of Silence,"* p. 14.

The second section traces the evolution of the institutional sexual violence response architecture developed in response. In the third section, I explore the demand for statistical data on sexual violence in DRC paralleling the establishment of institutionalised response mechanisms, and highlight the challenges associated with quantifying the issue. These difficulties notwithstanding, statistics on sexual violence in DRC are often presented, disseminated, and accepted as reliable fact. With that in mind, I situate DRC – and its present configuration as 'the rape capital of the world' – in postcolonial context, underscoring contemporary resonances with its colonial past. Ultimately, this chapter provides the contextual, institutional, statistical, and historical background against which the gendered subjects of sexual violence discourse and response in DRC are explored.

SECTION I

SOUNDING THE ALARM: REPORTING SEXUAL VIOLENCE IN DRC

In 2002, Human Rights Watch published *The War Within the War: Sexual Violence against Women and Girls in Eastern Congo*.[370] This was the first report to shine a spotlight on sexual violence perpetrated in DRC's conflicts, bringing to bear its scale and brutality "frequently and sometimes systematically" perpetrated by armed men in uniform against civilian women and girls during the war.[371] In its introductory summary, the report states that most forces involved in the conflict used sexual violence as a weapon of war, at times raping women as part of more general attacks to "terrorise communities into accepting their control or to punish them for real or supposed aid to opposing forces."[372] In other cases, soldiers and combatants "preyed upon such women and girls [who continued to cultivate their fields, go to the forest to collect charcoal, or go to the markets to trade food and keep their families alive] as well as on others

[370] HRW (2002), *The War within the War: Sexual Violence against Women and Girls in Eastern Congo*, New York: HRW.
[371] Ibid, p. 1.
[372] Ibid.

who had fled combat to live in temporary and fragile structures in the forest."[373] Through the ninety pages that follow, the report provides a comprehensive *aperçu* of the use of sexual violence as a weapon of war across North and South Kivu; highlights the consequences for victims/survivors; and outlines responses from individuals and communities, authorities, and the legal provisions against sexual violence in country. It ends with an overview of the "grossly incommensurate" response of the international community.[374]

In the years since, such reporting has continued to mount. Reports and testimonies, whether in the media or for advocacy purposes, recount, often in intimate and gruesome detail, sexual atrocities perpetrated by armed men in uniform. Delegations of Congolese women have travelled to New York and Washington D.C. to share their stories - stories that will "unzip your soul, surgically remove your solar plexus and unleash a fountain of tears"[375] – calling for action from international policymakers. Their stories have been shared through celebrities, daytime television shows, through newspaper articles and human rights campaigns.

These stories share the common goal of bringing to light and to life the sheer scale and brutality of sexual violence in DRC, making the case that it is 'the worst in the world.' As a whole, I avoid retelling the brutal accounts of sexual violence frequently recounted in survivors' testimonies. I do so for fear of unnecessarily reproducing pornographies of violence and pain that Halltunen and others have cautioned against.[376] I make an exception here for two principal reasons: the first being that the detailed nature of these testimonies played an instrumental role in drawing attention to and building political momentum for the internationally driven responses described below and that the dissertation examines. Secondly, while ethical

[373] Ibid.
[374] Ibid, p. 92.
[375] Ruby, F. (2014), "*Security Council Resolution 1325:* A Tool for Conflict Prevention?," in Heathcote, G. & Otto, D. (eds.), *Rethinking Peacekeeping, Gender Equality and Collective Security*, Basingstoke & New York: Palgrave Macmillan, Ch. 8, pp. 173-184, p. 174.
[376] Halltunen, K. (1995), "Humanitarianism and the Pornography of Pain in Anglo-American Culture," *The American Historical Review*, 100(2): 202-334.

questions rightly arise about representations of sexual atrocities in DRC, they are grounded in realities of the conflicts. I fear that not including them at all would do a disservice to the analyses that follow and, ultimately, to the experiences they represent.

As such, I include three examples here that are largely representative of human rights and media reporting, particularly during this earlier period. In 2005, International Alert, in collaboration with Congolese partner organisations, produced a report documenting sexual violence perpetrated across South Kivu between 1996-2003. In the first account, a woman recounts being gang-raped by four armed men while she was tilling her field:

> "I was in my field, busy cutting wood, when four armed men suddenly appeared at the other end of the field. They told me to undress and to volunteer myself to one of them. I refused. Then they took me, spreading my legs out and tying them, one to the bottom of a tree, the other to another tree trunk. They stuck my head between two sticks held diagonally, so that I couldn't sit up without strangling myself. I stayed in this position and one of the attackers penetrated me forcefully from behind in the vagina, and the other pushed his penis into my mouth, right into my throat... I was retrieved by some neighbours who had watched my ordeal from a distance. When they found me I had fainted and was covered in blood..."[377]

According to the report, 390, or 79%, of the 492 interviewees had been gang-raped, that is, raped by two or more perpetrators either one after the other, or simultaneously. Adding further detail, the authors note that, "sometimes, during these gang rapes, after one man had finished

[377] Réseau des Femmes pour un Développement Associatif, Réseau des Femmes pour la Défense des Droits et la Paix, International Alert (2005), *Women's Bodies as a Battlefield: Sexual Violence Against Women and Girls During the War in the Democratic Republic of Congo, South Kivu (1996-2003)*, London: International Alert, p. 34.

raping the victim, the attackers would insert the end of a rifle, wrapped in a cloth soaked in water, into the woman's vagina, so as to 'clean' it ready for the next attacker."[378]

Two years later, *New York Times* journalist, Jeffrey Gettleman wrote a piece about the issue. Here, too, few details were spared:

> "Every day, 10 new women and girls who have been raped show up at [Panzi] hospital. Many have been so sadistically attacked from the inside out, butchered by bayonets and assaulted with chunks of wood, that their reproductive and digestive systems are beyond repair […] 'The sexual violence in Congo is the worst in the world,' said John Holmes, the United Nations under-secretary general for humanitarian affairs. 'The sheer numbers, the wholesale brutality, the culture of impunity - it's appalling.'"[379]

In the same article, Gettleman quotes an international humanitarian organisation estimating that it would treat 8,000 sexual violence cases in the coming year, almost 2, 000 more than the previous year. In Shabunda, 70% of women reported being sexually brutalised.[380]

Similarly, returning from her first visit to Panzi Hospital, renowned American playwright and women's rights activist, Eve Ensler recounted her experience in *Glamour* magazine:

> "I have just returned from hell. I am trying for the life of me to figure out how to communicate what I have seen and heard in the Democratic Republic of the Congo. How do I convey these stories of atrocities without your shutting down, quickly turning the page or feeling too disturbed? How do I tell you of girls as young as nine raped by gangs of soldiers, of women whose insides were blown apart by rifle blasts and whose bodies now leak uncontrollable streams of urine and feces [sic]? […] Before I went to

[378] Ibid.
[379] Gettleman, J. (2007), "Rape Epidemic Raises Trauma of Congo," *The New York Times*, 7 October.
[380] Ibid.

> the Congo, I'd spent the past 10 years working on V-Day, the global movement to end violence against women and girls. I'd travelled to the rape mines of the world, places like Bosnia, Afghanistan and Haiti, where rape has been used as a tool of war. But nothing I ever experienced felt as ghastly, terrifying and complete as the sexual torture and attempted destruction of the female species here. It is not too strong to call this a femicide, to say that the future of the Congo's women is in serious jeopardy."[381]

Strikingly evident across these reports is the extraordinary sexual brutality described and its sheer scale. Both these factors – the brutality of the violence and its scale – have lent themselves to claims that sexual violence in DRC is the 'worst in the world.' In Gettleman's piece, it is made explicitly. Ensler asserts that relative to other "rape mines of the world," none were "as ghastly, terrifying and complete as the sexual torture and attempted destruction of the female species" she witnessed in DRC. Across these vignettes, the scale of sexual violence is expressed as no less than "femicide;" and by reference to startling numbers: 390 out of 492 women gang-raped; 8000 sexual violence cases expected to be treated across the region; 1,000 fistula surgeries performed on women in one hospital in a year.[382]

This was, of course, not the only reporting on sexual violence in DRC during this period or since. These three fragments, however, are largely reflective of its nature in the lead-up to DRC becoming (known as) 'the rape capital of the world.' Reporting on sexual violence in conflicts was not unique to DRC; notably, reports in Darfur were also mounting during this time.[383] These did not sustain the same level of attention, nor did they result in the same level of investment in building the response infrastructure seen in eastern DRC.

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[381] Ensler, E. (2007), "Women Left for Dead – and the Man Who's Saving Them," *Glamour*, 31 July.
[382] Ibid.
[383] Goetz, AM. (2015), "Conflict-Related Sexual Violence." E.g. MSF (2005), "The Crushing Burden of Rape: Sexual Violence in Darfur," *A briefing paper by Médecins Sans Frontières*, 8 March; Lynch, C. (2005), "UN Report Details Rampant Sexual Violence in Darfur," *Washington Post*, 30 July.

Demonstrating DRC's centrality in international policy and advocacy, the Political Secretary of a P5 Member State stated, "when we do talk about [sexual violence], we talk a lot about DRC in particular."[384] Similarly, a senior women's rights advocate explained vis-à-vis the 16 Days of Activism against Gender-Based Violence:

> "[Y]ou can't help but go to so many different events during the 16 days [of activism] and you know in all of these big events where these big policy-makers stand up and say what they're doing on GBV and how it's the cornerstone of their work, they all reference DRC. You know it is still when someone is making, you know, introductory remarks about GBV, DRC is referenced, there's no question that it is still the example to give and *the* place that the international community still believes is the worst."[385]

She further noted that while working in women's rights in South Sudan, she would draw comparisons to DRC to call attention to the severity of the situation there. As she recounted, "it's not exactly the [same] but I just felt that was the only way to get people to pay attention. Because it does mean something to say that."[386] It is evident, then, that sexual (and gender-based) violence and DRC are closely entwined in policy circles. Briefly chronicling how this came to be, Eriksson Baaz and Stern state that the Human Rights Watch report discussed above sounded the alarm; and "a couple of years later, sexual violence emerged as *the* issue to be engaged in for a range of actors, from politicians, journalists and donors to international and national NGOs and researchers."[387] "The raped woman in Congo emerged," they suggest, "as the emergency within the emergency."[388] While not inaccurate, this depiction glosses over important steps in the development of internationally driven responses in the region.

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[384] Political Secretary of P5 Member State, *interview*, New York, January 2014.
[385] Senior Women's Rights Advocate, international refugee women's organisation, *interview*, New York, January 2014, emphasis in original tone.
[386] Ibid.
[387] Eriksson Baaz, M. & Stern, M. (2013), *Rape as a Weapon of War*, p. 96, emphasis in original.
[388] Ibid.

SECTION II

BUILDING A SEXUAL VIOLENCE RESPONSE ARCHITECTURE IN DRC

In March 2015, I joined a panel discussion following the screening of the documentary film *Seeds of Hope*, directed by war correspondent and filmmaker Fiona Lloyd Davies.[389] The film centres on the renowned Congolese activist, Masika Katsuva[390] and her work supporting survivors of sexual violence. The panel included the director and a former UN representative who had worked in DRC in the early 2000s. The primary purpose of this event was to raise funds for Masika's centre. The audience was largely unacquainted with DRC and with the complexities of issue of sexual violence in the country. During the Q&A, one audience member asked, "You mentioned that the DRC has the largest UN Peacekeeping Mission in the world, what *is* the United Nations *doing* about this?" In retrospect, and given that this was a fundraising event, it was probably not the time to detail the vast institutional infrastructure and concomitant levels of funding invested to address sexual violence. And, on reflection, I likely did not grant sufficient acknowledgement to the challenges of providing support for victims/survivors in eastern DRC. Nevertheless, while providing the material for an insightful and inspiring documentary, the singular attention to Masika's work – devoid of any reference to the broader response architecture within which she operated – offered an inaccurate portrayal of the context. It is this broader institutional context which this section outlines.

Critical analyses of sexual violence responses in DRC have pointed to their 'marketisation' or 'commercialisation.'[391] Crudely, this refers to the "impetus [for women] to 'invent' or embroider stories of rape in order to gain access to services" in the face of earmarking of

[389] Lloyd-Davies, F. (Director) (2013), *Seeds of Hope*, UK: Studio 9 Films.
[390] I pay my respects to Masika Katsuva, who sadly passed away on the 2nd of February 2016. For more information about Masika, see Kampa, V. (2016), "Rebecca Masika Katsuva Obituary," *The Guardian*, 9 February.
[391] E.g. Douma, N. & Hilhorst, D. (2012), "Fond de Commerce?: Sexual Violence Assistance in the Democratic Republic of the Congo," *Disaster Studies*, Occasional Paper 2, Wageningen University; Eriksson Baaz, M. & Stern, M. (2013), *Rape as a Weapon of War.*

funding for victims/survivors.[392] This work highlights some of the unintended consequences of sexual violence responses in DRC and provides an important analytic backdrop for this discussion. However, such analyses tend to present the 'negative' or 'unintended' consequences of sexual violence responses without first providing a comprehensive overview of what these mechanisms, their development, and the institutional frameworks within which they operate look like, and why. This limits how sexual violence responses in DRC, and their consequences, can be assessed and understood. Furthermore, existing analyses lend themselves to the impression that contemporary responses are solely internationally driven. As Lake highlights, however, it certainly wasn't the case that DRC had been devoid of local women's rights activism or advocacy before the issue came under the international spotlight.[393]

In its report, *The War within the War*, Human Rights Watch detailed some of the initial responses to sexual violence undertaken prior to 2002. Notably, it described some of the early protection strategies adopted by individuals, local communities, and civil society with "minimal funding."[394] These included men accompanying women and girls to markets and fields, along with churches, human rights and women's associations providing material and emotional support to survivors.[395] These depictions of earlier responses were echoed by Congolese women's rights activists who described precarious journeys into rural areas to look for victims/survivors to bring them to health structures, which had, themselves, often been pillaged.[396] During one of the more harrowing, and less technical interviews I conducted, the founder of a women's and young people's association recounted with palpable emotion some of her earlier support for victims/survivors:

[392] Eriksson Baaz, M. & Stern, M. (2013), *Rape as a Weapon of War?*, p. 99.
[393] Lake, M. M. (2018), *Strong NGOs and Weak States*, pp. 84-86.
[394] HRW (2002), *The War within the War*, pp. 75-96.
[395] Ibid, pp. 75-78.
[396] President of local women's and youth NGO, *interview*, Bukavu, May 2014.

> "We had to go over there at the peril of our own lives to join and meet these women, to see the victim, to look for the corners where we could find a health centre so that she could benefit from treatment, not appropriate treatment because everything was pillaged, they pillaged everything. And, as we couldn't just take them like that, we had to put them on our backs. Sometimes I would arrive with my clothes - you can imagine, you put someone on your back who weighs, and you are also heavy, so more than once you would fall and we'd get back up, we would get hurt. I have my own scars from these conflicts because I was shot in my right leg. That's how we did it, and we brought them to health structures and we kept them there for their treatment. Some others made it to Panzi, it didn't then have the experience it has now, but it was with the influx of cases that we brought over there that he [Dr Mukwege] also started to treat survivors."[397]

From the early 2000s, a handful of international NGOs - notably, International Alert, International Rescue Committee (IRC), and the Global Fund for Women - provided some support to local organisations to document human rights violations, including sexual violence, support women's economic empowerment, and promote women's political and social participation in public life.[398] While this work was growing in the Kivus, it was "typically undertaken on a small and fairly *ad hoc* scale."[399]

This began to change in 2004-2006. Momentum had been building around the women's movement in eastern DRC since the 1990s: marches were held to protest the attacks against women and girls, and international attention to the issue was increasing. Calls were made for legal reforms, specifically around sexual violence. A Congolese women's rights activist in Goma explained that "[i]t was the rapes that upset people; that really revolted people. We

[397] Ibid.
[398] Lake, M. M. (2018), *Strong NGOs and Weak States*, p. 105.
[399] Ibid, p. 106.

organized marches. We wrote to the parliament so that there be a law specific to sexual violence."[400] Initially, "we were met with deaf ears," she explained.[401]

However, by July 2006, and with increasing pressure from the international community, the government passed new legislation on sexual violence (the 2006 Sexual Violence Law), amending the Congolese Penal Code and Procedural Code in important ways.[402] Crucially, the law "imported" more expansive definitions of sexual violence, notably from the Rome Statute,[403] rendering the definition of sexual violence sex-inclusive so as to account for male victims and female perpetrators and increased the age of consent from 15, as it was in Family Code, to 18, to align with the International Convention on the Rights of the Child. The content and provisions of the law, as well as their implications in practice, are discussed at greater length throughout the dissertation (notably in Chapter VI, The Legal Victim, and Chapter VII, The Quint-*essentialist* Perpetrator).

The passage of the 2006 Sexual Violence Law at that particular juncture thus resulted from the combined efforts domestic and international responses to sexual and gender-based violence in the country.[404] The success of these efforts was doubtless bolstered, or even made possible, by a number of contextual factors. Indeed, as Lake convincingly demonstrates, the ongoing conflict and exceptionally large international peacekeeping and humanitarian presence in the country "created opportunity structures for domestic and international gender advocates to influence aspects of state policy and practice in ways that would not have been possible if the state were stronger."[405] In her analysis, Lake traces internationally mandated judicial reforms

[400] Congolese women's rights activist, *interview*, Goma, October 2014.
[401] Ibid.
[402] Loi No 06/018 modifiant et complétant le Décret du 30 Janvier 1940 portant Code Pénal Congolais; Loi No 06/019 de 2006 du 20 juillet 2006 modifiant et complétant le décret du 6 août 1959 portant Code de Procédure Pénale Congolais. Specifics of the laws are discussed in Chapter VII.
[403] Lake, M. M. (2018), *Strong NGOs and Weak States*, p. 76.
[404] Zongwe, P. D. (2012), "The New Sexual Violence Legislation in the Congo," *African Studies Review*, 55(2): 37-57.
[405] Lake, M., M. (2018), *Strong NGOs, Weak States*, p. 82.

introduced at the level of the DR Congolese state structures in the aftermath of the Second Congo War (1998-2003) during 2004-2007. These included, but were not limited to, the passage of the 2006 law on sexual violence and the creation of national and provincial level committees to oversee judicial reforms in practice – such as the *Comité Mixte de la Justice* (CMJ) and the *Comité Provincial de la Lutte Contre les Violences Sexuelles* (CVPLS) – each of which, Lakes affirms, "can be traced back, either directly or indirectly, to work mandated under MONUSCO's technical assistance programs."[406] The crafting of the laws themselves was achieved through a concerted collaborative process involving a variety of international non-governmental organisations (INGOS), leading international human rights experts, feminist lawyers, and civil society.[407] As alluded to above, the provisions of the new law align with international definitions and standards pertaining to sexual violence.

It is clear that external support to, and indeed, pressure on the Congolese government likely rendered these domestic developments possible at that particular time. Nevertheless, the role of Congolese women's rights movement should not be discounted and has, indeed, rightly been given credit for its passage.[408] These reforms represented a significant step in the evolution of sexual violence responses at the domestic governmental and legislative levels and provided an important tool to enable the prosecution of sexual harms, including those committed in the conflict-affected parts of the country. Yet, the application of the law in practice is worthy of critical examination. As demonstrated in subsequent chapters, rather than protecting women and girls from the brutal sexual harms often associated with the conflicts in eastern DRC, the laws may instead be disproportionately functioning to regulate, and criminalise, sexual relations between young people.

[406] Ibid.
[407] Ibid, p. 104.
[408] E.g. Congolese women's rights activist, *interview*, Goma, October 2014; Zongwe, P. D. (2012), "The New Sexual Violence Legislation in the Congo," *African Studies Review*, 55(2): 37-57.

The sexual violence response apparatus in DRC continued to grow in subsequent years, as did the role of the international community therein. From 2008 onwards, this role continued to increase and was formalised within the UN peacekeeping mission, following two key policy developments. The first was the appointment of a Senior Advisor and Coordinator on Sexual Violence for DRC within MONUC in April 2008. The second was the adoption of SCR resolution 1820 in June 2008.[409] Given the emphasis of this chapter on tracing the development of responses within DRC, for now, I focus on the former of these two institutional developments.[410] First mandated by SCR 1794,[411] the Senior Advisor was tasked with establishing and assisting in the implementation of a comprehensive mission-wide strategy to respond to and prevent sexual violence.[412] The strategy was developed following extensive consultations between relevant UN entities, MONUC, INGOs, and governmental and civil society partners.[413] The Comprehensive Strategy on Combating Sexual Violence in DRC, as it was called by MONUC, was subsequently endorsed by the Government in April 2009 and integrated into its National Strategy to Combat Gender-Based Violence in November that year. With an ever-growing number of actors working in this realm, the Strategy aimed to provide a common framework to streamline coordination mechanisms.[414] MONUC thus became "the first integrated mission setting ever to adopt a nation-wide strategy against sexual violence," offering a "promising example of the UN system working as one through UN Action to address sexual violence in a holistic manner at country-level."[415]

The Strategy brought together a number of key institutions and comprised five pillars each

[409] UNSC (2008), *Security Council resolution 1820.*
[410] The events leading up to the adoption of SCR 1820 are detailed in subsequent chapters.
[411] UNSC (2007), *Security Council resolution 1794*.
[412] Senior Advisor on Sexual Violence for DRC (2008), *Update on Combating SV in DRC*, 31 October 2008.
[413] UN Action (n.d.), *Comprehensive Strategy on Combating Sexual Violence in the Democratic Republic of the Congo*, UN Action to End Sexual Violence in Conflict, pp. 4-5.
[414] Ibid, p. 5.
[415] Ibid.

jointly led by a Government Ministry and a UN entity (see image 1).[416] The five pillars are: 1) Protection and Prevention (Ministry of Social Affairs and UNHCR); 2) Ending Impunity (Ministry of Justice and UNJHRO); 3) Security Sector Reform (Ministry of Defence and MONUSCO SSR); 4) Multi-Sectoral Assistance (Ministry of Health and UNICEF); 5) Data and Mapping (Ministry of Gender, Family and Children and UNFPA).[417] While sharing the goal of ending sexual violence, the pillars are not equally funded or applied.[418] Importantly, from the perspective of the UN at least, The Strategy was established to address *conflict-related* sexual violence.[419] As stated by the Senior Advisor, "It is important to clarify that the focus of the offices' work is on sexual violence in conflict situations and not on Sexual and Gender-based Violence in general (SGBV). This is based on the need to prioritize, given the magnitude of actual sexual violence crimes in the current DRC context."[420] As subsequent discussions show, the application of the Strategy exclusively to 'conflict-related sexual violence' at the exclusion of 'sexual and gender-based violence in general' in practice presents a more complex picture.

This scale of funding, somewhat inevitably, impacted on the number of organisations implementing sexual violence programming, particularly in the east of the country. In her appraisal of responses in the region, Freedman writes that it is impossible to give reliable figures on the numbers of organisations involved but quotes an estimate from 2012 pinning the number at 300-400 across North and South Kivu.[421] Corroborating this estimate, a respondent recounted that when working for UNFPA in 2010, "there were 446 actors listed – 446 [repeated for emphasis] – on sexual violence."[422] This was a far cry from the handful of organisations

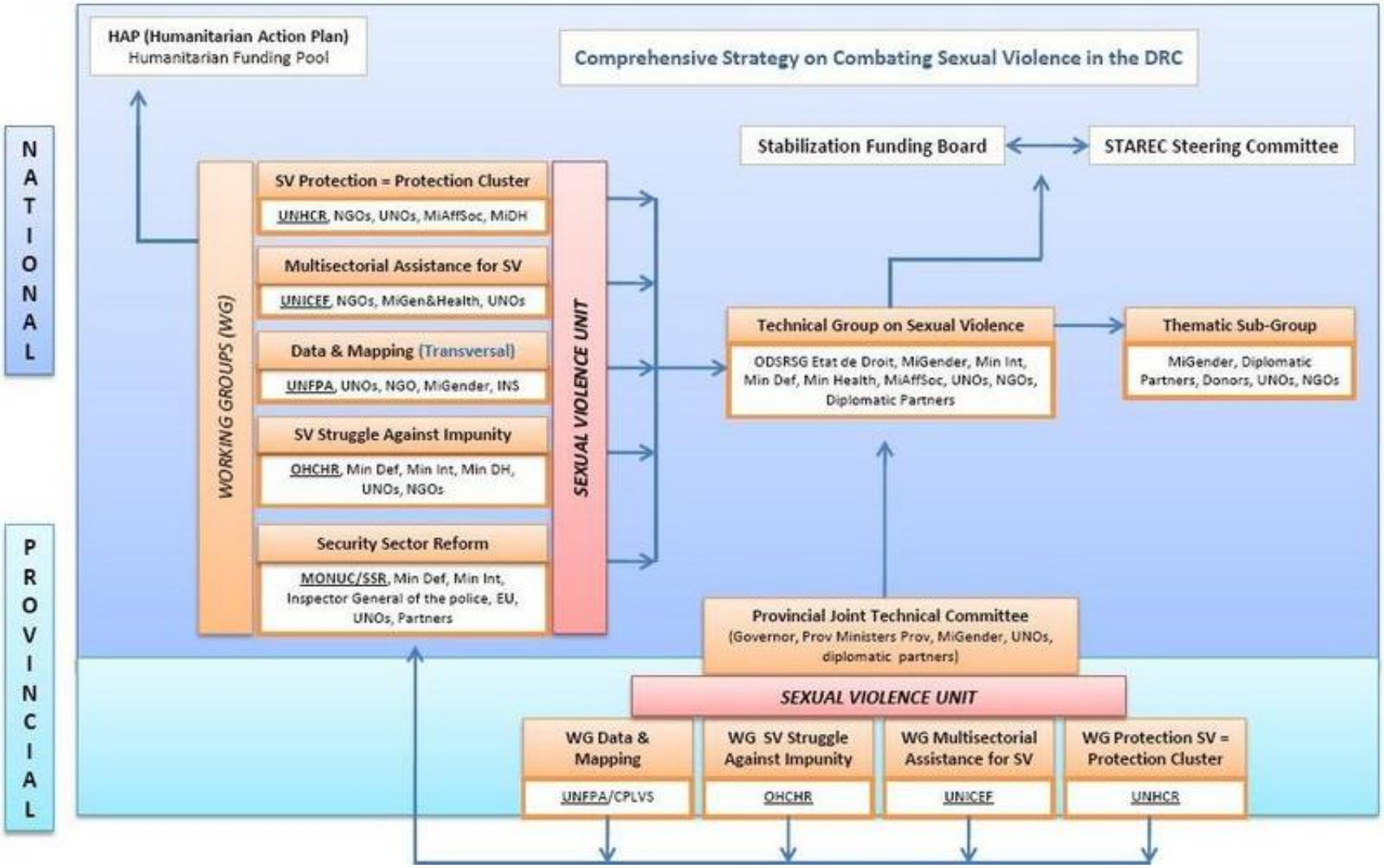
[416] UN Action (n.d.), *Comprehensive Strategy*, p. 1.
[417] MONUSCO Representative, *interview*, Bukavu, April 2014.
[418] At the time of fieldwork, a MONUSCO representative explained that the SSR component remained underfunded and effectively inactive in the Kivus. MONUSCO Representative *interview*, Bukavu, April 2014.
[419] The particulars of this definition, in policy and practice, are discussed in subsequent chapters.
[420] UN Action (n.d.), *Comprehensive Strategy*, p. 1.
[421] Freedman, J. (2015), *Gender, Violence and Politics in the Democratic Republic of Congo*, p. 6.
[422] European Country Donor Representative, *interview*, Bukavu, May 2014.

providing support to survivors in the 1990s and early 2000s.

Unsurprisingly, the growing international attention to sexual violence in DRC impacted on the levels of funding invested in addressing the issue. It is important to note that funding for SGBV projects, and gender programming more broadly, continue to constitute too small a proportion of official development assistance (ODA).[423] Moreover, at the time of writing, funding for sexual violence in DRC was increasingly challenging to come by.[424] Nevertheless, in 2014, DRC was the highest country recipient of ODA funding for sexual and gender-based violence programming, receiving more than double granted to any other country for SGBV-related projects that same year (image 2).[425]

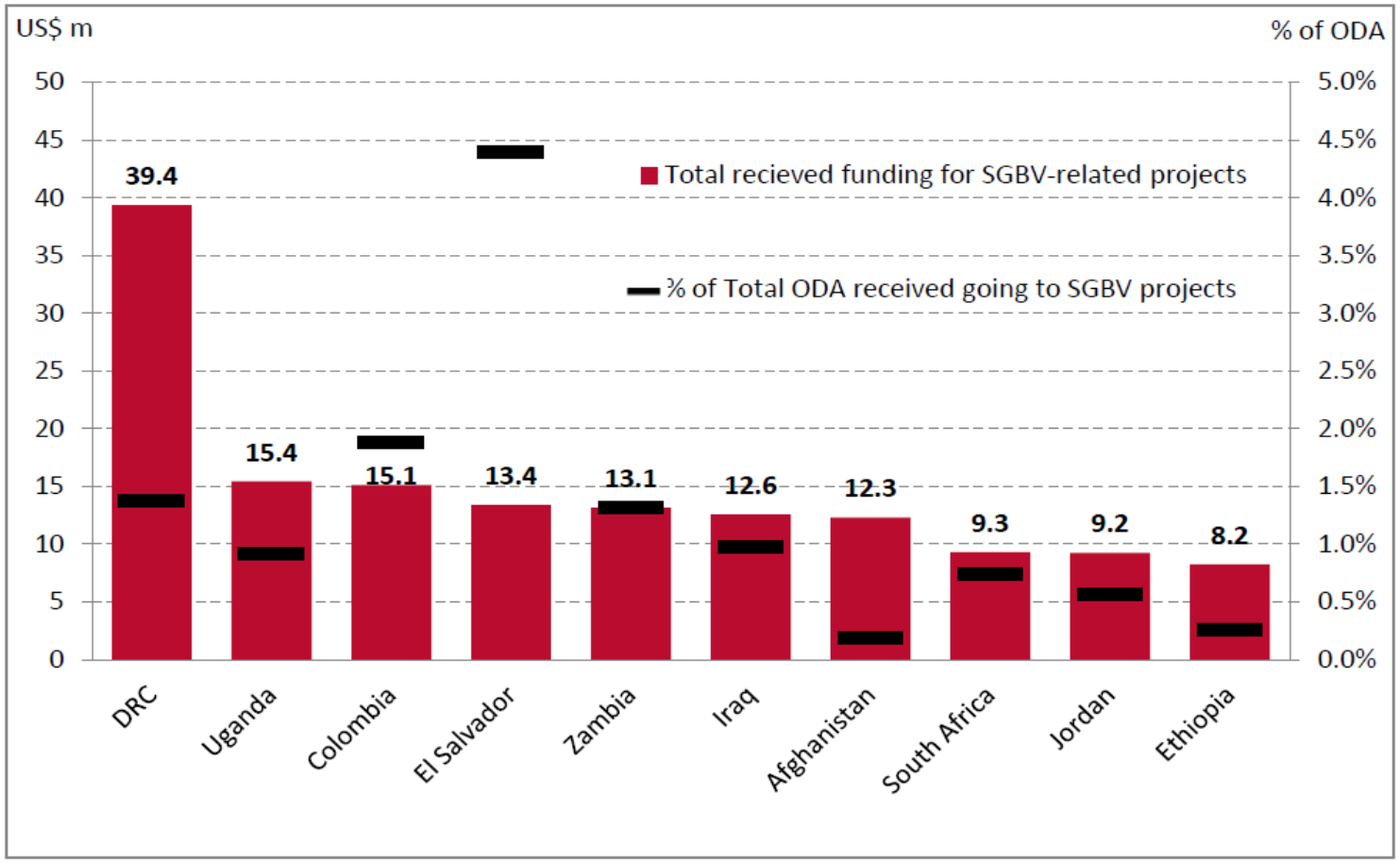
[423] Devinit (2014), *Trends in donor spending on Sexual and Gender-Based Violence (SGBV)*, p. 1.
[424] UN Official and former Women Protection Adviser, *personal conversation*, Goma, May 2017.
[425] Ibid.

Image 1: Coordination Mechanisms for Combating Sexual Violence:[426]



[426] MONUSCO (2016), "Sexual Violence Unit: Comprehensive Strategy," Activities.

Image 2: Top Ten Country Recipients of Funding on SGBV-Related Projects, 2014:[427]



[427] Devinit (2014), *Trends in donor spending*, p. 3.

Much of this programming focused on developing medical and psychosocial services for survivors, and on building judicial capacity to fight impunity. With respect to medical care, two hospitals have become particularly renowned for their provision of free specialised care for survivors and women with gynaecological conditions: Panzi Hospital in Bukavu and HEAL Africa in Goma. These two institutions are frequently visited by international, and often high profile, delegations wanting to meet survivors.[428] While both entities are general referral hospitals and, as such, provide an array of medical treatments, Panzi and HEAL are known internationally almost exclusively for their specialised sexual violence assistance.

With respect to fighting impunity, a number of initiatives have been developed. These have included mobile courts – referred to for some time as 'mobile gender courts' – which, with international technical and financial support, travel to remote areas to hold trials, notably for sexual violence cases.[429] In addition, specialised police units for the protection of women and children (PEVS),[430] specially trained in supporting survivors and investigating sexual violence, were created.[431] More recently, specialised prosecution units were developed within the civilian *parquets.*[432/433] While developing specialised expertise, the expansion of this institutional architecture has contributed to the making and re-making of DRC as 'the rape capital of the world,' if only through its presence, its targeted focus, and the data it generates.

[428] Douma, N. & Hilhorst, D. (2012), "Fond de Commerce?: Sexual Violence Assistance in the Democratic Republic of the Congo," *Disaster Studies,* Occasional Paper 2, Wageningen University, p. 30.
[429] OSF (2012), "Justice in DRC: Mobile Courts Combat Rape and Impunity in Eastern Cong," OSF.
[430] The name of these specialised units was changed in 2014 to a more gender-neutral denomination, referring to the protection of children and the fight against sexual violence, however it was not harmonised across the units. For ease and consistency, I refer to the units as PEVS – referring to the specialised police for children and sexual violence – rather than their original name, PSPEF – which stood for the specialise police for the protection of women and children.
[431] PEVS, *interview*, Goma, August 2014.
[432] This is the term used to refer to the civilian magistrates' offices in DRC.
[433] Civilian Prosecutor, *interview*, Goma, October 2014.

SECTION III

UNDER-COUNTING AND OVER-COUNTING: THE POLITICS OF SEXUAL VIOLENCE STATISTICS IN DRC

With the growth of the response architecture came an attendant demand for, access to, and investment in generating "better data on the scale, magnitude and extent of sexual violence in conflict."[434] This demand was incorporated into SCR 1820, requesting "information on situations of armed conflict in which sexual violence has been widely or systematically employed against civilians; analysis of the prevalence and trends of sexual violence in situations of armed conflict; benchmarks for measuring progress in preventing and addressing sexual violence; and plans for facilitating the collection of timely, objective, accurate and reliable information on the use of sexual violence in situations of armed conflict."[435] This formalised a perceived need to shift away from testimonial and anecdotal evidence towards 'hard numbers' and statistical evidence. During a meeting convened by the World Health Organisation (WHO) to develop institutional consensus on sexual violence data, participants affirmed that "[d]emands for more and better data will not go away" and that "[d]ata is needed to justify why rape was put on the political agenda and why it should remain there."[436] There has since been increased investment in data collection strategies on sexual violence, including in DRC. These numbers are predominantly produced through service provider records (administrative data), and large-scale surveys (survey data).

Qualitatively-inclined scholars have long expressed some suspicion towards statistics, pointing to their shortcomings in domains far beyond sexual violence in conflict.[437] Writing about

[434] WHO (2008), "Sexual Violence in Conflict: Data and Data Collection Methodologies," *Meeting Report*, Geneva, 18-19 December.
[435] UNSC (2008), *Security Council resolution 1820*.
[436] WHO, (2008), "Sexual Violence in Conflict."
[437] E.g. Crisp, J. (1999), "'Who has counted the refugees?' UNHCR and the politics of numbers," *New Issues in Refugee Research*, Working Paper, No. 12, Geneva: UNHCR; Harrell-Bond, B., Voutira, E. & Leopold, M. (1992), "Counting the refugees;" Jerven, M. (2013), *Poor Numbers*: *How We Are Misled by African Development Statistics and What To Do About It,* Ithica, New York: Cornell University Press; Merry, E. S. (2016), *The*

economic data in/on African countries, Jerven notes that "there is a surprising gap between knowing innately that these numbers cannot be good and an unwillingness to study how bad they really are."[438] Rarely stated in such strong terms, sexual violence researchers have drawn attention to the numerous challenges with quantifying the issue, especially in conflict-affected contexts.[439] Highlighting the resulting under-counting and paradoxical over-counting of sexual violence, they raise significant questions as to their accuracy, reliability, and (meaningful) interpretation. Yet, numerical data combined with testimonies have become mutually reinforcing in producing systematic ways of 'knowing' sexual violence in DRC, frequently combined to reaffirm DRC's 'status' as 'the rape capital of the world' and the 'worst place on earth to be a woman.' For instance, in the opening paragraph of a report, Tearfund states that:

> "An analysis of the likelihood of being raped in the Democratic Republic of Congo (DRC) clearly shows why the country is known as "the worst place on earth to be a woman." What evidence is there to back up this terrifying statement? The fact that at least 48 women are raped every day in the DRC, or two every hour."[440]

Highlighting the difficulties associated with such numbers and their interpretation, the report states that "48 women are raped *every day*" in DRC;[441] a survey discussed below found that "48 women are raped *every hour*."[442] Both share the number '48.' They are, however, clearly distinct in the scale they depict. Here, I explore numerical knowledge production on sexual violence in DRC, focusing first on UNFPA data, and then on two prominent surveys.

Seduction of Quantification: Measuring Human Rights, Gender Violence, and Sex Trafficking, Chicago & London: Chicago University Press.

[438] Jerven, M. (2013), *Poor Numbers*, p. xiv.

[439] Roth, F., Guberek, T. & Hoover Green, A. (2011), *Using Quantitative Data to Assess Conflict-Related Sexual Violence in Colombia: Challenges and Opportunities*, Benetech Human Rights Program and Corporación Punto de Vista; Palermo, T. & Peterman, A. (2011), "Undercounting, overcounting and the longevity of flawed estimates: statistics on sexual violence in conflict," *Bulletin of the World Health Organization*, 89: 924-925.

[440] Tearfund (2014), *If I speak out, will it change?: Listening to survivors of sexual violence in eastern DRC*, Belfast: Tearfund, p. 1.

[441] Ibid, emphasis added.

[442] Peterman, A. et al. (2011), "Estimates and Determinants of Sexual Violence," pp. 1064-1065, emphasis added.

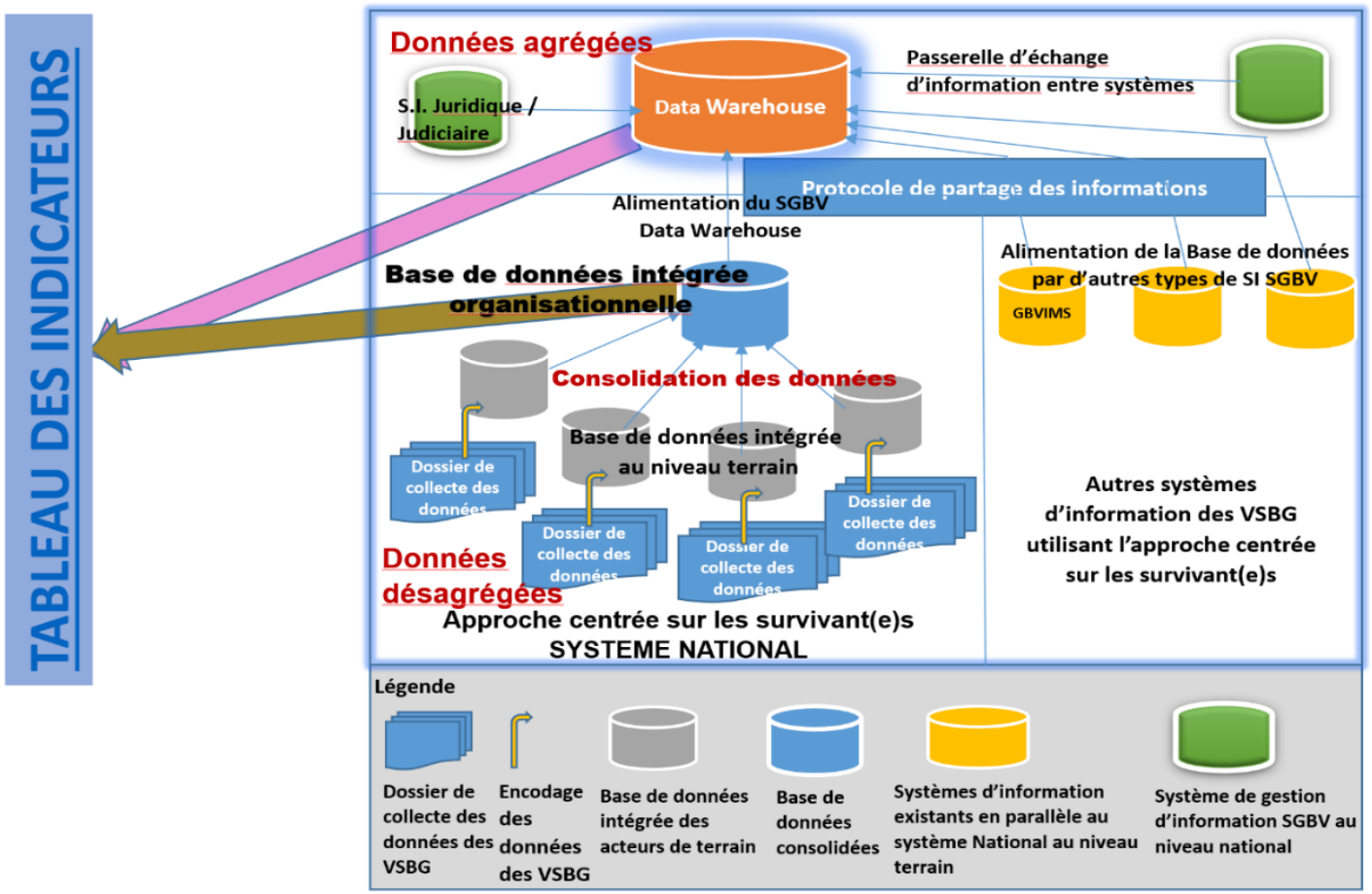
i. COUNTING SEXUAL VIOLENCE: DATA & MAPPING

As mentioned above, among the five pillars of The Strategy includes Data & Mapping, co-led by the Ministry of Gender, Family, and Children (henceforth Ministry of Gender) and UNFPA, which manages the database (henceforth: UNFPA database). The UNFPA database compiles information on sexual violence reported to service providing entities working within the coordination structure. This is not the only database on sexual violence in the country. For instance, the Gender-Based Violence Information Management System (GBVIMS) is maintained in parallel and feeds into the UNFPA dataset (image 3). The Ministry of Health also compiles a database as part of its *Système National d'Information Sanitaire* (SNIS). The UNFPA database is, however, the official database on sexual violence, and all figures are approved by the Ministry of Gender before dissemination. For this reason alone, it offers an apt starting point for an analysis of administrative data on sexual violence in the region.

The aim of the database is to generate "reliable (non-contestable), credible and up to date statistics" covering a broad geographic reach through a harmonised data collection strategy.[443] Databases, or sub-databases, are kept provincially and are compiled into the national database. Annual reports are usually, but not always, published for public consumption.[444] Handbooks for data collection procedures were developed to standardise the data collection and analysis.[445] On paper, this offers a robust system for mapping reported cases of sexual violence across provinces, service providers, and over time. In practice, it is rife with challenges leading to under-reporting and under-counting, and, paradoxically, to over-reporting and over-counting.

[443] Ministère du Genre, de la Famille, et de l'Enfant (2013), *Manuel des Procédures de Collecte des Données sur les Violences Sexuelles et Basées sur le Genre*, Kinshasa: Ministère du Genre, de la Famille, et de l'Enfant, pp. 2, 5. [My translation, copy on file with the author.]
[444] Ibid, p. 12; UNFPA Representative, *interview*, Bukavu, May 2014.
[445] E.g. Ministère du Genre, de la Famille, et de l'Enfant (2013), *Manuel des Procédures de Collecte des Données*.

Image 3: Sexual Violence Data Management Strategy, Data & Mapping:[446]



[446] Image provided by UNFPA [Copy on file with author.]

During a Data & Mapping coordination meeting, UNFPA provided an overview of the yearly evolution of reported cases in South Kivu from 2011 to 2014 (Table 2). The numbers presented below are not intended to provide up-to-date data on sexual violence in the province. Rather, they offer a springboard for which to discuss practical and methodological constraints pertaining to administrative data on sexual violence in eastern DRC. Such a discussion is important due to the legitimacy granted to statistics and to these official statistics in particular. When disseminated, however, there tends to be little acknowledgement of their modes of production or of their limitations.[447] For instance, the documentary, *We Will Win Peace*, which explores advocacy narratives surrounding DRC, includes the figures presented in Table 2 in its segment on sexual violence. It does not, however, address the politics behind these numbers. Ironically, the film begins with a version of a quote by Otto van Bismark: "there are two things you don't want to see being made: laws and sausages." In light of the discussion to follow, I might hasten to add statistics to van Bismark's list.

UNDER-REPORTING AND UNDER-COUNTING

Table 2: Evolution of sexual violence cases in South Kivu, 2011-2014:[448]

Sexual violence cases 2011-2014, South Kivu		
Year	**Reported Cases**	**Incident Cases**
2011	2713	2058
2012	5028	2672
2013	10,706	6614
2014	2061	2122

[447] Chase, S. (Director), Radley, B. (Head of Research & Producer), de Brier, G. (Producer) (2015), *We Will Win Peace*, Trans Africa Media [documentary film].
[448] Data & Mapping Coordination Meeting, *fieldnotes*, Bukavu, 21 November 2014.

This table (Table 2) only includes the overall numbers of sexual violence cases recorded for each year. The Data & Mapping database provides a detailed breakdown, inter alia, of the profiles of the victims and perpetrators, as well as of the location and context of the incident. I explore these later. Looking at the numbers as they are in Table 2, there are three immediate points to highlight. The first is to clarify the distinction between incident and reported cases. Both refer to newly reported cases, i.e., cases referred to a service providing structure for the first time during a yearly reporting period. However, an incident case, or *cas incident*, is one that occurred within the reporting period and was reported during this same period. A reported case, or *cas ancient*, refers to cases reported to a service providing structure within the annual reporting period, but which occurred any time before then. As the latter includes historic cases, it is expected that these numbers will be higher than those of incident cases. This distinction matters for different purposes. For the purposes of service delivery, these may indicate needs for victims/survivors and help determine the allocation of funds and provision of post-exposure prophylaxis kits (PEP kits).[449] For policy and international legal purposes, the implications are different. Here, incident cases are more likely to help identify present patterns of sexual violence and, thus, help identify whether or not these fall under the ambit of conflict-related sexual violence and thus trigger a response from the Security Council.

This was explained by a UN Women's Rights Advocate who, reflecting on the challenges of and her discomfort with numbers stated that:

> "I think that we're over-quantifying this issue - it's almost becoming like a bureaucracy of rape, like quantifying rape. I mean like, literally, I can tell you that when I'm on the ground in the peacekeeping mission in DRC, for example, and you hear of an incident [of mass rape], and the discussion kind of stagnates at the level of 'was it 18 cases or

[449] UN Protection Analyst, *interview,* New York, January 2014.

> was it 20 cases?' and that's not the relevant thing [...] If you know that every time these women go to the river to wash clothes in the Kivus, certain members of the Mai Mai, you know, armed robber barons will come by and rob and rape them, then you know this is a risk factor and a pattern. You don't need numbers to tell you that, you need patterns, and that's the language of the resolution too and that's very deliberate – *patterns* of sexual violence."[450]

The resolution she is referring to is SCR 1960 (2010), establishing the monitoring, analysis and reporting arrangements (MARA) intended "to assist the Council's consideration of appropriate actions, including targeted and graduated measures."[451/452] MARA specifically verifies and analyses cases and patterns of conflict-related sexual violence. It does not, therefore, verify reported cases of sexual and/or gender-based violence, or violence against women, that do not constitute an act of sexual violence perpetrated by an armed actor (military or non-state armed group) with a nexus to the conflict.[453] Importantly, MARA permits the naming of perpetrators for sanctions purposes.[454] Some cases verified by MARA come from the UNFPA database, but is not its only source. Pertinently, the patterns identified by MARA may be more relevant to the work of the UN Women's Rights Advocate quoted above. The operationalisation of the MARA notwithstanding, the demand for numbers remains intact for directing programmes, as well as assessing their reach and effectiveness.

Returning to Table 2, the second point of note relates to the numbers and their production. As is evident, 2013 saw a significant increase in both incident and reported cases. In the meeting,

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[450] UN Women Rights Advocate, *interview*, New York, January 2014.
[451] UNSC (2010) *Security Council resolution 1960*, OP. 8.
[452] MARA was rolled out in MONUSCO in 2014-2015, some five years after the resolution was adopted (MONUSCO Official, *interview*, Goma, October 2014).
[453] A former WPA in DRC shared the difficulties she faced when confronted with cases reporting diverse experiences of conflict-related and gender-based violence that did not constitute conflict-related sexual violence as defined for MARA purposes. Such cases could thus not be addressed within the remit of the WPA mandate. (MONUSCO Official, *interview*, Goma, May 2017.)
[454] UNSC (2010) *Security Council resolution 1960*, OP 18 (c).

this spike was attributed not to an increase in violence in the province that year, as a *prima facie* glance might suggest. Instead, this was attributed to the increasing reach of the mapping mechanism year on year resulting from the growing number of interveners sharing their data. Notably, this was the first year Panzi Hospital, the largest sexual violence assistance provider in the province, had incorporated their numbers within this database.[455] As one participant in the meeting noted, the difference made by the factor how many – and which – entities share their data with UNFPA is one of "night and day."[456]

This peak notwithstanding, a general increase in cases from 2011-2013 was recorded.[457] One might still, intuitively, expect that a rise in reported cases of sexual violence signal an increase in violence. It can. It is, however, not necessarily the case. Relatedly, one might impute that this increase reflects poorly on the effectiveness of responses mechanisms given that a reduction in cases may be expected as a barometer for their success. This question was raised by a UN Women's Rights Advocate vis-à-vis the difficulties of managing expectations around 'hard data' with Member States, for whom the "straight forward" expectation and intended impact of successful policies over time is that "reports of rape will be going down."[458] In conflict-affected contexts, however, and when dealing with an intimate and stigmatised violation, such as sexual violence, increased reporting can be a marker of success. As she explained, "you would only want to see reports of rape going up as a proxy indicator of faith in the system and courage to come forward."[459] In addition to being counter-intuitive, the respondent noted that it is "not palatable politically."[460]

[455] Data and Mapping coordination meeting, *fieldnotes*, Bukavu, November 2014.
[456] Ibid.
[457] The figures for the year 2014 were, at the time of the meeting, too provisional to be disseminated officially. UNFPA still expected to receive data from a number of organisations. I include them to demonstrate how challenging it can be to draw conclusions from the data without granular-level information as to where they come from and what they represent.
[458] UN Women Rights Advocate, *interview*, New York, January 2014.
[459] Ibid.
[460] Ibid.

This points to the question of the coverage and availability of health services and assistance structures. In effect, to be counted, individuals have to report to a relevant mechanism. In general terms, it is estimated that only "one in four Congolese live less than 5km away from a health structure."[461] This, however, does not give any indication as to the availability of necessary assistance for survivors, for instance, of PEP Kits as a minimum. Indeed, it is worth considering the sheer size of DRC, the span of which is often compared to that of Western Europe, with South Kivu alone being twice the size of Belgium.[462] The Data & Mapping structure does not provide a complete coverage of the country, or even of the provinces. In fact, the 2013 report states that the data collected nationally emanated from entities in 180 of the 515 health zones, representing a geographical reach of 35% of the country.[463] The report does not provide a further breakdown at the provincial and territorial levels. Through its Ushindi Project, IMA World Health produced maps depicting the territorial coverage of SGBV assistances in North and South Kivu, illustrating how patchy their availability is (images 4 and 5),[464] despite the high numbers of actors mentioned above.[465]

[461] MSF (2014), *L'Urgence au Quotidien: Soufrance Silencieuse en République Démocratique du Congo*, Amsterdam: MSF, p. 5.
[462] MONUSCO (2015), "South Kivu – Factsheet," January 2015.
[463] Ministère du Genre, de la Famille, et de l'Enfant (2013), *Manuel des Procédures de Collecte des Données*, p. 9.
[464] Image 4: IMA World Health (2014), "Map: Number of SGBV organizations per Health Zone in South Kivu;" Image 5: IMA World Health (2014), "Percentage of Health Facilities with SGBV Assistance by Health Zone in South Kivu." [Copies on file with author.]
[465] For consistency of the discussion, I focus on South Kivu.

Image 4: Number of SGBV organisations in South Kivu, 2014:

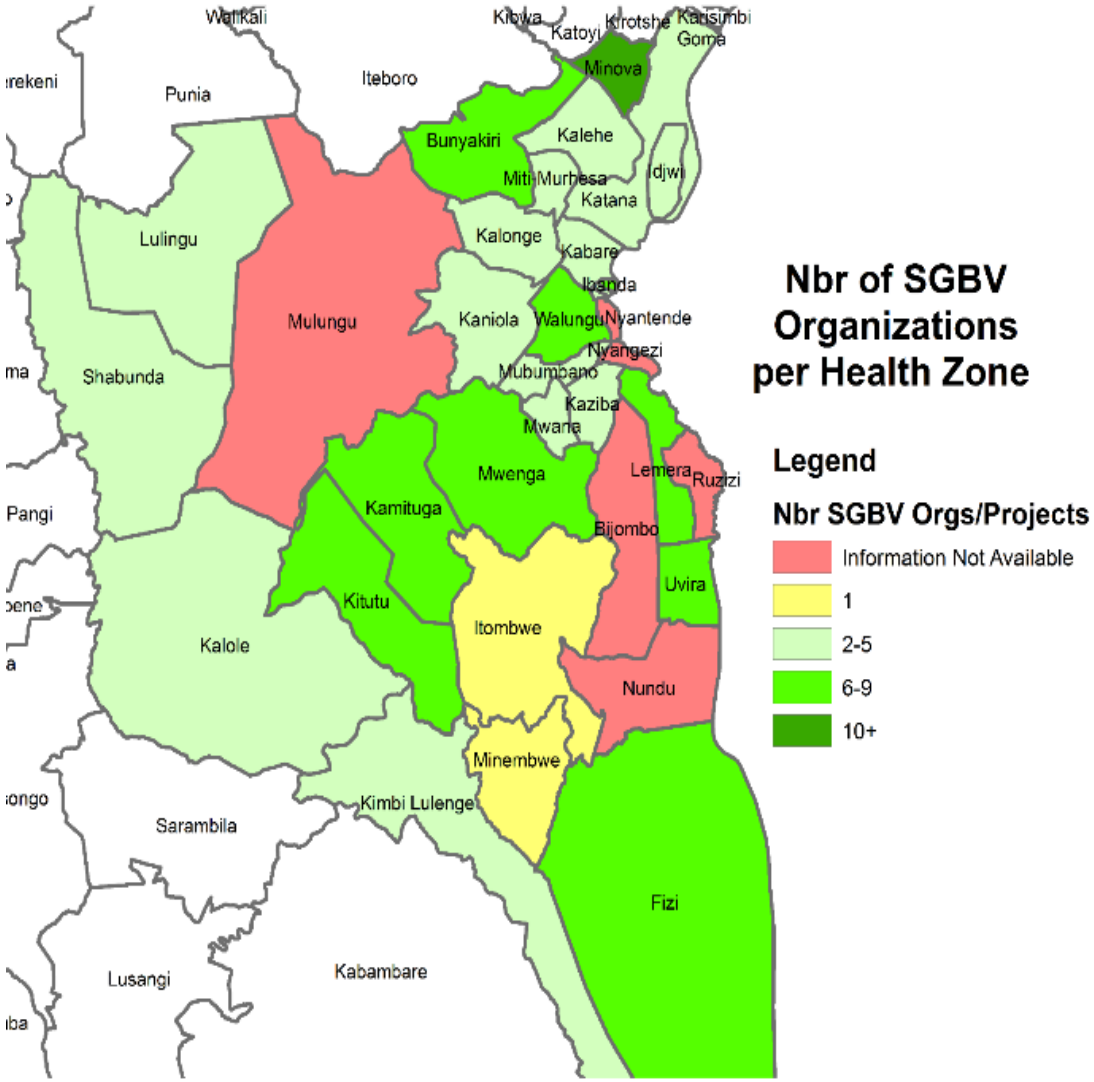
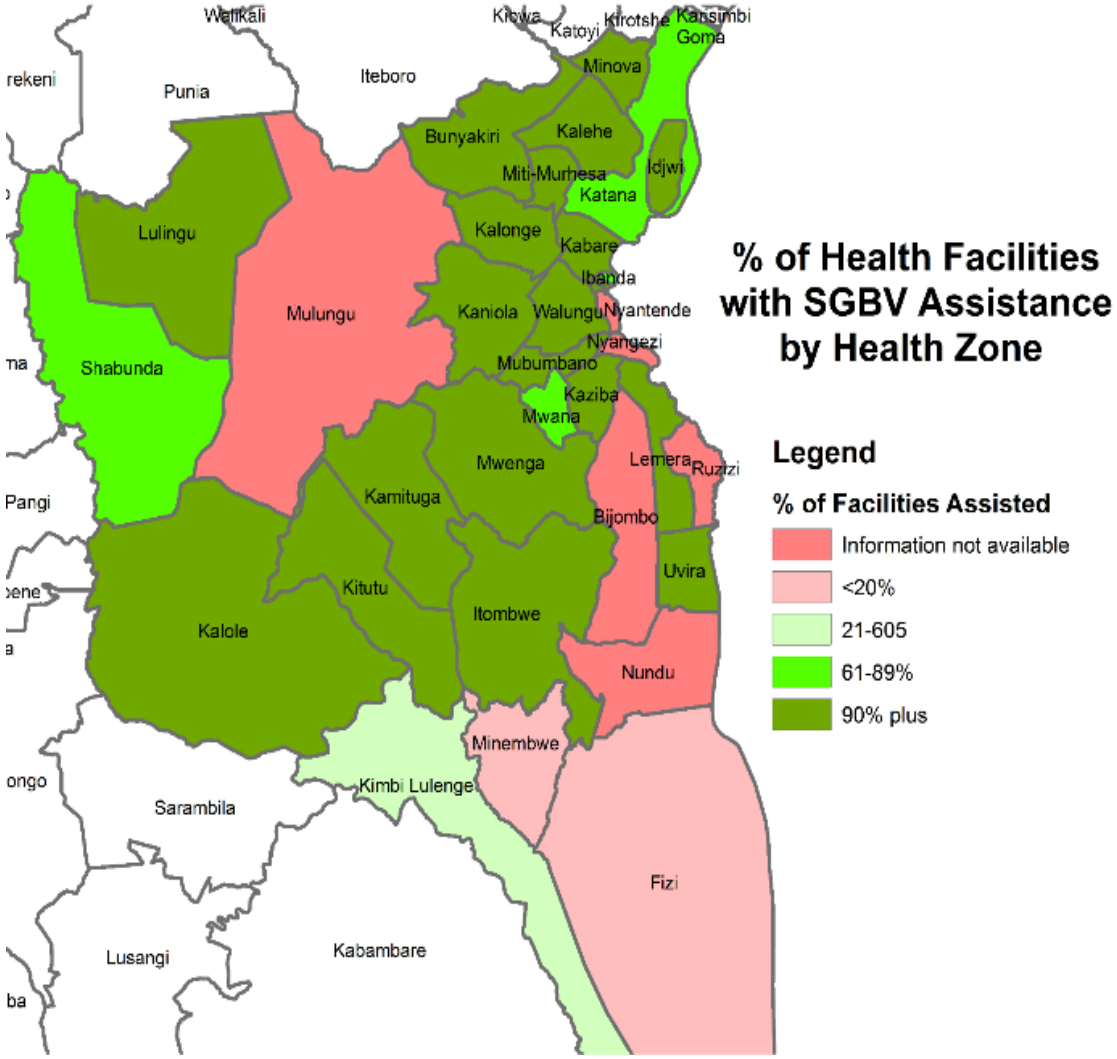


Image 5: Percentage of Health facilities with SGBV Assistance by Health Zone in South Kivu, 2014:



As shown in the maps above, sexual violence assistance, whether through local organisations or within health facilities, is not spread evenly across South Kivu's territories. It is also evident that data on SGBV service provision is unavailable in some territories, representing 'shadow areas' in which there are "big unknown numbers."[466] Challenges related to the inaccessibility of remote and/or insecure areas limit humanitarian reach, producing data "availability problems."[467] Unsurprisingly, a number of the 'shadow areas' and zones depicting a low coverage of sexual violence assistance map closely onto those with high armed group presence.[468] This is notable in parts of Ruzizi, Fizi, Itombwe, and Minembwe.[469]

Moreover, most humanitarian organisations, service providing entities, and certainly, those which are the most resourced, are generally located in urban or peri-urban areas. As observed by MSF, "humanitarian organisations are concentrated for the most part in urban zones and are completely absent from remote rural region, where the majority of the population lives."[470] This is important to bear in mind for analyses presented in Parts II and III. It is unfortunate that the maps do not depict the locations of the organisations or health facilities, or the extent to which these are (sustainably) equipped and resourced. While the colour coding usefully highlights service availability across territories, these may offer a misleading impression of the spread of the assistance coverage they represent. For instance, the green coded territory of Fizi in image 4, depicts a relatively high assistance coverage. On closer consideration, however, this effectively means that 6-9 organisations were identified in the territory in 2014. Similarly, image 5 illustrates that less than 20% of health facilities are equipped, to an unspecified degree, with SGBV assistance. Relative to the size of the territory, spanning 41,745km^2 – akin to the

[466] International Medical Human Rights Organisation, Representative, *interview,* Bukavu, September 2014.
[467] Jerven, M. (2016), "Africa by Numbers: Reviewing the Database Approach to Studying African Economies," *African Affairs*, 115(459): 342-358, p.343.
[468] For mapping of armed group presence in the province in 2015, see Stearns, J. & Vogel, C. (2015), *The Landscape of Armed Group in the Eastern Congo*, New York: Congo Research Group, p. 4.
[469] Ruzizi, in particular, had the highest density of armed groups in DRC in 2015 (Stearns & Vogel 2015: 6).
[470] MSF (2014), *L'Urgence au Quotidien*, p. 5.

size of the Netherlands – *even if* this coverage of service provision were shown to be consistent and sustained, it is nevertheless remarkably sparse.[471]

Underscoring what this can mean for a survivor to reach a health structure, a respondent explained that: "It's quite difficult, let's say, [for] a young woman to say I'm going to be gone for three days, you know, to have an excuse to come to somewhere where you have ensured confidential treatment."[472] Such accessibility challenges are compounded during the rainy season, when roads in rural areas become treacherous and near impracticable. A respondent in Uvira, whose organisation provides a shelter for victims/survivors and transports women and girls to Panzi Hospital, described the journey to her centre from Baraka, approximately 90km away: "the road is relative good for 80% of the journey, but during the rainy season it is a completely different story. The bridges break sometimes. At times, it's impossible for them to travel here."[473] Taken together, this discussion highlights some of the factors leading to under-reporting and, thus, under-counting of sexual violence cases through administrative data.

OVER-REPORTING AND OVER-COUNTING

Paradoxically, some factors lead to over-reporting and over-counting in sexual violence statistics. In an interview, I asked a respondent about murmurs I had heard of organisations paying Congolese women up to $50 USD to give scripted testimonies of sexual violence to visiting delegations.[474] Without a moment's hesitation, she said: "Real. Yes, yes, I can't say that's false." In a more reflective tone, she contemplated: "That's why with the numbers on sexual violence, I don't know…"[475] She recounted an incident that had occurred in Fizi while she was working with UNFPA. It closely echoed that described by the war correspondent,

[471] E.g. UNICEF (2016), *DRC Humanitarian Situation Report, May – June 2016*.
[472] International Humanitarian Medical Organisation, Senior Representative, *interview*, Bukavu, May 2014.
[473] International Women's Rights Organisation, Advisor, *interview*, Uvira, October 2014.
[474] Congolese Women's Rights Organisation, Representative, *interview*, Bukavu, April 2014.
[475] European Country Donor, Representative, *interview*, Bukavu, May 2014.

Edward Berh, when, during his first visit to Congo in 1960, he observed an "unmistakably British TV reporter" who, standing with his camera-man in a crowd of displaced persons, intermittently shouted: "Anyone here been raped and speak English?"[476]

Following an attack by fifty mutinying soldiers in Fizi, some forty years later, an international organisation went to the affected village with megaphones and called for everyone who had been raped to come forward for treatment. 167 survivors were registered by the organisation. "*167 victims,"* the respondent repeated for emphasis.[477] UNFPA was asked to verify the numbers as questions were raised as to how fifty soldiers could rape 167 women in one night:

> "How do fifty soldiers, mutineers – they had all their baggage on their backs, they had walked a day and a night and arrived there – I can understand that they rape one or two, that they pillaged, that they did this and that, because they only stayed twelve hours. *How did they rape 167 people?* This means that each of them raped at least three in one night and, at the same time, they had the time to beat people."[478]

This reported figure was, according to the informant, not included in the UNFPA database; it was, however, "immediately published on [the organisation's] website."[479] The UNFPA delegation was not able to identify the 167 survivors counted. Speaking to doctors in the area, some said it was difficult to confirm whether they had been sexually violated while some may have fled to neighbouring areas. The interviewee noted, however, that she could understand how, by approaching the village with megaphones and the promise of healthcare, an organisation could record so many survivors:

[476] Behr, E. (1982), "*Anyone here been raped & speaks English?,"* London: New English Library, p. 136.
[477] Ibid.
[478] Ibid, emphasis in original tone.
[479] Ibid.

> "if you have a megaphone in a place that is completely lost [read: remote] and you come with medicine, people will come. And, if they're European doctors, the women of the village will say to themselves 'well, yes, my little arthritis there, he will heal it!' The medicines are free if you have been raped. What's your problem? Well, I have my arm that is hurting me […] Now, cases like that, there are lots of them."[480]

If this number from Fizi wasn't integrated in the UNFPA database, why mention this anecdote at all? Doing so, I don't purport to claim that this is representative of counting practices in the Kivus. The fact that this figure was called into question by UNFPA suggests it may not be. Nonetheless, the questions it raises vis-à-vis over-reporting are pertinent and far from uncommon. I return to some of these dynamics in Chapter V. At this stage, four points are noteworthy relative to over-counting. The first is the role of free health care. With strong echoes to Utas' notion of 'victimcy,'[481] the respondent noted that "the women of the village will say to themselves 'well, yes, my little arthritis there, he will heal it! The medicines are free if you have been raped.'"[482] The second is the reliance on beneficiaries *presenting* themselves as victims/survivors of sexual violence to an assistance programme. Crudely stated, to be counted as a victim/survivor, an individual must disclose their experience(s) thereof. As evidenced, this can contribute to both under-counting and over-counting. Thirdly, victims/survivors may be recorded by more than one service provider or programme, leading to double, triple, or more, counting of the same individual. As a representative of a Congolese NGO in Goma stated when asked why some victims/survivors might approach multiple services: "they're people."[483] Mechanisms have been introduced to reduce over-reporting of this kind, however, eradicating it completely would be a near impossible task.

[480] Ibid.
[481] Utas, M. (2005), "Victimcy, Girlfriending, Soldiering."
[482] European Country Donor, Representative, *interview*, Bukavu, May 2014.
[483] Local Judicial Organisation, Representative, *interview*, Goma, August 2014.

Addressing this last point, Freedman notes that it "makes any statistics which are reliant on data collected from individual NGOs and international organisations and then added together, run the risk of overestimating the scale of SGBV."[484] While difficulties associated with over-counting may distort the accuracy of administrative statistics on sexual violence, I would caution against making such a leap relative to estimations of the scale of the issue at large, not least given the multitude of factors contributing to under-reporting.[485] Such claims run the risk of legitimating reductions in funding, rather than thinking more carefully about the nature, structure, scope, and barometers of success of services providing post-rape care, or for sexual and reproductive health more broadly. To her credit, Freedman notes that while over-counting "may be construed as a problem," that victims/survivors are accessing more than one service can be a positive sign that different services are available to meet their varied needs.[486]

Having laid out these limitations, what can administrative data tell us? While wrought with complications, they are useful in managing and tracking the functioning of the response architecture. They can tell us how many cases were reported to services and programmes; they give preliminary insights into trends of sexual violence reported; they provide insights into the effectiveness of assistance programmes and referral pathways; and highlight persistent shadow areas. They can thus usefully direct assistance and evaluate responses. They are, however, less useful in providing systematic estimates of the scale of sexual violence in any given region, which may be of greater interest for policy and advocacy purposes. Administrative numbers are typically not of the headline-grabbing magnitude worthy of making and sustaining the title of 'the rape capital of the world.' Numbers of this kind are more poised to emanate from large-scale surveys and their attendant analyses.

[484] Freedman, J. (2015), *Gender, Violence and Politics*, p. 67.
[485] Palermo, T. & Peterman, A. (2011), "Undercounting, overcounting."
[486] Guimond and Robinette in ibid.

ii. COUNTING SEXUAL VIOLENCE: SURVEY DATA

During the meeting convened by the WHO on sexual violence data, participants noted that "effective advocacy is one of the main reasons we want and need data on conflict-related sexual violence."[487] It was acknowledged that citing a "broad number" coupled with extensive media coverage was "good enough" in the lead-up to SCR 1820, 'hard numbers' would be needed to propel advocacy.[488] The Data & Mapping database represents one important data collection and generation strategy implemented in eastern DRC, however, as discussed above, it is limited in the types of information it can provide. 'Hard data' on the magnitude of sexual violence in a conflict setting, participants agreed, could "only be provided through a dedicated survey."[489] As a UN Protection Analyst commented, administrative data is useful for directing programmatic and assistance resources; policy-makers, however, "need to know if this [issue] affects many people."[490] While an exact threshold of just how many is sufficient to warrant policy attention, it is fair to state that, up to a point,[491] the higher the numbers, the better.

Sexual violence statistics generated through large-scale household surveys are an important and sought after means of understanding the issue in DRC. More often than not shocking in the scale they depict, their findings are frequently explicitly framed through and, in turn, used to reify, DRC's status as 'the rape capital of the world.' I explore two such prominent surveys here. The first is Peterman, Palermo, and Bredenkamp's study on the "Estimates and Determinants of Sexual Violence Against Women in the Democratic Republic of the Congo."[492] The second is Johnson et al*.'s* on the "Association of Sexual Violence and Human Rights Violations with Physical and Mental Health in Territories of the Eastern Democratic

[487] Ibid, p. 2.
[488] Ibid, p. 2.
[489] Ibid, p. 8.
[490] UN Protection Analyst, *interview*, New York, January 2014.
[491] See the previous discussion with the UN Women's Rights Advocate who noted the political *un*palatability of high numbers of cases once response mechanisms are established, at *supra* notes, 458-446.
[492] Peterman, A. et al. (2011), "Estimates and Determinants of Sexual Violence."

Republic of the Congo."[493] Despite being published after Johnson et al.'s study, I turn to Peterman et al.'s first for two reasons: focusing specifically on sexual violence against women, its findings align with conventional narratives of sexual violence in DRC. Secondly, and likely for this reason, it is widely cited in reporting on sexual violence in the region. It is also considered by some to be "the most authoritative report to date on rape in Congo."[494]

SURVEY 1 - "ESTIMATES AND DETERMINANTS OF SEXUAL VIOLENCE AGAINST WOMEN IN DRC"

This first study found that "approximately 1150 women [are] raped every day, 48 women [are] raped every hour, and 4 women [are] raped every 5 minutes" in DRC.[495] Among this triad of statistical findings, it was the "48 women raped every hour" component which gained the most traction. Indeed, a simple Google search of the words "48 women raped every hour in DRC" produces 170,000 results.[496] Reports referencing the findings do so with varying degrees of context and specificity relating to the data and the study itself, with article titles ranging from "48 women raped every hour in DRC, study finds,"[497] to "48 women raped every hour at the height of the conflict,"[498] to "Why eastern DR Congo is 'the rape capital of the world.'"[499] More staggering still, the authors note that because of the limited range of the sample, these estimates are likely to be lower than "the true prevalence of sexual violence."[500]

The findings derived from a multivariate logistic regression of a subsample of women who took part in the Demographic Health Survey (DHS) conducted in 2007.[501] While the DHS

[493] Johnson, K. et al. (2010), "Association of Sexual Violence and Human Rights Violations with Physical and Mental Health," pp. 553-562.
[494] Heaton, L. (2013), "What Happened in Luvungi? On rape and truth in Congo," *Foreign Policy*, 4 March.
[495] Peterman, A. et al. (2011), "Estimates and Determinants of Sexual Violence," pp. 1064-1065.
[496] This Google search was last conducted on 28 April 2018.
[497] Adetunji, J. (2011), "Forty-eight women raped every hour in Congo, study finds," *The* Guardian, 12 May.
[498] Glynn, D. (2016), "Congo War: 48 women raped every hour at height of conflict," *The Irish Times*, 30 April.
[499] Lloyd-Davies, F. (2011), "Why eastern DRC is 'rape capital of the world," *CNN*, 25 November.
[500]Peterman, A. et al. (2011), "Estimates and Determinants of Sexual Violence," p. 1065.
[501] Ibid, p. 1062.

survey as a whole included a sample of 9995 women aged 14 to 49 and 4757 men aged 15 to 59, the authors explain that for the sake of consistency in weighting and subsample across outcomes, only the 3436 women randomly-selected to participate in the domestic violence module were included in their analysis.[502] This module was selected by the authors as DHS are considered a "high quality source of information on levels of sexual violence, risk factors, and relationships with adverse health outcomes."[503] All women participating in the domestic violence module were asked, with reference to lifetime experiences and in the previous twelve months, "Has anyone ever forced you to have sexual relations with them against your will?" Women were also asked whether their first sexual encounter was against their will (forced). To determine the proportion of women who had experienced intimate partner sexual violence (IPSV), women who had been married or had cohabited were asked: "Has your partner ever physically forced you to have sex or perform sexual acts against your will?"[504]

Based on responses, the authors examined three classifications of sexual violence: history of rape, rape in the preceding twelve months, and history of IPSV.[505] Extrapolating from population estimates, their results were as follows, "Approximately 1.69 to 1.80 million women *reported* having been raped in their lifetime (with 407, 397 - 433, 785 women reporting having been raped in the preceding 12 months), and approximately 3.07 to 3.37 million women reported experiencing intimate partner sexual violence."[506] These *extrapolated* numbers of rape *reported* by women aged 15 to 49 in the twelve months before the survey equated to "1150

[502] Ibid, p. 1063.
[503] Ibid, p. 1062.
[504] Ibid.
[505] Ibid, p. 1063.
[506] Ibid, p. 1060, emphasis added.

women raped every day, 48 women raped every hour, and four women raped every 5 minutes."[507] These figure were twenty-six time higher than existing UN estimates.[508]

I emphasise the term 'reported' above as this is a potentially misleading representation of the findings. These figures show calculated variations in extrapolated estimates of the reported figures. In fact, the authors note that in the original DHS survey, 4.2% of women sampled reported having had sex against their will in the preceding twelve months - equating to approximately 144 women - while 16% reported ever having had sex against their will, equating to 550 of the sample of 3436 women.[509] These figures, while not insignificant, are much less startling in comparison to their extrapolated findings. In effect, one of the aims of the study was to test the hypothesis that "previous estimates of sexual violence that typically relied on facility data or police reports would be gross underestimates of the sexual violence rates found in population-based data."[510] Findings confirming this hypothesis would not be unexpected a) given that it is widely accepted that a fraction of victims/survivors seek assistance or care following experiences of sexual violence, anywhere;[511] b) given that, "[u]ndoubtedly, the magnitude of sexual violence is beyond the expected norm in any society."[512] Nevertheless, the observation above that even these extrapolated figures represent an underestimation is likely to be accurate, not least due the limited nature of the sample. The authors note that the subsample they draw on does not include women below the age of fifteen or above the age forty-nine, nor does it include men.

[507] Ibid, pp. 1064-1065.
[508] Peterman, A. et al. (2011), "Rape Reporting During War: Why the Number Don't Mean What You Think They Do," *Foreign Affairs,* August 1.
[509] Peterman, A. et al. (2011), "Estimates and Determinants of Sexual Violence," p. 1060.
[510] Ibid, p. 1062.
[511] E.g. Office for National Statistics (2018), "Article: Sexual offenses in England and Wales: year ending March 2017," *Analyses on sexual offences from the year ending March 2017, Crime Survey for England and Wales and crimes recorded by police*, London: Office for National Statistics.
[512] Daley, P. (2015), "Researching Sexual Violence," p. 431.

Moreover, sampling in DHS are purported to be nationally representative of the countries in which they are administered.[513] It is less clear, however, in what demographic respects these are nationally representative. This is pertinent relative to DRC given the demographic upheavals caused by the ongoing conflicts (e.g. displacement and mortality); the operational challenges discussed above (e.g. accessibility to certain areas); and that recent and reliable national, provincial, and territorial level data for DRC do not exist.[514] Its most recent nation-wide census was conducted in 1984.[515] The sample for the 2007 DHS was based on a multi-stage stratified cluster sampling strategy from which 300 *quartiers* and villages were randomly selected.[516] Understandably, the DHS survey does not detail the localities selected. This means, however, that it is not possible to ascertain to what degree, or if at all, the populations surveyed were directly impacted by conflict dynamics.

Importantly, this compounds the difficulties of disentangling experiences of sexual violence from those of conflict-related sexual violence, a complex task under the best of circumstances.[517] Doing so in this survey is impossible for this reason and the fact that the survey does not disaggregate sexual violence by perpetrator profile. While not decisive, this can serve as a close proxy for determining incidents of sexual violence as being 'conflict-related.'[518] This line of reasoning leads one to an uncomfortable position of producing potential hierarchies of sexual harms, whereby certain experiences of sexual harms are deemed more policy-relevant (or policy-worthy) than others. Recognising that I, or other external analysts, cannot lay any claim as to the effects of sexual violence, of any form, on an individual level,

[513] Ibid.
[514] E.g. Jerven, M. (2016), "Africa by Numbers," p. 351.
[515] Peterman, A. et al. (2011), "Estimates and Determinants of Sexual Violence," p. 1062.
[516] Ministry of Planning, Ministry of Health, & Macro International Inc. (2007), *Demographic Health Survey: Democratic Republic of Congo*, Calverton, Maryland: Macro International Inc.
[517] Roth, F., Guberek, T. & Hoover Green, A. (2011), *Using Quantitative Data to Assess Conflict-Related Sexual Violence in Colombia*, p. 61.
[518] Ibid, p. 20.

this question does, however, matter in policy and operational terms. As elucidated later, not all forms of sexual violence are given the same weight under institutional eyes.

This brings us to definitions of sexual violence adopted in surveys. Or, to who counts and what counts. The issue of definitions in statistical counting and analysis of complex social phenomena are far from unique to sexual violence.[519] Peterman et al. produce a threefold typology of sexual violence based on when the incident(s) occurred – i.e. 1) ever vs. 2) in the last twelve months – and 3) whether it/they constituted IPSV. The inclusion of IPSV is significant given that it is often overlooked in conflict contexts. Across all three categories, the focus is nevertheless on 'rape,' phrased as "forced sexual relations against your will." This singular focus on 'rape,' even when accounting for intimate partner violence, in sexual violence statistics, especially in conflict contexts, is limiting. Scholars have suggested broader definitions, which might include early and forced marriage, forced nudity, and other forms of sexual humiliation, might more accurately capture the range of sexualised violence in conflict.[520] Each of these factors then – that is, the restricted nature of the sample, inaccessibility to remote and conflict-affected areas, and the limited definition of sexual violence used in the survey – undoubtedly affirm Peterman et al.'s observation that their findings, alarming as they are, reflect an under-estimation of the scale of sexual violence in the country. That said, questions nevertheless arise vis-à-vis the presentation of the findings in ways intended to 'shock,' as Peterman et al.'s do, both through their scale and in the nature of the harms they purport or are interpreted to depict. I return to this shortly.

[519] E.g. Crisp, J. (1999), "Who has counted the refugees?;" Harrell-Bond, B., Voutira, E. & Leopold, M. (1992), "Counting the refugees."
[520] E.g. Leiby, M. (2009), "Digging in the Archives: The Promise and Perils of Primary Documents," *Politics and Society*, 37(1): 75-99.

SURVEY 2 – "ASSOCIATION OF SEXUAL VIOLENCE AND HUMAN RIGHTS VIOLATIONS WITH PHYSICAL AND MENTAL HEALTH IN TERRITORIES OF DRC"

Turning to the second survey and continuing with questions surrounding definitions of sexual violence, Johnson *et al.*'s study gained notoriety in large part because it was the first to include men's reported experiences of sexual violence.[521] This study, based on a randomised survey across 67 ("accessible") villages in North Kivu, South Kivu, and Ituri provinces,[522] sought to determine the association of sexual violence and other human rights violations with physical and mental health. The total sample was of 998 women (593) and men (405), over the age of 18, who were all administered the same survey. Among its unexpected and, indeed striking, findings pertained to reported rates of sexual violence among the men surveyed – 23.6% – while reported rates of sexual violence among the women surveyed stood at 39.7%.[523] That near a quarter of male participants reported conflict-related sexual violence certainly challenged the official data, wherein men tend to represent 0-2% of victims/survivors.[524] In no small way, the study called into question the perceived truism that women are (significantly) disproportionately impacted by sexual violence in conflict.

While considered "among the best population-based surveys of sexual violence outcomes,"[525] unsurprisingly, questions have been raised about the study and its findings.[526] These have focused on definitional issues in particular. To begin, the survey adopts a broad definition of sexual violence. One would thus anticipate that this might lead to higher reports of sexual

[521] Johnson, K. et al. (2010), "Association of Sexual Violence and Human Rights Violations with Physical and Mental Health," p. 553.
[522] Ibid, p. 556.
[523] Ibid.
[524] E.g. Ministère du Genre, de la Famille, et de l'Enfant (2013), Indicateurs des Violences Sexuelles et Basées sur le Genre des Territoire de la Province du Nord-Kivu, unpublished, p. 1; Ministère du Genre, de la Famille, et de l'Enfant (2013), Indicateurs des Violences Sexuelles et Basées sur le Genre des Territoire de la Province du Sud-Kivu, unpublished, p. 1 [Copy on file with author].
[525] Roth, F., Guberek, T. & Hoover Green, A. (2011), *Using Quantitative Data to Assess Conflict-Related Sexual Violence in Colombia*, p. 33.
[526] Ibid.

violence among the surveyed population.[527] The authors disaggregated the different forms of sexual violence reported by female and male respondents, enabling an analysis thereof. As shown in table 3 below, even accounting for the broad definition, rape was the most commonly reported type of sexual violence for both men and women.[528]

There is, however, some ambiguity in the language used in the survey, framed around "lifetime *exposure* to sexual violence."[529] In their discussion, the authors write that 39.7% of women and 23.6% of men "were reported to have been *exposed to* sexual violence during their lifetime."[530] The authors do not define the meaning of 'exposure' in their survey, leaving its potential breadth open to some interpretation. In this regard, an earlier study published in the *Journal of the American Medical Association,* examined 'exposure' to war crimes and its implications for peacebuilding, is perhaps instructive.[531] 'Exposure' here encompassed 'witnessing' a war crime.[532] Thus, 'exposure' includes 'direct' as well as 'indirect' experiences of a harm, for instance, by witnessing a violation. The statistical implications of such ambiguity were raised by a respondent, although with reference to the phrase 'affected by' as opposed to 'exposed to,' and specifically vis-à-vis data on sexual violence against men. I return to this in Chapter IX; for now, what is crucial to note here is that, according to the respondent, this can inflate numbers of male victims/survivors.[533]

[527] "[…] any physical or psychological violence carried out through sexual means or by targeting sexuality and included rape and attempted rape, molestation, sexual slavery, being forced to undress or being stripped of clothing, forced marriage, and insertion of foreign objects into the genital opening or anus, forcing individuals to perform sexual acts on one another or harm one another in a sexual manner, or mutilating a person's genitals." (Johnson et al. 2010: 555).
[528] Johnson, K. et al. (2010), "Association of Sexual Violence and Human Rights Violations with Physical and Mental Health," p. 558.
[529] Ibid, pp. 555, 556, emphasis added.
[530] Ibid, p. 556, emphasis added.
[531] Vinck, P. et al. (2007), "Exposure to War Crimes and Implication for Peace Building in Northern Uganda," *Journal of the American Medical Association*, 298(5): 543-554.
[532] Ibid, p. 548.
[533] UN Women's Rights Advocate, *interview*, New York, January 2014, emphasis in tone of the interviewee.

Table 3: Types of Sexual Violence Reported:[534]

Table 1. Weighted Sexual Violence Means and Rates, by Sex, Reported by 998 Respondents[a]

Characteristic	Female (n = 593)		Male (n = 405)		
	No./Total Respondents	Weighted % (95% CI)[b]	No./Total Respondents	Weighted % (95% CI)[b]	*P* Value[c]
Overall interpersonal violence	242/586	41.6 (33.8-49.5)	129/399	30.7 (24.2-37.2)	.004
Reported IPV	169/559	30.5 (24.1-36.9)	68/362	16.6 (11.4-21.9)	<.001
Reported physical IPV	160/168	96.0 (92.5-100.0)	66/68	98.1 (95.8-100.0)	.27
Reported sexual IPV	19/169	8.5 (3.9-13.1)	7/68	7.7 (2.5-13.0)	.82
Reported sexual violence	224/586	39.7 (32.2-47.2)	107/399	23.6 (17.3-29.9)	<.001
Reported conflict-related sexual violence	175/224	74.3 (66.2-82.5)	88/107	64.5 (52.9-76.1)	.19
Perpetrated by men only	94/148	58.9 (43.4-74.5)	59/66	91.4 (82.4-100.0)	.008
Perpetrated by women only	54/148	41.1 (25.6-56.6)	8/66	10.0 (1.5-18.4)	.01
Perpetrated by both	1/148	0.2 (0.0-0.5)	1/66	1.1 (0.0-3.2)	.41
Reported community-based sexual violence	25/224	13.5 (5.0-22.0)	10/107	6.5 (0.7-12.3)	.11
Perpetrated by men only	18/22	89.8 (75.4-100.0)	9/9	100.0	NA
Perpetrated by women only	4/22	10.2 (0.0-24.6)	2/9	26.9 (0.0-72.1)	.50
Reported sexual violence type					
Molestation	61/202	28.2 (18.2-38.3)	14/88	15.2 (6.5-24.0)	.04
Forced to undress	58/202	25.6 (17.7-33.5)	15/88	15.3 (5.6-25.0)	.06
Stripped of clothing	59/202	28.6 (19.6-37.6)	17/88	18.1 (7.6-28.7)	.12
Rape	105/202	51.1 (39.6-62.5)	18/88	20.8 (8.2-33.4)	<.001
Gang rape	67/202	33.4 (22.9-44.0)	6/88	7.5 (1.8-13.2)	<.001
Forced marriage	6/202	3.4 (0.0-0.1)	0/88	NA	NA
Abduction	11/202	4.5 (0.0-9.0)	22/88	32.0 (18.8-45.1)	.002
Sexual slavery	52/222	21.1 (13.6-28.5)	24/103	19.6 (10.4-28.8)	.80
Forced to perform act with another civilian	3/202	1.7 (0.0-3.9)	6/88	5.0 (0.0-11.2)	.34
Characteristics of male sexual violence perpetrators	(n = 123)		(n = 72)		
Immediate family member	14/123	10.0 (4.2-15.7)	7/72	8.0 (1.7-14.4)	.66
Extended family member/community member	9/123	7.7 (0.0-15.5)	7/72	6.4 (0.6-12.1)	.68
Noncombatant stranger	8/123	10.5 (2.0-19.0)	3/72	2.0 (0.0-4.6)	.09
Combatant	94/123	71.9 (60.4-83.5)	60/72	85.9 (76.7-95.1)	.06
Most frequent perpetrators					
Mai-Mai	15/93	13.8 (3.7-23.9)	7/59	12.3 (0.5-24.1)	.85
FDLR	10/93	11.7 (5.5-17.8)	9/59	12.9 (1.6-24.2)	.86
UPC	7/93	6.8 (1.1-12.6)	9/59	21.2 (0.5-42.0)	.19
Interahamwe	14/93	21.7 (8.8-34.5)	1/59	0.8 (0.0-2.3)	.008
Characteristics of female sexual violence perpetrators	(n = 66)		(n = 11)		
Immediate family member	5/66	2.1 (0.0-4.3)	5/11	40.6 (7.4-73.8)	.03
Extended family member/community member	3/66	2.9 (0.0-7.5)	1/11	12.7 (0.0-35.4)	.43
Noncombatant stranger	0/66	NA	1/11	6.4 (0.0-17.7)	NA
Combatant	54/66	88.4 (79.7-97.0)	8/11	79.3 (53.4-100.0)	.52
Most frequent perpetrators					
Mai-Mai	15/54	38.5 (18.2-58.7)	1/8	5.5 (0.0-16.9)	.11
FDLR	10/54	14.3 (5.1-23.5)	0/8	NA	NA
UPC	6/54	9.5 (0.0-19.3)	3/8	53.4 (6.2-100.0)	.21
Interahamwe	4/54	5.6 (0.0-13.0)	0/8	NA	NA

[534] Ibid, p. 557.

This question around terminology is a valid one to raise. If such statistics are used to determine the scale and nature of responses, the needs of 'direct' victims/survivors of sexual violence are different to those of individuals who are 'indirectly' or 'secondarily' affected. This distinction is not one that Johnson et al. shed light on in their study. Yet, this does not *ipso facto* mean that sexual violence against men can so easily be dismissed. Questioning statistical data and what they tell us is critical; I have done so above. There is a larger discussion to be had, however, as to different gendered standards to which sexual violence data against women and men are held. Within the context of continued demands for 'hard data' on sexual violence, there is a perception that "one female victim is one too many" while "one male victim is one too few."[535]

Men's experiences of sexual violence in conflict remain elusive for a host of reasons. These include significant under-reporting; the lack of services to report to; researchers' inattention to the issue; differences in coding terminologies;[536] and that some victims/survivors flee.[537] With respect to the last point, it is perhaps no coincidence, then, that refugee and forced migration research tends to be more attune to conflict-affected and displaced men's and boys' victimisation than other areas of study.[538] Notably, the Refugee Law Project (RLP), well known for bringing attention to the issue, is collaborating with Johns Hopkins to build an evidence-base. Initial findings of a sample of 447 (predominantly) Congolese refugee men living in a refugee settlement in western Uganda suggest that 38.5% reported experiencing an incident of sexual violence in their lifetime.[539] Research and screening tools of this kind remain rare. As

[535] Dolan at the Global Summit to End Sexual Violence in Conflict, *fieldnotes*, London, June 2014.
[536] For instance, sexual violence against men is more likely to be counted and coded as 'torture' rather than sexual violence *per se*, e.g. Leiby, M. (2009), "Digging in the Archives."
[537] Office of the UN SRSG on Sexual Violence in Conflict (2013), *Report of the Workshop on Sexual Violence against Men and Boys in Conflict Situations*, 25-26 July, p.12.
[538] E.g. Allsopp, J. (2017), "Aggressor, victim, soldier, dad;" Ginnis, E. R. (2016), "Sexual Victimization of Male Refugees and Migrants: Camps, Homelessness, and Survival Sex," *Dignity*, 1(1): 1-12; Fiddian-Qasmiyeh, E. & Qasmiyeh, Y. (2010), "Muslim Asylum-Seekers and Refugees: Negotiating Identity, Politics and Religion in the UK," *Journal of Refugee Studies*, 23(3): 294-314.
[539] Interactions (n.d.), "Conflict-related sexual and gender-based violence against men and boys," *Themes*: *Gender-Based Violence*.

Cohen notes, "until such research practices become more common, the incidence of male victimization will remain largely unknown – and unknowable."[540]

This discussion underscores the difficulties of producing quantitative data on sexual violence in conflict. Statistics nonetheless are privileged for policy, advocacy, and journalistic purposes wherein "soundbites, statistics, and short pithy like bits" are popular currency.[541] They are frequently cited without much acknowledgement of the processes behind their production, and, indeed, what can and cannot be gleaned therefrom. Exploring how numbers are presented and interpreted, therefore, is important. Returning to Peterman et al.'s study, it does not, as previously noted, disaggregate the nature of sexual harms reported nor their relationship to the conflicts. Yet, introducing the study, and thus setting the frames through which the findings are read, the authors state:

> "Violence against women, often used as a systematic tactic of war to destabilize populations and destroy community and family bonds, has become more common and increasingly brutal in recent years in the [DRC]. Reports from the DRC indicate that sexual violence is widespread and includes gang rape, abduction for purposes of sexual slavery, forced participation of family members in rape, and mutilation of women's genitalia with knives and guns, among other atrocities."[542]

It would be unfair to suggest that Peterman et al. contend that the estimates produced by their study only take the forms depicted in this paragraph. In fact, they are quite explicit in stating that among their conclusions is the need to increase the visibility of intimate partner violence.[543] Moreover, the authors have elsewhere called for greater "accountability and rigour surrounding

[540] Cohen, D. (2016), *Rape During Civil War*, p. 7.
[541] Women's Rights Advocate, civil society, *interview*, New York, January 2014.
[542] Peterman, A. et al. (2011), "Estimates and Determinants of Sexual Violence," p. 1060.
[543] Ibid, p. 1065.

citation of estimates of sexual violence during conflict."[544] Their numbers are nevertheless disseminated, at times misleadingly, and often without requisite rigour.

The presentation and interpretation of sexual violence statistics cannot be separated from wider politics of knowledge production of violence in 'Africa,' and DRC in particular.[545] Among the more critical appraisals of Peterman et al.'s study came from Ensler in a piece entitled "Over It." Her critique was not directed at the numbers themselves, nor the methodology behind them. Rather, Ensler was "over" the "mad distraction of the accumulation of statistics."[546] She takes it as a given, then, that the numbers and stories, including those she has heard,[547] are closely entwined and co-constitutive. As explored later, such an assumption is untenable. This stance is, nonetheless, illustrative of the "easy acceptance" of sexual violence reports "that draw on an ontological foundation that reproduces a particular geographical imagination of Africa."[548]

Before exploring these ontological foundations and the gendered colonial histories underpinning them, I highlight two vignettes demonstrating tangible ways practices of knowledge production in/by the West impact on assumptions of Congolese women and men. In the first, a Congolese colleague recounted that when her (American) boss asked her opinion about DRC being known as 'the rape capital of the world,' she said she was, then, not aware of this depiction. When her boss then showed her some of the reports, she was horrified. That night, she met up with friends to talk about these numbers: "we took out our calculators to see if this was really possible, but we all thought they [the numbers] surpass the population; how

[544] Palermo, T. & Peterman, A. (2011), "Undercounting, overcounting," p. 925.
[545] Notably, Mobutu changed the name of the country from Congo to Zaire, in part, because the word 'Congo' had become an adjective rather than a proper name." (Behr 1982: 136).
[546] Ensler, E. (2011), "Over It," *Huffington Post*, 11 January (Updated 11 January 2012).
[547] Ensler, at *supra* note, 381.
[548] Daley, P. (2015), "Researching Sexual Violence," p. 438; see also, Mertens, C. (2018), "Undoing Research on Sexual Violence in Eastern Democratic Republic of Congo," *ACME: An International Journal for Critical Geographies*, January, pp. 1-26.

can this be? It mocks us and it dirties the Congolese population. We were thinking when *wazungu* come here, they must think we've all been raped."[549]

This conversation echoed one I had had with a Congolese women's rights activist two years prior, who during one of our many discussions about responses to sexual violence, reflected on a trip to Belgium. She had been invited to speak on a panel about women's rights and was the only Congolese woman present at the event. What was especially memorable about her account was the reaction she witnessed from the audience as she was introduced as a Congolese woman: "they all looked at me like I was a rape victim […they say…] forty-eight or fifty women are raped every hour? What does this say about our men?"[550]

SECTION IV

HISTORICISING 'THE RAPE CAPITAL OF THE WORLD'

This final section examines the "easy acceptance" of statistical and testimonial reporting on sexual violence in DRC, which emphasises "(Congolese) women as vulnerable, needing protection, and as victims of (Congolese) men's brutality."[551] Exploring the role of colonial-cum-humanitarian histories in shaping the gendered and racialised frames through which contemporary reporting is read and accepted reveals that DRC's branding as 'the rape capital of the world' does not exist in an historical vacuum.

While the sheer volume and nature of contemporary research and reporting on sexual violence in DRC may be recent, Western interest in African sexuality is, however, far from new. As observed by Lauro, "European fascination with African sexuality has a long history […] Since the antiquity, Africa has been presented as the territory of unbridled sexuality, both attractive and threatening, of which the legendary sexual monstrosities of its inhabitants, and in particular

[549] Conversation with a Congolese colleague, *fieldnotes*, Goma, April 2016.
[550] Congolese Women's Rights Activist, *interview*, Bukavu, April 2014.
[551] Eriksson Baaz & Stern in Daley, P. (2015), "Researching Sexual Violence," p. 437.

the size of their genital organs, constituting 'evidence' thereof."[552] Such representations have long informed mythologies about sexual danger, legitimating attendant practices of sexual regulation in colonial and postcolonial African contexts.[553] Relatedly, it should be remembered that DRC in particular, including in its previous incarnations as the Congo and Zaire, has long held a central position under Western eyes as "the land of humanitarian interventions."[554] As Kabemba reminds us, "[i]n most African countries, imperialism and colonialism were embedded into the notion of humanitarianism."[555]

With few notable exceptions,[556] analyses of the historical intersections between colonialism, humanitarianism, and their implications in DRC, rarely explore their gendered dimensions. This overlooks a central component of 'the Congo's' colonial history and precludes an understanding of its present-day echoes. Pointing to the paradoxical "oversayability" of sexual violence in contemporary international discourse relative to its historical "unsayability" during Belgian colonial rule, Mertens notes that "today's international security discourses occur in the midst of an almost complete absence of such history and its memories."[557] Insights into the gendered and sexual dimensions of colonial practices and abuses of Belgian colonial rule in Congo underscore two sets of issues: the first pertains to administrative and legislative practices of sexual regulation for biopolitical ends.[558] The second speaks to the naturalisation of violence

[552] Lauro, A. (2013), "De la puberté féminine dans les 'zones torrides.' Expertise médicale et régulations du corps des jeunes filles dans le Congo colonial,'" *Sextant*, 30: 33-45, p. 33.
[553] Otto, D. (2016), *email communication*, September 2016. [Email on file with author.]
[554] Kabemba, C. (2013), "The Democratic Republic of Congo: The Land of Humanitarian Interventions," in Everil, B. & Kaplan, J., (eds.), *The History and Practice of Humanitarian Intervention and Aid in Africa*, Basingstoke & New York: Palgrave Macmillan, Ch. 6, pp. 140-157.
[555] Ibid, p. 141.
[556] E.g. Daley, P. (2015), "Researching Sexual Violence;" Lauro, A. (2013), "De la puberté féminine dans les 'zones torrides;'" Lauro. A. 2015. "Régulation de Mariage et Politiques Sexuelles;" Mertens, C. (2016), "Sexual Violence in the Congo Free State."
[557] Mertens, C. (2016), "Sexual Violence in the Congo Free State," pp. 6-7.
[558] Lauro, A. (2013), "De la puberté féminine dans les 'zones torrides;'" Lauro. A (2015), "Régulation de Mariage et Politiques Sexuelles."

in DRC as a "native phenomenon," which exists alongside the erasure of violence, including brutal sexual violence, committed by colonial powers.[559]

Beginning with the former, Lauro illuminates the role of humanitarian, civilising, and sexuo-racialised tropes in driving practices of sexual regulation, particularly of young women's and girls' bodies in the Belgian Congo.[560] She details how, grounded in 'moral' rhetoric, and a supposed concern for the 'well-being' of the indigenous populations, colonial policies relied on medical, religious, and legislative institutions to regulate the age of marriage, polygamy, promote maternal health, to, ultimately, elevate the birth rate in the colony.[561] The "almost obsessive" concern with the decreasing birth rate in Belgian Congo came to place "the question of sexual rapports above all others."[562] As a result, "nowhere else in Sub-Saharan Africa was the domain of women's and children's health so '[heavily] invested in."[563] And, if the consequences of these policies "can appear to be of marginal importance," Lauro admonishes, "their consequences never were."[564] As this contextual overview of contemporary international attention to and investment in responding to sexual violence in DRC suggests, the parallels to this colonial period appear eerily resonant.

While colonial policies sought to publicly regulate the most intimate areas of their Congolese subjects' lives through political, medical, and judicial measures,[565] Congolese experiences of sexual violence at the hands of colonial administrators are shrouded in silence.[566] Given the centrality of sexual violence in contemporary representations of the conflicts in the region, the

[559] Mertens, C. (2016), "Sexual Violence in the Congo Free State," p. 16.
[560] Lauro, A. (2013), "De la puberté féminine dans les 'zones torrides;'" Lauro. A (2015), "Régulation de Mariage et Politiques Sexuelles."
[561] Ibid; see also Hunt, R. N. (2016), *A Nervous Sate: Violence Remedies, and Reverie in Colonial Congo*, Durham: Duke University Press.
[562] Ibid.
[563] Piette, V. (2015), "L'enfant du Congo belge un main-d'oeuvre en devenir?," p. 180.
[564] Lauro, A. (2013), "De la puberté féminine dans les 'zones torrides,'" p. 45.
[565] This included through legislative means. For instance, the first colonial Civil Code, passed in 1895, set the legal age of marriage to twelve years of age for girls (Lauro 2013: 36-37).
[566] Mertens, C. (2016), "Sexual Violence in the Congo Free State,"

silence enveloping the issue historically is especially apparent. In her analysis of humanitarian crisis photography in/of DRC, Graham highlights the shift in the types of "wounds [that] are feature through the humanitarian gaze and its associated portraits."[567] Beginning with the "atrocity images" emerging from the Congo Free State, she notes that these foregrounded physical injuries and suffering, displaying subjects' severed limbs in particular, committed at the hands of Belgian colonial official and their sentries.[568] Such images were popularised across the West by the Congo Reform Association (CRA) through reports, pamphlets, as well as "'atrocity meetings' and 'lantern lectures' that employed photographic slides, hymns and oration to move audiences (often numbering in the thousands) to the outrage and compassion that drove monetary donation."[569] While images of this period portrayed a "variety of faces, genders and ages,"[570] contemporary depictions predominantly feature women.[571]

Sketching "archival traces and present reconfigurations" of sexual violence in DRC, Mertens uncovers evidence demonstrating that brutal and, at times, public rape, sexual exploitation and torture of Congolese women and men was "often used as punishment or as extortion [and] more broadly as a display of colonial power."[572] Pertinently, however, these did not feature in the CRA's humanitarian campaigns.[573] Mertens explains this historical erasure of sexual violence, "which was well known at the time," as being "unsettle[ing] to Victorian social mores."[574] She underscores that "representation of atrocity must be framed 'in accordance with the culturally specific and historically contingent mores of strangers, if one is to enlist those strangers in bringing atrocities to an end."[575] Yet, this historical "unsayability" of sexual violence in Congo

[567] Graham, A. (2014), "One hundred years of suffering? 'Humanitarian crisis photography' and self-representation in the Democratic Republic of the Congo," *Social Dynamics*, 40(1): 140-163, p. 147.
[568] Ibid, pp. 140, 142.
[569] Ibid, p. 143.
[570] Ibid.
[571] Ibid., p. 148.
[572] Ibid, 14.
[573] Mertens, C. (2016), "Sexual Violence in the Congo Free State," p. 11.
[574] Ibid, p. 12.
[575] Grant in ibid, p. 11.

stands in sharp contrast to its "oversayability" in contemporary security discourses.[576] With the former presenting sexual violence as unfit to be spoken and the latter moving towards a "pornography of pain,"[577] neither, she suggests, "do justice to the suffering."[578]

As Mertens further argues, the elision of sexual violence perpetrated by European colonial officials serves to "naturalis[e] colonial violence as a native phenomenon" that "can only be African in origin."[579] This reifies the sexual violence exceptionalism defining DRC, encapsulated in its 'status' as 'the rape capital of the world.' As Graham states, "to effectively treat even the symptoms of a humanitarian crisis, agencies and their donors must appear to be effective at separating victims from perpetrators."[580] "There must," therefore, "be no ambiguity as to who is being aided and who is contributing to the crisis."[581] In crude sexuo-racialised terms, this generally translates into Congolese women being the victims of Congolese men's brutal violence. As previously discussed, such limiting binaries are widely critiqued from various vantage points. Postcolonial feminists, in particular, have shone a critical light on the perpetually victimised 'third world woman.'[582] However, much less critical feminist attention is paid to the attendant 'third world man' produced under these same western eyes. Given the longstanding regulation of gender relations in DRC, both the figures of the 'Congolese woman' and the 'Congolese man' are imbued with an especially stark set of assumptions of (female) sexual victimisation and attendant (male) sexual danger. These have tangible implications for contemporary responses to sexual violence in the country.

[576] Ibid, p. 17.
[577] Ibid.
[578] Ibid.
[579] Ibid, p. 16.
[580] Graham, A. (2014), "One hundred years of suffering?," p. 151.
[581] Ibid.
[582] E.g. Kapur, R. (2002), "The Tragedy of Victimisation Rhetoric;" Mohanty, T. C. (1984), "Under Western Eyes."

Having addressed the former, I briefly turn to (post)colonial representations of Black 'African' men. Expanding gender policy and programming working with men renders this question timely. Returning to the haunting narratives and troublesome statistics of sexual violence in DRC, the ease with which these are accepted and reproduced by western audiences says as much about imaginaries of the violability of Black African women as it does about beliefs around Black African men's propensity to violate. These are relationally, and perhaps inextricably, entwined. In *Black Skin, White Masks,* Fanon remarks that in the eyes of (white) Europeans, the Black man is "phobogenic object" or "stimulus to anxiety," specifically in relation to his "tremendous sexual powers" and his "terrifying penis."[583] In fact, Fanon affirms, "Whoever says rape says Negro."[584] Rarely stated as starkly, Fanon is far from alone in pointing to such scripts of Black (African) men.[585] Such sexuo-racialised tropes, long projected to western audiences, shape what is imaginable, and, in effect, believable. Eriksson Baaz observes that stories of sexual horror in DRC, even those which may be "physically impossible," are nevertheless widely shared "as if [they] could actually be a true story."[586] Such reporting, she argues, continues to hold traction in western audiences as it "quench[es] the thirst for these stories about African brutal savage warriors who are engaged in extraordinary violence."[587]

Critically reflecting on how one interprets acts of (sexual) violence in DRC is important, especially given the representational histories described above. However, the language of "true/not true" and/or of "believable/not believable" as frames through which to consider contemporary violence in DRC is uncomfortable. Such language may veer too closely towards denying - rather than complicating - narratives of (sexual) violence in DRC. This, too, may do

[583] Fanon, F. (1986), *Black Skin, White Masks* (translated by Markmann, L. C.), London: Pluto Press, p. 137.
[584] Ibid, p. 127.
[585] Lauro, A. (2013), "De la puberté féminine dans les 'zones torrides,'" p.33.
[586] Eriksson Baaz, M. (2016), "Assumptions and Desires on Gender in Africa," *Keynote Lecture delivered at the Nordic Africa Days*, 27 September 2016, Nordic Africa Institute, Uppsala.
[587] Ibid.

a disjustice to the atrocities committed in the conflicts. It is, nevertheless, important to acknowledge how our "modes of knowing [are] influenced by imaginative geographies of place" and the histories out of which these are borne.[588] As Daley highlights, such an approach illuminates how, in this space – deemed exceptional in the sheer scale and brutal nature of the violence committed on Congolese (women's) bodies – less rigour and sensitivity may be applied to understanding and representing its gendered subjectivities.[589]

CONCLUSION

Concluding Part I of the dissertation, this chapter introduced and traced the making of DRC as 'the rape capital of the world.' Resulting from increased reporting on sexual violence in DRC in the early to mid- 2000s, the country came to represent the quintessential reference point for policy and advocacy on the issue. Building on localised responses, the ensuing internationally driven infrastructure produced new ways of 'knowing' sexual violence in the region. Significant investment was made in developing statistical data collection mechanisms to shift towards 'hard' numerical data in the form of administrative data and survey data. The analysis of UNFPA's Data & Mapping database, and of two prominent surveys foregrounded the challenges and limitations of quantifying sexual violence in conflict, leading to both under-counting and over-counting. These challenges and limitations notwithstanding, numbers melded with narrative testimonies are used to sustain the image and status of DRC as 'the rape capital of the world' and 'the worst place on earth to be a woman.'

While the narratives and numbers are grounded in realities of the conflicts, to uncritically interweave them can be misleading. Nevertheless, these are widely disseminated often without due acknowledgement of the complexity of sexual violence in DRC. Viewed in its postcolonial context, this becomes less surprising given the longstanding attention to and regulation of

[588] Daley, P. (2015), "Researching Sexual Violence," p. 438.
[589] Ibid.

sexual and gendered relations in (DR) Congo. In effect, colonial durabilities in contemporary DRC may be perceptible, if only in its very making – or re-making – as 'the rape capital of the world' and the ease with which the startling, yet often uncontextualised, knowledges it produces are accepted in and by western imaginaries. With this backdrop set, I turn to the gendered subjects produced by contemporary responses to sexual violence in DRC.

PART II

DISCORDANT SUBJECTS: RETHINKING THE FEMALE SURVIVOR OF SEXUAL VIOLENCE IN DRC

INTRODUCING PART II

The rise to prominence of sexual violence in conflict and attendant response mechanisms developed largely relied on and reproduced a clearly delineated understanding of what sexual violence in conflict looks like, who it affects, and in what ways. Given that particular representations of an issue invite particular responses,[590] a plethora of questions arise. These include: how do differently positioned response mechanisms represent and address sexual violence in conflict? Why, with what implications, and to whom? In Parts II and III of this dissertation, I examine these questions vis-à-vis conflict-affected women and men and, to a lesser extent, girls and boys, respectively. To do so, I present two triptychs of female and male subjects produced by institutions constituting the sexual violence response architecture across international policy and in operational practice in eastern DRC.

The three chapters constituting Part II, then, explore the triptych of the female figures of sexual violence discourse, policy, and practice. At the outset, this study set out to examine the inclusion and exclusion of men, or male subjects, in responses to sexual violence. Over the course of the data collection, however, the extent to which I took for granted the figure of the female victim/survivor was evident. I became increasingly uncomfortable with the distinct, and I suggest, discordant ways in which the terms 'victim' and 'survivor' were used by respondents across different sets of institutions and research sites. In particular, the nature of the harm they, as survivors, had endured became increasingly opaque. Building on the previous chapter, examining the role language and numbers in producing and sustaining DRC as 'the rape capital of the world,' here I begin to look more closely at what, and indeed who, lie beneath the surface of the dominant narrative of sexual violence in DRC. Drawing on data collected at the UN Headquarters in New York and in the North and South Kivu provinces of DRC, I trace the

[590] Kapur, R. (2002), "The Tragedy of Victimisation Rhetoric."

contours of three female figures of contemporary sexual violence discourse and practice: The Quint-*essentialist* Survivor, The Programmatic Survivor, and The Legal Victim.

The objectives of Part II are three-fold: first, to unpack the varied ways in which the female victim/survivor subject was characterised across research sites and institutional demographics. Second, to explore the implications of internationally driven responses to sexual violence in conflict, specifically vis-à-vis the conceptual, policy, programmatic, and legal spaces available to women and girls in such contexts. While highlighting important nuances in the form (female) survivor subjects adopt under different sets of institutional eyes, the third and ultimate aim of Part II is to demonstrate that they nevertheless remain (un)comfortably confined to their victim, or survivor, status. Importantly, focusing on 'the female side' of the gender binary, these chapters present a building block towards the overarching argument of this thesis. That is, sexual violence response mechanisms function to reinforce – or protect – gender, and institutional conceptions thereof, limiting the potential to transform them.

With this in mind, Part II proceeds as follows: by way of setting the scene, I begin with an account of the launch of the *Declaration of Commitment to End Sexual Violence in Conflict* (Declaration of Commitment) at 68th Session of the UN General Assembly in September 2013. This event, and the Declaration document itself, bring to the fore the priority focus of the international community, including the UK government and the UN, vis-à-vis addressing sexual violence in conflict. It thus offers an apt starting point from which to explore how this focus came to be, as well as the more complex picture at the granular level in eastern DRC. Against this introductory backdrop, I turn to Chapter IV, and discuss the first female subject: The Quint-*essentialist* Survivor. Highlighting her centrality to the establishment of sexual violence as a standalone thematic issue on the UN Security Council agenda, I demonstrate how this carefully delineated figure came to represent the archetypical survivor of conflict-related sexual violence in feminist advocacy and international security policy. In Chapter V, and

framed around The Programmatic Survivor, I turn to some of the complexities associated with the response architecture operationalised in DRC. This chapter discusses politics of programmatic labelling and revisits the politics (and ethics) of counting sexual violence. Finally, Chapter VI examines judicial responses to sexual violence and presents The Legal Victim produced through efforts to fight impunity for sexual violence crimes. Overall, I conclude Part II by emphasising that while the female victim/survivor takes on qualitatively different forms in policy, programmatic, and legal spaces, she ultimately remains confined to her victim/survivor status.

SETTING THE SCENE:

CONFLICT-RELATED SEXUAL VIOLENCE ON THE INTERNATIONAL STAGE

"*The Congolese woman has carried her problem across the world […]. Thank you infinitely for having heard the cry of the Congolese woman.*"[591]

During a side-event at the 68th UN General Assembly in September 2013, the then UK Foreign Secretary, William Hague, launched *The Declaration of Commitment to End Sexual Violence in Conflict.* The Declaration of Commitment is a non-binding 'commitment of agreement' between countries to, as suggested by its title, end sexual violence in conflict. By the end of the event 113 - or, two thirds - of Member States had endorsed it.[592] Copies of the Declaration were distributed to audience members, the opening paragraph of which painted a clear picture of the nature and gravity of sexual violence committed in conflict:

> "The widespread use of rape and other forms of sexual violence in armed conflicts around the world is one of the *greatest*, most persistent and most neglected injustices. Sexual violence in conflict inflicts *unimaginable suffering*. It is designed to *destroy* individuals, families and communities. In so doing it perpetuates conflict and instability, often for generations. But it is not an inevitable consequence of war. We applaud all that the UN, other multilateral organisations and civil society have done to halt this *human tragedy*. We commit our fullest support to them. But for too long those who commit these crimes, and their superiors who condone them, have gone unpunished. As an international community we can - and must - do more to prevent and respond to these acts of barbarism […]"[593]

[591] Representative of DRC to the Francophonie, launch of The Declaration to End Sexual Violence in Conflict, *fieldnotes*, New York, 24 September 2013.
[592] This later rose to 122 Member States (SRSG SViC, 2013).
[593] PSVI (2013), *The Declaration of Commitment to End Sexual Violence in Conflict,* 24 September 2013, p. 1, emphasis added.

As part of the UK Prevention of Sexual Violence Initiative (PSVI), this high-level event was chaired by the Rt Hon Hague, with statements given by the then SRSG on Sexual Violence in Conflict, Zainab Bangura, and a representative from the London-based organisation Survivors Speak Out.[594] A pre-recorded statement was also delivered by Angelina Jolie-Pitt in her capacity as UNHCR Special Envoy and champion of the PSVI, via video-link. Opening the event, Hague echoed the language of the Declaration, proclaiming that it marked a "historical turning point" in an "awareness and a willingness to act on sexual violence in conflict."

Passing the (virtual) floor to Jolie-Pitt, the UNHCR Special Envoy expressed strong support for the Declaration, which reflected a "global change in attitudes" and sent a "message to survivors that their voices are heard." She recounted the story of a five-year-old girl whom, she learned, had been raped outside a police station in DRC. "This little girl," Jolie-Pitt affirmed, "represents everything we're fighting for, including her innocence, her rights, her future." Personally addressing Member States, she closed by stating: "We cannot aim for anything less than ending warzone rape and sexual violence and action on the ground is what will make the difference to the vulnerable women and children in refugee camps. *You* have it in your power to make a difference, to make a difference to the lives of millions of people."

In her statement, SRSG Bangura spoke of the "heart-breaking stories" of survivors who have experienced "the most degrading form of treatment by combatants" and whose "bodies are [considered] less worthy than rats." According to Bangura, the Declaration represented the international community standing together saying: "enough is enough," marking a date on which "we can say that [the] world stood together to challenge this historic injustice." The representative of Survivors Speak Out addressed the long-term health consequences, physical

[594] I do not write the representative's name as she was later, and in her absence, identified and referred to by members of the panel as a "survivor." Moreover, neither her name, nor her statement are included on the FCO information page about the launch event. As such, I prefer to respect her anonymity and refer to this individual as the 'representative of Survivors Speak Out.'

and psychological, and the "need for women, peace and security resolutions in action and not just in words." Pointing to operational responses in conflict settings, she emphasised the importance of a holistic and survivor-centred approach to service delivery, and the "need to consider the LGBT dimensions that are often forgotten." Closing, she affirmed, "the more empathy you can give to survivors, it will have a meaningful impact no matter how far away."

Three points are particularly noteworthy here. The first relates to the (presumed) nature of sexual harms committed in conflict. As is apparent in the Declaration, sexual violence in conflict is committed by armed actors against civilians. It inflicts "unimaginable suffering" and is intended to "destroy individuals, families and their communities."[595] The second relates to its scale; Jolie-Pitt's affirmed that "your actions will help *millions of people*."[596] The third, stated by Survivors Speak Out, refers to what 'our,' as external actors and observers, appropriate affective response to survivors should be. That 'our' empathy towards survivors of this crime is meaningful, even from afar. Given the endorsements the Declaration received, this event and the document itself are emblematic of the international community's focus vis-à-vis sexual violence in conflict. They are, in other words, illustrative of 'who' international actors (believe they) are protecting, from what kinds of harms, and committed by whom.

Moreover, throughout the event the association between sexual violence in conflict and eastern DRC was affirmed, with several participants recounting their own visits to the region. In the final minutes of the event, Hague announced a last and unplanned intervention by Mme. Tshombe, the Representative of DRC to the Francophonie. Given DRC's centrality to the event, and in internationally driven efforts to address sexual violence more broadly, Hague stated that the country should be represented. Rushing in from a meeting, Tshombe addressed the audience by foregrounding her own identity as a Congolese woman, expressing that "as a

[595] PSVI (2013), *The Declaration of Commitment*, p. 1.
[596] Launch of The Declaration to End Sexual Violence in Conflict, *fieldnotes*, New York, 24 September 2013.

Congolese woman" she felt very "moved" that "the cry of the Congolese woman has finally been heard and amplified." She continued, "[t]he Congolese woman has carried her problem across the world and has been heard by the international community [...] The Congolese woman is no longer alone."[597] She closed by "infinitely" thanking delegates "for having heard the cry of the Congolese woman." Tshombe's repeated references to "*the* cry of *the* Congolese woman" were striking in their singularity. They reified a sense that there exists a shared imaginary of the 'Congolese woman,' centring on who she is, the nature of the harms she has (inevitably) endured, and the redress she thus (inevitably) seeks.

Writing about western-produced essentialisms of African women, Oyěwùmí notes that the conception of "'women' as a recognizable, victimized socio-political category" is made possible by the policies of international institutions, not least the UN.[598] Oyěwùmí further observes that how the political category of 'women' interacts with local constructions of gender "is an empirical question that depends on the issues and the context" but that it is "impossible to deny the influence of the west in shaping local discourses and practices about gender."[599] As further evidenced below, the 'Congolese woman' has been accorded particular prominence within this international space, specifically with regards to her (presumed) victimisation or 'survivorhood.' In the following Chapters, I take on Oyěwùmí's empirical question and examine how, why, and with what implications political categories of 'survivors' and 'victims' are produced by institutional policies and practices in New York and in eastern DRC.

[597] Ibid.
[598] Oyěwùmí, O. (1997), *The Invention of Women*, p. 176.
[599] Ibid, p. 177-178.

CHAPTER IV

THE QUINT-*ESSENTIALIST* SURVIVOR

"*It is, of course not possible to determine - or meet - the needs and interests of the uncountable, faceless and nameless women affected by conflict and living through war. Rather, the inevitable representation of these women takes place through imbuing the figure of the woman-in-conflict with particular meaning or characteristics.*"[600]

The Quint-*essentialist* Survivor represents the archetypal survivor subject and is the most widely known - or dominant - of the figures constituting the female triptych. She is largely characterised and recognisable by the brutal nature of the sexual harms inflicted upon her body, invariably by armed men in uniform during periods of armed conflict. This sexual violence is widespread and systematic; it is used to displace and at times even destroy communities. Meeting these criteria, it is a crime under international law,[601] and, since the adoption of SCR 1820, is recognised as a threat to international peace and security.[602] This has come to epitomise sexual violence in eastern DRC, expressed through "*the* cry of the Congolese woman."[603] To understand this figure's prominence, it is instructive to trace her centrality in the positioning of conflict-related sexual violence as a self-standing thematic issue on the Security Council agenda, as achieved through the unanimous adoption of SCR 1820 in June 2008.

As discussed in Chapter I, the Security Council resolutions on women, peace and security, and resolution 1820 in particular, are the site of significant feminist analysis and critique. This is not surprising given the "emotional and moral legitimacy" of claims based on international

[600] Cook, S. (2016), "The 'woman-in-conflict' at the UN Security Council," p. 354.
[601] UNGA (1998), *Rome Statute of the International Criminal Court*, articles 7(1)(g), 8(2)(b)(xxii), and 8(2)(e)(vi).
[602] UNSC (2008), *Security Council Resolution 1820,* OP. 1.
[603] Representative of the DRC to the Francophonie, launch of the Declaration to End Sexual Violence in Conflict, *fieldnotes*, New York, 24 September 2013.

law"[604] on the one hand, as well as the place of the law as a "site of discursive struggle where competing visions of the world, and women's place therein, are fought out" on the other.[605] These critiques have, in large part, emphasised the essentialising nature of the resolutions and their tendency to rely on and reinforce protective gender scripts.

Reflecting on the rise of sexual violence relative to other components of the WPS agenda, respondents emphasised three points in particular. The first was the "horrific nature" of sexual violence in conflict; the second was that the issue is more easily comprehensible by policymakers in general and vis-à-vis its relevance to the Security Council's mandate; and that it seemingly lends itself to clear and more easily identifiable, quantifiable and thus measurable policy outcomes in line with the UNSC mandate. As observed by one respondent:

> "It's easier to figure out ways to address sexual violence in conflict and it's an easily identifiable problem that everyone can agree with, except for perpetrators apparently, but the vast majority of humans are like that's a really bad thing. I think you can come up with solutions or strategies to solving it in ways that you can't with women's participation without significantly threatening power structures in a country's government […]. And it's also in terms of the Security Council, you can do sanctions over perpetrators who commit acts of sexual violence […]. So I just think it's an easier thing to understand and I think it's something you can get more public awareness and more public pressure on because it's so horrific."[606]

It is apparent from this vignette that, for advocacy and policy purposes, the appeal of sexual violence lay in the fact that: it is horrific, easily identifiable, and is presumed to invite

[604] Charlesworth, H. (2003), "Feminist Methods in International Law," in Dowd, E. N. & Jacobs, S. M. (eds.), *Feminist Legal Theory: an anti-essentialist reader,* New York: NYU Press, Ch. 10, pp. 78-85, p. 84.
[605] Cossman, B. (2003), "Turning the Gaze Back on Itself: Comparative Law, Feminist Legal Studies, and the Postcolonial Project", in Dowd, E. N. & Jacobs, S. M. (eds.), *Feminist Legal Theory: An Anti-Essentialist Reader,* New York: NYU Press, pp. 86-92, p. 87.
[606] Women's Rights Advocate, civil society, *interview,* New York, January 2014.

measurable solutions in line with the Council's remit and infrastructure. This resonates with literature pointing to the use of strategic gender essentialisms for advocacy and policy purposes, discussed in Chapter I. Additionally, this passage identifies a more fundamental point vis-à-vis the ascension of sexual violence as a standalone issue: it was perceived as less threatening to the 'gendered order of things,' than, as noted by the interviewee, promoting women's participation. As aptly noted by Kapur, "the postcolonial or Third World Victim subject" – usually presented as "thoroughly disempowered, brutalised and victimised"[607] – has long been promoted by feminist advocates to promote women's rights.[608] The (female) victim subject thus represents a "potent cultural resource" for agenda setting, "precisely because it resonates with pre-existing gender discourses."[609]

Delivering the annual Fred Halliday lecture at the LSE in November 2015, Goetz who, as Chief Advisor on Peace and Security of UNIFEM (now UN Women) played a central role in the adoption of SCR 1820, 'spoke back' to these critiques. In addition to revealing geopolitical dynamics in the Council and power-battles within UN bureaucracies, she suggested that this would generate a clearer understanding of the "tactics, alliances, dead ends, individuals champions, sacrifices at negotiating table reveal insights and gains missed by critics and also reveal some really important failures, and dug in resistance to women's rights not addressed in feminist critiques or activism."[610] Tracing the centrality of The Quint-*essentialist* Survivor in mobilising the requisite political will behind conflict-related sexual violence in the Council, this section contributes to this emerging discussion.

To do so, I draw on interviews conducted with policymakers and shapers to explore how and why the account of sexual violence in conflict embodied by The Quint-*essentialist* Survivor

[607] Kapur, R. (2002), "The Tragedy of Victimisation Rhetoric," p. 115.
[608] Ibid, p. 95.
[609] Carpenter, C. (2005), "Women, Children, and Other Vulnerable Groups;" p. 312.
[610] Goetz, AM. (2015), "Conflict-Related Sexual Violence."

was prioritised in the lead-up to SCR 1820. I take this particular moment as the point of departure for this discussion principally because it marked a pivotal juncture in the establishment of sexual violence as a standalone issue on the Council's mandate. As previously outlined, this had radical implications vis-à-vis the normative and institutional architecture which was subsequently developed, both within the UN and in DRC.

SECTION I
"A LOVE LETTER TO RUSSIA"

While the story behind the resolution 1325 (2000) is well documented,[611] that of subsequent WPS resolutions, including SCR 1820, are less known. So steeped in existing scholarly critiques,[612] I vividly remember the rapid process of internal recalibration I experienced when interviewing a UN Women's Rights Advocate who – placing her feminist identity squarely on the table at the beginning of our conversation – enthusiastically recounted her role in the production of resolution 1820,[613] arguably the most widely critiqued of the WPS resolutions. I had, rather naively, presumed that anyone who called themselves a feminist and who worked on gender and conflict shared a critical disposition towards SCR 1820 and the international policy focus on sexual violence in conflict more generally.

Resonating with Fuss' observations as to the deployment of essentialisms, among the most significant insights emerging from this interview was the importance of evaluating where a subject or actor is speaking from and, indeed, who they are speaking to.[614] Addressing the former first, this entails being cognisant of individual actors' aims, constraints, tools, and

[611] E.g. Cohn, C., Kinsella, H., & Gibbins, S. (2004), "Women, Peace and Security."
[612] Outlined in Chapter I.
[613] The following discussion spans the period leading-up to the adoption of resolution 1820 to 2010 when the Council adopted SCR 1960.
[614] Fuss, D (1989), *Essentially Speaking: Feminism, Nature and Difference*, London & New York: Routledge, pp. 29-30.

tactics to which they have recourse at any given moment. The respondent explained that, and I quote at length for context:

> "When I came to the UN, there was resolution 1325 and that was *it*. So, one of my main policy objectives when I came to the UN was that there should be a Security Council resolution on sexual violence in conflict as a self-standing item on the Security Council's agenda because for me, as an international lawyer, that's the powerhouse, that's the enforcement of international law, that's the Security Council. And, following the WPS debates up to then […] I kept hearing year after year after year that sexual violence is tragic, it's something that happens in war, but you know it belongs in the Commission on the Status of Women or in the Human Rights Council or the General Assembly. So, my advocacy aim was really to say that the Security Council should be seized of this as a *self-standing* threat to security and impediment to peacebuilding… [and that meant] actually saying well if this [sexual violence] is a war crime and a crime against humanity and act of genocide like any other, why is it given lesser consideration in the world's paramount security body?"[615]

With the advocacy and policy goal of setting conflict-related sexual violence as a self-standing issue on the Council's agenda, some strategic manoeuvring became necessary to persuade a still resistant Council of the relevance of the issue to its mandate.

This takes us to the second question centring on who a particular actor is speaking to. During our interview, the respondent spoke of her disappointment towards the critical response that she, and other advocates involved in the process, received from feminists in the aftermath of SCR 1820. She, then, offered an important, and confronting reminder relative to WPS resolutions: they are not written for feminist academics.[616] As Goetz similarly remarked,

[615] UN Women Rights Advocate, *interview*, New York, January 2014, emphasis in original interview.
[616] Ibid.

critiques of the resolutions tend to rely primarily on textual analyses of the documents and rarely consider the institutional and political contexts within which they are produced.[617] Crucially, Security Council resolutions represent a formal institutional tool for codifying instructions for particular actors, and are produced within the parameters of what is politically possible at any given political moment.

Addressing this point, the UN Women's Rights Advocate explained that the resolutions:

> "[S]peak to peacekeepers, to sanctions committees, to experts on sanctions committees, they speak to host governments that are perpetrators but the other – and this is a very important point too – is that the definition of conflict-related sexual violence that we developed and the whole approach of 1820 is for the Security Council but not for the world at large."[618]

Elucidating this question, she clarified that tailoring the definition of sexual violence to the Council's mandate did not equate to downgrading other gendered harms affecting women in conflict. It should not, moreover, be "read as a commentary on the whole agenda of women's rights and gender equality at large." Echoing Goetz's insights vis-à-vis political dynamics, she explained that:

> "[T]he way that you talk about things in the Council, you have to make it a love letter to Russia, you know […] taking all of their arguments on board and taking them in good faith as principled objections, how do I make this relevant to peace and security in a way that meets their standard? That's the only way we're going to move. You can't write it to a feminist academic, you can't. You have to write it to Russia and China and Pakistan, you know, or whoever is on the Council at that time."[619]

[617] Goetz, AM. (2015), "Conflict-Related Sexual Violence."
[618] UN Women's Rights Advocate, *interview*, New York, January 2014.
[619] Ibid.

More concretely, in addition to having to make the case that sexual violence was not inevitable in war, the respondent recounted that she was presented with two challenges: convincing Council members of the relevance of sexual violence to its mandate on the one hand, and to delineate *which* specific forms of sexual violence fall within the Council's remit, on the other.[620] Faced with ongoing resistance from certain Council Members as to "when sexual violence should trigger corrective action by the Security Council,"[621] she explained that she needed to develop a clear, coherent, and legally-grounded set of arguments, drawing on "*illustrative examples.*"[622] In other words, to make the case that "not every rape is for the Security Council." Acknowledging that a focus on institutional divisions of labour "sounds very bureaucratic," this was, she affirmed, "where the debate was."[623]

SECTION II
ON TIMING, FORTUITOUS EVENTS, ALLIES & CHAMPIONS

At this time, Goetz recounted that "reporting started to pile up from conflict zones with new examples of mass rape in conflict, notably in Darfur and DRC."[624] This, combined with a series of "fortuitous events" and unexpected champions, contributed to galvanising the requisite political will.[625] One such fortuitous and catalytic backstory involved an award-winning documentary. In 2007, American filmmaker Lisa F. Jackson, produced *The Greatest Silence: Rape in the Congo,* a 76-minute film featuring testimonies from women survivors, activists, peacekeepers, service providers, uniformed perpetrators from the national army (FARDC). "Above all," according to the producer's synopsis, "it highlights first-person accounts of dozens of rape survivors who recount their stories with pulverizing honesty and immediacy".[626]

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[620] Ibid.
[621] Anderson. L. (2010), "Politics by Other Means: When does Sexual Violence Threaten International Peace and Security?," *International Peacekeeping,* 17(2): 244-260, p. 244.
[622] UN Women's Rights Advocate, *interview,* New York, January 2014, emphasis added.
[623] Ibid.
[624] Goetz, AM. (2015), "Conflict-Related Sexual Violence."
[625] Ibid.
[626] The film is no longer publicly available, including online. This description is thus predominantly based on 4-minute trailer available on YouTube (Jackson 2007).

Interspersed with testimonies from survivors, some visibly young and visibly old, describing their experience with varying degrees of detail and emotional distress, the film incorporates a number of lasting narratives about sexual violence in DRC. The story told is that "rape is used as a method to create continued instability", that "the sexual violence in the Congo is the worst in the world" and "women's silence kills." It is committed by men in uniform on a brutal and unimaginable scale and the solution is fighting impunity. Moreover, in addition to introducing key champions in the global fight to end sexual violence in conflict, the film introduces particular(ly) haunting phrases, which continue to reverberate in advocacy and policy discourses a decade later. Notably, the film features Dr Denis Mukwege, the director of Panzi Hospital, or the "man who mends women."[627] In a short snippet shown in the trailer, Mukwege proclaims one of the most oft repeated phrases on sexual violence in DRC, referring to the issue as "the monstrosity of the century."[628]

Mentioned as somewhat of a footnote to conversation about allies and champions, the UN Women's Right Advocate paused and stated:

> "There's another interesting backstory to that too, I don't know if you heard this, but you know the movie *The Greatest Silence*, Lisa Jackson's movie, that came out at that time. Cheryl Benard, who was the wife of Ambassador [Zalmay] Khalilzad,[629] saw that film, brought us to the residence of the Ambassador – me and Anne Marie [Goetz] – and we're sitting with him and her and we're talking about this and they said "we need to do something on this."[630]

[627] Braeckman, C. (2012), *L'Hommes qui répare les femmes: Violences sexuelles au Congo, le combat du docteur Mukwege*, Brussels: GRIP; Michel, T. (producer and writer) & Braeckman, C. (writer) (2015), *L'Homme Qui Répare les Femmes: La Colère d'Hippocrate*, Films de la Passerrelle et Ryva Productions [documentary film].
[628] Jackson, F. L. (Writer and Director) (2007), *The Greatest Silence: Rape in the Congo*, HBO [documentary film].
[629] In reference to Ambassador Khalizad who was the US Ambassador to the United Nations in New York.
[630] UN Women's Rights Advocate, *interview*, New York, January 2014

In her account of this same 'Enloesque' turn of events that led the advocates to the "extraordinary ally" they found in the US Ambassador's wife, Goetz recounted that after having watched *The Greatest Silence,* Benard "invited all the senior women in the UN to tea." "These were," she explained, "awful affairs because she [Benard] would sit there and ask 'So ladies, what are you doing about rape in Congo?' And everyone would sit there with their tea cups and saucers rattling and eating their miniature brownies and facing the fact that there was no internal coordination."[631] In addition to using this as a rallying cry for senior women in the UN, Bernard "delivered her husband on a plate." According to Goetz, the Ambassador immediately accepted his invitation to the Wilton Park Conference - at which SCR 1820 was drafted - after having watched the film. As a result of the catalytic role the documentary played in galvanising Council action, *The Greatest Silence* was credited as "the inspiration for a 2008 U.N. Resolution classifying rape as a weapon of war."[632]

The Wilton Park Conference, held on 27-29 May 2008, was the first official high-level advocacy gathering organised by Goetz and the UN Women's Rights Advocate on this issue. It was significant and remarkable in its objectives, who it gathered, and, indeed, what it achieved. The core aim of the conference was to "buil[d] a policy consensus on sexual violence as a security issue backed by mandates, means, training and incentives for effective response."[633] The event brought together a select group of participants, with priority given to inviting "unusual suspects."[634] The UN Women's Rights Advocate explained:

> "women's rights experts and people who wanted to come were not, we felt, the ones we needed in that room. We felt we needed the people who needed to be convinced for

[631] Goetz, AM. (2015), "Conflict-Related Sexual Violence."
[632] Amazon.com (2016), "The Greatest Silence: Rape in the Congo" [documentary by Lisa F. Jackson].
[633] Wilton Park Conference (2008), "Conference Summary," Women Targeted or Affected by Armed Conflict: What Role for Military Peacekeepers?, Wilton Park, Sussex, 27- 29 May, p. 1.
[634] UN Women's Rights Advocate, *interview*, New York, January 2014.

> a changed agenda, so we brought in the peacekeepers, the men, the Generals, the Force Commanders, the Security Council experts to actually be on the podium talking about what needs to happen and from there […] we jumped to resolution 1820."[635]

In effect, over the course of the two-day gathering, participants discussed the nature and scope of the issue, along with the need to formalise existing but *ad hoc* protection strategies adopted by peacekeepers. Indeed, SCR 1820 was drafted "there and then."[636]

SECTION III
RE-CENTRING THE 'CONGOLESE WOMAN' & THE QUINTESSENTIAL HARM OF WAR

By no means the sole focus of the conference,[637] emerging evidence from eastern DRC played a prominent role in the discussion and outcome of the meeting. According to the conference summary, the meeting began with an extract from *The Greatest Silence*, fittingly setting the scene for the discussion. Further traces of DRC are perceptible through the references of Major General Cammaert's quote that "[i]t is more dangerous to be a woman than to be a soldier right now in eastern DRC"[638] along with Mukwege's depiction of sexual violence as "the monstrosity of our century."[639] The following month, SCR 1820 was unanimously adopted by the Council.

The centrality of the documented experiences of (female) survivors of sexual violence in eastern DRC to SCR 1820 was further evidenced in the Council's open debate during which it was adopted. Of the country situations referred to during the deliberations, DRC was referenced the most frequently, and by a significant margin,[640] demonstrating not only its influence on this policy development but also the essence of sexual violence of concern to the Council.

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[635] Ibid.
[636] Goetz, AM. (2015), "Conflict-Related Sexual Violence."
[637] Notably, other countries included Liberia and the then Sudan.
[638] Wilton Park Conference (2008), "Conference Summary," p.1.
[639] Ibid.
[640] DRC was mentioned on twenty-five occasions during the meeting; the second most referenced country situation was Darfur, mentioned on seven occasions. UNSC (2008), *Security Council open debate on women, peace and security*, official meeting notes from its 5916th meeting on the 19 June 2008, S/PV.5916.

Throughout the debate, sexual violence was described as "heinous," "horrific," "a brutality," "an outrage," and as "a cruel weapon of war to obliterate the enemy and destroy the family, whole communities and, above all, the dignity of women."[641] These depictions have, in effect, come to define what sexual violence in DRC, and in conflict more generally, looks like. Notably, before recounting her visit to Goma and Bukavu, the representative of France stated:

> "Doubts have at times been raised: should a debate on the issue of sexual violence in armed conflict be included on the agenda of the Security Council, which debates issues of peace and war? […] When sexual violence becomes a weapon of war, when rape is carried out in a planned and systematic campaign of terror and subjection, our Council is right to intervene. Not to do so would be a crime against conscience. We must act urgently. The figures alone do not give the complete picture of the terror and horror that each violated and battered woman experiences in her innermost being, but they do, in their grim tally, show the extent of the tragedy."

She continued, "I listened to their raw, tragic stories, from which any trace of humanity seemed to have been erased. The testimonies are unbearable. One's spirit is overwhelmed with pain […] When I saw those women and their distress, I wanted to let them know what we, the international community, are doing about this."[642] In this statement, the representative speaks to a number of points addressed thus far and explicitly raises the debate about the relevance of sexual violence to the Council's mandate. Highlighting the success of advocacy campaigns, she states that when sexual violence is deployed as a weapon of war, carried out in a planned and systematic way, the Council must act and should do so with urgency. The experiences of *each* woman behind the statistics are horrific and cause the external observer to be

[641] UNSC (2008), *Security Council open debate on women, peace and security,* official meeting notes from its 5916th meeting on the 19 June 2008, S/PV.5916.
[642] Statement of France in ibid.

overwhelmed with pain. The appropriate affective response to survivors is, then, echoing the representative of Survivors Speak Out quoted above, to give our empathy and to act.[643]

In her analysis of the "women-in-conflict" in Security Council policy-making, Cook observes that, "[i]t is, of course not possible to determine – or meet – the needs and interests of the uncountable, faceless and nameless women affected by conflict and living through war. Rather, the inevitable representation of these women takes place through imbuing the figure of the woman-in-conflict with particular meaning or characteristics."[644] In this way, the 'woman-in-conflict' becomes "the ever-present referent in policy discussions, the shadow figure on whose behalf advocacy is carried out and policy adopted, criticism advanced or action demanded."[645] In reference to sexual violence in conflict, and in DRC in particular, "we are meant to understand that sexual violence is a monstrosity and that it occurs during wartime."[646]

Moreover, as policy discourses were refined by international actors, the definition of conflict-related sexual violence ultimately came to "cente[r] on a combination of *who* (the profile of victims and perpetrators); *what* (the elements of the offence); *how* (the method) and *why* (the motive)."[647] Viewed through this narrow lens and as the issue became popularised in policy and popular discourses, sexual violence has, in effect, come to be seen as "the quintessential harm of war."[648] Those who have endured, and indeed survived, such extraordinary violence might, by extension, therefore, be considered the quintessential survivors of war. Taking this further, the experiences of the 'Congolese woman' have, thus, come to represent the quint-*essentialising* frame through which sexual violence in the region, and in conflict more broadly,

[643] Launch of the Declaration to End Sexual Violence in Conflict, *fieldnotes*, New York, 24 September 2013.
[644] Cook, S. (2016), "The 'woman-in-conflict,'" p. 354.
[645] Ibid, p. 358, emphasis added.
[646] Engle, K. (2014), "The Grip of Sexual Violence, p. 36.
[647] UN Action (2011), *Analytical and Conceptual Framing of Conflict-Related Sexual Violence*, p. 2.
[648] Heathcote, G. and Otto, D. (2014), "An Introduction," p. 11.

is understood. The 'Congolese woman,' then, may have come to represent The Quint-*essentialist* Survivor of (sexual violence in) conflict.

I use the language of essentialism here with some hesitation, not least due to its "sheer rhetorical power [as] an expression of disapprobation and disparagement."[649] I certainly do not intend to use the term disparagingly, nor do I intend for it to be read as denying the materiality of the experiences of women and girls in eastern DRC. As shown above, the codification of a particular narrative of sexual violence in conflict was a precondition for its establishment as a self-standing issue on the Council's agenda, for which the reported incidents from eastern DRC offered timely, compelling, and requisite "illustrative examples" for a resistant Council.[650] Bearing this in mind, this discussion affirms that the radicality or conservatism of an essentialism is contingent on its "deployment," calling for a careful investigation of "*who* is utilising it, *how* it is deployed, and *where* its effects are concentrated."[651]

CONCLUSION

Tracing the politics behind the establishment of sexual violence in conflict as a standalone issue on the Security Council agenda, this chapter highlighted the necessity of the quint-*essentialist* narrative of sexual violence in conflict towards this end. It formed part of a carefully constructed and legally grounded set of arguments, which drew from realities reported from DRC and was crafted to establish sexual violence as a threat to international peace and security. This discussion underscored the importance of institutional context, in addition to the role of timing, fortuitous events, allies, and champions in shaping what is politically possible in multi-lateral policymaking in any given political moment. Nevertheless, through the following chapters, I challenge the notion that the effects of a strategically, instrumentally, or

[649] Fuss, D (1989), *Essentially Speaking*, p. xi.
[650] UN Women's Rights Advocate, *interview*, New York, January 2014.
[651] Fuss, D. (1989), *Essentially Speaking*, p. 20, emphasis in original.

functionally, deployed essentialism can be situationally concentrated, particularly when dealing with a powerful entity such as the UN Security Council. Recognising the strategic necessity and success of The Quint-*essentialist* Survivor, I now explore how she 'travels'[652] through different institutional contexts in practice. Proceeding first with The Programmatic Survivor, I present two subjects produced in the wake of this dominant female figure.

[652] Said, E. (2001), "Traveling Theory."

CHAPTER V

THE PROGRAMMATIC SURVIVOR

"*It is important to clarify that the focus of the offices' work is on sexual violence in conflict situations and not on Sexual and Gender-based Violence in general (SGBV). This is based on the need to prioritize, given the magnitude of actual sexual violence crimes in the current DRC context.*"[653]

Responding to a question on the implications of the rise to prominence of conflict-related sexual violence relative to other components of the women, peace and security agenda, a civil society advocate in New York affirmed that the implications are "huge" and vary depending on who you ask.[654] From the perspective of service providers, she explained that, "part of the challenge of talking about sexual violence in conflict [is] determining whether this is sexual violence in conflict or GBV" and asked, somewhat rhetorically, "are you actually given more resources if it's 'sexual violence in conflict'? Are there ethical considerations? What happens there?"[655] Drawing primarily on interviews and observations conducted with practitioners and service providers in North and South Kivu, this chapter explores these questions. I begin by reintroducing the relevant components of the institutional architecture governing responses to sexual violence in the region, focusing on multi-sectoral assistance, and present The Programmatic Survivor subject produced at this operational level.

In response to growing internationally driven attention and pressure from the international community, a response infrastructure was established to address and redress sexual violence in DRC. As detailed in Chapter III, a Senior Advisor and Coordinator on Sexual Violence for DRC was appointed within MONU to implement a mission-wide strategy to coordinate the

[653] Senior Advisor and Coordinator on Sexual Violence for DRC (2008), *Update on Combating*, p. 1.
[654] Senior Women's Rights Advocate, civil society, *interview*, New York, January 2014.
[655] Ibid.

growing number of actors working in this domain.[656] Importantly, from the perspective of the peacekeeping mission, the Strategy was designed to address *conflict-related* sexual violence specifically, as defined above.[657] Focusing on the multi-sectoral assistance pillar of The Strategy, this discussion demonstrates that responding exclusively to conflict-related sexual violence at the exclusion of "sexual and gender-based violence in general"[658] presents a more complex picture.

SECTION I
'MARKETISING' SEXUAL VIOLENCE?

Reflecting the complex and cross-cutting nature of sexual violence, multi-sectoral assistance for survivors of sexual violence is composed of four components: 1) medical assistance; 2) psychosocial assistance; 3) socio-economic reintegration; and 4) legal assistance. The core aims of this pillar are to provide a coordinated approach to service provision for survivors, to strengthen referral pathways and, thus, improve access to services.[659] As previously noted, it is estimated that at the peak of responses to sexual violence 300-400 organisations were, in some capacity, implementing programmes related to sexual (and gender-based) violence.[660] Amidst this context, Freedman, among others, have pointed to the "marketisation" or "commercialisation" of services for victims/survivors and prevention programmes.[661] In short, this refers to the idea that sexual violence assistance came to be seen as a '*fond de commerce*,' or business, encouraging service providers and service users to capitalise on new and increased

[656] Ibid.
[657] See definition developed by UN Action, at *supra* note, 647.
[658] See Senior Advisor and Coordinator on Sexual Violence for DRC, at *supra* note, 653 .
[659] UN Action (n.d.), *Comprehensive Strategy*, p. 3.
[660] See e.g. Freedman in Chapter III, at *supra* note, 421.
[661] Freedman, J. (2015), *Gender, Violence and Politics*, p. 130; Douma, N. & Hilhorst, D. (2012), "Fond de Commerce?;" Eriksson Baaz, M. & Stern, M. (2013), *Rape as a Weapon of War?*;Autesserre, S. (2012), "Dangerous Tales."

levels of funding earmarked for sexual violence.[662] While providing an important analytical backdrop to The Programmatic Survivor, this analysis adds nuance to this critique.

Two hospitals in particular are renowned for their provision of specialist care for survivors of sexual violence and women with gynaecological conditions: Panzi Hospital (Bukavu) and HEAL Africa (Goma). In her memoir of her "journey to the worst place on earth to be a woman," Shannon described Panzi as "sexual violence ground zero".[663] In large part due to and contributing to their high profile status, these institutions, and Panzi Hospital in particular, represent an important source for reporting and research,[664] and of some critique.[665] Reporting tends to emphasise the numbers of survivors treated, in particular for traumatic fistula, caused by "the unbearable enacted on the vaginas and bodies of women day after day."[666]

The emphasis placed on this aspect of their work is also central to the hospitals' own representations of themselves to the international community. Dr Mukwege, Director of Panzi Hospital and recipient of numerous prizes,[667] uses his platform to draw attention to "human tragedies that the women and girls of the East of the Democratic Republic of the Congo are living"[668] and his work "mending [these] women."[669] In the words of Quillard, international audiences "wait for his shock sentences nourished with experience from the field."[670] As aptly illustrated in his acceptance speech for the Sakharov Prize:

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[662] Ibid.
[663] Shannon, L. (2011), *A Thousand Sisters*, p. 98.
[664] Maedl, A. (2011), "Rape as a Weapon of War in the Eastern DRC? The Victims' Perspective", *Human Rights Quarterly*, 33: 128-147; Onsrud, M., et al. (2008), "Sexual Violence-related fistulas in the Democratic Republic of Congo," *International Journal of Gynaecology and Obstetrics*, 103(3): 265-266; Smith, D. (2010), "Hell could be coming to an end in the paradise of Congo", *The Guardian*, 27 January 2010.
[665] Douma, N. & Hilhorst, D. (2012), "Fond de Commerce?;" Quillard, M. (2015), "Those Who are Raped Raise their Hands," *Revue XXI,* July/August/September 2015, pp. 95-107, p. 95.
[666] Ensler, E. (2012), "Dr Denis Mukwege: we have few heroes in this world. He is one.", *The Guardian*, 26 October 2012.
[667] E.g. European Parliament News (2014), "Denis Mukwege: winner of Sakharov Prize 2014," Human Rights, 21 October 2014.
[668] Ibid.
[669] E.g. Braeckman, C. (2012), *L'Hommes qui répare les femmes: Violences sexuelles au Congo, le combat du docteur Mukwege*, Brussels: GRIP.
[670] Quillard, M. (2015), "Those Who are Raped Raise their Hands," p. 95.

> "How can I stay quiet when for more than fifteen years [of conflict] we see what even an eye of a surgeon cannot get used to seeing? Who is this human gifted with a conscience who would stay quiet when a baby of six months, whose vagina has been destroyed either by the brutal penetration of an adult or by sharp objects or by chemicals? One rape is already serious and necessitates action from us all. In my country there are hundreds of thousands of raped women and other thousands of children born of rape."[671]

As is evident in this quote, the thread of conflict reverberates through his discourse on the nature of the violence perpetrated and the responses thereto. Echoing The Quint-*essentialist* Survivor, stories enveloped in this language become illustrative cases, reaffirming the nature and severity of sexual violence, and rape in particular, in DRC. Indeed, addressing the US Congress, Dr Mukwege stated that "the word 'rape' or 'sexual violence' cannot fully translate the horror that hundreds of thousands of women are living with in this part of the world."[672] As highlighted in Chapter III, these narratives frame how the numbers of women treated are presented and interpreted. For instance, media reporting on Panzi Hospital frequently states that Mukwege and his staff have treated or "helped repair"[673] 30,000 survivors of sexual violence.[674] Drawing on the same figure, *The Guardian's* David Smith specified these were committed "by militias in the country's volatile east."[675] Presented as such, it is somewhat challenging to disassociate the numbers from the narrative.

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[671] European Parliament News (2014), "Denis Mukwege: winner of Sakharov Prize 2014."
[672] Mukwege in Mansfield, J. (2009), "Prosecuting sexual violence in the Eastern Democratic Republic of Congo: Obstacles for survivors on the road to justice," *AHRLJ,* 9(2): 367-408, p. 368.
[673] Ensler, E. (2012), "Dr Denis Mukwege: we have few heroes in this world."
[674] Ibid, see also e.g. Simpson, F. (2015), "A reason for hope in war-torn eastern DRC," *New Internationalist Magazine,* 5 August 2015; Smith, D. (2015), "Congo government 'hounding' hospital for rape victims," *The Guardian*, 1 January 2015.
[675] Smith, D. (2015), "Congo government 'hounding' hospital for rape victims."

Not all female patients treated in Panzi's SSV-Project are survivors of conflict-related sexual violence.[676] In its reports, Panzi is transparent that the project is not exclusive to survivors of sexual violence, but also treats "women in need of specialised gynaecological assistance."[677] Its 2014 report states that between 2004 and 2013, 32,247 patients received support from the project and that 19,176, or 59.5%, were survivors of sexual violence.[678] The remaining 13,071 received gynaecological treatments, including obstetric fistula repair caused by traumatic births.[679] Some contend that the proportion pertaining to latter is much higher, stating that only "0.8 percent of fistulas in the DRC are 'rape-related.'"[680]

This figure comes from an analysis of Panzi's records of patients who received treatment for gynaecological fistulas between November 1, 2005 and November 30, 2007. 795 fistula operations were performed during this time, with information available on 604 of those patients.[681] Of the latter, Onsrud et al. found that 24, or 4%, reported the fistula as being caused by rape or other forms of sexual violence.[682] Digging deeper, 18 of the 24 did not have fistula prior to their assault. Of those 18, five were categorised as having traumatic fistulas with an evident, and *direct*, causal relationship between the assault and the fistula.[683] These five patients represented 0.8% of the 604 patients treated at Panzi over this two-year period. When the remaining 13 cases of traumatic fistula, categorised as having an *indirect* causal relationship with the reported rape, are included in the sample, the percentage raises to 3%.[684] According to the authors, this indicates that traumatic gynaecological fistula (caused by sexual violence)

[676] This is understood to mean acts of sexual violence perpetrated by an armed actor.
[677] Panzi Hospital (2014), *Annual Activity Report 2013*, Bukavu: Panzi Hospital, p. 6.
[678] Ibid, p. 13.
[679] Eriksson Baaz, M. & Stern, M. (2013), *Rape as a Weapon of War?,* p. 99.
[680] Ibid.
[681] Onsrud, M., et al. (2008), "Sexual Violence-related fistulas," p. 266.
[682] Ibid.
[683] Ibid.
[684] More information as to what an indirect relationship entailed for the purposes of this study is provided below.

is relatively rare vis-à-vis obstetric fistula (caused by traumatic birth), even in conflict zones.[685] However, given the particularly small sample of the study from one, albeit large, service provider, to state that 'rape-related' fistulas represent 0.8% of fistulas *in the DRC*, as Eriksson Baaz and Stern do,[686] is an unfair representation of the findings.

In her unambiguously critical piece on sexual violence responses in the region, Quillard recounts an exchange with Mukwege in which she questioned him about the number of women treated at Panzi. Her questioning was based on the hospital's 2013 annual report mentioned above. Reading through it and learning that 13,071 women were treated for obstetric fistula she exclaimed, "so then these women were not raped?"[687] According to Quillard, when subsequently asked why "the media in the whole world that he has "repaired 40,000 raped and mutilated women?," he replied: "I don't know, journalists want the spice."[688] Certainly, journalists bear some responsibility for their representation of statistics,[689] but they surely do not appear out of nowhere. Reflecting on her time working at Panzi, one respondent described in a somewhat comedic tone the frantic scramble in the office following Dr Mukwege's speeches as staff searched for sources to back-up the statistics he had inevitably referenced.[690] In an interview with Dr Mukwege, it was evident that the focus on statistics was a source of some frustration for him, affirming with palpable irritation that "[t]here is also a lot of discussion around numbers and statistics; I don't care about the numbers."[691]

[685] Ibid. p. 267.
[686] Eriksson Baaz & Stern, at *supra* notes, 679, 680.
[687] Quillard, M. (2015), "Those Who are Raped Raise their Hands," p. 99 [my translation].
[688] Ibid.
[689] Douma, N. & Hilhorst, D. (2012), "Fond de Commerce?," p. 31.
[690] Former Panzi Representative, *interview*, Goma, DRC, 16 May 2016.
[691] Medical Director, Panzi Hospital, *interview*, Bukavu, September 2014.

SECTION II
PATTERNS OF PRESENTATION AND DETERMINING CAUSALITY

There is something deeply uncomfortable about the focus on counting survivor statistics and scrutinising the stories behind them, seemingly, to de/legitimise the provision of sexual violence and reproductive health services for women and girls. Critiques of numbers habitually lend themselves to two types of allegations of fabrication: the first being that women and girls fabricate stories, or "pretend to be a victim"[692] and, thus, represent "fake victims."[693] The second is that service providing organisations themselves fabricate, or exaggerate, the numbers of survivors they have assisted. Addressing this last point and the politics of over-counting explored in the previous chapter, Freedman points to the role of results-based frameworks within which international interventions function wherein "the principal indicator is the number of 'victims' who are helped."[694] The line of reasoning is, therefore, that organisations have an incentive to increase their numbers to increase funding.

With respect to the 'fabrication of stories,' such critiques at times recognise that these form part of "[women's] search for survival."[695] In their analysis, Eriksson Baaz & Stern draw on Utas' concept of 'victimcy' whereby "women (as well as men) in the war zone can be understood as 'tactical agents' engaged in the difficult task of social navigation."[696] Utas developed this concept to describe the "self-staging as victim of war" in Liberia as representing a "certain form of tactic agency effectively exercised under the trying, uncertain, and disempowering circumstances that confront actors in warscapes."[697] Similarly, Douma & Hilhorst observe that "[i]n a context where the population is amongst the poorest in the world,

[692] Freedman, J. (2015), *Gender, Violence and Politics,* p. 6.
[693] Douma, N. & Hilhorst, D. (2012), "Fond de Commerce?," p. 49.
[694] Freedman, J. (2015), *Gender, Violence and* Politics, p. 67.
[695] Eriksson Baaz, M. & Stern, M. (2013), *Rape as a Weapon of War?*," p. 99.
[696] Utas in ibid.
[697] Utas, M. (2005), "Victimcy, Girlfriending, Soldiering," p. 403.

the abundant presence of organisations and services is likely to invite abuse and people may not feel they have other options to access assistance."[698]

While offering important insights into the politics of sexual violence service provision in DRC, data collected in this study highlighted additional layers of complexities in this respect. First, the reliance on an individual *presenting* as a victim or survivor of sexual violence to receive assistance warrants closer examination. This can refer both to individuals physically presenting to, i.e. reaching, health centre, as well as to identifying her or himself as a victim/survivor when seeking the requisite assistance. Reflecting on different "patterns of presentation" across health centres supported by her organisation in South Kivu, a respondent observed that among the factors contributing to the variation in individuals presenting as victims/survivors include fears around stigmatisation and guaranteeing confidentiality within the community.[699] As discussed in the previous chapter vis-à-vis the politics of counting, the reliance on individuals identifying as or presenting, in a physical sense, to a response structure can contribute to both under-reporting and, paradoxically, over-reporting.[700]

Moreover, in cases wherein an individual does present as a victim/survivor, determining the causal relationship between the ailment presented and the experience of sexual violence is not always evident. Reflecting on such challenges, a medical practitioner highlighted the challenges this presents in the provision of medical-legal evidence for rape trials. He explained that this requires "finding signs" of sexual violence in/on the survivor's body, which might include signs of recent sexual activity, testing for HIV/AIDS, or other sexually transmitted infections (STIs), and testing for pregnancy. With reference to HIV testing, he observed that "this can be a bit difficult as it can take two or three months, there can be false positives, and

[698] Douma, N. & Hilhorst, D. (2012), "Fond de Commerce?," p. 49.
[699] International Humanitarian & Medical Organisation, Senior Representative, *interview*, Bukavu, May 2014, emphasis added.
[700] See discussion in Chapter III on the politics of counting, pp. 118-131.

then, it can be difficult to determine whether it was transmitted by the perpetrator or whether it was pre-existing."[701] The doctor shared a scenario of a woman who disclosed she had been raped and tested HIV positive, but it was known in the community that her husband had lived with HIV for a long time.[702] This challenge is compounded, he explained, by the fact that "we rarely – never – examine the perpetrator."[703]

The issue of identifying causality is further exemplified, perhaps more acutely, in Onsrud et al.'s study. As noted above, the authors divided fistula patients who had disclosed sexual violence into two categories: those for which there was a *direct* identifiable causal relationship between the rape and the fistula and those with an *indirect* relationship.[704] The latter represented 72% of the sample. Looking more closely at what this means, the sample of women and girls whose fistula was identified as being indirectly related to a disclosed experience of sexual violence included women who had been raped while they were pregnant, and which resulted in either a miscarriage or a pre-term stillbirth. Subsequent attempted instrumental evacuation of the gestational products led to the development of fistulas.[705]

In other cases, the women developed fistulas that were iatrogenic – that is "caused by medical examination or treatment"[706] – either because of surgeries performed by inexperienced doctors or due to vesicovaginal fistulas in the postoperative period.[707] Finally, in four cases, the patients had reportedly been abducted and forced to live in sexual slavery. All four became pregnant and experienced obstructed labour and did not seek treatment for up to five years.[708] It is evident, then, that the women identified in this category had experienced sexual violence and

[701] Ibid.
[702] Ibid.
[703] Medical Director, General Referral Hospital *interview*, South Kivu, October 2014.
[704] Onsrud, M., et al. (2008), "Sexual Violence-related fistulas," p. 266.
[705] Ibid.
[706] OED (2018), "Iatrogenic", Oxford *Living* Dictionaries.
[707] Onsrud, M., et al. (2008), "Sexual Violence-related fistulas," pp. 266-267.
[708] Ibid., p. 267.

endured severe medical and reproductive consequences as a result. An indirect causal link between the assault and the fistula does not mean, therefore, that they are *un*related. Yet, these women and girls were excluded from the 0.8% statistic cited to forcefully make the claim that "only a tiny proportion of fistula cases in the DRC are 'rape related.'"[709]

SECTION III
'MIXING' RESPONSES TO SEXUAL VIOLENCE

As a programmatic response to these challenges, some organisations reported moving towards a "mixed"[710] or "integrated"[711] approach to the provision of sexual and reproductive health services. One respondent described one of the health centres her organisation supports, which provides, among other things, HIV testing, counselling, pre-natal consultations. She explained that because of the mixed nature of the service, "no one knows why people are presenting there because there are many things to access."[712] Similarly, another respondent explained the evolution of their health services since the organisation started working in the country fourteen years ago. Driven by the same dual recognition that sexual violence is not the singular cause of fistula and other reproductive health ailments, and of the stigma surrounding sexual violence, some of their health centres now offer integrated services for women.[713]

With respect to the confidentiality and welfare of (female) patients or beneficiaries, by offering services that are not exclusively sexual violence related, women and girls are not *ipso facto* identified as survivors by mere virtue of accessing the programme. This would put them at risk of being (further) stigmatised or facing (further) potential violence. Panzi similarly states that

[709] Eriksson Baaz, M. & Stern, M. (2013), *Rape as a Weapon of War?*," p. 99.
[710] International Humanitarian Medical Organisation, Senior Representative, *interview*, Bukavu, May 2014, my emphasis.
[711] International Humanitarian & Development Organisation, Senior Representative, *interview*, Bukavu, May 2014.
[712] International Humanitarian Medical Organisation, Senior Representative, *interview*, Bukavu, May 2014, my emphasis.
[713] International Humanitarian & Development Organisation, Senior Representative, *interview*, Bukavu, May 2014.

the SSV-Project treats survivors of sexual violence "alongside women in need of specialized gynaecological care." This is because focusing "only on sexual violence would present two separate risks: firstly, that SSVs [survivors of sexual violence] who need assistance would not seek help because of fear of stigmatization. Secondly, to avoid a situation where women may claim that they have been violated in order to receive free care for other health problems."[714]

An important factor to consider here, however, is that of donor politics. A respondent explained that what she "find[s] to be a bit of a problem [is that] we are always dependent on donors" who "give money more easily for gender-based violence because it's more sexy than complicated births."[715] This speaks to the outwardly projected image of programmes, notably to donors, as being specific to addressing sexual violence and the more inclusive provision of services in practice, for the reasons outlined above. This tension is not specific to medical assistance component of the multi-sectoral pillar, but also effect psycho-social support and socio-economic reintegration. A Congolese women's rights activist observed:

> "There has been a big amelioration in the techniques of care for victims. NGOs started taking care of victims in 2002 […] But there were still errors, even in 2006. Respect and confidentiality were still very weak. Pfffff. There would be a big sign on the outside that would say 'Here we receive victims of sexual violence every Wednesday from 15h00 to 17h00.' Everybody would know that any woman walking in was a victim. There was no confidentiality. There has been an improvement […] we no longer write signs like "here we receive victims of sexual violence."[716]

[714] Panzi Hospital (2014), *Annual Activity Report 2013*, p. 13.
[715] Provincial Director of an International Humanitarian & Development Organisation, *interview*, Bukavu, May 2014.
[716] Congolese Women's Rights Activist, *interview*, Goma, October 2014.

Similarly, the director of a women's and youth rights organisation described her socio-economic reintegration and livelihoods programming, which include communal fields, and vocational trainings. Closely echoing the respondent above, she explained:

> "We also needed to not expose the women victims of sexual violence, eh, we also mixed them with other vulnerable women so female heads of households, widows, battered women, you see, so that they couldn't be pointed by the finger that this is an activity for *raped* women and then when they passed in the road people say 'hey that's a raped woman,' that is once again traumatising so we mixed them, even until today we mixed them [survivors] with others [women]."[717]

Thus, when describing programmes established to support survivors of sexual violence, respondents explained that, in practice, these were not exclusively offered to 'survivors,' in the quint-*essentialist* sense. This highlights an apparent tension between organisations' emphasising and de-emphasising the sexual violence focus of their assistance, and by extension, of the survivor 'status'[718] of their beneficiaries. On the one hand, presenting a programme as one relating to sexual violence is deemed important to attract donor funding, while de-emphasising this focus is deemed important to balance its potentially problematic implications for individuals seen to access such assistance, on the other.

This first side of the tension can be understood through the lens of donor-NGO relations, whereby organisations tailor their programmes to meet the requirements of funding calls.[719] It

[717] President of Women and Youth NGO, *interview*, Bukavu, May 2014, emphasis in original interview.
[718] I refer here both to 'status' as a "relative social or professional position; standing" and to denote "the official classification given to a person" in this case by service providing organisations and institutions (OED 2016). In the case of the former, Eriksson Baaz & Stern wrote, "it became knowledge that claiming rape-victim status renders you a legitimate recipient in the eyes of intervening actors" (2013: 100), highlighting this idea of 'victimhood' or 'survivorhood' as 'status' within international organisations.
[719] International Humanitarian and Development Organisation, Senior Representative, *interview,* Bukavu, May 2014; see also Douma, N. & Hilhorst, D. (2012), "Fond de Commerce?," p. 33.

might, in other words, reflect a form of 'programmatic victimcy,'[720] whereby organisations navigating competitive funding landscape foreground the sexual violence, particularly conflict-related, dimension of their work to access earmarked funds. Yet, and largely driven by security and welfare concerns, once the programme is operationalised, assistance is purportedly extended to the broader category of 'other vulnerable women' to help ensure female beneficiaries are not automatically identified as 'raped women' by the wider community. As such, whereas The Quint-*essentialist* Survivor is fundamentally defined by the particular nature of the harm she has endured, The Programmatic Survivor is not.

The consequences of adopting 'mixed approaches' to the provision of assistance to The Programmatic Survivor (including survivors of sexual violence and women with severe gynaecological needs) maybe at least twofold. On the one hand, by mere virtue of being a Congolese woman, she is perhaps considered 'always-already' a victim,[721] whether of a specific incident of sexualised violence or of her gendered socio-economic position in more general terms. In consequence, where labels determine access and eligibility to particular resources and privileges, the terms 'victim,' 'survivor,' or 'women' are thus applied, at times interchangeably, as programmatically labels. In other words, under programmatic eyes, all Congolese female beneficiaries become collectively seen, or represented, as victims/survivors.

Yet, on the other hand, there may be a more positive reading and more positive outcomes for Congolese women to such an approach. It is possible that by virtue of not being defined by their survivor status and the assistance, including socio-economic and livelihood support, they receive not being contingent thereon, this approach may offer potential for challenging gender norms. This data generated in this study is not able to offer any conclusive insights on this

[720] Utas, M. (2005), "Victimcy, Girlfriending, Soldiering."
[721] Cuklanz, M. L. & Moorti, S. (2009), "Introduction: Tracking Global Media and Local Activism," in Cuklanz, M. L. & Moorti, S. (eds.), *Local Violence, Global Media: Feminist Analyses of Gendered Representations,* New York: Peter Lang, pp. 1-26, p. 3.

question from the vantage point of programme beneficiaries, largely due to its focus on institutional actors. Nevertheless, recently emerging research conducted by the International Centre for Advanced Research and Training (ICART), the 'research wing' of the Panzi Foundation, provides some encouraging insights in this regard. The study was based on a survey of 1203 women aged between 15 and 87, including women who had been affiliated with one two such programmes identified for the purposes of the survey and women from the same geographic area who hadn't (as a control group) who were asked questions centring on their perceptions of social exclusion and economic well-being. The results indicated that "support programmes seem to have a general positive significant effect, both with regard to perceived social inclusion and perceived improved economic well-being," with very little variation across 'survivors' and 'non-survivors.' [722] This suggests, then, that The Programmatic Survivor produced through 'mixed responses' to sexual violence and other gynaecological needs may offer some transformative potential for challenging gender norms.

CONCLUSION

Returning to Panzi's SSV-Project, learning of this more complex operational picture, Quillard's response was to abrasively exclaim "so these women weren't raped?"[723] In light of the above discussion, I suggest that a more pertinent – and more sensitively stated – question may have been 'so the women's gynaecological condition was not (presented as being) *directly* caused by sexual violence, whether 'conflict-related' or not?' The coarse and unequivocal tone with which critiques of responses to sexual violence in eastern DRC are presented is likely a reaction to the quint-*essentialising* discourse of 'sexual violence in the eastern provinces of DRC.' Yet, *even if* an ailment presented was not found to be directly caused by an experience

[722] Amisi, C. et al. (2018), "The impact of support programmes for survivors of sexual violence: micro-level evidence from eastern Democratic Republic of the Congo," *Medicine, Conflict, Survival*, 34:3, 201-223, pp. 217-218.
[723] Quillard, M. (2015), "Those Who are Raped Raise their Hands," p. 99 [my translation].

of sexual violence, whether by an armed man in uniform or not, this does not preclude the (very likely) possibility that women and girls seeking assistance have experienced sexual violence, of some form, in their lifetime. As evidenced through The Programmatic Survivor, identifying and recording 'survivorhood' is more complex than is frequently acknowledged. This figure, therefore, highlights ethico-practical challenges of delivering medical and other assistance for categories of victims/survivors carefully delineated for specific international policy purposes in a conflict-affected context, such as that of eastern DRC. On the one hand, this discussion leads me to question whether such complexity should be used to call into question a woman's 'survivor status' and, if so, according to whose standards? Yet/and, on the other, it is possible that programmatically 'mixed approaches' to supporting female survivors of sexual violence may offer possibilities for challenging conventional gender norms by promoting women's socio-economic status during and after care – potentially without being defined by their survivor status, whether real, perceived, or imposed.

CHAPTER VI

THE LEGAL VICTIM

"*For decades - if not centuries - there has been a near-total absence of justice for survivors of rape and sexual violence in conflict. We hope this Protocol will be part of a new global effort to shatter this culture of impunity, helping survivors and deterring people from committing these crimes in the first place.*" [724]

The Legal Victim is the third and most striking of the three female subjects. This figure was presented most starkly and persistently by judicial actors and medical practitioners who play a crucial role in providing medico-legal evidence for the adjudication of rape cases. As discussed below, she is closely intertwined with the 2006 Sexual Violence Law and its provisions on the legal age of sexual consent.[725] Not unproblematically, she was for a while the only lens through which I came to see judicial responses to sexual violence in the region. This chapter situates this third figure within the fight against impunity and proceeds to trace her contour.

SECTION I
ACCOUNTABILITY FOR SEXUAL VIOLENCE IN DRC

The underlying rationale for fighting impunity for sexual violence is the belief that prosecution "can deter potential perpetrators and contribute to restoring faith in the rule of law."[726] In the opening pages of the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict, former UK Foreign Secretary Hague writes that: "For decades – if not centuries – there has been a near-total absence of justice for survivors of rape and sexual

[724] Hague in FCO (2014), *International Protocol on the Documentation and Investigation of Sexual Violence in Conflict*, June 2014, First Edition: June 2014, p. 5.
[725] Houge, B. A. & Lohne, K. (2017), "End Impunity! Reducing Conflict-Related Sexual Violence to a Problem of Law," *Law & Society Review*, 51(4): 755-789.
[726] UNSG (2015), *Report of the Secretary-General on Conflict-Related Sexual Violence*, submitted to the Security on 23 March 2015, S/2015/203, p. 5.

violence in conflict. We hope this Protocol will be part of a new global effort to shatter this culture of impunity, helping survivors and deterring people from committing these crimes in the first place."[727] Judicial accountability for sexual violence is seen, therefore, to serve the dual role of delivering a sense of justice to survivors, on the one hand, and deterring potential perpetrators, on the other.

With a growing emphasis on enhancing the documentation and investigation of sexual violence in conflict, and on local ownership and domestic adjudication, understanding how judicial systems are responding to sexual violence at the local, granular level is important. This was a key motivation behind the Human Rights Center Sexual Violence Program accountability study, which illuminated the "day-to-day challenges in investigating and prosecuting sexual violence and strategies used to overcome these challenges" in conflict and post-conflict.[728] The study's core focus was on Kenya, Liberia, Sierra Leone, and Uganda. DRC was later added as a complementary case study. The data presented below are largely drawn from this study.[729]

Writing in 2015, the Brussels-based Case Matrix Network (CMN) advocated strategies to prioritise sexual violence cases within the national judicial system in DRC. Its report was premised on the understanding that "contemporary armed conflicts are characterized by an overwhelming number of sexual and gender-based crimes, whose commission is often widespread and carried out in the context of a systematic campaign to brutalise and destroy targeted groups."[730] As such, CMN proposed prioritisation criteria for sexual violence cases, notably based on their "nature and gravity."[731] Relying solely on desk-based research,[732] and

[727] Hague in FCO (2014), *International Protocol*, p. 5.
[728] Ibid, p. 1.
[729] As outlined in Chapter II, I was one of the researchers for the DRC case study. When I refer to 'we' in the analysis of this figure, I am referring to the research team.
[730] CMN (2015), *Prioritising International Sex Crimes Cases in the Democratic Republic of Congo*: *Supporting the national justice system in the investigation and prosecution of core international crimes with a sexual element,* Brussels: Centre for International Law Research and Policy, p. 5.
[731] Ibid, p. 4, 10.
[732] Ibid, p. 11.

given the prominence of The Quint-*essentialist* Survivor, these conclusions are not surprising. Yet, they elide two important realities: 1) not all crimes of sexual violence are of the nature that the CMN report is founded on; 2) sexual violence is, in fact, already prioritised within the judicial system in North and South Kivu, although in perhaps unanticipated ways.[733]

Conducting the accountability study, we were struck by three unexpected and interrelated findings. The first was that the judicial system (military and civilian) is functioning and is prosecuting sexual violence cases, although, doubtless under near debilitating constraints. The second was that sexual violence cases are prioritised in part as a result of the significant training and *sensibilisations* focusing on sexual violence over the last decade or so.[734] The third, while we found clear evidence the adjudication of sexual violence cases, these were predominantly not of the nature embodied by The Quint-*essentialist* Survivor and underpinning the internationally driven fight against impunity.

These broad findings were surprising given the wealth of reporting on the weakness and dysfunctionality of the judicial system in DRC.[735] In 2008, the Special Rapporteur on the independence judges and lawyers described the judicial system as "deplorable."[736] In 2012, UNDP observed that, like other State structures, the justice sector was not saved from the effects of the conflict and is thus "still today described as dysfunctional for reasons that are

[733] Notably, judicial structures have developed reporting and recording mechanisms specifically for sexual violence cases. Clerks and secretaries in North and South Kivu their own archiving and classifying strategies to facilitate reporting back to representatives of international institutions and, indeed, researchers. Examples included keeping separate files and records of sexual violence cases reported; underlining in red and yellow highlighter pen sexual violence cases within case registers; and keeping a separate box for all sexual violence dossiers that NGO and UN staff, as well as researchers could easily be pointed to. It is also important to note that this analysis is limited to cases registered by judicial actors. It, thus, does not examine whether sentences were upheld or sentences carried out.

[734] E.g. Lake, M. (2014), "Organizing Hypocrisy: External Actors and Building Rule of Law in Fragile States," *International Studies Quarterly*, 58(3): 515-526; Lake, M. M. (2018), *Strong NGOs and Weak States*.

[735] UNGA (2008), *Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural, including the Right to Development. Report of the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy Addendum Mission to the Democratic Republic of the Congo*. 11 April 2008, Geneva: UNHRC.

[736] Ibid, p. 2, 11, 18.

intrinsic and extrinsic to the judicial apparatus."[737] Among the most oft-cited challenges it faces, include structural and infrastructural factors, budgetary and resource-related constraints, along with practical and geographical challenges linked to vast distances between the *justiciables* and judicial institutions.[738] Collectively, these factors contribute to relatively low levels of trust and engagement with the formal justice system, including for crimes of sexual violence. In its 2014 report on fighting impunity in DRC, the United Nations Joint Human Rights Office (UNJHRO) stated that "most cases of sexual violence are never investigated or prosecuted, and very few are even reported."[739] This raises the question, what kinds of sexual violence cases make it to the courts in North and South Kivu?

SECTION II
SEXUAL VIOLENCE IN THE COURTS

As acknowledged by UNJHRO, there is no systematic or, indeed, consistent, mechanism for recording judicial data in eastern DRC, complicating case monitoring through the penal chain.[740] Some numbers are nonetheless available. UNJHRO observes a "slow but steady progress in the prosecutions of sexual violence" between 2011 and 2013.[741] Its figures show that between July 2011 and June 2012, 269 judgements for sexual violence were recorded and that from July 2012 to June 2013, 383 judgements were recorded.[742] Covering a similar time period (2011-2012), UNDP counted 6554 sexual violence cases reported to judicial structures across South Kivu, North Kivu, and Ituri, of which 7% were in the military judicial system.

[737] UNDP (2012), *Monitoring Judiciare: Rapport sur les données relatives aux cas de violences sexuelles à l'Est de la République démocratique du Congo*, PNUD & le Ministère de la Justice et des Droits Humains, p. 6.
[738] E.g. CMN (2015), *Prioritising International Sex Crimes Cases*; UNGA (2008), *Promotion and Protection of all Human Rights*; Seelinger, T. K. & Freccero, J. (2015), *The Long Road: Accountability for Sexual Violence in Conflict and Post-Conflict Settings*.
[739] UNJHRO (2014), *Avancées et Obstacles dans la Lutte Contre l'Impunité des Violences Sexuelles en République démocratique du Congo*, Avril 2014, MONUSCO & Haut-Commissariat des Nations Unies pour les Droits de l'Homme (UNJHRO/BCNUDH), p. 3.
[740] Ibid, p. 11.
[741] Ibid.
[742] Ibid.

The vast majority, then, were civilian cases. 652 had received a judgement, 60% (392) of which resulted in a conviction.[743] A 2012 evaluation of mobile courts in North and South Kivu found that of 127 dossiers for rape presented before the courts, 74% (94) resulted in convictions.[744]

These numbers already indicate that, unlike the image presented by high-profile and highly mediatised court cases such as that of Minova,[745] the conviction rate for sexual violence cases is generally high. Reflecting on a three-year programme she had overseen, a respondent recounted that of the 8000 (female) beneficiaries of the programme, "200 or 250" started a judicial process. Of those, "only 57 got to the end," that is, to trial and sentencing. Of the 57, 47 resulted in a conviction. "Once you arrive at the hearing," she noted, "apparently, it's ok."[746] While low relative to other data explored in Chapter III, these numbers do illustrate that sexual violence cases are reported to judicial structures and result in convictions. With convictions representing a key metric of (numerical) success, this raises a subsequent question, what kinds of sexual violence cases make it *through* the courts in North and South Kivu?

This leads us to the second and, perhaps, most surprising finding of the accountability study, relating to the nature of the cases making it to and through the courts, both civilian and military. Throughout the data collection, it became increasingly clear that the cases of sexual violence, and rape cases more specifically, described by respondents did not align with what we were expecting to hear. In short, they did not bare any echoes of The Quint-*essentialist* Survivor. International judicial assistance and capacity-building programmes in eastern DRC are predominantly framed around addressing conflict-related violations, including sexual violence, committed by parties to the conflicts. For instance, in the summary report of the then named

[743] UNDP (2012), *Monitoring Judiciare*, p. 24.
[744] OSISA (2012), *Helping to Combat Impunity for Sexual Crimes: An evaluation of the mobile gender justice courts*, On Learning, No. 4, OSISA, p. 15.
[745] Discussed in Chapter VII, the Minova trial was held in 2014 with much anticipation from the international community. The outcomes of the trials, for which only two of the thirty-nine accused were convicted under sexual violence charges, were thus met with widespread disappointment nationally and internationally.
[746] European Country Donor, Representative, *interview*, Bukavu, May 2014.

'mobile gender courts,' Open Society Foundations (OSF) introduced this work in the following way: "For the past 15 years, women and girls in the region have suffered mass sexual violence on an unimaginable scale, perpetrated by the Congolese army, rebels, militias, and others."[747] Amidst this context, the report continues, "The mobile gender court was designed to recognize and try serious crimes that are conflict related, including those that rise to the level of crimes against humanity under international law." [748] While the report notes that "the court has the discretion to hear other serious crimes, including murder and theft,"[749] it does not elucidate the gendered harms adjudicated which do not constitute crimes against humanity. Yet, in interview after interview, a recurring pattern emerged in the depictions of sexual violence victims in the judicial process, one which jarred with the quint-*essentialist* narrative.

SECTION III
THE 2006 SEXUAL VIOLENCE LAW

Before describing the nature of these cases, it is important to first introduce the domestic legislative framework pertaining to sexual violence. The 2006 Sexual Violence Law, passed by the national Parliament in July 2006, is heralded both for its progressive nature and provisions for victims of sexual crimes and its punitive measures for perpetrators. In particular, the Law is celebrated for the following three principle reasons: 1) it broadens the legal definition of sexual violence from one offence, as it was previously defined, to include sixteen different infractions of sexual violence;[750] 2) it broadens the definition of *rape* to bring DR Congolese national legislation in line with the sex-inclusive definition of the Rome Statute;[751] 3) it includes strong punitive measures including sentencing for perpetrators and financial reparations for victims.[752] A less discussed provision of the 2006 Law relates to the legal age

[747] OSF (2012), *Justice in DRC: Mobile Courts Combat Rape and Impunity in Eastern Congo,* OSF, p. 1.
[748] Ibid, p. 6.
[749] Ibid, p. 4.
[750] Loi No. 006/018.
[751] Ibid.
[752] Ibid.

of sexual consent, which it raised from fifteen, as established by the Family Code,[753] to eighteen.[754] This provision has, in effect, created a new – and relatively easy to prosecute – category of crimes, and therefore of (legal) victims and perpetrators, for whom consent is legally void. As a military Judge explained: "[e]ven if she consented, the law is very clear that the perpetrator will be convicted."[755] Findings indicated that this category of victims, i.e. minors under the age of eighteen, was the most represented in judicial structures.

An analysis of magistrate and court registers demonstrated that between 70-95% of sexual violence cases recorded by judicial structures in Goma and Bukavu between 2013-2014 were of statutory rape. Across judicial institutions this amounted to an average of 82.7%. The data from Uvira did not specify the age of the victims behind the cases and, thus, could not be included in the numerical analysis. However, an officer from the Specialised Police Unit (PEVS) in Uvira stated rather unequivocally that "rape is against minors; we do not have cases [against] adults. I have never heard of that." He subsequently explained that "[m]aybe only in the Haut Plateau where there are negative forces, but I have never seen a case in town."[756] Not unrelatedly, and as discussed in Chapter VII, the accused was habitually known to the victim. Respondents explained that it is rare for incidents of sexual violence committed by *un inconnu*, or, someone unknown, to be reported and/or investigated, as these are "a lost cause from the outset" due, in large part, to weak investigative capacities of judicial actors.[757]

[753] Loi n°87-010 du 1er août 1987 portant Code de la Famille, p. 14. Importantly, the Family has since been changed and is now in line with the 2006 Law, setting the legal age of marriage at eighteen.
[754] Loi No. 006/018, art. 2, *passim.* This is further upheld by the 2009 Child Protection Law, also applied to sexual violence cases. The 2006 Law was referred to more frequently in interviews and marked the more significant legislative change vis-à-vis sexual violence.
[755] Military Judge, *interview*, Uvira, October 2014.
[756] PEVS, Senior Officer, *interview*, Uvira, October 2014.
[757] International Judicial Organisation, Representative, *interview*, Bukavu, October 2014.

SECTION IV
CONTEMPORARY EVIDENCE & COLONIAL ECHOES

Still, this does not say very much about the nature, dynamics of, or the stories behind these cases. Over the course of the study, a more nuanced portrait of the cases addressed by judicial actors on a quotidian basis was sketched in two ways: first, through the evidentiary make-up of cases and, second, through explicit descriptions of cases, and the sometimes complex relationships between 'victims,' 'perpetrators,' and the law. In particular, the central and often challenging role of age determination was emphasised by judicial and medical respondents.

Turning to the types of evidence accessible to and relied on in the adjudication of sexual violence, it is important to note that in a context of extreme resource scarcity, evidence is limited. Crudely speaking, in the absence of a confession, rape cases often rely on three elements: statements (from the victim and the accused), a medical certificate, and proof of the victim's age, through a birth certificate where possible, and in the (frequent) absence thereof, through school records, church and baptism records, or medical testimonies.[758] Indeed, due to the lack of systematic record-keeping and the challenges of determining age 'medically,' this evidentiary step was described by one military prosecutor as "the most difficult part" of investigating and prosecuting rape.[759] Below, I elucidate why.

With respect to medical certificates, respondents explained that these sometimes represent "the only proof" alongside the victim's and accused's testimony.[760] Highlighting the importance of this piece of evidence, a Congolese lawyer working for an international organisation stated, "without [it], how do we know the rape happened?"[761] As stipulated by the 2006 Law,[762] the

[758] Women's Legal Organisation, Representative, *interview*, Goma, August 2014; PEVS Officer, *interview*, Goma, October 2014; Military Prosecutor, *interview*, Bukavu, October 2014.
[759] Military Prosecutor, *interview*, Bukavu, October 2014.
[760] UNJHRO Official, *interview*, Goma, August 2014; Medical Practitioners, *interview*, Goma, December 2014.
[761] International Legal Organisation, Representative, *interview*, Goma, August 2014.
[762] Loi No. 006/018, art. 167; Loi No. 06/019, art. 14.

medical certificate is requested by a prosecutor. Among the information required from doctors includes confirming whether the alleged rape occurred; a description of the victim's hymen; whether sexually transmitted infections are detected; confirmation of the victim's age; and in cases involving a disabled victim, confirmation of her disability.[763] For young girls, in particular, it is used to determine whether there has been penetration,[764] thus determining "whether or not she is a virgin."[765] Doing so is, of course, more complex in practice, especially in cases involving girls and women who were sexually active before the incident.[766] This complexity and the evidentiary weight of medical reports places doctors in a difficult position. As detailed by a doctor in Walungu:

> "We are getting a lot of cases of young adolescents, we have to describe their genital apparatus and there is no hymen […] She has genuinely been raped if there is no hymen. But this might not correspond with the description of the facts. It's complicated. Sometimes the girl accepts the relationship with her perpetrator, they live together, she might even be married to him but she is a minor. They [magistrates] ask if it's rape or not, her age permits it to be rape or not. It's a trap at the medical level."[767]

This offers a representative description shared by medical practitioners vis-à-vis the types of medico-legal evidence they are expected to provide for rape cases. Thus, in case of statutory rape in particular, the medical certificate plays the dual role of describing any physical traces of sexual intercourse as well as determining whether the victim is under or over eighteen.

[763] Military Prosecutor, *interview*, Bukavu, October 2014; International Legal Organisation, Psychosocial Representative *interview*, Bukavu, October 2014.
[764] In the words of a civilian magistrate in the Specialised Sexual Violence Prosecution Cell: "*It has to be explicit: is hymen intact? A narration of the facts is provided, but is the hymen intact?"* Civilian Magistrate, *interview*, Bukavu, October 2014.
[765] International Legal Organisation, Representative, *interview*, Bukavu, October 2014.
[766] Medical Director, General Referral Hospital, *interview*, South Kivu, October 2014.
[767] Ibid.

This latter purpose of the medical certificate is reminiscent of the role of medical practitioners in the Belgian colonial period. Drawing on extensive archival research, Lauro uncovered the "biopolitical ambitions of the Belgian colonial power" in "projects of regulation demonstrating [the] centrality of the control of sexuality and reproduction in the politics of matrimony in the colonial State."[768] Addressing early marriage and tracing the evolution of legislation regulating sexual relations in Belgian Congo, Lauro sheds light on the role of medical expertise in determining the age and level of puberty of young girls to determine whether they were nubile.[769] According to Lauro, and as highlighted in Chapter III, this was driven by growing anxieties around the decreasing population size and an attendant determination to increase birth rates.[770] A critical element of Lauro's analysis hinges on these policies being part of a *deliberate* politic of biopolitical regulation. I do not mean to suggest that Congolese medical practitioners, or the fight against impunity more generally, at present is driven by similarly biopolitical ends. Closer analysis of its continuities and discontinuities is certainly needed. However, the application of the 2006 Sexual Violence Law, and its reliance on the medical sector, in this way somewhat unquestionably bears some eerie resemblance to the sexual regulatory practices of the colonial period.

SECTION V
REDRESS VS. REGULATION: ON LEGISLATING SEX

With respect to the stories behind the cases, respondents, both from the military and civilian judicial systems, described "surprising scenarios"[771] wherein victims brought food to the prison for their perpetrators;[772] or brought their children to the prison to visit their fathers.[773] In one

[768] Lauro. A. 2015. "Régulation de Mariage et Politiques Sexuelles," pp. 184-185, my translation.
[769] Lauro, A. (2013), "De la puberté féminine dans les 'zones torrides.'"
[770] Ibid, p. 188, my translation.
[771] International Judicial Reinforcement Organisation, Representative, *interview*, Goma, October 2014.
[772] Defence Counsel, *interview*, Goma, October 2014; International Judicial Reinforcement Organisation, Representative, *interview*, Goma, October 2014.
[773] Military Prosecutor, *interview*, Bukavu, October 2014.

account, a military judge recounted a scene during a mobile court in Walikale wherein a sixteen or seventeen year old girl threatened to kill herself if her (military) boyfriend was sent to prison.[774] In another, a legal clinic coordinator recounted that "one girl was so upset" that in the courtroom she said: "Arrest my dad [who had reported the relationship], he is the problem here!"[775] Known as *copinage*, or 'boyfriend-girlfriend' cases,[776] a civilian prosecutor observed that "the big problem here [is that] the victims are not always with us [the judiciary],"[777] and further noted that "if [the judge] has a sensitive disposition […] he can give a sentence that is not too heavy and that does not break the young girls' heart."[778]

As previously highlighted, 'rape' and 'sexual violence' in eastern DRC have come to signify particularly brutal sexual violations, as hauntingly encapsulated in Mukwege's assertion that "the word 'rape' or 'sexual violence' cannot fully translate the horror that hundreds of thousands of women are living with in this part of the world."[779] It is perhaps with this understanding of 'rape' in mind that a Congolese lawyer reflected:

> "cases of *copinage*, yes this happens very often, especially with [the 2006 Law]. There are several difficulties linked to this, a girl and a boy who are together, maybe they even live together. She is 17 years old and he is 19 years old and it's rape by circumstance; in reality it's not rape, not in the *real sense of the word*."[780]

The experiences described through these vignettes are a far cry from those embodied by The Quint-*essentialist Survivor*. This discordance was aptly captured by a civilian magistrate who emphatically stated: *"*you [the international community] say sexual violence as a weapon of

[774] Ibid.
[775] Legal Clinic, Representative, *interview*, Bukavu, October 2014.
[776] Hilhorst, D. (2016), Dorothea Hilhorst Provides Expert Briefing to the UN on Sexual Violence Response in the DRC, *Justice and Security Research Programme Blog*, LSE, 26 January 2016.
[777] Civilian Prosecutor, *interview*, Goma, August 2014.
[778] Legal Clinic, Representative, *interview*, Bukavu, October 2014.
[779] Mukwege in Mansfield, J. (2009), "Prosecuting sexual violence, p. 368.
[780] Legal Clinic, Representative, *interview*, Bukavu, October 2014, emphasis added.

war here, those are not the cases we [magistrates] see every day. It's young people who are in relationships, who love each other, and they have sexual relations. This is what we see day to day."[781] Viewed as such, the adolescent girls depicted by judicial and medical practitioners might more accurately be viewed as victims of the law, rather than of their (legally prescribed) perpetrators, let alone of the sexual harms typically associated with the region.

Existing analyses of the disparate nature of sexual violence in the formal judicial system remain sparse, and where it is considered, the primary framing of the analysis is habitually set around the quint-*essentialist* narrative. While sometimes acknowledged, *copinage* cases are rarely foregrounded. Mansfield's investigation of the obstacles to prosecutions for cases of sexual violence in eastern DRC exemplifies this well. In far from unusual fashion, Mansfield begins her article by stating that sexual violence in eastern DRC is "described as the worst in the world."[782] She explains that the violence is "systematic and widespread against women and children and perpetrated by armed groups, and increasingly also by civilians."[783] This representation of sexual violence in the region is substantiated through references to Mukwege's speeches and various statistical sources.

With respect to perpetrators, Mansfield draws on a MONUC figure stating that 81% of cases of sexual violence are committed by members of armed groups.[784] With respect to victims/survivors, she refers to the 2008 UNFPA report, stating that minors represent 10% of cases in medical and psychosocial support. Mansfield thus confirms that "armed men or men in uniform perpetrate the majority of rapes against adult women."[785] Yet, she notes that "prosecution figures pertaining to sexual violence tend to be misleading, because the figures

[781] Civilian Magistrate, *interview*, Goma, December 2014.
[782] Mansfield, J. (2009), "Prosecuting sexual violence, p. 367.
[783] Ibid, p. 368.
[784] Ibid, p. 378.
[785] Ibid, p. 378.

and the reality they should represent do not match."[786] She elucidates, briefly, that since the introduction of the 2006 Sexual Violence Law "cases of consensual, statutory rape have inundated tribunals."[787]

Similar observations are made in more recent research. In a hitherto unpublished report, Kateta concludes that "the majority of accused severely condemned and detained for rape are young boys because of relations of *copinage* and friendship with young girls of their generation."[788] Likewise, in their follow-up to *Fond de Commerce*, Douma, Hilhorst, and Matabaro estimate that *copinage* cases may represent up to 90% of sexual violence incidents reported to the police. Indeed, the average age of victims recorded by the PEVS in Bukavu was sixteen.[789] Studies across the continent point to similar trends, indicating that the application of sexual violence legislation in this way is not unique to DRC.[790] It is, perhaps, all the more striking in DRC given quint-*essentialised* reporting of sexual violence in the country.

This analysis should not be read as suggesting that *all* cases of sexual violence involving minors in North and South Kivu, whether reported to the judicial system or not, fall into the category of *copinage*. This would be inaccurate. Of note, since 2013, in Kavumu, just outside Bukavu, it is estimated that fifty girls between the ages of six months and eleven years of age were taken from their homes in the middle of the night and later found in urgent need of medical care.[791] These incidents became known as the 'Kavumu cases.' In June 2016, the "ringleader" and

[786] Ibid, p. 379.
[787] Ibid, p. 379.
[788] Kateta, B. B. A. (2014), *Rapport de l'Etude sur le traitement des infractions de violences sexuelles par le système judiciaires et les acteurs concernés dans les Provinces des Nord et Sud Kivu et dans le District de l'Ituri Du 04 mai au 04 Juin 2014*, PARJ-E (unpublished), pp. 22-23, my translation.
[789] PEVS (2014), *Sexual Violence Cases Recorded by PEVS Unit in Bukavu 2013-2014*. [Copy on file with author].
[790] Grewal, K. (2012), "International Criminal Justice: Advancing the Cause of Women's Rights?: The Example of the Special Court for Sierra Leone," in St. Germain, T. & Dewey, S. (eds.), *Conflict-Related Sexual Violence,* pp.76-77.
[791] Wolfe, L. (2016), "What It Takes to Get an Alleged Mass Rapist and 67 Militiamen Arrested in Congo," *Foreign Policy*, 23 June 2016.

sixty-seven of his men were convicted following a long and complex judicial process.[792] Cases of this kind, evidently, do not constitute cases of *copinages* depicted above.

Why, then, does heeding closer attention to the nature of sexual violence cases adjudicated in eastern DRC matter? To address this question, it is important to reconsider the underlying rationale behind the prosecution-led fight against impunity, seen by some as a "panacea to address[ing] conflict-related sexual violence." [793] As underscored above, this is largely driven by the importance of justice being (seen to be) done and its presumed deterrent effect. The belief that fighting impunity for sexual violence committed in conflict "offer[s] an irreplaceable lesson for the public about the scourge of sexual violence and the potential to bring perpetrators to account"[794] is pervasive. In North and South Kivu, respondents underscored the pedagogical value of convictions, particularly through mobile courts in remote communities. A lawyer in Uvira explained that film screenings were organised every night during mobile courts to capitalise on their "educational and persuasive" value.[795]

Thus, if convictions are important because they communicate what is punishable by law,[796] it is surely important to "pay more attention to what is prosecuted and why."[797] If we consider convictions for sexual relations between two consenting individuals, one of whom is under the age of eighteen, and those for sexual violence committed as part of a military operation, it is clear that the messages conveyed are qualitatively – legally and socially – distinct. The latter aligns with the objectives of the fight against impunity as outlined above. Recalling the words of the Civilian Prosecutor above, however, through its application to cases of *copinage*, the law

[792] Ibid.
[793] St Germain, T. & Dewey, S. (2012), "Introduction," in St. Germain, T. & Dewey, S. (eds.), *Conflict-Related Sexual Violence,* p. 7.
[794] OSF (2012), *Justice in DRC: Mobile Courts Combat Rape and Impunity in Eastern Congo,* OSF, p. 6.
[795] International Legal Organisation, Representative, *interview*, Uvira, October 2014.
[796] International Legal Organisation, Representative, *interview*, Bukavu, October 2014.
[797] Fawcette, A. (2012), "Improvements in the Legal Treatment of Systematic Mass Rape in Wartime: where do we go from here?," in St. Germain, T. & Dewey, S. (eds.), *Conflict-Related Sexual Violence*, pp. 76-77.

is instead functioning to "break young girls' hearts."[798] In less affective terms, the operation of the law here appears more akin to one of (sexual) regulation, than of redress.

CONCLUSION

This discussion highlights the need for a more nuanced appraisal of the interaction of sexual violence legislation with the socio-historical norms and practical realities of the settings in which it operates. Importantly, the intent of this discussion is not to undermine the value of judicial accountability mechanisms for sexual violence. Judicial redress can offer a meaningful sense of justice and acknowledgement of harm for survivors who seek it. However, given the centrality of the fight against impunity to internationally driven mechanisms to address and redress sexual violence in conflict, The Legal Victim adds to calls for closer attention to who is being prosecuted, for which crimes, and with what implications. This is especially imperative given the emphasis placed on convictions conveying particular messages to communities and (potential) perpetrators, on the one hand, and as representing the key metric of (numerical) success in the fight against impunity, on the other.

[798] Civilian Prosecutor, *interview*, Goma, August 2014.

CONCLUDING PART II:
REFLECTING (ON) DISCORDANCE

Exploring three female subjects underpinning and produced by responses to sexual violence in eastern DRC, Part II presented The Quint-*essentialist* Survivor, The Programmatic Survivor, and The Legal Victim. Individually constituted under different sets of institutional eyes, collectively, these three figures constitute a triptych of the (female) survivor subject in eastern DRC. The launch of *The Declaration to End Sexual Violence in Conflict* aptly illustrated the shared, and strikingly singular, imaginary of the 'Congolese woman,' premised on the nature of the sexual harm she has endured and the redress she thus seeks.

Building on Chapter III – *The Making of 'the Rape Capital of the World'* – Chapter IV traced the incarnation of the 'Congolese woman' discursively embodied by The Quint-*essentialist* Survivor. Situated in, and inextricable from, the establishment of sexual violence as a thematic issue on the Security Council agenda, this analysis emphasised the importance of institutional mandates – and the Council's specifically – to understanding how and why this figure was construed for international peace and security policy. Offering illustrative examples of sexual violence in conflict, Congolese women's experiences formed a basis for a carefully and legally delineated set of arguments required to convince a resistant Council of the issue's relevance to its remit. The Quint-*essentialist* Survivor, thus, came to define how sexual violence in conflict and responses thereto were conceived. Acknowledging its success, the subsequent two figures challenged the notion that the effects such an essentialising narrative, even if tactically deployed, can be situationally concentrated, particularly vis-à-vis the Security Council.

Returning to the institutional infrastructure developed operationally, The Programmatic Survivor highlighted the complexities of responding exclusively to *conflict-related* sexual violence, as defined by the Council. This second figure was grounded in an analysis of the multi-sectoral assistance pillar, and of medical assistance and, to a lesser degree, psychosocial

and socio-economic programming. Texturing existing critiques of the 'marketisation' of sexual violence responses in the region, this discussion foregrounded the challenges of relying on individuals to present as victims/survivors, on the one hand, and of determining a causal relationship between the ailment presented and the incident of sexual violence, whether conflict-related or otherwise, on the other. This called into question the use of figures drawn from service providing entities to undermine the purported scale of sexual violence, especially conflict-related, in eastern DRC. While responding to and seeking to temper the quint-*essentialising* narrative, and its ontological underpinnings, this analysis indicated that presenting the numbers in this way may, equally, be misleading.

There are, as shown above, important reasons why some programmes are not, or no longer, specifically for survivors of sexual violence, especially in the quint-*essentialist* sense. Ensuring the confidentiality, security, and minimising stigma has contributed to the provision of 'integrated' or 'mixed' assistance programmes. This pointed to an apparent tension for service providing entities, which, on the one hand, emphasise the 'survivor status' of their beneficiaries to attract international funding, while de-emphasising their sexual violence focus in practice. As such, whereas The Quint-*essentialist* Survivor is fundamentally defined by the nature of the sexual harm she has endured, The Programmatic Survivor is not. In this way, the term 'survivor' applied to Congolese women and girls in the context of service provision, perhaps more aptly reflects a programmatic label, rather than a harm *necessarily* endured.

While The Programmatic Survivor raises some unease vis-à-vis the critical examination of 'survivorhood' in the delivery of response mechanisms, The Legal Victim illustrates the importance thereof. Located in the fight against impunity for sexual violence - deemed key for its dual role of bringing a sense of justice to survivors and its deterrent value to (potential) perpetrators - this third figure explored its operationalisation at the granular level relative to female victims. The (presumed) pedagogical value of judicial accountability renders

convictions an important benchmark for success. Yet, for deterrence to be effectively conveyed, the nature of the harm prosecuted surely matters.

Sexual violence legislation introduced domestically in 2006 expanded legal definitions of rape and sexual violence. While aligning Congolese legislation with international legal standards, the expanded definitions include a much wider array of infractions, creating new categories of victims. By increasing the minimum age of sexual consent, these included adolescent girls up to the age eighteen. For reasons explored in further detail in Chapter VII, cases involving female minors are disproportionately represented in judicial structures, military and civilian. With notions of consent legally void, this provision of the law is thus heavily reliant on age determination often provided by medical practitioners. Applied to cases of *copinage*, the law can, thus, be read as functioning towards sexual regulatory ends, often against the wishes of the legally prescribed victim, rather as delivering justice to survivors of sexual violations typically associated with the region. The Legal Victim thus underscores the need to consider the interactions of legal norms with socio-historical contexts in which they operate, and, to pay closer attention to who is being prosecuted and why.

Responding to sexual violence and other sexual and reproductive health issues, whether conflict-related or not, is important. This importance can be lost in existing literature and critiques. Indeed, The Quint-*essentialist* Survivor helped galvanise the requisite political will and significant funding to this end. Yet, as shown by The Programmatic Survivor and The Legal Victim, this acknowledgement should not preclude careful analysis of response mechanisms and their complex effects in practice.

Implicit in the notion of discordance is a sense of incongruity that jars. Reflecting on these three figures, where does their discordance lie and why does it jar? First, while unified by their victim/survivor status, the particular nature of the sexual harm underpinning each subject is

distinct and in seemingly significant ways. While cautious of not reproducing hierarchies of victimhood or 'survivorhood,' it is apparent that components of the response infrastructure adopt different roles in addressing these distinct harms. The particular shape the survivor subject takes through distinct institutional prisms is largely produced by the immediate realities and constraints facing disparate actors, be they political, resource-driven, or socio-legal. Yet, these three subjects also begin to demonstrate the almost singular attachment of notions of vulnerability, victimhood, and 'survivorhood' to female bodies. This concordant feature may also be jarring. While taking on new forms through different institutional practices, the three female subjects nevertheless remain (un)comfortably confined to their victim-survivorhood, echoing postcolonial feminist critiques outlined in Chapter II. As subsequently discussed, the implications of this gendered concordance are not restricted to female subjects or, indeed, to the conflict-affected women they discursively embody. With that in mind, I turn to Part III.

PART III

GENDERED MEN: RETHINKING THE MALE SUBJECTS OF SEXUAL VIOLENCE DISCOURSE AND RESPONSE IN DRC

INTRODUCING PART III

"In re-writing the rules of warfare, in re-defining the scope of sexual violence in conflict so that the experiences of all victims can be recognised irrespective of gender, it is time to move away from the outdated paradigm in which men are only perpetrators and women are only victims. This is not a question of us versus them. Any time a man, woman or child is raped in conflict, we all lose."[799]

Part II took as its starting point the shared imaginary of the 'Congolese Woman,' premised on the nature of the harms she has (inevitably) endured, and the redress she (inevitably) seeks. Reflecting on this shared imaginary, a Congolese Women's Rights Activist quoted in Chapter II asked, "what does this say about our men?" Indeed, if we reconsider depictions of eastern DRC as the 'most dangerous place on earth to be a woman,' precisely because of men's violence perpetrated against female bodies, crudely implicit in this understanding is an assumption that men in the region must be the most dangerous on earth. Part III thus investigates such assumptions construing the 'Congolese Man,' drawing particular attention to how these bear upon policy, programmatic, and legal spaces for men in responses to sexual violence in eastern DRC.

In May 2014, I joined a local organisation to observe an *activité de sensibilisation* on sexual violence organised with FARDC for soldiers residing in one of the military camps on the outskirts of Bukavu. Arriving on site, we were met by a Captain whom I had met on several occasions. I noticed that he was sporting a lanyard from the NGO Working Group on Women,

[799] SRSG Bangura, keynote address at the Men, Peace and Security Symposium, *fieldnotes*, Washington DC, 29 October 2013.

Peace and Security, which I had previously given to him. I expressed my surprise at seeing him wearing it, and with a humble smile he responded: "What can I say? I'm a gendered man."[800]

This phrase 'gendered men' – or *hommes genrés* – was one I frequently encountered in DRC, particularly among gender activists. It caught my attention as it resonates with the increasingly prevalent trend towards 'engaging men and boys' in internationally driven gender policy and programming, notably to address sexual (and gender-based) violence in conflict-affected contexts. It reflects a shift towards seeing men – who have "largely been treated as an undifferentiated group or as 'gender-less'"[801] – as gender*ed* in research, policy, and practice. Indeed, in June 2013, the Security Council adopted its sixth resolution comprising the women, peace and security agenda and the first to make explicit reference to men and boys.[802]

Situated in this still evolving policy and programmatic backdrop, Part III has three core and interrelated objectives. The first, mirroring Part II, is to flip the 'gender gaze' and examine the male subjects underpinning and produced by internationally driven gender (protection) policy and programming in eastern DRC. The second is to empirically explore the parameters of male inclusion in sexual (and gender-based) violence policy and programming, demonstrating that conflict-affected men remain almost exclusively confined to their status as (potential) perpetrators of gendered harms. Given that men are the primary perpetrators of violence, including sexual violence, this is, to a large extent, not unexpected. Yet, and despite some advances, I show that men are rarely 'seen' as potentially vulnerable and victimised beings under international security and humanitarian gazes. In line with the original focus of this doctoral research, then, the third aim of Part III is to uncover the elusive male victim.

[800] FARDC Sexual Violence Sensitisation Activity, *fieldnotes*, Bukavu, May 2014.
[801] Dowd, E. N., et al. (2012), "Feminist Legal Theory Meets Masculinities Theory," pp. 26-27.
[802] UNSC (2013), *Security Council resolution 2106*, PP. 6.

To do so, I re-explore three figures constituting the male triptych underpinning and produced by the sexual violence response architecture in eastern DRC: The Quint-*essentialist* Perpetrator, The Strategy Ally, and The Male Victim Subject. I write 're-explore' here because this discussion builds on a previous iteration of these three male figures grounded in a discursive and textual analysis of sexual and gender-based violence institutional documentation.[803] The discussion presented here, which draws on data collected in New York and in DRC, thus gives new content to these three male subjects, and re-considers what the male triptych means for conceptual, policy, and operational understandings of how gender impacts and is impacted by armed conflict. Overall, I posit that the reluctance to substantively address male vulnerabilities serves to protect 'gender' and restricts possibilities for transforming gender relations, and our conceptions thereof, in eastern DRC.

Part III proceeds as follows: setting the discursive, policy, and programmatic scene, I provide an account of the first, and 'ground-breaking,' international symposium on *Men, Peace and Security* co-convened by, among others, the United States Institute of Peace (USIP) and the World Bank in October 2013.[804] Bringing together leading scholars, policymakers, practitioners, and military personnel, the event, and responses thereto, were indicative of the areas of consensus and tension vis-à-vis efforts to 'gender men' in this sphere. The symposium therefore offers an apt starting point from which to examine the parameters of male inclusion in gender, peace and security.

Against this backdrop, I re-introduce three male subjects produced in/by different components of the sexual (and gender-based) violence response infrastructure. Complementing The Quint-*essentialist* Survivor presented in Chapter VII, I retrace the events leading up to the adoption

[803] Lewis, C. (2014), "Systematic Silencing."
[804] USIP (2013), "Men, Peace and Security Symposium: Agents of Change," Washington DC, 28-30 October 2013, *Events.*

of SCR 1820 to identify the carefully delineated characteristics of The Quint-*essentialist* Perpetrator construed for institutional and political purposes at that time. Returning to the fight against impunity and its implementation in North and South Kivu, I demonstrate that despite his clear delineation for international policy purposes, he is less easily discernible under domestic jurisdictions.

In Chapter VIII, I re-explore The Strategic Ally, who emerged as part of efforts to engage civilian, or non-combatant, men and boys in attitudinal and behavioural change programming. Drawing on two such interventions in eastern DRC – the International Rescue Committee's (IRC's) Engaging Men through Accountable Practice (EMAP) and Tearfund's Transforming Masculinities – I outline the rationale behind such strategies and examine their potential and their limits. With the focus explicitly broadened beyond conflict-related sexual violence, this chapter investigates the role of religious faith in interventions promoting gendered behavioural change among conflict-affected men, as well as their colonial (dis)continuities.

Finally, Chapter IX re-explores the most contentious of the male figures, The Male Victim Subject, foregrounding his enduringly elusive nature across policy, research, and practice. I show that despite advances in recognising sexual violence against men in conflict, particularly at the discursive and policy levels, steps towards substantively addressing the issue are inconsistent and remain contested in policy and operational contexts. This discussion highlights reporting barriers facing male victims/survivors, including socio-cultural norms relating to gender and (homo)sexuality. Taken together, I suggest that while (Congolese) women are viewed as 'always-already victims,' in contrast, (Congolese) men represent 'almost-never victims.' Closing the discussion, I contend that as an elusive exception to a well-established gender rule, the male victim subject ultimately reinforces the entrenched gendered binary that positions women-as-inevitable-victims and men-as-inevitable-perpetrators.

SETTING THE SCENE:
THE FIRST GLOBAL SYMPOSIUM ON MEN, PEACE AND SECURITY

In October 2013, USIP, along with the World Bank, the Stockholm International Peace Research Institute (SIPRI)–North America, Women in International Security (WIIS), Promundo-US, and Sonke Gender Justice co-hosted an inaugural symposium on *Men, Peace & Security: Agents of Change* in Washington, DC.[805] Structured around a two-day symposium and an optional training course, it aimed to "better understand how the ascribed norms of men and masculine identities contribute to, and may even help mitigate, violent conflict and post-conflict."[806] In doing so, it sought to "buil[d] on and complemen[t] the UN's Women, Peace and Security agenda."[807] True to USIP form, the event brought together leading scholars, policymakers, practitioners, and military personnel from around the world to discuss the potential for more explicitly male-inclusive approaches to international peace and security.

Opening the symposium, Kathleen Kuenhast, Director of the Center for Gender and Peacebuilding at USIP, stated that "gender analysis has become integral over the last ten years but the tendency among us is to use gender and women interchangeably." This, she continued, "leaves us with only half the solution to many of the problems that plague women and girls in conflict and fragile settings." Kuenhast explained that "although men are not by nature violent, men do commit much of the violence." However, "in excluding the very roles and experiences of men in conflict, including as witnesses and victims themselves of violence, we are also limiting our approaches to solving difficult problems like gender-based violence." A male-inclusive approach, which recognises "the full gamut of gender experience," would therefore "complement and further the women, peace and security agenda."[808]

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[805] USIP (2013), "Men, Peace and Security Symposium;" see also: Gienger, V. (2013), "Dying to be Men: Symposium Digs for Roots of Gender Violence," *Analysis and Commentary*, 31 October 2013.
[806] Ibid.
[807] Ibid.
[808] MPS Symposium, *fieldnotes*, Washington DC, 28 October 2013; see also USIP, at *supra* note, 805.

As suggested by its full title, the accent of the symposium was on the role of men as agents of change. To a lesser degree, men's vulnerabilities in conflict and its aftermath were also discussed. This varied from the outright, but uncommon, assertion that "men [too] are vulnerable" to suggesting that we should talk about "people in vulnerable situations" to "open up new space" for thinking about gendered vulnerabilities in conflict. Men's vulnerabilities were conceived in broad terms, encompassing economic vulnerabilities and generational vulnerabilities in transitioning from boyhood into manhood, for instance. In one panel, a participant poignantly stated that "it's the more dominant and violent masculinities you hear about; you don't hear about [male] victimhood, such as torture and sexual abuse." He closed warning that "generalising about male violence [in conflict] can be dangerous and unhelpful."[809]

Advancing this idea in her keynote, then Special Representative of the Secretary-General on Sexual Violence in Conflict, Zainab Bangura, affirmed the need "to deepen the discourse [to] enlist both genders to end sexual and gender-based violence."[810] The full and meaningful implementation of the WPS agenda requires that men not "only be seen as perpetrators, they must also be enlisted as partners in prevention and agents of change." Going further, Bangura spoke in powerful terms of the need to re-define the scope of sexual violence in conflict and to "move away from the outdate paradigm in which men are only the perpetrators and women only the victims. This is not a question us versus them." This marked a shift away from the strict focus on men as perpetrators, common in her public statements,[811] towards enlisting men as allies, and recognising the experiences of male victims. While tailored to a masculinities-focused audience, this statement and its call for a paradigmatic shift in "outdated"

[809] Ibid.
[810] MPS Symposium, *fieldnotes*, Washington DC, 29 October 2013.
[811] E.g. Gienger, V. (2013), "U.N. Special Representative Calls for Greater Steps to End 'Scourge' of Sexual Violence in War," *Analysis and Commentary*, 14 February, Washington DC: USIP.

conceptualisations of sexual violence in conflict was nevertheless remarkable. Scarcely three years earlier, Dolan had described the systematic silencing of male victims/survivors in international responses to the issue.[812] The extent to which this shift was sustained over the course of Bangura's tenure of the Office, and beyond, remains less clear.

Throughout the symposium, the prospect of a separate policy agenda relating to men, peace and security was raised. This was fiercely debated, including during the coffee breaks. For some, given the intricacies of men's experiences of/in conflict, there was "no other way for this to move forward than as a separate agenda for men."[813] For others, this prospect of having years of feminist work to pave the way for the women, peace and security agenda over-shadowed by a parallel men, peace and security agenda was "unethical."[814] Situated between these perspectives was some more nuanced ground, emphasising the need for caution in introducing masculinities into mainstream gender equality discourses. One in particular urged complexity to ensure that such discussions do not serve to "reinforce gender stereotypes that can be harmful to both men and women."[815] Given the still emerging nature of this debate, and to uphold this attendant need for complexity, it is important to examine gendered imaginaries of men that underpin internationally driven responses to sexual violence in conflict, as well as how these operate in practice. In the following chapters, I explore how conflict-affected men are 'seen' and produced under distinct institutional eyes.

[812] Dolan cited in Storr, W. (2011), "The rape of men."
[813] MPS Symposium, *fieldnotes*, Washington DC, 29 October 2013.
[814] Ibid.
[815] MPS Symposium, *fieldnotes*, Washington DC, 30 October 2013.

CHAPTER VII

THE QUINT-*ESSENTIALIST* PERPETRATOR

"*There should be no hiding place for perpetrators […] who must be brought to justice thereby ensuring that they, not the survivors, pay the ultimate price […]. Those who violated their duty and public trust as combatants should be prosecuted and not rewarded by being allowed to wear a uniform or a badge after the war is over."*[816]

In my first iteration of the three male figures, I stated that "not surprisingly, the 'Male Perpetrator' is *a priori* the most evident."[817] As a whole, this still holds. The contours of The Male Perpetrator Subject previously traced, however, need refining. In this chapter, I scrutinise more closely the characteristics this figure takes in different institutional contexts. Chapter IV presented The Quint-*essentialist* Survivor. As the overarching female figure, she discursively embodies who the victims/survivors of sexual violence in DRC are assumed to be, premised on the particular nature of the harm she has endured and, notably, at whose hands. Whether explicitly stated or not, the shared imaginary of the 'Congolese woman' relies on and reifies contradistinctive assumptions about the 'Congolese man.' Crucially, these centre on who he is, the sexual harms he (inevitably) perpetrates, and the redress he (inevitably) warrants.

Given the multitude of sexual harms committed, and by a multitude of actors, in conflict-affected settings, *who* the perpetrators of sexual violence are in conflict is far from inevitable. Yet, thinking about perpetrators of sexual violence in conflict, perhaps especially in DRC, conjures up a familiar image, most likely of a (Black) African armed man in uniform. Retracing the lead-up to the adoption of SCR 1820, I examine how and why this subject came to constitute The Quint-*essentialist* Perpetrator of sexual violence in conflict. As shown below, while clearly

[816] SRSG Bangura, keynote address, MPS Symposium, *fieldnotes*, Washington DC, October 2013.
[817] Lewis, C. (2014), "Systemic Silencing," p. 207.

delineated for policy purposes, this figure is more difficult to identify in practice, particularly in efforts to promote accountability for sexual violence under domestic jurisdictions. Mirroring The Legal Victim, I assess the discordance between who efforts to fight impunity are intended to target and who, in practice, is held accountable for sexual violence in the region.

SECTION I

i. THE MALE PERPETRATOR: A STATISTICAL BACKDROP

The predominance of the 'male perpetrator' in gender policy and practice is not unexpected. As noted by Myrttinen et al., "conflict-affected situations are defined precisely by these violences, and men and boys are by and large the main perpetrators of these violences globally."[818] That men represent the "overwhelming" or "absolute" majority of perpetrators of (sexual) violence is ubiquitously supported statistically.[819] Looking outside DRC, the largest existing study on men's perpetration of violence against women was conducted in 2010-2013 across six countries in Asia.[820] The study found that: 80% of ever-partnered men reported having perpetrated physical and/or sexual partner violence in their lifetime;[821] 62% of men reported that they had perpetrated rape against a woman or girl in their lifetimes;[822] in some sites, up to a quarter of men reported having raped someone who was not their partner.[823]

In DRC, numerical data also confirm that men are identified as the perpetrators in the vast majority of reported cases. According to the 2013 UNFPA data in North Kivu, men were

[818] Myrttinen, H., Khattab, L., & Naujoks, J. (2017), "Re-Thinking Hegemonic Masculinities," p. 104.
[819] Olivius, E. (2016), "Refugee Men as Perpetrators, Allies or Troublemakers? Emerging Discourses on Men and Masculinities in Humanitarian Aid," *Women's Studies International Forum*, 56: 56-65, p. 59.
[820] Fulu, E. et al. (2013), *Why Do Some Men Use Violence Against Women and How Can We Prevent It? Quantitative Findings from the United Nations Multi-Country Study on Men and Violence in Asia and the* Pacific, Bangkok: UNDP, UNFPA, UN Women and UNV, p. iv.
[821] Ibid, p. 27.
[822] Ibid, p. 39.
[823] Ibid, pp. 39, 48.

identified as the perpetrators in 97.8% of cases;[824] in South Kivu, this rose to 99.4% of cases.[825] My aim in this discussion is certainly not to challenge the fact that men are the principal perpetrators of sexual violence, whether in conflict or non-conflict contexts. Instead, it is to discern *which men* are assumed to lie beneath the numbers in eastern DRC, which men statistically lie beneath different sets of numbers produced in eastern DRC, and which men interact with response mechanisms in eastern DRC.

Indeed, digging deeper into the official UNFPA statistics, these offer some descriptive information about presumed perpetrators, including their profile, i.e. whether military, civilian, or members of an armed group or militia. Focusing on this variable, there is some inconsistency as to who the predominant perpetrators of sexual violence are, notably, vis-à-vis their profile. For instance, in South Kivu, according to the 2013 official data, the majority of perpetrators were reportedly members of militia or armed groups, representing 70.9% of presumed perpetrators, with civilians representing 15.6% of perpetrators.[826] This falls largely in line with dominant portrayals of sexual violence in the region.

Unexpectedly, however, a UNHCR representative noted that their data tell the reverse story in that 70% of reported perpetrators are civilians, not members of armed groups. She further explained that because of their contradictory nature relative to the official UNFPA statistics, theirs could not be disseminated.[827] In North Kivu, the numbers aligned more closely with UNHCR's numbers, with armed groups and militias representing 31.9% of presumed perpetrators, and civilians representing 60.9%.[828] The remaining 7.3% and 13.5% in North and

[824] Ministère du Genre, de la Famille, et de l'Enfant (2013), Indicateurs des Violences Sexuelles et Basées sur le Genre des Territoire de la Province du Sud-Kivu, unpublished, p. 1 [Copy on file with author].
[825] Ministère du Genre, de la Famille, et de l'Enfant (2013), Indicateurs des Violences Sexuelles et Basées sur le Genre des Territoire de la Province du Nord-Kivu, unpublished, p. 1 [Copy on file with author].
[826] Ministère du Genre, at *supra* note, 824, p. 2.
[827] UNHCR Field Officer, *interview*, Bukavu, April 2014.
[828] Ministère du Genre, at *supra* note, 825, p. 2.

South Kivu respectively were reportedly FARDC soldiers and national police (PNC).[829] Scholars have long pointed to the variations of sexual violence in conflict historically and regionally.[830] Such variation might thus, in effect, be expected across DRC's vast territories, given their idiosyncratic histories and conflict dynamics. With this statistical backdrop in mind, then, which male perpetrators exist under different sets of institutional eyes in eastern DRC, why, and with what effect?

ii. DELINEATING PERPETRATORS & AVOIDING CLOSED DOORS

Contemporary reporting on sexual violence in conflict, notably in DRC, predominantly centres on acts committed by 'armed men in uniform.' From the onset, this emphasis was made explicit. Indeed, Human Rights Watch's 2002 report, *The War Within the War,* noted that, "rape and other sexual crimes are not just carried out by armed factions, but also increasingly by police and others in positions of authority and power, and by opportunistic common criminals and bandits, taking advantage of the prevailing climate of impunity and culture of women and girls."[831] With this caveat stated, however, the authors explained that "[t]his report focuses on crimes of sexual violence committed by soldiers and other combatants."[832]

This limited focus was sustained in the advocacy strategy adopted to establish conflict-related sexual violence as a self-standing issue on the Security Council's agenda. As explained in Chapter IV, a requisite component of this strategy was to delineate which kinds of rape fall under the ambit of the Council's mandate. In other words, it required defining what sexual violence *is* and *is not* for international peace and security policy. As discussed, this resulted in a definition and discourse of sexual violence resting on "a combination of *who* (the profile of victims and perpetrators); *what* (the elements of the offence); *how* (the method) and *why* (the

[829] Ibid.
[830] E.g. Wood, E. (2009), "Armed Groups and Sexual Violence."
[831] HRW (2002), *The War within the War*, p. 2.
[832] Ibid.

motive)."[833] Crudely, 'sexual violence in conflict' became defined as sexual harms perpetrated by parties to conflicts against civilians with a demonstrable link to the conflict at hand.

That this understanding of sexual violence in conflict contexts, particularly in DRC, is at the forefront of internationally driven responses, was evidenced by policymakers and shapers in New York. When asked about who the perpetrators of sexual violence are in conflict, the presumption was almost always that we were talking about individuals "belonging to militia, or uncontrolled government forces."[834] Providing further clarity, a respondent from the Team of Experts on Sexual Violence and the Rule of Law explained that, "What we do is armed groups, like in DRC, going in and raping people, or sexual slavery […] that's what characterises our work."[835] While there are some contexts where distinguishing between sexual violence and conflict-related sexual violence – the former referring to sexual violence "in the community" or the "usual domestic violence" – is "a little bit more difficult." However, "when you talk about the DRCs or Somalias, no one usually questions or argues that the distinction [exists] or how you label it, but when you get on the fringes, then it tends to get a bit territorial."[836] From this perspective, sexual violence and *conflict-related* sexual violence are easily distinguishable in a context like DRC, with the perpetrator profile representing a key distinguishing feature.

The reference to territoriality takes us back to the question of strategic and policy framing vis-à-vis institutional mandates. Echoing the discussion vis-à-vis The Quint-*essentialist* Survivor (Chapter IV), a respondent explained that the distinction between 'conflict-related sexual violence' and 'sexual and gender-based violence' relates to a divide in the Council as to what belongs on the WPS agenda and what doesn't; and between those who have a "broader" or "narrower" interpretation of sexual violence in conflict. Qualifying the latter, she explained: "I

[833] UN Action (2011), *Analytical and Conceptual Framing of Conflict-Related Sexual Violence*, UN Action Against Sexual Violence in Conflict, p. 2.
[834] Special Advisor, Permanent Mission to the UN, *interview*, New York, January 2014.
[835] UN Team of Experts on Sexual Violence and the Rule of Law Member, *interview*, New York, January 2014.
[836] Ibid.

don't think Russia's ever going to believe that, you know, a husband raping his wife - unless he's being held at gunpoint by, you know, a military officer - should count on the sexual violence in conflict agenda."[837] Clarifying that the perpetrator profile represents an evident distinguishing feature, she explained that, "some Member States don't want to understand the atmosphere that's created and that's not to say that every act of sexual violence that happens in countries in conflict is sexual violence in conflict, but I think that lots of Member States don't want to understand that link, beyond all the sort of very clear 'he's in a military uniform'"[838] From this perspective, the military uniform *ipso facto* comes to represent a "symbol of being a [sexual] predator."[839] Acknowledging complexity on the ground, a civil society representative affirmed that this simplified understanding contributed to the success of advancing women's rights in conflict at this international policy level.[840]

While key, the distinction between 'armed men in uniform' and 'civilian men' was not the only one made in delineating the perpetrators of sexual violence for the purposes of the Council. Not all acts of sexual violence committed by an individual in a military uniform constitute 'sexual violence in conflict' under the WPS agenda, nor do they trigger the same institutional response mechanisms. Notably, sexual violence perpetrated by UN peacekeepers falls under the separate policy category of sexual exploitation and abuse (SEA) and is addressed under the remit of Conduct and Discipline.[841] SEA is widespread across peacekeeping missions and takes diverse forms with diverse effects for victims/survivors.[842] As Westendorf and Searle observe,

[837] Senior Women's Rights Advocate, international women's refugee organisation, *interview,* New York, January 2014.
[838] Ibid.
[839] UN Women's Rights Advocate, *interview*, New York, January 2014.
[840] Women's Rights Advocate, civil society, *interview*, New York, January 2014.
[841] Westendorf, JK. & Searle, L. (2017), "Sexual exploitation and abuse in peace operations."
[842] Westendorf, J-K (2016), *Discussion Paper: Mapping the Impact of Sexual Exploitation and Abuse by Interveners in Peace Operations*: *Pilot Project Findings*, December 2016, Melbourne: La Trobe University.

"given the myriad reasons rape occurs during war, it is not surprising that soldiers also perpetrate such violence when deployed as peacekeepers."[843]

Yet, the policy and operational distinction is no coincidence. Westendorf and Searle highlight that SEA remains disconnected from existing protection frameworks. "Perhaps [most] surprisingly," they note, "SEA policy has been pursued in isolation from broader WPS frameworks at the UN level," despite seeking to redress similar underlying issues.[844] To explain this disconnect, the authors point to the "genetic defect" of the UN, "[h]eld hostage to both member states' interests and bureaucratic imperatives and limitations."[845] Although accurate, this appraisal glosses over the manoeuvring by feminist advocates when pursuing SCR 1820.

According to the UN Women's Rights Advocate quoted in Chapter IV, conflation between 'CRSV' and 'SEA' "created a number of closed doors." This was particularly challenging vis-à-vis troop contributing countries (TCCs) on the Council, who were concerned that, as she recounted, "we were just there to finger-point at themselves [sic] for the SEA incidents." As she explained: "we spent the first half of every meeting explaining [that] we are here to see what peacekeepers can *proactively* do to help prevent and deter sexual violence by armed groups in your areas of operation […] we are not here to expose *you* for any potential infractions of conduct and discipline, that's done by a different part of the house." Probing further, I asked if this explained the distinction between SEA and conflict-related sexual violence. In no uncertain term, she responded, "Yep, yep, that's the reason why. It's a tactical and strategic decision that we made…Very deliberately. And I can tell you honestly that had we not done that, we would be nowhere [with conflict-related sexual violence]."[846] Largely for this reason, perpetrators were defined as armed men in uniform, who do not carry a UN badge

[843] Ibid, p. 368.
[844] Ibid.
[845] Ibid, p. 385.
[846] UN Women's Rights Advocate, *interview*, New York, January 2014, emphases in original tone of interviewee.

or sport a blue helmet. Yet, as duly stated in the independent review of SEA, "for victims of sexual violence, it is immaterial whether the perpetrator was wearing a blue helmet or not."[847]

Considered alongside his female counterpart, then, The Quint-*essentialist* Perpetrator is imbued with clear and carefully delineated assumptions as to who he is, the kinds of sexual harms he has committed, and the redress he thus warrants. While clearly discernible in international policy and advocacy, this figure is, however, more elusive in practice.

SECTION II

i. THE QUINT-*ESSENTIALIST* PERPETRATOR & THE FIGHT AGAINST IMPUNITY

As shown in Chapter VI (The Legal Victim), the fight against impunity is an important focus of internationally driven responses to sexual violence in conflict, underpinned by the dual objects of delivering justice for survivors and deterring future perpetrators. In more general terms, judicial capacity building in conflict-affected contexts is geared towards "restoring faith in the rule of law" on the one hand,[848] and to reducing conflict-related violence, on the other.[849] Pertinently for this discussion on Gendered Men, it is the piece of the response architecture with the most direct and longest-standing interaction with perpetrators and, therefore, with men. It is thus an evident site for an analysis of institutional interactions with the male perpetrator figure.

As highlighted in Chapter VI, the fight against impunity is designed to deliver justice for particular kinds of sexual violence crimes in conflict. The language used around fighting impunity in high-level and popular advocacy is therefore, unsurprisingly, targeted towards a particular category of perpetrators: armed men in uniform, or combatants. As demonstrated in

[847] UNGA (2016), *Report of an independent review on sexual exploitation and abuse by international peacekeeping Forces in the Central African Republic*, 23 June 2016, A/71/99, p. iii.
[848] Ibid, p. 36.
[849] Lake, M. (2017), "Building the Rule of War: Postconflict Institutions and the Micro-Dynamics of Conflict in Eastern DR Congo," *International Organization*, 71: 281-315, p. 285.

the opening quote to this chapter, SRSG Bangura was firm in her keynote address to the *Men, Peace and Security Symposium*, that "there should be no hiding place for perpetrators." By referencing "combatants," "uniform[s];" and "badge[s]" in her speech, it is clear the Special Representative was referring to parties to the conflict.[850]

Similarly, in the run-up to the Global Summit to End Sexual Violence in Conflict, the FCO produced a video-animation.[851] Digitally designed to look like a young child's drawing, the video depicts a detached house with a family enjoying an evening in the garden, as the father barbecues, and the mother watches over their two children running around outside with the dog. At the sound of approaching helicopters, the mother hurriedly ushers the children inside. The father locks the door. A young female voice with a Standard English accent emerges and narrates: "There is a weapon that doesn't just leave physical wounds, it leaves emotional wounds." With a calm tone and steadied pace, the narrator continues: "A weapon of power, violence, and control. A weapon that is just as scary as bombs and bullets. But invisible." Four uniformed armed men break into the house, shooting their guns as the mother screams. Through the gaps between the uniformed armed men, as seen through the eyes of the children, the mother is thrown onto the kitchen table as the desperate pitch of her screams intensifies.

Maintaining the same childlike aesthetic throughout, one of the armed perpetrators turns towards the hiding children, which becomes the audience's visual vantage point for the unfolding scene. As the perpetrator faces the children, he transforms into a monster, with red eyes, sharp fang-like teeth dripping with dribble, and sharp-clawed paws. He growls at the children. The narrating voice returns, "This weapon tears communities apart, especially when the monsters who do it are allowed to get away with it, even live near their victims." "But," the soft voice assures viewers, "it doesn't have to be this way." As the scene changes to a court

[850] SRSG Bangura, at *supra* note, 816.
[851] FCO (2014), *Don't believe the thumbnail, this video is the stuff of nightmares,* 2 June.

room with the uniformed monster in the dock, she continues: "rape and sexual violence are the worst crimes you can imagine. But they are not an inevitable part of war." The monstrous figure is shown behind closing bars: "It's time to act to end sexual violence in conflict." Zooming out to twelve identical monstrous figures behind bars, the narrative voice affirms, "Time to act to bring those responsible to justice. Time to act so that those who live in fear of sexual violence have a chance to feel safe."[852]

Through SRSG Bangura's speech and the FCO video, we see a clear representation of The Quint-*essentialist* Perpetrator and, thus, of who the fight against impunity is intended to target. Assessing who is prosecuted and for which kinds sexual crimes in domestic courts in eastern DRC indicates that, like his female counterpart, The Quint-*essentialist* Perpetrator is not so easily discernible in practice. Where the metric of success for fighting impunity predominantly rests on convictions, as shown relative to The Legal Victim, its implications are tangible.

Prosecuting crimes of sexual violence under international law, whether in domestic or international tribunals, is extraordinarily challenging. Indeed, acts of sexual violence in conflict *can* constitute crimes under international law.[853] Determining so and demonstrating criminal responsibility (mode of liability) – as individual criminal responsibility or commander (or other superior) responsibility – beyond reasonable doubt is an intricate and highly political endeavour.[854] This applies to both the international and domestic levels. While there have been a number of developments in prosecuting sexual violence crimes internationally, particularly in relation to DRC,[855] these often take place at "significant geographic and historical distance from the events in question."[856] This restricts investigations, access to witnesses, and produces

[852] Ibid; See also, Myrttinen, H. & Swaine, A. (2015), "Monster Myths, Selfies and Grand Declarations."
[853] Seelinger, T. K. & Freccero, J. (2015), *The Long Road,* p. 1.
[854] WIGJ (2013), "Modes of Liability," *Expert Paper*, No. 1, November 2013; Lake, M. (2017), "Building the Rule of War;" Seelinger, T. K. & Freccero, J. (2015), *The Long Road,* p. 1.
[855] WIGJ (2016), *ICC first conviction for acts of sexual violence*: *The Prosecutor vs. Jean-Pierre Bemba Gombo*, Statement Bemba Trial.
[856] Seelinger, T. K. & Freccero, J. (2015), *The Long Road,* p. 1.

other jurisdictional constraints.[857] For these reasons, among others, domestic courts are increasingly at the forefront of promoting accountability for sexual violence.[858] Exploring the nature of sexual violence cases, and the perpetrators thereof, making it to and through domestic courts in DRC is thus important.

ii. THE QUINT-*ESSENTIALIST* PERPETRATOR UNDER INTERNATIONAL LAW IN DRC: THE MINOVA TRIAL

A handful of incidents of mass rape have become particularly notorious in eastern DRC. One such event took place in November 2012 when, following a defeat to the M23, hundreds of soldiers from the national army (FARDC) retreated to the town of Minova, on the shores of Lake Kivu and bordering North and South Kivu. What ensued was "a 10-day frenzy of destruction," which included widespread looting and sexual violence,[859] with some reports estimating that "more than 1,000 women, children, and men were raped in this town alone."[860] Most reports estimated the numbers of incidents to be around 130.[861] Because of the scale of the attack and the outcry that followed, Congolese authorities came under significant pressure to hold those responsible to account.[862]

As previously noted, portrayals of the Congolese judicial system in DRC often centre on its "deplorable" state and its failings in securing justice, particularly for survivors of sexual violence.[863] Despite significant pressure and support from the international community, the outcomes of the Minova trial appeared only to confirm this reality. Investigations began some months following the attack. Initial hearings were held in Goma in December 2013 and the

[857] Ibid.
[858] Ibid; WIGJ (2017), *Draft Consultation Report: Strategic Accountability Project, South Kivu, Democratic Republic of the Congo,* unpublished, The Hague: WIGJ, p. 7. [Copy on file with author.]
[859] HRW (2015), *Justice on Trial*.
[860] Alhindawi, Z. D. (2014), "They will be heard: The rape survivors of Minova," *Al Jazeera,* 14 March.
[861] Lake, M. (2014), "After Minova: Can War Crimes Trials Overcome Violence in DRC?," *African Arguments,* 8 May.
[862] Nichols, M. (2013), "U.S., Britain push Congo to prosecute soldiers over Minova rapes," *Reuters,* 6 October.
[863] UNGA at *supra* note, 735.

final trial was held over ten days *in situ* in Minova in May 2014. For jurisdictional context, as the crimes were committed during an active military operation against the M23, the case fell under the operational military court, which meant that there could be no appeals process.

Seventy-six charges were brought against thirty-nine defendants. These included charges of rape as a war crime (under individual and command (or senior) responsibility), rape as an 'ordinary crime'[864] under the 2009 Child Protection Law, pillage, murder, theft, extortion, and disobeying military orders.[865] Thirty-three of the charges were for rape as a war crime and one charge for the rape of a minor under domestic legislation.[866] Seventy-six civil parties (i.e. victims) testified at the trial; this included fifty testimonies for rape and twenty-six testimonies for crimes of pillage, although most of the parties testifying for rape were also victims of pillaging.[867] Only two convictions were secured for sexual violence, one of which was for rape as a war crime; the other for the rape of the minor as an ordinary crime.[868] All other defendants accused of rape as a war crime were acquitted, although some were charged with lesser crimes.[869] The verdict was thus widely viewed as a "disappointment," as a failure to deliver justice," as a "new insult to victims of sexual violence in DRC."[870]

[864] In line with Lake, I use this term to refer to any sexual crime "committed or criminalized under the ordinary civilian or military penal codes, rather than those that constitute international crimes." (2018: 4, fn. 3).
[865]Cour Militaire Opérationelle (CMO) (2014), *Pro-Justitia Arret* (henceforth: Minova Judgement), RP N°003/2013, RMP N°0372/BBM/013, 5 Mai 2014. [Copy on file with author].
[866] Ibid.
[867] CMO (2014), *Minova Judgement*, p. 65.
[868] Ibid.
[869] Ibid.
[870] Nichols, M. (2014), "United Nations disappointed by Congo mass rape trial verdict," *Reuters*, 6 May; UN News Centre (2014), "DR Congo mass rape verdict fails to deliver justice to victims, say UN Envoy," *UN News Centre*, 8 May. International Federation for Human Rights (2014), "Acquittal of Minova soldiers: a new insult to victims of sexual violence in the DRC," *Press release*, 7 May.

iii. COMMAND RESPONSIBILITY & MILITARY POLITICS IN MINOVA

To assess the verdict more closely, I begin with the charges of sexual violence brought under command (or superior) responsibility. Not without its challenges,[871] the doctrine of command responsibility offers an important legal avenue through which to hold (indirect) perpetrators of sexual violence and other grave crimes under international law accountable.[872] In brief, the principle holds that a military commander or person effectively acting as a commander will be held criminally responsible for crimes committed by forces under his or her effective command and control, or as a result of a failure to exercise control properly.[873] This will be the case where the military commander or superior "either knew or, owing to the circumstances of the time, should have known that the forces were committing or about to commit such crimes" and "failed to take all necessary and reasonable measures within his or her power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution."[874] It thus targets commanding and high ranking officers in state militaries and in non-state armed groups with an effective command structure who are to be held responsible for crimes committed by forces under their control.

Despite substantive precedents, including now domestically in DRC,[875] each of the thirteen commanding or superior officers indicted for war crimes committed by FARDC battalions in Minova under this doctrine were acquitted. The CMO offered a number of legally grounded reasons for these decisions. In the case of two Colonel level commanders, it was determined that, at the time of the crimes investigated, they "were no longer exercising effective control

[871] Indeed, belief in this doctrine's potential to deliver a sense of justice to victims of international crimes has come significant strain since the ICC's recent and unexpected decision to acquit and release Jean-Pierre Bemba Gombo of all charges of war crimes and crimes against humanity, including rape (e.g. Poutou & Hayali 2018).
[872] Sellers, V. P. (2008), *The Prosecution of Sexual Violence in Conflict;* LaViolette, N. (1998), "Commanding Rape: Sexual Violence, Command Responsibility, and the Prosecution of Superiors by the International Criminal Tribunals for the Former Yugoslavia and Rwanda," *Canadian Yearbook of International Law*, 36: 93-150.
[873] UNGA (1998), *Rome Statute of the International Criminal Court (last amended 2010)*, 17 July, Art 28, a.
[874] Ibid, a (i) (ii).
[875] OHCHR (2014), "DRC: Conviction of 'Colonel 106' major boost in the fight against impunity," *Display News*, 18 December.

[…] because they were no longer in this function."[876] They had, in fact, been dismissed from their post and their control transferred on the 19th November 2012, the day before the jurisdictional period of the trial. Neither of these two commanders were near Minova during the period under investigation.[877] In its report of the trial, Human Rights Watch notes that their indictment was politically motivated due to "their poor performance in the military operations [against M23]."[878] In effect, that the charges were levied against them was interpreted by HRW as "an attempt to make them scapegoats for the crimes in Minova."[879] The report quotes a defence lawyer stating that, "the government really wanted to see these officers be convicted."[880]

The other eleven officers charged under command responsibility were determined to be *de jure* commanding officers of the battalions investigated. They, however, were acquitted in a first instance because the Court took issue with the notion of *effective control:*[881]

> "…in the prevailing circumstances of the moment, the defendants could not risk leaving their men or sending them to find the undisciplined elements because this would only have envenomed the situation. The Court notes that there were in Minova several hundreds of soldiers from different units of the 8th military region [that were] uncontrolled and on which the defendants did not have a firm grip."[882]

In a first instance, the Court esteemed that it was beyond the bounds of "all necessary and reasonable" measures in their power to "prevent or repress [the] commission" of the crimes.[883]

[876] CMO (2014), *Minova Judgement*, p. 80.
[877] Ibid.
[878] HRW (2015), *Justice on Trial*, p. 42.
[879] Ibid.
[880] Ibid.
[881] CMO (2014), *Minova Judgement*, p. 80.
[882] Ibid, p. 81.
[883] Ibid.

Secondly, addressing the last component of command responsibility – i.e. of reporting infractions to competent authorities – the Court determined that:

> "The elements found to be missing were subsequently apprehended and the defendants did nothing but respect the instructions of their hierarchy at the level of the military headquarters by delivering them to the hands of justice. Nothing permits to say then that they had missed their responsibility of sanctioning or of referring them to the authorities. It is in fact thanks to them that the soldiers were found and deferred in front of this court."[884]

In its analysis, Human Rights Watch highlighted several issues with this reasoning. First, describing how some of the defendants were identified, HRW explained that the General of the Military Prosecution Office asked the commanders of battalions investigated to produce the names of soldiers implicated in the crimes.[885] The commanders thus produced lists of soldiers marked as absent from the roll-calls conducted during the period under investigation in the Minova area.[886] It is not clear whether additional steps were taken to confirm their involvement in the crimes, but these names nevertheless made up the majority of the defendants indicted.[887] Furthermore, this process took place in April 2013, several months after the incident; the "handful of soldiers" arrested at the time had been released and reintegrated into the army.[888] What is more, no official military reports had been filed then, suggesting that commanders had little to no intention to hold those arrested accountable.[889] Echoing this analysis, a defence lawyer from the trial raised what he referred to as the "subjective selection" of the battalions and the commanders indicted, noting that his "clients were practically like victims in the sense

[884] Ibid.
[885] HRW (2015), *Justice on Trial*, p. 22.
[886] Ibid.
[887] Ibid.
[888] Ibid, p. 43.
[889] Ibid.

that the ones who should have been prosecuted were not in front of the tribunal […] the population even told us that the ones on trial were not the perpetrators."[890]

This points to a tension in the trial between balancing international pressure to convict, on the one hand, with the fragile politico-military context, on the other. The latter impacted on the investigation and, as pointed to above, on the selection of the defendants. With respect to the investigation, a CMO Judge explained that:

> "People didn't want to have an investigation then. It was a fragile time [as] there wasn't any trust, there was a fear that some [soldiers] might jump to the other camp [M23] […]. People said we can't investigate now, the situation needs to calm down a bit. You know, with justice, it goes first peace, security, and then justice will follow."[891]

According to HRW, investigations had begun before the General Military Prosecution Office in Kinshasa took over, but these did not feature in the trial itself.[892] As a consequence, the official investigation started late, meaning it was more challenging to collect the requisite evidence.[893] As the Judge noted: "They say that we failed to deliver justice, but the evidence was not there. Are we expected to convict if the evidence isn't there?"[894]

The question thus emerges then of who *was* convicted under individual sexual violence charges and on what grounds? As noted above, two convictions for sexual violence charges were delivered at the Minova trial: one for rape as a war crime and the second for rape of a minor under the 2009 Child Protection Law. I turn first to the charge of rape as a war crime under the Rome Statute. This indictment required both evidence of individual criminal responsibility and

[890] Defence Counsel, *interview*, Goma, October 2014.
[891] Military Judge, *interview*, Goma, December 2014.
[892] HRW (2015), *Justice on Trial*, p. 22.
[893] Military Judge, *interview*, Goma, December 2014.
[894] Ibid.

contextual elements linking the crime to the conflict.[895] Proving the former, and beyond reasonable doubt, can be especially challenging in conflict contexts. As explained by the CMO:

> "Generally, with respect to sexual violence, perpetrators take measures to not be identified by their victims. They favour acting when it's dark, blinding their victims with the light of their electric torches, intimidating them with threats to stop them from staring at them, [and] warding off potential witnesses. The victim becomes the only witness to the aggression. Herein lies the importance of her statement so that the judge can appreciate her credibility."[896]

The officer convicted on the charge of rape as a war crime was recognisable by virtue of an exceptional physical feature: a missing thumb (image 6).[897] According to the verdict, the victim "recognised the suspect whom she had previously seen fetching water from the fountain and who had a missing finger on his hand, a feature she easily remembered."[898] So central was this feature to the proceedings, the suspect's defence argued that the victim had only noticed the missing thumb during the preliminary investigations, a claim that was later proven unfounded.[899] In effect, in the aftermath of the attack, the victim had "brought the facts to her cleric giving a distinctive sign on his body: his cut thumb."[900] This case underscores the difficulties, first, of identifying individual perpetrators of conflict-related sexual violence and, second, of proving individual criminal responsibility beyond reasonable doubt. Overall, even when the circumstances of the crime align closely with those associated with The Quint-*essentialist* Perpetrator, this case points to the necessity of an exceptional physical characteristic to prove individual criminal responsibility.

[895] CMO (2014), *Minova Judgement*, p. 68.
[896] CMO (2014), *Minova Judgement*, p. 64.
[897] Ibid, p. 57.
[898] Ibid, p. 75.
[899] Ibid, p. 57.
[900] Ibid.

Image 6: Defendant Convicted for Rape as a War Crime, Minova Trial:[901]



With regards to the contextual elements, the defence argued that this case should be tried under national legislation, rather than under the Rome Statute on the grounds that the crime was *not* committed in the context of an armed conflict and that the infraction had no link with it.[902] The Court dismissed this argument and determined that the "situation of conflict had a real impact on the capacity and motivation of the actors to commit the crimes in the present case and on the means of acting."[903] Linking the rape charge to the conflict, the Court maintained that the defendant's use of his gun to threaten the victim, and the fact that it happened at night, while gun shots were heard in the surrounding area "constitute[d] a coercive environment without contest."[904] Finally, that the defendant committed the crime during an operation against M23 was also affirmed, thus producing "all the elements constituting rape as a war crime."[905]

[901] Alhindawi, Z. D. (2014), "They will be heard."
[902] CMO (2014), *Minova Judgement*, p. 67.
[903] Ibid, p. 70.
[904] Ibid.
[905] Ibid.

The second case resulting in a conviction for sexual violence was of a different nature and was adjudicated under the 2009 Child Protection Law, thus, as an ordinary crime. The defendant in this case was a Corporal from the 8th Military Region (North Kivu) who was lodging with a 1st Sergeant and his family, including the latter's daughter who was six at the time. While the victim's parents were out, the suspect took the young girl to an isolated area away from the school, under the pretext of buying her biscuits. In the facts of the case presented, the document reads: "[s]he followed the accused in all confidence because she already knew him as a result of being neighbours in [the village] and in [the military camp] in Goma, and she always called him 'papa.'"[906] Then, when they were in the isolated area, "the suspect then imposed sexual relations on the little girl."[907]

The accused challenged this account, stating that the victim had followed him asking for a piece of papaya fruit and that he had helped her take her underwear off "to do her business."[908] Not long after wiping her with papaya leaves, he saw three soldiers sent by a regiment Captain to arrest him for having raped a young girl; this version of events was contested by witnesses.[909] It was determined that the suspect had been caught in the act by the three soldiers who "found him naked on the girl […] her clothes were covered in blood."[910] It later emerged that he had previously confessed when seeking to arrange the case informally with the victim's parents.[911]

As the victim was the daughter of a fellow soldier, the case was prosecutable under domestic and not international law. Assessing the evidence, the Presiding Judge determined that "[the accused] can only have acted in a deliberate attempt, a manifest intention to violate the sexual integrity of a child to satisfy his basic instincts."[912] He continued, "there is no shadow of a

[906] Ibid, p. 57.
[907] Ibid.
[908] Ibid.
[909] Ibid.
[910] Ibid, pp. 57-58.
[911] Ibid, p. 58.
[912] Ibid, p. 76.

doubt as to [his] intent and the Court considers that all the constitutive elements for the rape of a child are brought together."[913] The success of the conviction in this case thus rested on the following factors: because the victim was a child, as explained in the court proceedings, the notion of consent and even violence or the threat thereof were rendered legally void.[914] There were also three witnesses, including a superior officer. As the discussion below demonstrates, this case aligns more closely with the types of sexual violence cases adjudicated by domestic courts in eastern DRC. This is perceptible across three axes: the perpetrator profile (lower ranking), the legislation applied (domestic legislation), and the nature of the case presented (girls under the age of eighteen). As such, while the violence that took place in Minova in November 2012 echoed the familiar stories of sexual violence in eastern DRC, the outcomes of the trial affirmed the challenges associated with fighting impunity for sexual violence at the domestic level, and, thus, with holding quint-*essentialist* perpetrators to judicial account.

SECTION III
THE MALE PERPETRATOR IN EVERYDAY JUSTICE

By virtue of their scale, the resources invested in and the high level pressure exerted on their outcomes, the Minova hearings were exceptional.[915] The trial was also remarkable in its invocation of the Rome Statute to prosecute rape as a war crime by a domestic court.[916] Above, I presented a snapshot of the numerical portrait of perpetrators recorded in North and South Kivu, pointing to variation vis-à-vis their identification as a member of the military, of an armed group, or as civilian. While not necessarily unexpected, it raises questions as to which perpetrators are interacting with the judicial system in its less exceptional, everyday

[913] Ibid.
[914] Ibid.
[915] Candeias, S., et al. (2015), *The Accountability Landscape in Eastern DRC: Analysis of the National Legislative and Judicial Response to International Crimes (2009-2014)*, New York: ICTJ, p. 32.
[916] Lake, M. (2014), "After Minova."

functioning. Keeping in mind the above analysis and that of The Legal Victim in Chapter VI, I explore this question here beginning with the Specialised Police Units in Goma and Bukavu.

From January 2013 to July 2014, the PEVS in Goma recorded 477 cases of sexual violence (table 3). As shown in table 4, the Unit in Goma categorises suspected perpetrators according to five categories: adults, minors, military (FARDC), police (PNC), and armed groups (AG). Of the suspects reported, uniformed personnel collectively represented 0.6% of perpetrators, with members of armed groups representing 0.2%, and FARDC representing 0.4%. The vast majority were identified as civilian men (67.8%) and civilian male minors (32.1%).

The clear majority of suspected perpetrators reported to the specialised police unit in Goma, then, were civilians (99%). The strikingly low numbers of reported uniformed personnel may be explicable by the fact that, despite the specialised expertise of the units, such cases are perhaps more likely to be reported to the military judicial structures directly, if reported at all. Indeed, a similar trend is perceptible in the PEVS in Bukavu. The figures from this unit provide greater insights into the profiles of the victims and suspects, including their age and profession, when known. It is important to note that, in the same way that military uniforms do always reliably determine a person's affiliation to the army or to a particular armed group, being identified as civilian does not *ipso facto* mean that a suspect is not or has not been involved in armed group activity. However, as the victim/survivor or a family member transmits the information recorded in the police and judicial records, I take the civilian status reported at face value for the purposes of this analysis.

Table 4: Perpetrator Profiles in Cases Recorded by PEVS, Goma, 2013-2014:[917]

			Perpetrator Profile				
			Civilians		Uniformed personnel		
Year / Month	**Cases Reported**	**Suspects Arrested**	**Adults (Male)**	**Minors (Male)**	**FARDC**	**PNC**	**AG**
2013 (full year)	272	219	152	67	2	-	1
2014 (Jan-July)							
January	27	16	11	5	-	-	-
February	65	40	21	19	-	-	-
March	24	17	14	3	-	-	-
April	31	24	14	10	-	-	-
May	15	11	8	3	-	-	-
June	20	14	10	4	-	-	-
July	23	23	17	6	-	-	-
Total[918]	477	364	247	117	2	-	1

[917] PEVS (2014), *Perpetrator Profiles in Sexual Violence Cases Recorded by PEVS Unit in Goma 2013-2014*.
[918] The numbers are presented in the table as they were provided by the PEVS in Goma. The discrepancy between the numbers of reported cases and arrested cases is not unexpected given that more cases are reported than arrests are made. For the purposes of this discussion, however, the characteristics of the reported suspects (including whether unknown) were not accounted for in this data and thus cannot be commented on here.

Table 5: Perpetrator Profiles in Cases Recorded by PEVS, Bukavu, 2014:[919]

		Perpetrator Profile					
		Civilians			Uniformed personnel		
Year	**Cases Reported**	**Adults (Male)**	**Minors (Male)**	**Unknown or unspecified**	**FARDC**	**PNC**	**Armed Group**
2014	236	184	17	26	2	6	1
Total	236	227			9		

As in Goma, the figures from the PEVS in Bukavu indicate that the vast majority of suspects reported for sexual violence were identified as civilian men (96%). While not depicted in table 5, the data from Bukavu gave insights into the suspects' ages and professions, permitting a more textured analysis of their profiles. The age of the suspected perpetrators was specified in 107 of the cases recorded for 2014. Their age varied from twelve (one case) on the youngest end of the scale to sixty-seven (one case) on the highest. On the basis of those specified, the average age of suspected perpetrators recorded was twenty-five years old, with 82% being between fifteen to thirty. The average age of suspected perpetrators recorded in judicial registers in 2013-2014 equates exactly with that found in previous years.[920] It is also worth recalling here that the average age of victims recorded for 2014 was sixteen.[921]

With regards to suspects' professions, when recorded, known, or specified, the records indicated some variation. These ranged from students and pupils, unemployed, cultivators, motorbike drivers, and construction workers, among others. The most highly represented were

[919] PEVS (2014), *Sexual Violence Cases Recorded by PEVS Unit in Bukavu 2013-2014*. [Copy on file with author].
[920] UNDP (2012), *Monitoring Judiciare*, p. 30.
[921] See Chapter VI, at *supra* note, 789.

students (including school pupils) and unemployed. When asked about trends in perpetrator profiles reported, an officer from the unit emphasised their young age and low socio-economic status: "perpetrators are young people, usually 17 to 45 years of age […] they are people with an education level that has not surpassed the average. They are unemployed."[922]

While representing but one piece of the penal chain, due to their specialised nature, these units are intended to be an important starting point for sexual violence cases reported to the judicial system. The data collected from the PEVS in Goma and Bukavu already start to complicate the portrait of perpetrators habitually depicted. The recorded nature of cases in judicial institutions further along the penal chain depict a similar pattern. According to the records from the civilian magistrates' office for 2013-2014 in Bukavu, in 64% of cases, the suspect was identified as unemployed. Others ranged from students (including school pupils), domestic workers, moto and taxi drivers, along with some skilled and unskilled workers (e.g. mechanics, plumbers, construction workers, etc.). On rare occasions, a pastor or state agent was identified.

In Goma, the trend was not dissimilar. While not the majority, suspects identified as unemployed represented the largest single group (44%) of identified suspects in the 857 sexual violence cases reported during the same time period. Here, there was a wider distribution of perpetrator profiles, which included the same listed professions and trades as above, as well as cultivators. One unexpected finding in these records was the presence of six cases reportedly committed by soldiers and two by members of M23; three of these cases were transferred to the military prosecution office. Moreover, in both Bukavu and Goma, with the exception of three cases, all suspected perpetrators were noted as being known to, or at least identifiable by, the victim. Echoing the PEVS Officer above, when asked to comment on the general profiles of suspected perpetrators, a General Prosecutor stated that: "Very often, very often they are

[922] PEVS, Officer, *interview*, Bukavu, October 2014.

idle young men […] They're generally people of the same generation, the girl is fourteen, the perpetrator is twenty-one, or they're both minors."[923]

The General Prosecutor explained that when both the victim and the accused are minors, the law will "protect the girl much more."[924] This is not without tangible effects. Before visiting the so-called child rehabilitation centre of Goma's Central Prison, Muzenze, I spoke with the Country Director of international refugee organisation, which was doing some work with the children in the prison.[925] With distress in his tone, he stated that sexual violence was "everywhere here" and it starts at a young age; "when you go to the prison and you ask these boys why they are there, they will all tell you 'rape,' it's rape, rape, rape, rape."[926] Indeed, according to the rehabilitation centre's register, while not all the boys – many of whom appeared to be of adolescent age – had been charged with rape, more than half of the eighty-four boys were registered on charges of rape.[927] I return to this below.

Turning to military justice system, providing a clear and systematic analysis of the profiles of the accused perpetrators across military judicial entities here is more complex for a number of reasons. The first is jurisdictional.[928] For our current purposes, the key distinguishing features are as follows: the military justice system is divided into different entities which have jurisdiction over differently ranked soldiers and officers. The lower tribunals – the Military Garrison Tribunals (TMG) and attendant magistrates' offices (AMG) – have jurisdiction over lower ranking soldiers and officers (from no rank to Captain). These are intended to be stationed in each military garrison (or district) and have limited geographic jurisdiction.

[923] Civilian Prosecutor, *interview*, Bukavu, October 2014.
[924] Ibid.
[925] For ethical transparency, I note that I did not conduct research with the children in the rehabilitation centre. I only conducted interviews and conversations with individuals who worked in or with the centre.
[926] Country Director of an International Humanitarian Organisation, *interview*, Goma, June 2014.
[927] Visit to Munzenze Child Rehabilitation Centre, *fieldnotes*, Goma, June 2014.
[928] For an overview of the Congolese judicial system, see e.g. ASF (2014), *Etude sur l'aide légale en Répblique démocratique du Congo*, Janvier 2014.

Pertinently, the TMG and AMG in Goma and Bukavu only have jurisdiction over those towns. The Superior Military Courts and attendant magistrates' offices have jurisdiction over higher ranking officials, from Major to Colonel and have a wider geographic jurisdiction over the provinces. Officers of military ranks above Colonel are prosecuted and tried at the High Military Court in Kinshasa. Finally, as introduced above, a temporary Military Operational Court (CMO) was established in North Kivu to prosecute violations committed by FARDC during military operations. The CMO has jurisdiction over soldiers and officers of all ranks. Understanding this judicial context is important as distinct jurisdictions determine the kinds of infractions, including of sexual violence, and perpetrators thereof, one expects to 'see' in the different constituent parts of the military justice system.[929]

While incomplete, the data acquired as part of the Human Rights Center Sexual Violence Program accountability study pointed to four trends. The first is that the numbers of sexual violence cases reported to the military judicial structures are much lower than those reported to the civilian judicial system. In Goma, as noted above, 857 cases of sexual violence were reported to the civilian magistrates' office in 2013-2014.[930] Looking at the military judicial equivalent (AMG), 122 cases were recorded in 2013-2014.[931] This figure drops further in the superior military magistrates' office and the operational military magistrates' office, which recorded 32[932] and 10 cases,[933] respectively. As such, the higher the jurisdiction and the more

[929] The discussion below draws on data collected on behalf of the Human Rights Center accountability study. As the research team was not able to gain access to the registers kept by each of these constituent parts in Goma and Bukavu, and as the records accessed were not consistently compiled or maintained, I am not able to present a systematic portrait of the nature of the cases or of the suspected perpetrators reported here.
[930] PGI (2014), *Sexual Violence Cases Recorded by the Tribunal de Grande Instance (Civilian Magistrates) in Goma* 2013-2014. [Copy on file with author].
[931] AMG (2014), *Sexual Violence Cases Recorded by the Auditorat Militaire de Garnison (Military Magistrates) in Goma* 2013-2014. [Copy on file with author].
[932]AMS (2014), *Sexual Violence Cases Recorded by the Auditorat Militaire Supérieur in Goma 2013-2014*, unpublished. [Copy on file with author].
[933] CMO (2014), *Sexual Violence Cases Recorded by the Cour Militaire Operationelle (Military Operational Court) in Goma 2008-2014*. [Copy on file with author]. These figures are lower than expected, particularly given the Minova trials. It is likely that, because the Minova cases were first addressed by the military court in Bukavu, before being transferred to the CMO, these were not recorded in the figures received by the latter.

closely connected to military operations in active conflict – and would thus be more likely to constitute *conflict-related* sexual violence perpetrated by a 'quint-*essentialist* perpetrator' – the lower the number of reported cases of sexual violence. Given that cases reaching the higher military jurisdictions are likely to be more politically sensitive, this is perhaps not unexpected.

The numbers of cases of sexual violence, or other grave crimes under international law, reaching judicial structures do not reflect the numbers of crimes committed during the conflicts in the region. In its report, *The Accountability Landscape in Eastern DRC*, the International Center for Transitional Justice (ICTJ) identified thirty-nine ongoing investigations relating to serious crimes under international law opened between 2009 and 2014 across the Kivu provinces and Ituri, twenty-six of which include charges of sexual violence (table 6).[934] Citing barriers to reporting and difficulties accessing conflict areas, ICTJ stresses that "the number of open investigations related to serious crimes remains very limited compared to the magnitude of atrocities committed in the DRC."[935] Bearing in mind that 164 cases of sexual violence were recorded across military judicial structures in 2013-2014 in Goma alone, this begs the question of which kinds of cases are presented in military judicial structures.

[934] Candeias, S., et al. (2015), "The Accountability Landscape in Eastern DRC: Analysis of the National Legislative and Judicial Responses to International Crimes (2009-2914)," *ICTJ Briefing*, July 2015.
[935] Ibid, p. 3.

Table 6: Grave Crimes in Courts and Tribunals in eastern DRC, 2009-2014:[936]

LOCATION	TOTAL NUMBER OF CASES	NUMBER OF CASES AGAINST FARDC	NUMBER OF CASES AGAINST FDLR	NUMBER OF CASES AGAINST FRPI	NUMBER OF CASES AGAINST MAI MAI	NUMBER OF CASES AGAINST OTHER ARMED GROUPS
South Kivu	22	14 3 adjudicated 2 in appeal 8 under inv. 1 interrupted	3 1 adjudicated 1 in appeal 1 under inv.	0	2 1 under inv. 1 closed	3 1 adjudicated 2 under inv.
North Kivu	10	6 3 adjudicated 3 under inv. (including 1 case also against APCLS)	1 Also against Mai Mai CHEKA	0	3 (3 under inv.: 1 against M23; 1 against elements of Mai Mai, Raia Mutomboku, and Nyatura groups; 1 against elements of APCLS, Mai Mai CHEKA, and FDLR)	
Ituri	7	1 1 under inv.	0	3 2 adjudicated 1 under inv.	3 3 adjudicated	0

This takes us to the third trend emerging from the military judicial records. As in the civilian justice system, in most cases, the suspects were known or identifiable to the victims. This was especially notable in the cases reported to the AMG, in which only one of the 122 cases reported the suspect was recorded as *inconnu*, or unknown.[937] With respect to the superior military court, only seven of the thirty-two cases did not include any identifying information about the suspect.[938] Finally, in the vast majority of cases, suspected perpetrators were identified as FARDC soldiers or officers, with only a small handful identified as being members of non-

[936] Candeias, S., et al. (2015), *The Accountability Landscape in Eastern DRC*, p. 22.
[937] AMG (2014), *Sexual Violence Cases Recorded (Goma).*
[938] AMS (2014), *Sexual Violence Cases Recorded (Goma).*

state armed groups.[939] Indeed, investigating and prosecuting cases involving armed groups is especially challenging.[940] Where military ranks were noted, there was some variation ranging from no rank to, on the rare occasion, Lieutenant Colonel. In most cases, officers reported were of low military grades. In this respect, the secretary of a military prosecution office remarked, "[t]he 2006 Law [on sexual violence] came with a lot of rigour, we arrest boys who are nineteen or twenty here in the cantonment who rape young girls who are minors."[941]

As stated vis-à-vis The Legal Victim, my intention is not to suggest that all cases in the civilian and military judicial systems are of statutory rape, or *copinages.* As previously noted, I cannot comment on the circumstances of individual cases, nor on how these affected individual victims. Moreover, the above discussion did not present a systematic analysis of cases across judicial structures in Goma and Bukavu. Nevertheless, it is clear that the vast majority of cases reported to judicial entities do not embody The Quint-*essentialist* Perpetrator.

Overall, this analysis foregrounds the disproportionate and often overlooked influence of age and class in shaping the law's operation in fighting impunity for sexual crimes. As observed by Lake, Muthaka and Walker, socio-economic dynamics are under-explored in analyses of and efforts to promote the rule of law in eastern DRC.[942] The locus of their research, however, is on female victims and does not engage with men and masculinities. This is not unexpected given that masculinities remain under-explored in feminist scholarship more broadly.[943] Nevertheless, as evidenced above, examining which (male) perpetrators interact with judicial structures offers insights into who is held to account, and for what kinds of sexual harms.

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[939] AMG (2014), *Sexual Violence Cases Recorded;* AMS (2014), *Sexual Violence Cases Recorded;* CMO (2014), *Sexual Violence Cases Recorded.*
[940] E.g. Candeias, S. et al. (2015), *The Landscape of Accountability*, p. 3.
[941] Military court secretary, *interview*, Goma, December 2014.
[942] Lake, M., et al. (2016), "Gendering Justice in Humanitarian Spaces: Opportunity and (Dis)empowerment Through Gender-Based Legal Development Outreach in the Eastern Democratic Republic of Congo," *Law and Society Review*, 30(3): 539-574. p. 552.
[943] Cooper, R. F. & McGinley, C. A. (eds.) (2012), *Masculinities and the Law.*

CONCLUSION

What does this analysis mean for the fight against impunity and its interaction with male perpetrators in eastern DRC? As evidenced, strategies to fight impunity for sexual violence are designed to target particular kinds of perpetrators, presumed to have committed crimes of sexual violence under international law. Mirroring The Quint-*essentialis*t Survivor, the first part of this chapter demonstrated that the particular form of the male perpetrator was carefully delineated for international peace and security policy. As reaffirmed above, however, these are generally not the types of cases making it to and through domestic courts in their everyday, or even more exceptional, functioning in North and South Kivu. As shown in Minova, for those that do, the powerful interplay of politico-military factors and weak investigative capacities frustrate the already difficult task of securing justice for victims of grave international crimes.

Mirroring The Legal Victim, then, this analysis further indicates that the internationally driven fight against impunity for sexual violence in eastern DRC is playing a different function than intended, or than is conventionally presented. While The Legal Victim called for a more nuanced appraisal of how sexual violence legislation interacts with the socio-historical norms, this analysis underscores the operation of socio-economic and politico-military factors in the application of the law. In closing, I return to the importance of convictions in conveying particular messages to communities and to (potential) perpetrators about what is punishable by law.[944] The present record suggests that the message communicated to those who perpetrate, command, or condone sexual violence, as defined by international law, is that impunity prevails. Otherwise stated, efforts to fight impunity in eastern DRC to date may send as strong a message about *who* is punishable by law, as they do about *what* is punishable by law.

[944] See discussion in Chapter IV, p. 200.

CHAPTER VIII

THE STRATEGIC ALLY

"Now that we have the international legal framework in place, we need to make sure those laws are translated into change on the ground. We can only accomplish this when the necessary laws are enacted, adequate policies are put in place, programmes are properly implemented and everyone in society stands together united against this scourge. It also means that men cannot only be seen as perpetrators, they must also be enlisted as partners in prevention and agents of change."[945]

Over the past decade, international actors have increasingly turned towards strategies to 'engage men and boys' in gender policy and programming. Specifically, such efforts are intended to promote gender equality and prevent violence against women and girls. As discussed above, efforts to fight impunity aim to deter, and ultimately, prevent sexual violence by demonstrating that such crimes will not go unpunished. In contrast, the interventions discussed here seek to address and ultimately prevent sexual (and gender-based) violence through attitudinal and behavioural change, namely by challenging 'traditional' gender norms and practices. For this reason, they are often explicitly referred to as 'gender transformative.'[946] While these have a longer history in development programming,[947] their implementation in humanitarian and conflict-affected contexts is more recent. Demonstrating the high level institutional support of this approach in international peace and security, SCR 2106 affirmed that "the enlistment of men and boys in the effort to combat all forms of violence against women are central to long-term efforts to prevent sexual violence in armed conflict and post-

[945] SRSG Bangura, keynote address, MPS Symposium, *fieldnotes*, Washington DC, 29 October 2013.
[946] UN Women, at *supra* note, 210.
[947] Bedford, K. (2007), "The Imperative of Male Inclusion;" Cornwall, A., Edstroöm, J. & Greig, A. (eds.), *Men and Development: Politicizing Masculinities*, London & New York: Zed Books.

conflict situations."[948] This was the first and remains the only WPS resolution to make *explicit* reference to men. As such, the resolution affirmed that the need to work with men in the prevention of violence against women is "well accepted" among gender advocates and policymakers.[949]

Amidst this policy and programmatic backdrop, the figure of The Strategic Ally has emerged alongside that of The Quint-*essentialist* Perpetrator in internationally driven discourses and responses to sexual violence. To this extent, at least, "sexual violence is generally no longer viewed solely as a 'women's issue.'"[950] Tracing the contours of The Strategic Ally in eastern DRC, this discussion draws attention to the potential and limits of men's engagement in sexual and gender-based violence programming. To do so, I draw on a recently implemented intervention in the region: IRC's Engaging Men through Accountable Practice (EMAP).

Given the sensitivity this dissertation gives to unpacking the nature of the sexual and gendered harms discussed, it imperative that I be explicit here, both for consistency and clarity. Indeed, The Strategic Ally differs from The Quint-*essentialist* Perpetrator in two significant ways. Firstly, while the latter is embodied by armed men in uniform who commit acts of conflict-related sexual violence, The Strategic Ally produced by the interventions discussed below is predominantly civilian.[951] The second relates to the nature of the sexual and gendered harms addressed. EMAP is concerned with a broader understanding of sexual and gender-based violence beyond the strict focus on conflict-related sexual violence. Crucially, these encompass intimate partner violence.

[948] UNSC (2013), *Security Council Resolution 2106*, PP. 5.
[949] Jewkes, R, et al. (2015), "From work with men and boys to changes of social norms and reduction of inequalities in gender relations: a conceptual shift in prevention of violence against women and girls," *Lancet*, 385:1580-1598, p. 1580.
[950] Lewis, C. (2014), "Systemic Silencing," p. 209.
[951] The term 'gendered men' is not limited to civilian men. As highlighted in the anecdote above, some FARDC soldiers also refer to themselves in this way, see *supra* note, 800.

Situated somewhat outside the ambit of the sexual violence response architecture described thus far, these interventions sit at the intersection of two rapidly evolving trends in responses to sexual and gender-based violence. The first is a shift towards recognising and responding to a wider range of gender-based harms against women and girls in conflict, including intimate partner violence. The second is a growing impetus towards engaging men as allies and agents of change as part of such efforts.[952] Thus, while outside the strict parameters of conflict-related sexual violence responses, as a male gendered figure of growing significance, exploring his potential and limits is well within the stated bounds of this dissertation.

SECTION I
ENGAGING MEN: A RATIONALE

Strategies to include men and boys take on myriad forms depending on the context and purpose of their engagement. This is reflected in the different appellations by which men who engage in gendered social change are referred to; these include as 'allies', 'agents of change', 'partners for change', and 'male champions.' In eastern DRC, among the most common terms is that of *hommes genrés*. The rationales underpinning this policy and programmatic shift can broadly be outlined in the following three ways. One centres on "who can speak" with credibility to male audiences in particular.[953] The basic premise, then, is that men are more likely to listen to other men. This can be further differentiated along more clearly defined 'peer-to-peer' categories, for instance, as soldiers, peacekeepers, or religious leaders.

A second rationale underpinning male inclusive strategies in conflict and displacement-affected settings in particular, is that these may help overcome the perception held by some men that the goal of gender equality and protection responses is to "empower women to

[952] Flood, M. (2015), "Work with men to end violence against women: a critical stocktake," *Culture, Health & Sexuality*, 17(2): 159-176.
[953] UN Women's Rights Advocate, *interview*, New York, January 2014.

dominate men and to discriminate against men."[954] As such, "bringing in men as 'allies' will help mitigate male resentment over female-focussed policies and programmes, while still engendering positive change for women and girls."[955] Indeed, speaking about EMAP, a senior representative of IRC observed that through such programmes "all human categories, not just women survivors of sexual violence" are engaged in responses to sexual and gender-based violence in the region.[956] Alluding to their gendered parameters, however, she added that "you can't ensure the protection of women without men's involvement."[957]

This speaks to the third rationale underpinning The Strategic Ally, men are necessary allies to achieving gender equality. Writing with reference to the *1995 Beijing Platform for Action* and the *Beijing +5 Outcome Document*, Connell observed that men are "*implicitly* present as background throughout these documents" and usually as "the 'perpetrators,'" "the 'problem,'" and "the 'power holders.'"[958] With the growth of programmes targeting men, and to a lesser extent boys, their background presence has become a more explicit one, and one that rests on these same gendered positionalities. For instance, UN Women's Global Virtual Knowledge Centre to End Violence Against Women programming module on engaging men and boys is instructive in this regard. Its opening paragraph states that "[v]iolence against women and girls is rooted in widely-accepted gender norms about men's authority and use of violence to exert control over women;" and given that "the primary perpetrators of violence against women and girls are men […] prevention efforts must engage men."[959] The module further affirms that "many men in society, if provided with information and sensitization about the issue [of

[954] UNHCR cited in Lewis, C. (2014), "Systemic Silencing," p. 214.
[955] Ibid.
[956] Conversation with IRC, Senior Representative, *fieldnotes*, Bukavu, May 2016.
[957] Ibid.
[958] Connell, R. (2003), *The Role of Men and Boys in Achieving Gender Equality*, p. 11, emphasis added.
[959] Cited in Lewis, C. (2014), "Systemic Silencing," p. 210.

SGBV], represent untapped but *potentially influential allies* in the struggle to end violence against women, within their families, communities and decision-making circles."[960]

EMAP's *Introductory Guide* echoes some of this language: "Men learn to be violent – and to remain silent in the face of other men's violence – through culture and the messages that it sends about male authority and female obedience. These harmful messages, which benefit men and dehumanize women, are reinforced through everyday events and norms in the home, the community and larger society."[961] A key theoretical principle underlying behavioural change programmes working with men is that gender is 'learnt' and 'done,' and thus can be 'unlearnt' and 'undone'.[962] Their goal, therefore, is to "redefine manhood"[963] by promoting "positive masculinities."[964] Such interventions are, therefore, intended to be "gender transformative."[965] With this in mind, in the remainder of this section, I critically explore one such intervention implemented in eastern DRC: IRC's EMAP.

SECTION II
ENGAGING MEN THROUGH ACCOUNTABLE PRACTICE (EMAP)

The first programme discussed is IRC's Engaging Men through Accountable Practice (EMAP), recently implemented in North and South Kivu. Through its Women's Protection and Empowerment Programme, IRC was among the first and is, thus, one of the longest-standing international relief organisations addressing violence against women and girls in eastern DRC.[966] EMAP's focus on working with men in communities and on intimate partner violence

[960] Ibid.
[961] IRC (2013), *Part 1: Introductory Guide Preventing Violence Against Women and Girls: Engaging Men through Accountable Practice. A transformative individual behaviour change intervention for conflict-affected communities*, New York: IRC, p. 6. [Copy on file with author.]
[962] Pierotti, R., et al. (2018), "Equality on his terms;" Hossain, M., et al. (2014), "Working with men to prevent intimate partner violence in a conflict-affected setting."
[963] WRC (2007), *Redefining Manhood, Rebuilding Nations: How Men Can Empower Women to Lift Post-Conflict Communities*, New York: WRC.
[964] Gibbs, A. et al. (2015), "Beyond 'working with men and boys': (re)defining, challenging and transforming masculinities in sexuality and health programmes and policy," *Culture, Health & Sexuality*, 17(2): 85-95.
[965] IRC (2013), *Introductory Guide*, p. 6.
[966] International Humanitarian Organisation, Senior Representative, *interview*, Bukavu, May 2014.

is a more recent addition to its programming. EMAP was implemented in fifteen communities – with two discussion groups in each community – across the Kivu provinces in 2016. With some degree of variation, the organisation had an existing presence in each of the communities in which EMAP was implemented. This is key to ensuring that participants had access to support throughout or in the aftermath of the intervention.

In each community, EMAP participants were selected randomly following a community event conducted by IRC. During these introductory sessions, community members were informed about the nature and aims of the programme and anyone interested in taking part was asked to give their name to the facilitators. Where there were more volunteers than the number of available places for the programme, these names were then placed in a figurative 'hat' out of which twenty-five were drawn, and additional lists of twenty-five men were drawn for potential replacements. Thus, while participation rates waned throughout the sixteen weeks in each of the communities, 700 men were initially selected to participate in the programme.[967] All participants were informed that there would be no material compensation for their participation.

There was some variation in the characteristics of male participants. Notably, participants, or *EMAPistes*, ranged in terms of their age (from eighteen to eighty); their marital status (married, unmarried, and polygamous); their employment status, education level, and profession; and their position and status in their community (e.g. community and religious leaders). There was also some variation across communities vis-à-vis their (peri-)urban and rural nature. Participants' experiences of conflict and/or displacement, or any contributions thereto, were not accounted for. However, levels of insecurity varied across EMAP communities, before and during the implementation period. Beyond the practical challenges raised by insecurity for the

[967] The heterogeneity of male participants is deserving of analysis vis-à-vis its 'effectiveness.' However, and while important, this lies beyond the scope of this present discussion.

running of the weekly discussion groups,[968] experiences of conflict-related violence did not, to our knowledge, figure prominently in the discussion groups.

Building on a previous iteration – 'Men & Women in Partnership Initiative'[969] – EMAP centres on weekly discussion groups with men following a sixteen-week curriculum delivered over the course of four months. A key distinguishing feature between EMAP and its predecessor is an eight-week curriculum for women preceding the sessions with men, designed to ensure accountability to women's voices in the delivery of the programme.[970] Through the three-hour discussion groups with men guided by trained local facilitators, the aims of the programme are to transform individual male behaviour towards women and girls, to encourage men to become allies, and ultimately, to reduce intimate partner violence against women.[971]

Through guided discussions, role plays, and fictional scenarios, the programme covers topics such as "understanding gender," "gender roles in my home," "violence and manhood," "understanding power and rights," "understanding violence against women and girls" – with separate sessions on "sexual violence" and "intimate partner violence" – "taking responsibility," "consequences of violence," "supporting survivors of violence," "healthy relationships," and "being an ally in the community."[972] EMAP, therefore, seeks to identify how male power and privilege operate in communities, examining why men remain silent about violence against women and girls, and encouraging men to transform how they think and behave towards women.[973] These are important goals and represent an understandable focus for programmes designed to promote gender equality and reduce gender-based violence,

[968] And the research assistants' capacity to observe them.
[969] IRC (2013), *"Introductory Guide,"* p. 8; see also: Hossain, M., et al. (2014), "Working with men to prevent intimate partner violence in a conflict-affected setting."
[970] IRC (2013), *Introductory Guide*, p. 16.
[971] Ibid, pp. 7, 14.
[972] IRC (2013), *Implementation Guide*, p. 164.
[973] Ibid, p. 14.

especially given the high levels of intimate partner violence in DRC and other conflict-affected contexts.[974]

SECTION III
GENDER TRANSFORMATION IN A POSTCOLONIAL LANDSCAPE

Bearing these goals in mind, perceptions of where the 'new' and gender equal norms emanate from, are worth consideration, not least given the longstanding historical role of external intervenors in the region, including in shaping relations between women and men, embedding "normative arrangements of intimacy,"[975] and in reinforcing the patriarchal gender norms contemporary interventions now seek to transform.[976] The apparent incongruity in the messages transmitted by missionaries relative to those disseminated by international organisations today was identified by a respondent in a different, and explicitly Christian, programmatic baseline assessment conducted in eastern DRC: "[w]hen missionaries brought the gospel to our countries, it seemed to resonate with our existing cultures, which make men superior to women, and reduces the responsibilities. But now, when we want to help women, we are confused, as our faith and culture tell us the opposite."[977]

Data collected during the qualitative evaluation of EMAP indicated that such perspectives are not unique to the faith-based programme mentioned above. One of the research assistants working on the EMAP evaluation noted verbatim a conversation between an *EMAPist* and another man – who was not an EMAP participant – about the international (read: western) origins of the intervention. In unambiguously resistant terms, the latter stated: "Why do the whites always want to colonise us? Isn't that what we call neocolonialism? […] They come

[974] Peterman, A. et al. (2011), 'Estimates and Determinants of Sexual Violence."
[975] Bedford, K. (2007), "The Imperative of Male Inclusion," p. 304.
[976] Daley, O. P. (2008), *Gender and Genocide in Burundi: The Search for Spaces of Peace in the Great Lakes Region*, Oxford: James Currey, p. 29; Iseke, C. (2012), "What do Men think? The Role of Cultural (Mis)conceptions in Perpetuating Male Violence against Women in Neocolonial Africa," in Freedman, J. (ed), *Engaging Men in the Fight Against Gender Violence*, Basingstoke: Palgrave Macmillan, Ch. 2, pp. 17-38.
[977] Tearfund (2014), *Men, Masculinities and Faith*, p. 41.

here to our home and they tell us that everything we [men] do in terms of our culture and custom marginalises the woman."[978]

Unlike in the first quote, this interlocutor does not raise the seeming discontinuity in colonial and post-colonial gender scripts promoted by external interveners. Akin to the first quote, however, it depicts EMAP, and assumedly interventions like it, as an extension of colonialism vis-à-vis the normative regulation of gender roles and relations. As far as the data show, such perspectives, especially framed in 'neo,' or 'postcolonial' terms, represented the minority of perspectives captured in North and South Kivu. Nevertheless, this does not automatically suggest that such sentiments are not more pervasive within communities, nor does it mean that they should easily be dismissed. Indeed, writing about Northern Uganda, Dolan similarly construes such interventions through a neocolonial lens. He contends that gender has "become a proxy battleground between the formerly colonized and the 'neo-colonizer,'" forming part of larger contestation around "who controls what in a post-colonial world, whether it be with regard to nationality, culture, religion, sexuality or justice."[979] The above quotes indicate that similar dynamics, or perceptions thereof, are at play in eastern DRC.

Indeed, while emphasising addressing harmful historical and traditional values, gender transformative interventions rarely, if ever, acknowledge the historical role of colonial and missionary actors in entrenching the gender norms they seek to transform. The implications of this are three-fold. First, these histories shape what might be called the 'institutional positionality' of international humanitarian organisations and their perceived (il)legitimacy in promoting social and normative gender change. This may, in turn, have implications vis-à-vis men's motivations to participate in such programmes, as well as with how they engage with, interpret, translate, and appropriate 'new' norms. Second, by overlooking the historical role of

[978] Community observations, *researcher assistant fieldnotes*, Nyiragongo territory, October 2016.
[979] Dolan, C. (2011), "Militarized, Religious and Neo-Colonial," p. 133.

external actors in entrenching patriarchal norms in African contexts, there is a risk that such programmes reinforce representations of 'primitive' gender roles and relations therein. [980] Third, this perspective restricts the gendered parameters through which conflict-affected men are viewed under the (western) humanitarian gaze.

Having outlined how The Strategic Ally is engaged and produced through gender transformative programming, where do his limits lie? In other words, how is this figure not engaged or seen? Among critiques levied towards programmes of this kind is that they tend to overlook the plurality of masculinities, as well as men's experiences of conflict-related violence.[981] This is pertinent to any context in which such interventions are implemented as all societies are constituted by a "patchwork of masculinities."[982] It does, however, raise particular questions in contexts of conflict and displacement where gender roles and relations are frequently disrupted.[983] Relatedly, while international gender policy and practice is driven by the assumption that women are "disproportionately" impacted by armed conflict,[984] this should not be taken to mean that men are spared its consequences.[985] Setting aside the language of disproportionality for now, armed conflicts inevitably and unquestionably affect men, often impacting on their relationships at home.[986]

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[980] Interestingly, there are notable areas of continuity and of divergence. Turning to the latter first, one area of seeming postcolonial divergence relates to the role of women. Contemporary gender transformative programming is underpinned by a commitment to "empowering women" and promoting gender equality inside and outside of the household, whereas during the colonial period the aim was to "transform the indigenous woman into a perfect guardian of the household, to make her the cornerstone of the monogamous family." There appears, to be greater continuity vis-à-vis Congolese men - and "resolving the problems posed by the masculine sexuality" - from the colonial to the contemporary context (Jacques & Piette 2003: 272).

[981] Dolan, C. (2011), "Militarized, Religious and Neo-Colonial," p. 127; Morrell, R. & Morrell, P. (2011), "Men in/and Gender Equality: A Conversation from South Africa," in Cornwall, A., Edstroöm, J. & Greig, A. (eds.), *Men and Development: Politicizing Masculinities*, London & New York: Zed Books, Ch. 9, pp. 111-125.

[982] Bozzoli in Morrell, R. & Morrell, P. (2011), "Men in/and Gender Equality," p. 113.

[983] See e.g. El-Bushra, at *supra* note, 201.

[984] UN News Centre (2003), "Women suffer disproportionately during and after war, Security Council told during day-long debate one Women, Peace and Security," *Press Release*, 29 October. See also, Hodgson, F. (2016), "War disproportionately affects women, so why so few female peacekeepers?," *The Guardian*, 7 September.

[985] Iseke makes a similar observation viz the gendered impacts of underdevelopment (2012: 34).

[986] Barker, G., Levtov, R. & Slegh. H. (2014), *Gender Relations, Sexual and Gender-Based Violence and the Effects of Conflict on Women and Men in North Kivu, Eastern Democratic Republic of Congo: Results from the International Men and Gender Equality Survey (IMAGES)*, Washington and Cape Town: Promundo-US and

In this respect, the International Men and Gender Equality Survey (IMAGES) conducted in North Kivu is perhaps the most comprehensive study on the impacts of the conflicts on men and women to date. Amidst a context of "tremendous economic hardship" resulting from the conflicts, the survey found that while the vast of majority of men (85%) reported being the primary breadwinner in their household, only 35% of women report that their male partners provided the primary source of income for their household.[987] According to the authors, this disparity is explained by men's desire to hold onto their (perceived) role as the principle breadwinners, despite women's substantial financial contribution to sustaining the family.[988] Furthermore, the IMAGES survey captured women's and men's reported conflict-related traumas, including the loss of property (including land), displacement (including living in an IDP camp, with relatives, or in the bush), the loss of a child, and sexual violence (including experiencing and witnessing).[989] Such experiences were reported by women and men at not dissimilar levels, with corresponding psychological impacts.[990]

Programme materials for EMAP acknowledges that men too experience violence, including sexual violence, in conflict. Programme documentation is, however, equally clear that addressing these experiences and their potential impacts for male participants, falls beyond the remit of their intended objectives. EMAP's *Implementation Guide* recognises that "men can also be survivors of sexual violence,"[991] but subsequently reminds facilitators that the "groups are not designed as a place for participants to work on personal issues around violence and

Sonke Gender Justice; SVRI, Promundo, & Living Peace Institute (2017), "Reducing Violence Against Women Through Psychosocial Interventions Targeting Men."
[987] Ibid, p. 23.
[988] Ibid.
[989] Ibid, p. 27.
[990] Ibid, pp. 27, 28.
[991] IRC (2014), *Implementation Guide*, pp. 62, 72.

abuse."[992] Instead, they are intended to encourage participants to "make individual and concrete changes in attitudes and behaviors that will *benefit women and girls.*"[993]

In this way, the programme materials clearly delineate the parameters within which men are engaged in these male inclusive gender transformative interventions.[994] While IRC acknowledges more complex male experiences of conflict, they are equally clear that their interventions are not intended to address these experiences. Instead, and as observed by Dolan, gender programming is habitually limited to "addressing women's problems – of which the biggest is men."[995] Similarly, in her analysis of the "imperative of male inclusion," Bedford observes that the "development gaze seeks to include new populations as objects of intervention, as problems to be resolved 'but according to interests defined by others.'"[996] Recalling the brief statistical backdrop provided above, it is evident that men's perpetration of violence against women and girls is an important issue to address. This much goes without saying. Nevertheless, this should not preclude analyses of the parameters within which men are engaged in gender-based violence response programming,[997] perhaps especially in conflict contexts wherein men's experiences of violence and trauma are likely to be pervasive.

Interestingly, these parameters of men's engagement in gender programming are reflected in the notion of 'gendered men,' or *hommes genrés*, commonly used in North and South Kivu. The phrase refers to "men who are engaged in defending equality between men and women

[992] Ibid, p. 70.
[993] Ibid, p. 62, emphasis added; for similar programmatic language used in a faith-based intervention, see: Tearfund (2014), *Men, Masculinities and Faith*, p. 27.
[994] To my knowledge, the only exception is Promundo's Living Peace, which offers psychosocial group therapy for men to develop "positive coping strategies and restore healthy, violence-free relationships in post-conflict and high-violence settings." It is recent and was not included in the data collection for this study. It is thus not discussed here. See: Promundo (2017), "Living Peace: Programming;" SVRI, Promundo, & Living Peace Institute (2017), "Reducing Violence Against Women Through Psychosocial Interventions Targeting Men."
[995] Dolan, C. (2011), "Militarized, Religious and Neo-Colonial," p. 132.
[996] Bedford, K. (2007), "The Imperative of Male Inclusion," p. 301.
[997] Morrell, R. & Morrell, P. (2011), "Men in/and Gender Equality."

and the promotion of women's rights."[998] 'Gendered men' were described by one women's rights activist as "men who have courage and speak for women," "men who accompany us [women] and understand that there are social inequalities," and "men who changed their behaviour because they understood that we [women] were right."[999] She explained that they are needed because "when a man speaks to another, he will understand more than if a woman does."[1000] Congolese iterations of and community interactions with 'gendered men' across North and South Kivu are worthy of further research. Of particular interest here, however, is the unidimensional understanding of 'gender' underpinning the term.

CONCLUSION

Overall, programmes engaging men and the concept of 'gendered men' indicate that 'gender' no longer merely signifies 'women.' To that extent, male inclusive interventions go some way towards addressing the relational nature of gender. These norms unquestionably contribute to men's violence against women and girls. Viewed in this way, however, men's engagement is restricted to their role as (potential) perpetrators of harms against women. When reflecting on the parameters of what it means to be a 'gendered man' means, a (male) Congolese activist noted that while he had not thought about it in this way before, it, in effect, represented a "limited degree of conscientisation" of men as gendered beings.[1001] Notably, it does not make space for male vulnerabilities and experiences of victimisation. From this perspective, "the Strategic Ally is, like the Male Perpetrator, positioned in contradistinction to the 'oppressed' and 'victimised' female."[1002] In effect, the intervention examined above is confined to and, thus, reifies this dualism.

[998] Congolese human rights and gender activists, *fieldnotes*, South Kivu, DRC, June 2016.
[999] Women's Rights Activist, *interview*, Bukavu, June 2016.
[1000] Ibid.
[1001] Congolese human rights and gender activists, *fieldnotes*, South Kivu, June 2016.
[1002] Lewis, C. (2014), "Systemic Silencing," p. 210.

CHAPTER IX
THE MALE VICTIM SUBJECT

"I have listened to the stories of men who were sexually assaulted in detention during conflict, and the pain and indignity they suffer was tangible. When you look into the eyes of these women, men and children, you know in your hearts that one rape in war is too many. Meeting these resilient women and men exposes the many myths that surround this issue […] It is time that we move away from the outdated paradigm in which men are only perpetrators and women are only victims. This is not a question of us versus them. Any time a man, woman or child is raped in conflict, we all lose."[1003]

In this final chapter, I re-visit the least prominent and, arguably, most contentious of the gendered subjects of sexual violence discourse, policy and practice: The Male Victim Subject. The figures explored in Part III thus far are underpinned by men's status as (potential) perpetrators of sexual and gender-based harms, with limited acknowledgement of men's gendered vulnerabilities and victimisation in conflict. This last issue gained some attention across research and policy in recent years, particularly relative to men's experiences of sexual violence in conflict. As the opening quote indicates, this includes at the high political level of the UN. This chapter examines the incremental acknowledgement of The Male Victim Subject and demonstrates that he has yet to be systematically and, indeed, substantively integrated into policy and practice.

My first examination of The Male Victim Subject was largely grounded in a discursive analysis of internationally driven responses to sexual violence in conflict and highlighted how male

[1003] SRSG Bangura, keynote address, MPS Symposium, *fieldnotes*, Washington DC, 29 October 2013.

victimhood is *"repress*-ented,"[1004] and thereby rendered elusive. In this analysis, I re-consider this male subject in light of institutional developments and data collected in North and South Kivu. Beginning with an overview of the documentary film *Gender Against Men,* this Chapter thus traces The Male Victim Subject within the sexual violence response architecture. In doing so, I posit that, while increasingly acknowledged in international policy and advocacy and at the operational level in eastern DRC, he remains an elusive lexical presence in policy texts, an elusive numerical presence in statistical data, and an elusive corporeal presence in practice.

SECTION I
"GENDER AGAINST MEN": SHINING A SPOTLIGHT ON MALE VULNERABILITIES IN CONFLICT

Gender Against Men was the first of several advocacy-orientated documentaries produced by the Kampala-based Refugee Law Project (RLP) to address masculinities in armed conflict. Produced in 2008, this first film sheds light on "the hidden world of sexual and gender-based violence against men in the conflicts of the Great Lakes Region; it is a movie about men, violence, and the inability of society to recognize or address male vulnerability in times of conflict."[1005] The documentary has been widely circulated since its production. Notably, it won the 'best documentary' prize at the Kenya International Film Festival in 2009,[1006] and was screened at the Global Summit to End Sexual Violence in Conflict. While it purports to address the conflicts in the Great Lakes Region, the film predominantly focuses on those in eastern

[1004] Borrowed from Fiddian-Qasmiyeh, E. (2010), "Concealing Violence against women in Sahrawi refugee camps: The politicisation of victimhood," in Bradby, H. & Hundt, G. L. (eds.), *Global Perspective on War, Gender and Health: The Sociology and Anthropology of Suffering*, Farnham: Ashgate, Ch. 5, pp. 91-110, p. 99.
[1005] Dolan, C. (2009), "Nobody is Immune: Gender Against Men," *Press Release*, 3 June, Kampala: RLP, p. 1.
[1006] RLP (2009), *Gender Against Men*, Video Advocacy Documentaries.

DRC and in Northern Uganda. Focusing on the work of RLP, the film features an array of voices, including RLP staff, Ugandan activists, and male survivors.

Unsurprisingly perhaps, the film draws on some of the same representational tropes pertaining to sexual violence in the Great Lakes Region, and in eastern DRC specifically, used in documentaries discussed in previous chapters. Against a backdrop of dramatically sombre music, the film opens with images of armed (Black) African men in uniform, followed by a scene of civilian women and men carrying a covered body from a hut in a rural village. The subsequent image shows a group of women crying. The soft female voice of the narrator, with an equally soft but perceptible 'African' (assumedly Ugandan) accent emerges. "Rape as a weapon of war," she says, "has become a defining feature of the conflicts in the Great Lakes."[1007] Turning to DRC specifically, the narrator continues: "In the DRC, numerous armed groups have used sexual violence as a tool to terrorise their enemies; some estimates say that one in every three women in DRC are survivors of rape. Aid workers have dubbed it 'the worst place in the world to be a woman.'"[1008] Providing snapshots of international campaigns against sexual violence in DRC, and presenting further startling statistics,[1009] she asks: "what about the other gender?"[1010]

The film proceeds to foreground ways in which men are rendered vulnerable and are victimised in armed conflict. These include through sex-selective massacres, men's secondary victimisation through sexual violence in conflict, and "one of the biggest taboos of all," [1011] sexual violence directly perpetrated against men in conflict. In addition, the documentary highlights (presumed) association between sexual violence against men with homosexuality and its compounding risks this produces for male survivors, particularly in contexts where

[1007] Ibid.
[1008] Ibid.
[1009] The narrator states that "1200 women and children [are] brutalised daily in the Congo."
[1010] Ibid.
[1011] Dolan, C. (2009), *Nobody is Immune*, p. 1.

homosexuality is sanctioned, whether legally or socially. It also draws attention to broader socio-economic and structural impacts of armed conflicts on men and considers the role of international policies and aid delivery in undermining men's abilities to meet traditionally prescribed gender roles, including as protectors and as providers. Two key questions posed by Dolan, Director of RLP, reverberate through the film: first "[h]ow do you get away from the view that women are automatically vulnerable, and men are not?" Second, "[w]hat, in short, is the relationship between personal vulnerability, militarisation, and the descent into violence?"[1012] Of the two, the first is the most (directly) pertinent to this discussion, and to the dissertation more broadly. The second, however, speaks to the importance of taking more seriously efforts to understand the nature, extent, and consequences of male vulnerabilities and victimisation in conflict. In effect, Dolan observes that:

> "Vulnerability, victimisation, and militarisation are linked, so if you don't deal with the vulnerability and the victimisation and acknowledge it and take steps to address it, militarisation is likely to follow. The vulnerabilities of the men amid the conflicts in this part of Africa are not fully understood. Far from directly having their needs addressed, men are often seen as the source of the problem, and the governments and organisations [which are] meant to understand sexual and gender-based violence often seem comfortable working under the assumption that men are always the perpetrators and women are always the victims."[1013]

Echoing this assessment, a second RLP representative similarly notes that "if [men] are considered at all, they are considered to be perpetrators, or they're seen as people who need to be engaged in order to prevent violence against women."[1014] This strongly resonates with the

[1012] Ibid, p. 2.
[1013] RLP (2009), *Gender Against Men*.
[1014] Ibid.

underlying premise of this dissertation and the argument towards which it builds: sexual violence responses are structured to address female 'victim-survivorhood' and redress male 'perpetratorhood,' with little to no provisions made to respond to men's vulnerabilities and experiences of conflict-related harms.

Disrupting this gender script, *Gender Against Men* includes testimonies from male survivors. Echoing the note made in Chapter IV, I quote a testimony here not to gratuitously reproduce violent narratives emanating from DRC. I do so here for three reasons. First, these accounts play an important role in the film and in sexual violence advocacy more generally. As such, it is useful to have a sense of what these narratives look like. Yet, as discussed below, men's accounts, and emerging data surrounding them, have not produced the same political or resource mobilisation as those of female survivors. The second is that the account bears some relevance to the discussion below, particularly vis-à-vis understandings of sexual violence as a 'gendered crime.' Finally, given the elusive nature of this male subject, I deem it important to have a survivor's voice represented in the discussion.

In the film, one such account is shared by a Congolese refugee, recounting his experience of rape following an arrest:

> "There were many soldiers that slept with me […] These were things that I could not ever imagine happening, but they happened. It is something that when I think about it, causes me a lot of trauma, a lot of trauma. One doesn't really know how to live as one did before. It is a sort of vengeance, a sort of humiliation, a way of attacking our identity so they could diminish us in society. They wanted to show that they were superior to us, that we were worth nothing, that this time around they were putting us in the place of women. You know that in society they say that men dominate, and women are inferior. So, they say to us that 'we are going to show you that you are women, that you

are not men like us.' That is what they wanted to affirm through their actions that they committed on us."[1015]

This testimony, and others featured in the documentary, are presented amidst a dearth of data on the issue. As noted above, the narrator states that "one out of three women from the eastern DRC are estimated to be survivors of rape."[1016] She subsequently affirms that "no statistic exists for men."[1017] Giving some indication of the prevalence of male survivors RLP assists, the viewer is told that one in every ten male clients has experienced sexual violence "but that this may be higher given the stigma attached."[1018] Indeed, Dolan observes that once discussions about the issue advance and responses ensue, "we will realise that the extent of the problem is far greater than has been acknowledged up to now."[1019]

SECTION II
"LANDSCAPE OF SILENCE"?[1020]

As noted above, a core objective of *Gender Against Men* was to explore the "hidden world of sexual of sexual and gender-based violence against men in the conflicts of the Great Lakes Region."[1021] An RLP representative states that "many of the human rights and humanitarian workers will tell you that it's dangerous to take the focus off women and onto men because it may draw resources away."[1022] Indeed, there has long been a sense of angst among feminist and women's rights advocates around 'bringing in the men.'[1023] As shown below, expressions of this concern were palpable amongst policy-makers and shapers interviewed in this study, particularly vis-à-vis sexual violence against men in conflict. It is amidst this context that the

[1015] RLP (2009), *Gender Against Men*.
[1016] Ibid.
[1017] Ibid.
[1018] Ibid.
[1019] Ibid.
[1020] Borrowing from Misra, A. (2015), *The Landscape of Silence*."
[1021] RLP (2009), *Gender Against Men*.
[1022] Ibid.
[1023] E.g. White, C. S. (2000), ''Did the Earth Move?"

phenomenon is seen to have been 'silenced,' 'ignored,' or 'hidden.' Gardham and Stephens refute any association between the rise to prominence of sexual violence against women on the international stage and the concomitant silencing of sexual violence against men:

> "In our view, feminists and feminist action are not responsible for this silence over male experiences of sexual violence in armed conflict. There is no evidence to support the argument that the much-vaunted successes in bringing the issue of sexual violence against women to the attention of the UN and the international community generally, and to the forefront of developments in international law, have thrust the topic in relation to men into the shade."[1024]

The ardent tone used by Gardham and Stephens is indicative of the sensitive and contentious nature of male sexual victimisation in feminist policy and scholarly circles. The use of terminology such as "responsibility" and "thrust" imply a degree of agency on the part of individual feminists in contributing to the neglect of male victims/survivors; for which, the authors claim, there is no evidence. As I engage with this statement, I am conscious not to reproduce the sense of individualised or collective attribution of responsibility that Gardham and Stephens appear to be responding to. Yet, interview and observational data collected for this study point to a persistent and, to varying degrees, active, reluctance among (some) women's rights advocates to address sexual violence against men in policy and in practice. By re-exploring the lead-up to the adoption of SCR 1820, specifically in relation to sexual violence against men, alongside responses to advances in addressing the issue since, the following analysis casts doubt on Gardham's and Stephens' uncompromising stance.

[1024] Gardham, J. & Stephens, D. (2014), "Concluding Remarks," p. 270.

i. AN ELUSIVE LEXICAL PRESENCE

Thus far, I have shown that a particular conception of sexual violence in conflict, resting on the nature of the harm, the profile of its (female) victims, and of its (male) perpetrators, was construed for international peace and security policy. While shedding a more nuanced light on the particular characteristics of the gendered figures inscribed in the WPS resolutions, the argument that the resolutions essentialise women as victims of sexual harms, obscuring male victimisation, is far from novel. Rather, it is how, or indeed, whether male experiences of victimisation *should* be incorporated in gender policy and practice that contention lingers.

For this reason, the revelation about the place of male victims in negotiations leading to RSC 1820 was unexpected. I return here to the UN Women's Rights Advocate quoted in previous chapters. Responding to the criticism she and colleagues received for SCR 1820 – notably from academics who "never get this right" – she explained:

> "In fact, one of the winning arguments in getting Member States on board with 1820 was the argument that, you know, men are raped in wartime as well, sometimes systematically, sometimes in detention under interrogation or torture, sometimes, like in CAR, in the Bembe trial when they talk about raping male community leaders in order to break the community and break morale, so forth. But for some people, unfortunately, in the Council, that's when the light bulb switched on and they said 'Ah, this is not just women date rape, this is State rape, this is rape by the State, State rape by the army at the level of the Council.' It's unfortunate that it took that to get them on board with this as a security issue, but nonetheless in academia it's always written as if the perspective of men, as stakeholders and victims of sexual violence, has been neglected in all the resolutions. Whereas, in 1820, *that was actually the centrepiece of*

the negotiation; we were actually talking about men, women, girls and boys, and protection of civilians."[1025]

That sexual violence against men featured in the negotiations is little known in literature on the resolutions. This is largely due to the fact that, as previously noted, the politics behind the resolution are not widely documented. The respondent noted herself that, "maybe we haven't communicated it to the world."[1026] Nevertheless, while forming a "centrepiece of the negotiations," a gender inclusive approach to sexual violence was not reflected in the language of the resolution.[1027] Nor has it translated into practice.[1028] Moreover, while the respondent pointed to the language of 'civilians' as encompassing women, boys, and girls, it is worth recalling that scholars have convincingly demonstrated that the term 'civilian' itself is "typically associate[d] with women and children, but not adult men."[1029/1030]

Nevertheless, it is apparent that The Male Victim Subject played an instrumental role in convincing some Council Members that sexual violence in conflict is 'state sanctioned rape,' that it is 'extraordinary' rape. The disappointment in the UN Women's Rights Advocate's tone

[1025] UN Women's Rights Advocate, *interview*, New York, January 2014, emphasis added.
[1026] Ibid.
[1027] Scully, P. (2009), "Vulnerable Women," p. 118.
[1028] See e.g. Dolan, C. (2014), "Into the Mainstream: Addressing Sexual Violence Against Men and Boys in Conflict," *Briefing Paper prepared for the workshop held at the Overseas Development Institute,* London, 14 May; Sivakumaran, S. (2010), "Lost in translation."
[1029] Carpenter, C. (2006), *"Innocent Women and Children;"* p. 2, emphasis in original.
[1030] Pertinently, during her lecture on the politics behind the Security Council's response to sexual violence in conflict, Anne-Marie Goetz made the case the Council's response, and the advocacy efforts leading to it, were intended to encompass "all civilians," women and men. Later, when describing the steps leading up to the resolution, Goetz outlined some of the *ad hoc* measures against sexual violence adopted by peacekeepers, explaining that: "these were not official practices, these were experiments by people who cared who wanted to protect women – sorry, I mean civilians, women are civilians too – you have to adapt to their needs" (Goetz, 2015). This 'slip' is telling in a number of regards. First, it is indicative that women's experiences of sexual violence were the priority focus of feminist advocacy efforts behind SCR 1820. This much is not unexpected. It is, moreover, equally indicative of Goetz's recognition that this focus is potentially problematic and not unanimously supported, even within feminist circles. It is perhaps for this reason that Goetz emphasised the gender-neutral terminology and focus of the agenda on 'civilians,' even if it wasn't consistently sustained. Taken together, this affirms a need for more transparency about the general silence around sexual violence against men, rather than making claims that male victims are included in the letter and spirit of the resolutions when this is unfounded, and not supported in practice.

that it "took" sexual violence against men "to get them on board with this as a security issue" is understandable. It reflects a certain level of taken-for-grantedness of sexual violence against women, including in conflict, which at that time was widely accepted as an inevitable by-product of war.[1031] Her sense of disappointment, however, was not only expressed towards Council Members, but also towards scholars calling attention to the generalised silence around male victims in international discourse and policy.

This was articulated on two grounds, first in her appraisal that academics "never get this right," due to a lack of access to information about the relevant policy processes and advocacy strategies. The second was in her dismissal of scholarship on gendered phenomena that lie outside the mainstream. Framing 'need' and 'novelty' as mutually exclusive, and even opposing, she stated: "I think there's a trend in academia to look at female perpetrators *a lot* and male victims *a lot*, even if these are the outliers, they tend to focus on it because it's novel […] my thing is that we have to focus on needs, not novelty."[1032] The implication here is that sexual violence against men represents an intellectually innovative phenomenon, but one of insufficient need, in practice, as to warrant a policy or programmatic response.

Since the adoption of SCR 1820, there have been some advances in sexual violence policy vis-à-vis men and boys, with 2013 marking a significant year in this respect. To note three examples: Firstly, in June that year, SCR 2106 was adopted, the fourth Security Council resolution to thematically address sexual violence in conflict and the first to make reference to male victims/survivors.[1033] Secondly, the following month, the SRSG on Sexual Violence in Conflict convened an expert workshop specifically addressing sexual violence against men and boys. The workshop brought together UN agencies, civil society, legal experts, medical

[1031] Goetz, AM. (2015), "Conflict-Related Sexual Violence."
[1032] Ibid.
[1033] UNSC (2013), *Security Council resolution 2106,* PP. 6.

practitioners, researchers, and survivors to better understand what could be done to respond to the issue.[1034] Following the workshop, the Office of the SRSG made some effort to present its work as "gender neutral," addressing the needs of both male and female survivors.[1035] Finally, in October that year, giving the keynote address at the symposium on *Men, Peace and Security*, SRSG Bangura addressed sexual violence against men, stating that:

> "I have listened to the stories of men who were sexually assaulted in detention during conflict and the pain and indignity they suffer was intangible. When you look into the eyes of these women, men and children, you know in your heart that one rape in war is too many. Meeting these resilient women and men exposes the many myths that surround this issue. For example, the idea that men are only the perpetrators and never the victims; or the notion that sexual violence in conflict can only happen in certain countries or to certain people. It can happen anywhere and it can happen to anyone."[1036]

Together, these developments signal a shift in sexual violence discourse, policy, and potentially even, in practice. SRSG Bangura's statement in particular comprised a number of noteworthy elements in this regard. Positioning the need to "deepen the discourse to enlist both genders" while depicting the idea that "men are only the perpetrators and never the victims" as a "myth" was nothing short of remarkable. Particularly striking was the assertion that: "When you look into the eyes of these women, *men* and children, you know in your heart that *one rape in war is too many*."[1037] This effectively placed equal weight on sexual violence perpetrated against a woman, man, or child, running counter to the perception implicit in policy circles that while

[1034] UN News Centre (2013), "UN forum highlights plight of male victims of sexual violence in conflict," *UN News*, 30 July 2013.
[1035] Office of the SRSG SViC, Representative, *interview*, New York, January 2014.
[1036] Ibid.
[1037] Ibid, emphasis added.

"one raped woman is already too many, one raped man is too few [to elicit a policy response]."[1038]

This sentiment is reflected in caveats within which references to sexual violence against men are habitually couched, namely - and as reflected in the language of SCR 2106 - that 'women and girls are disproportionately affected.'[1039] In this way, references to The Male Victim Subject can be seen as a caveat within a caveat in policy texts and other institutional material. Such a qualification re-centres the focus on women and girls and is a discursive move deemed important by advocates concerned that increasing attention to sexual violence against men runs the risk of "stealing the thunder off what the women's movement has painstakingly carved out to get this on the agenda."[1040] While acknowledging male victims/survivors, such language nevertheless inescapably diminishes the needs and experiences of male survivors of sexual violence in conflict. Underpinning this oft-repeated caveat on the disproportionate impact of sexual violence on women and girls are two related concerns. The first is seeking to ensure that a numerically grounded emphasis on women and girls, who, statistically, represent the majority of victims, is sustained; and the second is a concern around protecting policy and programmatic spaces carved out for women. I explore each of these below.

ii. AN ELUSIVE NUMERICAL PRESENCE

As discussed throughout this dissertation, statistics play an important, if not paradoxical, role in sexual violence policy. Despite the dearth of data on the prevalence, nature, and consequences of sexual violence against men in conflict, the consensus is that conflict-related sexual violence (directly) affects women and girls to a much greater degree than it does men and boys. This numerical reality is frequently drawn on to sustain and legitimate a continued

[1038] Dolan, Global Summit to End Sexual Violence in Conflict, *fieldnotes*, London, June 2014.
[1039] UNSC (2013), *Security Council resolution 2106*, PP. 6.
[1040] UN Women's Rights Advocate, *interview*, New York, January 2014.

focus on female survivors. The following sentiment, expressed more empathetically than most, was not uncommon across interviews:

> "[a]ll of the statistics show that sexual violence against women and girls is used systematically as a weapon of war. It may be used in instances against men and boys as well […] maybe in pockets here and there, but on the scale of things, I don't hesitate to say that it's not at the same level as against women and girls."[1041]

While data on sexual violence against men and boys remains limited – both in terms of their existence and reliability – respondents across research locales nevertheless referenced an array of figures, varying in their specificity. For instance, a UN Protection Analyst explained that he couldn't "understand where there aren't enough caveats […] in a world where, still, 95% of perpetrators are from one sex and maybe 90% of victims are from the other."[1042] Similarly, describing her frustration with the terminology of 'gender-based violence,' a Senior Women's Rights Advocate stated that "what we have done is actually shoot ourselves in the foot" because this language calls attention to women, men, boys and girls when "90%, 95%, 99% of the victims we are actually talking about are women and girls."[1043]

In DRC, references to statistics by respondents tended to be more specific. Referring to UNFPA data, a respondent in Bukavu observed, "it [sexual violence against men] always seems to be 2%; I don't know why that is, but it always seems to be 2%."[1044] This 2% figure is, indeed, reflected in UNFPA data.[1045] It is not, however, necessarily representative. The proportion of male victims/survivors in individual medical and psychosocial service-providing entities accessed in this study were higher. In Bukavu, internal reports revealed that men represented

[1041] Political Secretary, Permanent Mission to the UN, *interview*, New York, January 2014.
[1042] UN Protection Analyst, *interview*, New York, January 2014.
[1043] Senior Women's Rights Advocate, international NGO, *interview*, New York, January 2014.
[1044] International Humanitarian and Relief Organisation, Senior Representative, *interview*, Bukavu, May 2014.
[1045] Ministère du Genre, at *supra* note, 1098, p. 16.

7 to 8% of 'victims of sexual violence.'[1046] While considerably lower than female survivors, these figures are not insignificant. In reference to one of these reports, a respondent noted that "7% is already a lot for a subject that we don't talk about; it means it exists."[1047]

In addition to the constraints on reporting and counting sexual violence discussed in Chapter III, and contributing to the difficulties of determining the scale of the issue through reporting structures, particular challenges arise vis-à-vis sexual violence against men.[1048] Firstly, not all service providers disaggregate survivors of sexual violence by sex.[1049] Counting and reporting mechanisms are often determined by donor expectations and thus differ based on those requirements - even across different components of service provision offered within the same organisation. In the case of one organisation in Bukavu, internal reporting varied quite significantly depending on the donor and the project. In some reports, a clear distinction was made between female and male survivors. In others, beneficiary categories were determined as 'FVVS' (women survivors of sexual violence) and 'others traumatised by war,' which may have included male survivors of sexual violence, but who were not specified or counted as such.[1050] Service provider data may thus not provide a reliable gauge of the scale of – and attendant needs associated with – sexual violence against men in conflict.

My intention here is not to challenge the validity of claims that more women than men directly experience sexualised violence in conflict contexts. In light of the discussion above and in line with emerging research, I do, however, confidently support claims that sexual violence against

[1046] Institutional donor report for 2012-2013 produced by a medical hospital, Bukavu, unpublished [copy on file with author]; Institutional donor report produced by medical and psychosocial organisation, Bukavu, unpublished. [Copy on file with author].
[1047] International Donor Organisation, Representative, *interview*, Bukavu, May 2014.
[1048] This part of the discussion addresses institutional reporting structures vis-à-vis sexual violence against men; below I turn to reporting barriers.
[1049] International Humanitarian & Medical Organisation, Senior Representative, *interview*, Bukavu, May 2014.
[1050] Medical and Psychosocial Organisation, Representative, *interview*, Bukavu, May 2014.

men in conflict is more prevalent than is generally acknowledged.[1051] Of particular interest here is how numerically driven claims are employed by stakeholders to demarcate gendered boundaries of sexual violence policy and programmatic responses. As alluded to above, this trend was especially discernible among respondents in New York, and was also reflected in the different standards to which statistical data on sexual violence against women and men are held. Recalling Chapter IV, the former tend to be met with an "easy acceptance."[1052] In contrast, those depicting male victimisation in conflict tend to be more closely scrutinised, rendering male victims/survivors all the more (statistically) elusive.

Demonstrating this, I refer back to Johnson et al.'s population-based survey discussed in Chapter III. Of particular note for the purposes of this discussion, the study found that 23.6% of its male respondents reported sexual violence related to the conflict, compared to the 39.7% of women surveyed. This challenged existing numbers and conceptions of sexual violence in conflict, which, as shown above, present much lower numbers of male victims.[1053] A number of questions thus arose regarding these findings, including around definitions used in the survey tools. Survey questions were framed around "lifetime *exposure* to sexual violence."[1054] In their discussion of the findings, the authors write that 39.7% of women and 23.6% of men "were reported to have been *exposed* to sexual violence during their lifetime."[1055] As previously explained, the authors do not elucidate on the meaning of 'exposure' for the purposes of the study, leaving it open to some interpretation as to whether its findings encompass reports of direct as well as *indirect* experiences of sexual violence.

[1051] Johnson, K. et al. (2010), "Associations of Sexual Violence and Human Rights Violations with Physical and Mental Health;" Christian, M., et al. (2011), "Sexual and gender-based violence against men;" Leiby, M. (2009), "Digging in the Archives;" RLP (2009), *Gender Against Men.*
[1052] Daley, O. P. (2015), "Researching Sexual Violence," p. 438.
[1053] Ministère du Genre, at *supra* note, 824, 825, 1098.
[1054] Ibid, pp. 555, 556, emphasis added.
[1055] Ibid, p. 556.

With reference to the similarly ambiguous language of 'affected by,' a UN Women's Rights Advocate in New York explained its statistical implications relative to interpreting data on sexual violence against men. "There's a whole discussion there too," she explained, "about secondary victimisation, or men *feeling* victimised because their wife, or daughter has been raped, because it attacks their masculinity and their ability to protect their women, and so forth."[1056] Pursuing this line of analysis, she further noted that:

> "One of the problems our data specialists have with that is that it inflates the number of male victims dramatically because those men report, if you ask them 'are you affected by sexual violence?,' they all will say 'yes' and so it's counted as male victims of sexual violence when it's a woman, or a girl or a daughter, who's completely voiceless, who's been raped."[1057]

This is a valid question to raise with respect to sexual violence statistics, perhaps especially relative to sexual violence against men. If such statistics are used to determine the scale and nature of responses, the assistance needs of 'direct' victims/survivors of sexual violence are different from those of individuals who are 'indirectly' or 'secondarily' affected. This distinction is not one that Johnson et al. shed empirical light on in their study. However, that this disaggregation of (sexual) victimhood is levied against statistics depicting male victims/survivors points to the different gendered standards to which statistics are held in relation to male and female victims. Indeed, it lends some weight to Dolan's observation that while "one female victim, is one too many, one male victim is one too few."[1058]

[1056] UN Women's Rights Advocate, *interview,* New York, January 2014, emphasis in original tone of interviewee.
[1057] Ibid.
[1058] Dolan, Global Summit to End Sexual Violence in Conflict, *fieldnotes*, Global Summit to End Sexual Violence in Conflict, London, UK, June 2014.

On a more fundamental level, it highlights the persistent tension around who does, and should, count within categorisations of (sexual) victimhood in armed conflicts. This, in turn, leads one to wonder where, if anywhere, the threshold, numerical and otherwise, would lie for developing more responses for male victims in more a substantive and consistent way. Interestingly, the vague terminology of 'affected by' highlighted by the UN Women's Rights Advocate is written into SCR 2106 relative to sexual violence "affecting men and boys, as well as those secondarily traumatised."[1059] As noted, this is the first and, to date, only reference to the possibility of sexual violence against men and boys in the WPS resolutions. Its inclusion in the preambular paragraphs of SCR 2106 in and of itself lends it lesser operative weight and is further weakened by the vagueness of the language within which it is couched. The lexical and numerical dimensions of The Male Victim Subject's elusive character are, in effect, mutually reinforcing.

Relatedly, interview data indicated that the reliance on numbers to uphold a focus on women and girls offered a numerically grounded rationale on which some women's rights advocates could ground ideologically and resource-driven concerns of protecting hard-won spaces for women and girls. A UN Protection Analyst, for example, explained that he would not choose to invest funding in programming for men given that statistics consistently show that women and girls represent the majority of victims/survivors. In unequivocal terms, he further stated that, "to be completely frank, if I had, if I have, let's say they give me $1million to programme, it's not where I would put my resources, it would not be towards men and beneficiaries or even indirect beneficiaries – that's myself."[1060] While couched in individualised terms, this reticence was far from exceptional. Indeed, such sentiments were expressed with varying degrees of candour and acknowledgement of the contested nature of the issue. Among the more candid responses, a Women's Rights Advocate explicated that:

[1059] UNSC (2013), *Security Council resolution 2106*, PP. 6.
[1060] UN Protection Analyst, *interview*, New York, January 2014.

> "I can't tell you how much time is spent in all of the different working groups that I'm a part of and the different coordination fora that I'm a part of where we have to say 'well what about men?' And 'to what degree is this GBV group going to spend time talking about GBV faced by men and boys' and *frankly* this is a conversation that I *personally* don't want to have."[1061]

Through this vignette, there is both a clear acknowledgement that questions around men and boys are raised in GBV coordination fora. Yet, and expressed in very personal terms, it is also evident that she is far from inclined to engage in such discussions. She further explained that her intention is not to deny that men experience violence, rather that, from her perspective, her "passion" and motivation for doing "this work [is] from a women's rights angle."[1062] Similarly, another senior women's rights advocate explained that there are some people "who are more like me, who are really women's issues experts but say gender and just mean women's issues." She continued, "we *clearly* are here to look out for women and girls, but we have to talk about gender."[1063] Later acknowledging that sexual violence against men and boys is "absolutely a real thing," the respondent expressed her concern around how to address the issue without having it "take over this space that we've actually managed to carve out for women."[1064] Echoing some of this language and reflecting on the idea of male inclusive approaches to sexual violence responses on an operational level, a UN Women's Rights Advocate noted that:

> "it can't just be add men and stir, you know, it can't just be take the *maisons d'écoute* [listening houses] or the safe spaces we've carved out for women to voice their concerns and add men survivors to that, but what does that mean programmatically […] we have

[1061] Senior Women's Rights Advocate, international refugee organisation, *interview*, New York, January 2014, emphasis in original tone of interviewee.
[1062] Ibid.
[1063] Senior Women's Rights Advocate, international women's refugee organisation, *interview*, New York, January 2014.
[1064] Ibid.

> to integrate men into the programming in a way that's considered, that's meaningful, that doesn't undo some of the safe spaces that are carved out for women."[1065]

Each of the interviewees quoted above referenced the statistically disproportionate impact of sexual violence on women compared to men. And, as I have affirmed, my intent is not to discount these claims. Moreover, questions raised around how to address sexual violence against men without taking away attention women and girls are valid, particularly given the chronic concerns and competition around resources. Nevertheless, it is apparent that underpinning the reservations expressed by individual informants is a personally and ideologically grounded scepticism around the inclusion of male victims in policy and programmatic responses to sexual violence in conflict.

With this in mind, I momentarily return to Gardham's and Stephens' assertion that there is no evidence to support claims that the policy success of sexual violence against women in conflict has "thrust the topic in relation to men into the shade."[1066] The above discussion has underscored that despite incremental, albeit inconsistent, acknowledgement of sexual violence against men, the issue remains elusive in the WPS arena, both in policy language and statistical data underpinning it. In effect, The Male Victim Subject is thus often presented as a caveat within a caveat.

While it is the case that existing data ubiquitously show that women and men are disproportionately affected by sexual violence, it is also likely that the reluctance to substantively address sexual violence against men and boys at the UN policy-level is impelled by a personal and ideological drive to protect spaces carved out for women and girls. Given the still recent nature of contemporary policy attention to sexual violence in conflict,

[1065] UN Women's Rights Advocate, *interview*, New York, January 2014.
[1066] Gardham, J. & Stephens, D. (2014), "Concluding Remarks," p. 270.

particularly in the Security Council, this is to a large extent understandable. Driven by a commitment to reflexivity, however, I contend that it is important that as feminists and gender advocates, we acknowledge that the focus on women and girls has (further) obscured male victimisation and vulnerabilities in conflict - with tangible effects in practice. As demonstrated below, it is somewhat untenable to suggest otherwise.

iii. AN ELUSIVE CORPOREAL PRESENCE

Existing data on sexual violence against men, generated from service providers or surveys, are likely to denote a vast under-representation of the issue, due to under-reporting and under-counting. Respondents in this study, including those who expressed some scepticism towards the issue, acknowledged that "it's going to be more hidden […] because they're [men] going to be *even* less likely to report."[1067] As with female survivors, there are myriad factors contributing to under-reporting by male victims/survivors, including shame and stigma. Socio-cultural barriers to reporting for men may be especially salient in contexts, such as DRC, wherein traditionally prescribed norms around gender and sexuality are pronounced.[1068]

Sexual violence perpetrated against men is widely viewed an affront to the victim's masculinity. As articulated by one informant, "if you rape a man, you subvert his constructed gender identity; if you rape a woman, you reinforce her subordinate gender identity."[1069] The emasculation of male victims can be both a motivation for sexualised violence against men and a characteristic dimension of the lived realities of male survivors. Existing research with and testimonies from male survivors show this to be reflected in statements by their perpetrators during or after the assault, saying something to the effect of "now I have made you my wife."[1070]

[1067] Senior Women's Rights Advocate, international women's refugee organisation, *interview*, New York, January 2014.
[1068] Christian, M., et al. (2011), "Sexual and gender-based violence against men;" Schulz, P. (forthcoming), "'Luk pee Coo,' or Compensation as Dowry? Gendered Reflections on Reparations for Conflict-Related Sexual Violence Against Men," *International Journal of Transitional Justice.*
[1069] UN Women's Rights Advocate, *interview*, New York, January 2014.
[1070] Schulz, P. (forthcoming), "Luk pe Coo;" Storr, W. (2011), "The rape of men."

This understanding was echoed by respondents in this study. A psychosocial coordinator of a psychiatric centre stated that "men who take men like women […] *in quotation marks*, that's not right."[1071] From this perspective, the act of penetration 'makes a woman' and thus 'unmakes,' or emasculates a man. This can lead not only to a questioning of the male victim's gender identity, but also his sexual orientation.[1072] Questions around the latter can be especially acute if he experiences an erection during the incident, as explained by a respondent, "the taboo is that much stronger and there are personal concerns around homosexuality."[1073]

This association between sexual violence against men and homosexuality,[1074] also exist among policy and service providing stakeholders.[1075] Whether in interviews or conversations about sexual violence against men, it was striking that without my raising the issue, the discussion would evolve towards homosexuality. At the end of our interview, a Congolese respondent said he was expecting a question on this issue; as I had not brought it up, he asked if I was "scared" to talk about it.[1076] It is apparent, then, that The Male Victim Subject is imbued with assumptions about his (homo)sexuality, whether real, perceived, or imposed. This seeming convergence, and perhaps even conflation, between sexual violence against men and homosexuality in policy and practice can raise tangible concerns for male survivors. It can further discourage men from seeking requisite treatment, and if they do, may further discourage them from disclosing the cause. Existing research underscores that where same-sex sexual relations are criminalised, reporting or seeking assistance can come at significant risks for survivors, who may face prosecution for their (presumed) sexual orientation.[1077] This can be

[1071] Psychosocial Coordinator of a mental health facility, *interview*, Bukavu, May 2014.
[1072] Hendricks, T. (2017), "Queer(ing) popular culture: homo-erotic provocations from Kinshasa," *Journal of African Cultural Studies*, published online July 2017. DOI: https://doi.org/10.1080/13696815.2017.1341833.
[1073] Psychosocial Coordinator of a mental health facility, *interview*, Bukavu, May 2014.
[1074] Sivakumaran, S. (2005), "Male/Male Rape and the 'Taint' of Homosexuality,'" *Human Rights Quarterly*, 27(4): 1274-1306.
[1075]UN Women's Rights Advocate, *interview*, New York, January 2014; European Donor Institution, Representative, *interview*, Bukavu, May 2014; International Medico-Legal Expert, *interview*, Bukavu, April 2014.
[1076] European Donor Institution, Representative, *interview*, Bukavu, May 2014.
[1077] UNHCR (2012), "Guidance Note," p. 10.

especially acute when national legislation does not account for the possibility of sexual violence against men.

Such legislatively-grounded barriers do not strictly apply to the DR Congolese context, both because the 2006 Sexual Violence Law is explicitly sex-inclusive, making reference to male victims and female perpetrators and because same-sex relations are not criminalised, at present at least.[1078] That said, homosexuality - and non-conforming sexual orientations and gender identities more generally - are socially sanctioned and, at times, legally penalised as a violation of "public decency" under the Penal Code.[1079] While such cases were not reported by respondents, participants underscored that sexual violence response services in place locally - such as listening houses, hospitals, or medical centres - are not equipped to respond to male survivors in part because of social taboos associated with the issue.[1080]

Men's reluctance to report can be compounded by the gynocentric design of existing response mechanisms, at times indicated in their appellation. Women Protection Advisors (WPAs) in UN peacekeeping missions, offer an apt example in this regard. The WPA mandate is ostensibly to "strengthen the monitoring and reporting, prevention and response to conflict-related sexual violence against women, *men* and children."[1081] Yet, as I have previously argued, their female-specific denomination, appears to excludes men from the protective ambit of the WPAs and reinforces "the already deep-seated idea that conflict-related sexual violence is a woman's issue and that only women need support and protection."[1082] Additionally, I maintain that "subsuming the protection of male survivors under the rubric of 'women's protection'

[1078] An anti-homosexuality bill has been presented to Parliament but, at the time of writing, has not been passed.
[1079] MORPREDS et al. (2017), *Human Rights Violations Against Lesbian, Gay, Bisexual and Transgender (LGBT) People in the Democratic Republic of the Congo (DRC)*, Submitted for consideration at the 121st Session of the Human Rights Committee, October 2017; see also Immigration and Refugee Board (2011), *Democratic Republic of the Congo: Situation of homosexuals, including legislation and support services; treatment of homosexuals by society and government authorities (2008-February 2011)*, 3 March.
[1080] European Donor Institution Representative, *interview*, Bukavu, May 2014.
[1081] UNSG in Lewis C. (2014), "Systematic Silencing," p. 211.
[1082] Ibid.

functions to reify the emasculation - real or perceived - of male survivors."[1083] A more inclusionary designation of 'Sexual Violence Protection Advisors' would more clearly reflect the stated mandate of the post and would avoid these pitfalls. [1084]

Affirming that the ostensibly sex-inclusive remit of WPAs is far from evident, the response from the Political Secretary of a P5 Member State, responsible for the Sexual Violence in Conflict policy portfolio, was instructive. When asked about the potential progression of sexual violence policy to address sexual violence against men, he reflected:

> "we don't have Sexual Violence Protection Advisors, we have Women's Protection Advisors and even getting those funded and deployed is a huge challenge. So, you know, are you going to have Men's Protection Advisors, or are you going to broaden Women's Protection Advisors? And the way they recruit for them to make them available to people who are sensitive to male victims of crime [or] have a different set of people? Is there a set of people that does both? And will do both competently? I mean it does raise those kinds of questions."[1085]

These questions speak to some of the challenges of introducing male victimhood into existing sexual violence responses in a context of resource limitations at the policymaking level. More pertinently here, however, is the clear implication that, in their current conception, WPAs are (perceived as) female-specific. That response mechanisms are gynocentric was equally evident at the level of medical assistance in eastern DRC. Specialised medical services for survivors of sexual violence, for instance, provided at Panzi Hospital and HEAL Africa are gynaecological.[1086] Echoing the analysis above vis-à-vis WPAs, a respondent observed that "it

[1083] Ibid.
[1084] Ibid.
[1085] Political Secretary, Permanent Mission to the UN, *interview*, New York, January 2014.
[1086] Ibid.

reinforces the emasculation when [men] are referred to gynaecologists […] that actually does the job of the crime itself in terms of saying 'you're a woman' because you've been raped."[1087] I return to medical and psychosocial service provision for men shortly.

Further affirming the potential importance of gender neutrality (or inclusivity) in the appellation of response structures, the Commander of a specialised sexual violence police unit explained that the name of the specialised force had recently been changed for this reason.[1088] Without prompt, she proudly explained that while the police unit had been known by its French acronym, PSPEF (specialised police unit for the protection of women and children), it had been changed to PEVS, denoting the specialised unit for the protection of children and sexual violence.[1089] In line with the sexual violence law, the Commander explained that: "men are therefore [now] also implied in the name." [1090] Yet, somewhat astonishingly given the Commander's strong, and unprompted, affirmation of the inclusionary nature of her unit, when asked about its approach to male victims, the question was initially met with a stunned silence. "A male victim? A victim of a masculine sex?," she clarified; "we have not received a case like that."[1091] This suggests that, while important, a sex/gender neutral appellation of a service may not, in and of itself, be sufficient to translate into more inclusive access to or provision of services for male survivors. Nor, it seems, does it necessarily translate into greater sensitivity towards the phenomenon on the part of service providers themselves.

I had had a similar experience some months prior with a psychosocial project coordinator of a facility that specialises in mental health care. In an email exchange, the coordinator wrote that he encouraged my interest towards "survivors of sexual violence in the Kivus and in the work

[1087] UN Women's Rights Advocate, *interview*, New York, January 2014.
[1088] PEVS, Senior Officer, *interview*, Goma, August 2014.
[1089] Ibid.
[1090] Ibid.
[1091] Ibid.

of [his] organisation to support them."[1092] While imperceptible in the English translation, in the original French, the respondent referred to 'survivors' sex-inclusively by writing "survivant(e)s" and "envers ces dernier(e)s." Indeed, placing the 'e' – indicating the feminine – in parentheses, signalled that the respondent did not presume that survivors were exclusively female.[1093] For this reason, his palpable discomfort when asked about male survivors was all the more notable. With a demonstrable flinch and a strained tone during our interview, he stated that "there are very few male victims [and] they keep themselves hidden."[1094] Describing sexual violence against men as an "unspeakable curse," the respondent further explained that male survivors generally only disclose in the case of medical complications.[1095]

This was a common thread among medical and psychosocial practitioners, with some noting that men would not necessarily present their ailment as being caused by sexual violence.[1096] While extremely limited, existing research with male survivors in eastern DRC supports this. In their qualitative study on the effects of sexual violence on male survivors, their family and their community, Christian et al., found that men rarely accessed health care services following an experience of sexual violence. They specified that frequently the health issue was well advanced before seeking care and, at times men only did so following pressure from family members.[1097]

In Chapter V, I posited that the term 'survivor' could be conceived as a programmatic label. With it comes access to a host of multi-sectoral services, at least where these are available and accessible. While not all female survivors require, or reach, each of these components in equal numbers, men have access to a more restricted array of responses; the label 'survivor' thus does

[1092] Psychosocial Coordinator of a mental health facility, *personal conversation (email)*, May 2014.
[1093] For discussion on gendered pronouns in sexual violence documentation, see e.g. Lewis, C. (2014), "Systematic Silencing," p. 212.
[1094] Psychosocial Coordinator of a mental health facility, *interview*, Bukavu, May 2014.
[1095] Ibid; also stated in the UNHCR (2012), "Guidance Note," p. 8.
[1096] International Medico-Legal Expert, *interview*, Bukavu, April 2014.
[1097] Christian, M., et al. (2011), "Sexual and gender-based violence against men," p. 237.

not operate in the same programmatic way. The UNFPA data provide a breakdown of the proportion of survivors accessing different components of the multi-sectoral pillar. According to the 2013 data, survivors receive medical and psychosocial support at higher rates than judicial and socio-economic assistance in North and South Kivu.[1098] This is due to a multitude of factors, including inconsistent assistance coverage across the provinces.[1099] As these figures are not disaggregated by sex, it is not possible to evaluate male survivors' access to different components of the response architecture relative to that of female survivors. Insights from service providers are nonetheless instructive.

That responses to support male survivors are more limited than for female survivors is starkly evident in the context of specialised sexual violence projects within hospitals, for example. As previously stated, Panzi Hospital is known for its flagship SSV-Project. The Project occupies a separate ward for survivors and women in need of specialised gynaecological assistance, who have access to its specialised medical and psychosocial care, legal assistance, as well as access to skills training to promote socio-economic reintegration.[1100] Survivors and their children also have access to Panzi's transit houses, which provide extended post-acute care shelter, along with literacy and skills training.[1101] This holistic model was, as explained by Panzi, "developed to increase the patients' chances of not only survival and return to stable health, but also the return to a dignified life."[1102] For important reasons, it is exclusively for women and girls.

When describing Panzi's response to male survivors, a doctor explained that to ensure the modesty of the female patients, men do not stay in the SSV ward, nor is there a transit house for men. Moreover, they are not given the same follow-up treatment, including with respect to

[1098] Ministère du Genre (2013), *Ampleur des violences sexuelles en RDC et actions de lutte contre le phénomène de 2011 à 2012*, p. 28.
[1099] See discussion in Chapter III, pp. 122-126.
[1100] Panzi Hospital (2014), *Annual report*, p. 13.
[1101] Ibid, p. 22.
[1102] Ibid.

psychosocial support.[1103] Male victims/survivors, in other words, are treated outside the parameters of specialised and integrated sexual violence response mechanisms. Similarly, describing the approach adopted by a psychiatric centre in Bukavu, a respondent explained that it "just takes them [male survivors] as having mental troubles or mental health troubles and looks after them on the basis of that diagnosis." Further explicating this point, she stated that "if it's a stress, post-traumatic stress, they will treat them on that basis; if it's schizophrenia, they treat them for schizophrenia, if it's a depression, they treat them for a depression."[1104]

Viewed through the prism of gendered subjects, as a patient or beneficiary, The Male Victim Subject is not defined by the sexual harm in the way that the female figures are. In Part II, I posited that the terms 'victim' and 'survivor' are almost singularly attached to Congolese female gendered bodies who, by virtue of being women in DRC, are considered 'always-already victims.' In contrast, then, men can perhaps be conceived of as 'almost-never victims.' While 'known' to exist, The Male Victim Subject remains as elusive in policy texts, as he does numerically in sexual violence data, and as a corporeal presence in response structures. As noted in Chapter II, Edwards describes "[t]he shift to viewing men as victims is radical," explaining that this shift is "based on the presupposition that gender stereotypes bind men to particular identities, statuses, roles, and responsibilities, as much as they do women."[1105] In other words, it presupposes that men, too, are gendered beings.

This warrants further discussion. As the first two male figures indicate – and perhaps The Strategic Ally in particular – it is not the notion that men, too, are bound by gender identities that is radical *per se*. Indeed, that is the very premise underpinning efforts to 'engage men and boys.' Instead, it is the idea that men can be harmed in and by a gender order that crudely

[1103] Medical Doctor, Panzi Hospital, *interview*, Bukavu, October 2014.
[1104] European Donor, Representative, *interview*, Bukavu, May 2014.
[1105] Edwards, A. (2010), "Transitioning Gender," p. 41.

demarcates women as victims and men as perpetrators that remains radical. This is perhaps precisely because, on the one hand, it has the potential to unsettle women's (un)comfortable monopoly of 'victim-survivorhood' – where claims thereto carry political currency – while, on the other, male sexual victimhood still sits uncomfortably close to the pervasively taboo questions of (homo)sexuality.

As I close this chapter, this last point is worthy of a final note. Implicit in the conflation between sexual violence against men and homosexuality is a presumption about the perpetrator being male and the nature of the violence inflicted being of penetrative rape. Going back to Johnson et al.'s study, the findings do, indeed, indicate that the vast majority of sexual violence disclosed by men surveyed – just over 90% – reported that the perpetrator was male, and in 85% of instances, perpetrators were reported to be male combatants.[1106] In 10% of cases, the perpetrator was reported as female, 79% of whom were also identified as combatants.

Turning to the nature of the harms disclosed by men, most did report rape, representing just over 20% of the reported sexual violence type. Other forms of sexual violence disclosed included molestation (15%), being forced to undress (15%), being stripped of clothing (18%), gang rape (7.5%), abduction (32%), sexual slavery (19%), and being forced to perform an act with another civilian (5%).[1107] Interestingly, not included in this list is genital mutilation, also reported in eastern DRC and other conflicts.[1108] Understanding the nature of sexual harms perpetrated against men is an important step towards ensuring that response mechanisms – medical, psychosocial, and legal – are equipped to respond to different manifestations and consequences of sexual violence in conflict-affected settings.

[1106] Johnson, K. et al. (2010), "Association of Sexual Violence and Human Rights Violations with Physical and Mental Health," p. 557.
[1107] Ibid.
[1108] Lewis, A. D. (2009), "Unrecognized victims," p. 13; Amnesty International (2017), *"Do Not Remain Silent:" Survivors of Sexual Violence in South Sudan Call for Justice and Reparations*, London: AI.

Additionally, while admittedly reflected in existing data, assumptions about the male identity of perpetrators raise representational questions vis-à-vis sexual violence in DRC. By virtue of his (sexual) victimisation, The Male Victim Subject stands in stark contrast to The Quint-*essentialist* Perpetrator, challenging assumptions of intrinsic brutality of the 'Black African man' embodied in the latter. Yet, precisely because of the violence he has endured, The Male Victim Subject simultaneously, and paradoxically, reinforces the overarching presence of the Quint-*essentialist* Perpetrator in sexual violence response discourse, policy, and practice. Furthermore, the pervasive taboo shrouding The Male Victim Subject, pronounced by his association with homosexuality, arguably amplifies the 'unthinkable barbarity' by which The Quint-*essentialist* Perpetrator is partly defined. This is, for instance, reflected in perceptions of sexual violence perpetrated against men as representing "the worst of humanity."[1109]

CONCLUSION

Situated outside the presumed norm of sexual violence, The Male Victim Subject embodies an exceptional and exceptionally abject form of violence in conflict. This raises sensitive questions vis-à-vis how the issue is represented to international audiences, for instance, for policy and advocacy purposes. Notably and as discussed above, sexual violence against men played an instrumental role in the adoption of SCR 1820 precisely because it called attention to the extraordinary character of conflict-related sexual violence. Yet, this was not translated into substantive policy language, nor into substantive programmatic responses, rendering this male subject at once exceptional and elusive. This reflects a relatively longstanding trend

[1109] This statement was made by a medical practitioner at Panzi Hospital. Discussing the hospital's responses to male victims/survivors, she explained that those who reach the hospital tend to be in severe medical need. Closing her reflections, she said, "you really see the worst of humanity here." (International Medical Practitioner, Panzi Hospital, *interview*, Bukavu, April 2014).

whereby references to, or traces of, male victims/survivors 'disappear' from policy texts, particularly in sections devoted to measures of implementation.[1110]

Driven by myriad factors, the implications of this '*repress*-entation' are at least two-fold and impact on both male and female subjects. On the one hand, the exceptionalism and elusiveness of The Male Victim Subject reinforces the stigma associated with sexual violence against men. Relatedly, then, '*repress*-ented' as the exception to the well-established gender norm, The Male Victim Subject reflects and reifies sexual vulnerability and victimhood as being 'female.' His disappearing presence across policy and practice further re-entrenches the perceived incompatibility between masculinity and victimhood and, thus, somewhat inescapably, reaffirms the female victim / male perpetrator binary underpinning the response architecture.[1111] Not only does this continue to limit understandings of how gender operates and is experienced in armed conflicts, it leaves its complex and seemingly marginal effects unaddressed. As posited above, the failure to address men's experiences of trauma in conflict may serve to undermine efforts to address violence in conflict-affected communities, including towards women and girls .[1112]

[1110] Lewis, C. (2014), "Systematic Silencing," pp. 211-213; see also, Sivakumaran, S. (2010), "Lost in Translation," p. 267.
[1111] Ibid, p. 211.
[1112] UNHCR (2012), "Guidance Note," p. 7.

CONCLUDING PART III

REFLECTING ON GENDERED MEN, OR REFLECTING ON GENDER & MEN

Part III re-presented a triptych of male figures constituting and constituted by the internationally driven sexual violence response architecture. Empirically texturing a previous iteration of the three male subjects, the chapters above thus re-explored The Quint-*essentialist* Perpetrator, The Strategic Ally, and The Male Victim Subject. Set against the backdrop of the first global symposium on *Men, Peace and Security* and through the male figures I traced the substance and parameters of contemporary efforts to 'gender men' in gender protection policy and practice in conflict-affected contexts.

The Male Perpetrator remains the dominant male figure in gendered approaches to armed conflict, largely because the majority of sexual violence crimes are committed by men. However, as shown above, this requires some refining. Given the multitude of sexual harms committed in conflict, who - or which men (i.e. FARDC, PNC, armed groups, or civilians) – are the primary perpetrators is far from inevitable. Mirroring his female counterpart, The Quint-*essentialist* Perpetrator represents the overarching male subject through which sexual violence in conflict generally, and in DRC specifically, is construed. Centring on the image of the (Black) armed man in uniform, he is underpinned by assumptions of the harm (inevitably) committed, against whom, and of the redress (inevitably) warranted. As evidenced in the deliberations leading up to SCR 1820, delineations around perpetrator profiles were instrumental to demarcating conflict-related sexual violence (CRSV), from sexual and gender-based violence (SGBV), and from sexual exploitation and abuse (SEA) to assuage resistant Security Council Members. The Quint-*essentialist* Perpetrator thus reaffirms the importance of institutional mandates and political dynamics in defining complex social phenomena towards specific policy, legal and operational ends.

Yet, as with The Quint-*essentialist* Survivor, he is less easily discernible in practice. The analysis of the Minova trial and everyday efforts to fight impunity demonstrated a more complex picture of *which* men interact with and are prosecuted for sexual violence crimes than is habitually depicted in advocacy and reporting. Despite its high profile nature and the significant support received from the international community, only one conviction was secured for rape as a war crime. The other thirty-eight charges of rape under international law resulted in acquittals. The trial thus usefully illuminated the challenges presented by politico-military dynamics, combined with weak investigative capacities in eastern DRC, to the adjudication of sexual violence crimes under international law through domestic jurisdictions, particularly in the context of ongoing military operations.

An analysis of its everyday, less exceptional, functioning foregrounded the disproportionate influence of socio-economic status and age in determining the law's interaction with suspected (male) perpetrators. Indeed, reported perpetrators tended to be younger and precariously employed men in the civilian context, and of lower military ranks in the military context. Echoing The Legal Victim, they were, moreover, by and large known to or identifiable by the victim. To reiterate, this analysis does not purport to lay any claim as to the nature of sexual violence in eastern DRC as a whole. Rather, it examined sexual violence cases making it to and through the judicial system. Without drawing conclusions as to the circumstances and consequences of cases reported, the data indicated that these are predominantly not of the kind embodied by The Quint-*essentialist* Perpetrator. Accordingly, this discussion lent greater weight to the importance of heeding closer attention to who is being prosecuted, for which (sexual) crimes, and why. Taking such a line of enquiry seriously may help ensure that efforts to fight impunity serve to restore, rather than further undermine, a sense of faith in the rule of law in the region.

The figure re-explored, The Strategic Ally, is produced through an evolving shift towards engaging men in efforts to prevent violence against women and girls. Grounded in a recent intervention – Engaging Men through Accountable Practice (EMAP) designed and implemented by the International Rescue Committee (IRC) – Chapter VII examined the possibilities and limits of gender transformative programming with conflict-affected men. Given that this programme targets non-combatant men and encompasses intimate partner violence, they reflect a broadening of gender policy and programming in conflict-affected settings.

In addition, Chapter VII foregrounded the value of considering socio-historical contexts in which internationally driven interventions function, perhaps especially in a postcolonial landscape. Indeed, these do not operate in an historical vacuum. Further research attuned to postcolonial durabilities may help illuminate the degree to which such interventions are perceived as a continuity and/or discontinuity relative to colonially prescribed 'normative arrangements of intimacy.' Such research need not *a priori* critique or undermine such interventions. Rather, it may usefully shed light on the degree to which such perceptions exist within communities, how and how much they are debated and how entrenched they are. Given how nascent male inclusive gender transformative interventions are, exploring such questions may provide important contextual insights for understanding their potential in conflict-affected, postcolonial spaces. Opening the space for such discussions may also offer a step towards overcoming the reductive notion that contemporary configurations of gender in eastern DRC are traditionally indigenous, and untouched by external influences historically or conflict dynamics more recently. This may, in turn, allow for more complex iterations of men and masculinities, and of The Strategic Ally.

Such complexity might, indeed, account for male vulnerabilities and victimisation in conflict. As demonstrated in Chapter IX, the degree to which these can or should be integrated within gender policy and programming remains contested. While acknowledging that The Male Victim Subject is increasingly, if inconsistently, recognised, Chapter IX, re-examined the '*repress*-entation' of male victims/survivors across policy, data, and practice to demonstrate his still elusive presence across these domains. The final analysis of the negotiations leading up to SCR 1820 demonstrated that the position that feminist advocacy played no role in obscuring the issue in international policy is somewhat untenable and misrepresents the nature of the micro-politics behind the inception of the agenda.

In effect, evidence presented indicated that the issue was instrumental, and instrumentalised, in persuading Council Members of the 'extraordinary' nature of sexual violence in conflict, that is, as being distinct from 'ordinary rape.' Yet, it was not reflected in the language of the resolution. Where textual recognition is made that sexual violence affects men too, it is almost invariably couched with the fact that 'women and girls are disproportionately affected.' It is thus at once acknowledged and diminished. The Male Victim Subject thus becomes a caveat within a caveat. While framed as such to sustain and protect a focus on female victims/survivors, that women and girls are disproportionately affected by sexual violence is supported statistically. It is not clear, however, that this factor alone offers sufficient grounds to legitimate exclusively gynocentric responses to sexual violence, particularly in conflict-affected contexts.

Statistical data on male victimisation fall prey to their own politics of under-counting and over-counting, it is, nonetheless, increasingly recognised that sexual violence targeting men in conflict is more prevalent than is habitually acknowledged. Contributing to under-counting include under-reporting and inconsistent institutional reporting practices, not all of which

disaggregate numbers by sex, for instance. Conversely, and contributing to over-counting is the use of ambiguous terminology such as 'exposed to' and affected by' in the collection and presentation of data, producing some statistical uncertainty as to findings. While certainly bearing some implications on potential programmatic needs, it is, overall, not towards this objective that such statistical ambiguity is interpreted and utilised. Rather, it is used to buttress ideologically and resource-driven concerns around protecting hard-won spaces, policies, and programmes crafted for conflict-affected women and girls in recent years.

Most evidently demonstrating the mutually reinforcing nature of The Male Victim Subject's lexical and statistical ambiguities was his elusive corporeal presence in operational response mechanisms. Compounding social and, at times, legal barriers to reporting for male victims/survivors related to assumptions of emasculation and homosexuality associated with sexual violence against men, is the often female-specific design and denomination of assistance structures. While the above discussion suggested that more gender neutral or inclusive appellation of sexual violence response mechanisms would *ipso facto* lead to substantive or appropriate service provision for men, it may offer a step in that direction. At present, male victims/survivors are treated outside the parameters of specialised sexual violence services, and for important reasons. Resultantly, however, men tend to have access to a more restricted array of assistance, notably limited to medical and psychosocial, and tend to be treated on a symptomatic basis. As such, while female survivors are defined by sexual harms they have (presumably) endured under institutional eyes, male victims/survivors are not. In other words, while Congolese women constitute an 'always-already' victimised category, conflict-affected Congolese men might, conversely, constitute 'almost-never victims.'

Drawing Part III together, it is clear that men are increasingly recognised as 'gendered' in responses to sexual and gender-based violence in conflict-affected settings. As shown through

The Quint-*essentialist* Perpetrator, his everyday variant, and The Strategic Ally, institutional interactions with conflict-affected men in gender policy and programming are for the most part characterised by and limited to addressing men's violence against women and girls; whether through punitive accountability measures or by encouraging individual behavioural change. While understandable given the pervasiveness of men's violence against women and girls, in conflict and beyond, viewed in this way, men remain singularly confined to their status as (potential) perpetrators of sexual and gendered violence. The Male Victim Subject *prima facie* unsettles this gendered script. However, with sexual violence against men in conflict representing an exceptional and exceptionally abject gendered harm, he simultaneously challenges and reinforces the dominance of The Quint-*essentialist* Perpetrator. Finally, presented as an exception to the well-established gender rule of female 'victim-survivorhood' and male 'perpetratorhood,' the elusive presence of male victims/survivors ultimately functions to reify this underlying dualism. Not only does this obscure the more complex operation of gender in conflict, it leaves its more complex and seemingly marginal effects relative to male gendered bodies unaddressed.

CONCLUSION

The last decade saw significant developments the international community's conceptualisations of and responses to armed conflict. This has been particularly notable with respect to 'gender' and the protection of civilian populations. Establishing mechanisms to respond to sexual violence in conflict has been particularly central to this changing peace and security landscape. Through its Women, Peace and Security agenda, the UN Security Council is mandated to address what is commonly termed the 'gendered dimensions of armed conflict' in its work. Establishing sexual violence in conflict as a standalone thematic issue on the Council's agenda, SCR 1820 (2008) spurred radical changes in the institutional architecture deployed in conflict and post-conflict contexts, notably in peacekeeping, peacebuilding, and state capacity building. Reflecting the complex nature of sexual violence, a vast and multi-sectoral response apparatus was developed to address its causes and consequences in conflict-affected contexts. In brief, the principal aims of the response architecture established in DRC are to provide medical, psychosocial, socio-economic, and legal assistance to (female) survivors and to fight impunity for crimes of sexual violence by holding (male) perpetrators accountable. Increasingly, interventions also engage men and, to a lesser extent, boys in attitudinal and behavioural change programmes to reconfigure gender norms and prevent violence against women and girls.

For some, the establishment and evolution of these responses represent important advancements in making gendered experiences of armed conflict visible, redressing the silence in which these were historically shrouded. For others, these developments fiercely reignited longstanding debates in feminist theory and praxis. Critical feminist scholars, in particular, argued that the focus on sexual violence relies on and reinforces a dualistic conception of gender, which almost singularly re-positions women as victims of men's violence. As a result, prevailing policy discourses and their ensuing responses overlook women's multiple agentive

roles, alongside sexual violence against men and the experiences of sexual and gender minorities in conflict settings. In addition, the especially bright spotlight shone on DRC – labelled the 'rape capital of the world' – raised a particular set of representational questions vis-à-vis longstanding 'Afrientalist' assumptions of the 'Congolese woman' and the 'Congolese man' reified through these discourses.

Against this conceptual backdrop, this dissertation examined the gendered (and raced) parameters of sexual violence responses in international policy through to their situational implications in practice. Drawing on extensive data collected at the UN Headquarters in New York and in North and South Kivu between 2013-2017, this study chronicled how and why sexual violence in conflict was defined for international peace and security policy and subsequently 'travelled with' this policy discourse to observe their operationalisation through the response architecture in DRC. Structured through the sensory metaphor of sight, such a multi-sited and multi-institutional methodology has enabled me to better understand how differently positioned actors 'see' and respond to sexual violence in DRC within the purview of their respective institutional vantage point.

To present my findings, I sketched two discursive triptychs, each constituted by three female and three male subjects constituted by sexual violence discourse and response. As such, Part II examined three disparate depictions of the 'female survivor,' delineating The Quint-*essentialist* Survivor (Chapter IV), The Programmatic Survivor (Chapter V), and The Legal Victim (Chapter VI). Acting as something of a 'gender mirror,' Part III subsequently presented three male subjects, namely, The Quint-*essentialist* Perpetrator (Chapter VII), The Strategic Ally (Chapter VIII), and The Male Victim Subject (Chapter IX). Through these figures, I traced how, why, and with what effect 'gender' is construed, addressed, and reproduced by differently positioned international institutions operating in armed conflict.

The gendered figures and the triptychs they comprise offer a useful conceptual tool through which to present concordant and discordant features characterising 'sexual violence' as it is seen through different sets of institutional eyes. In effect, when viewed in relation to one another, each of the figures *within* the triptychs brings to the fore the gendered dissonance produced by myriad factors outlined throughout the dissertation. Additionally, however, pairing and assessing the subjects *across* the triptychs underscores the ways in which the figures reflect, reinforce, and contest each other to reproduce a particular, and to varying degrees, intersectional understanding of gender in armed conflict. Taken together, then, the triptychs demonstrate the following three overarching points with respect to institutionalised discourses and responses to sexual violence in DRC:

i. QUINT-*ESSENTIALISING* SEXUAL VIOLENCE

Sexual violence in conflict has been quint-*essentialised* for advocacy and policy purposes. As reflected in the expansive scope of SCR 1325, sexual violence is far from being the only gendered dimension of armed conflict under the mandate of the Security Council. Over the past decade, however, sexual violence received notable attention across scholarship, policy, and practice. The adoption of SCR 1820 marked a significant juncture in this regard. Yet, as I highlighted, surprisingly little is known in gender, peace and security scholarship about the events leading up its adoption. I noted that this gap limits understandings of how and why sexual violence rose to prominence in international peace and security policy when it did and, crucially, of how and why it was construed as it was within the remit of the Security Council.

In Chapter IV, I demonstrated that protection from sexual violence was prioritised over other pillars of the WPS agenda for three principal reasons: 1) it is horrific and perpetrated on vast scales; 2) it is easily identifiable; 3) it is presumed to invite easily definable and measurable responses. On a more fundamental level, and as highlighted by some respondents, protecting women and girls from sexual violence also presents less of a challenge to the 'gender order'

than, for instance, promoting women's political participation. These points go some way to accounting for why sexual violence galvanised the requisite political will in the Security Council. However, they do not account for how and why the issue took the particular form it did on the WPS agenda.

Speaking to this gap, Chapters IV and VII – addressing The Quint-*essentialist* Survivor and The Quint-*essentialist* Perpetrator, respectively – traced *how* the Council came to inscribe in its resolutions a carefully constructed definition of sexual violence committed in conflict contexts. Notably, these chapters demonstrated that this definition was premised on a precise understanding of the nature of the harm, its victims (female civilians), and its perpetrators (armed men in uniform). Drawing on insights from women's rights advocates working in the UN, Chapters IV and VII demonstrated *why* this particular construction was central to the advocacy strategy deployed to establish sexual violence as a standalone thematic issue on the Council's agenda.

In effect, to surmount continued resistance from Members States, 'conflict-related sexual violence' was deliberately distinguished from other forms of sexual and gender-based harms in conflict, including intimate partner violence and sexual exploitation and abuse (SEA). According to advocates involved, such delineations were key to navigating institutional divisions of labour and persuading resistant Council members of the relevance of sexual violence to their mandate. Given the centrality of mounting reports of sexual violence emanating from DRC, the harms endured by the 'Congolese woman' at the hands of the 'Congolese man' became quintessential reference points for the issue. In other words, these came to *define* sexual violence in conflict, inscribing these particular assumptions of 'survivorhood' and 'perpetratorhood' into policy and (in theory) into practice.

ii. REFRACTING SEXUAL VIOLENCE

Yet, when operationalised through distinct institutions making up the response architecture, this quint-*essentialised* narrative of sexual violence refracts and adopts new forms. While clearly demarcated for policy purposes, subsequent chapters demonstrated that The Quint-*essentialist* Survivor and The Quint-*essentialist* Perpetrator are less easily discernible in practice. As a result, the operationally produced figures indicate that response mechanisms do not only address a wider array of sexual and gender-based harms in eastern DRC but, in some cases, a quite distinct set of harms than those defined by the Council's WPS agenda.

Illustratively, Chapter V – The Programmatic Survivor – discussed the delivery of multi-sectoral sexual violence services in eastern DRC, specifically vis-à-vis medial, psychosocial, and socio-economic reintegration assistance. This figure highlighted that in practice this pillar of the Comprehensive Strategy addresses broader gynaecological and reproductive health needs than those directly caused by conflict-related sexual violence. Existing literature generally refers to this trend as the 'commercialisation' or 'marketisation' of sexual violence assistance in DRC. The Programmatic Survivor engaged with and nuanced these critiques. She did so underscoring three challenges confronting survivors and service providers. The first was the reliance on survivors to reach an assistance provider and to disclose an experience of sexual violence, which can paradoxically result in both under-counting and over-counting survivors. The second was the difficulty of determining the causality, direct or indirect, of the sexual harm reported with the ailment presented. The third challenge identified in the delivery of multi-sectoral assistance was ensuring the safety and confidentiality of survivors seeking assistance in a context wherein sexual violence still carries significant social stigma. In response to the last challenge, I highlighted that some service providers have moved towards 'mixing responses' for survivors and 'other vulnerable women' so that beneficiaries would not automatically be identified as survivors of sexual violence.

In consequence, The Programmatic Survivor underscored three points relative to the provision of multi-sectoral assistance for sexual violence in DRC. First, she highlighted the habitually under-acknowledged complexities of identifying, disclosing, and recording 'survivorhood' for programmatic purposes. Second and relatedly, the term 'survivor' appeared to function as a programmatic label applied to women and girls accessing specialised services. Unlike The Quint-*essentialist* Survivor, it did not necessarily explicitly signify an experience of a particular 'conflict-related' sexual harm. Third, and with these points in mind, this led me to consider whether accounting for this complexity necessarily calls into question the legitimacy of a woman's or girl's (likely) victim/survivor status in her pursuit of assistance or, indeed, that of the response architecture as a whole. My objective in closing the discussion of The Programmatic Survivor with this question was not to offer any conclusive insights in this respect *per se*. Rather, it was to encourage those who engage in critical analyses of sexual violence responses in the region to reflexively – and perhaps explicitly – consider the motivations behind and potential implications of such critiques relative to conflict-affected women and girls as well response mechanisms themselves.

Mirroring The Programmatic Survivor, The Strategic Ally similarly signalled a shift towards addressing a broader set of gendered harms in conflict-affected settings. Through IRC's EMAP, I examined the commonalities and differences between two programmes targeting men to reduce levels of intimate partner violence. Doing so, I illustrated that such an approach expands the programmatic parameters of gender in conflict not only to explicitly encompass men, but, importantly, *non-combatant* men. As I highlighted, this latter dimension marked a key distinguishing feature between The Strategic Ally and The Quint-*essentialist* Perpetrator.

Through The Strategic Ally, then, we saw the quint-*essentialised* understanding of sexual violence, and of gender, in conflict refracted across two axes. The first was the extension of sexual (and gender-based) violence responses into intimate partner violence through

behavioural change interventions. The second was men's non-combatant or civilian status embodied in The Strategic Ally. Considered together, I suggested that, in some respects, such programmes offer new potential for complicating conceptualisations of gender in conflict. Through the interventions discussed, this included towards addressing broader understandings of gendered violence in conflict and incorporating scripturally-grounded notions of gender and gender relations, which represent an important frame of reference in many conflict-affected communities, not least in eastern DRC.

Examining the fight against impunity in North and South Kivu further obscured sexual violence in conflict, as defined by the quint-*essentialised* narrative. Chapters VI and VII highlighted that while carefully delineated for policy purposes, The Quint-*essentialist* Survivor and The Quint-*essentialist* Perpetrator proved more evasive in domestic judicial entities. As detailed, fighting impunity for sexual violence is deemed important for delivering justice to survivors, restoring a sense of faith in the rule of law, and deterring perpetrators from committing such crimes in the future. The analysis of the Minova trial (Chapter VII) exemplified the extraordinary challenges confronting judicial actors in adjudicating sexual violence as a war crime through local courts in eastern DRC. Noting the backdrop of politico-military constraints and weak investigative capacities, the detailed description of the trial illuminated the importance of a defendant's exceptional physical characteristic – in this case, his missing thumb – to securing a conviction beyond reasonable doubt under international law. Otherwise stated, although the nature and context of the crimes prosecuted under international law seemingly aligned with the international policy definition of 'conflict-related sexual violence,' proving so in this military court rendered The Quint-*essentialist* Perpetrator more elusive in practice.

Concurrently, exploring the day-to-day functioning of the military and civilian judicial systems in the Kivus, I elucidated three surprising findings. The first was that, despite near debilitating resource constraints, the justice systems are functioning and, pertinently, they are functioning

to prosecute sexual violence cases in the region. Secondly, I noted that sexual violence cases are, in effect, prioritised by judicial actors, largely due to the internationally driven attention to and investment in addressing such crimes. Thirdly, however, as evidenced in the analyses of court records, the nature of sexual violence cases adjudicated across military and civilian tribunals bear little resemblance to those embodied by The Quint-*essentialist* Survivor and The Quint-*essentialist* Perpetrator. Indeed, sketching the principal features of the kinds of cases judicial actors 'see' on a quotidian basis, I foregrounded the high representation of cases of statutory rape, including of *copinages* (boyfriend-girlfriend), in the courts. In addition to highlighting the importance of accounting for the socio-historical and socio-cultural contexts in which sexual violence legislation operates, these analyses called attention to the disproportionate and often overlooked interaction of age and class in its application. In doing so, this indicated that efforts to fight against impunity may be playing a different role than that intended by international actors. Rather than redressing sexual harms typically associated with the region, in its quotidian application, the law may, instead, be regulating sex. In this way, the figures called further attention to the importance of paying close attention to who is interacting with response mechanisms and why and illustrate the analytical value of the triptychs in drawing out these complicating operational nuances.

iii. PROTECTING THE GENDER ORDER

Taking this institutional refraction of gendered discourses into account, it is nevertheless evident that the response apparatus is designed and operates to (almost) singularly address female 'survivorhood' and redress male 'perpetratorhood.' In effect, when viewed as a whole, the subjects in the female triptych are defined by their victim/survivor status. Conversely, or congruently, the figures constituting the male triptych are defined by men's propensity to perpetrate sexual harms, whether against women or men. Assessed relationally, then, the

gendered subjects illustrate that, in their current conception, gender protection mechanisms ultimately function to protect gender.

Concluding Part II, I noted the almost singular attachment of notions of vulnerability, victimhood, and (sexual) 'survivorhood' to female gendered bodies in conflict. In turn, concluding Part III, I highlighted the almost singular attachment of 'perpetratorhood' to male gendered bodies in conflict. Given DRC's prominent position in sexual violence advocacy, policy, and practice, I highlighted that this has clear ramifications for Congolese women *and* men vis-à-vis their access to and interactions with the sexual violence response apparatus.

Revisiting The Male Victim Subject, Chapter IX acknowledged advances in addressing sexual violence against men in conflict perceptible in recent years. Nonetheless, it demonstrated that this incremental recognition of male victimisation in conflict has yet to be substantively translated into policy language and operational practice. Indeed, the data collected over the course of this study generated three distinct female victim/survivor figures, and only one male *victim* subject – defined, one might add, by his elusive nature. Furthermore, each of the gendered subjects discussed were produced under distinct sets of institutional eyes, that is, based on how institutional actors *see* and respond to sexual violence within the purview of their work. As elucidated in the chapter, for a host of reasons, The Male Victim Subject remains lexically (and discursively) elusive in policy texts, numerically elusive in sexual violence statistics, and corporeally elusive in sexual violence response structures. Consequently, while The Male Victim Subject is 'known' to exist, he is rarely, if ever, *seen*. Habitually acknowledged as a caveat within a caveat, he thus represents an exception to the well-established gendered norm of female victimisation to men's violence.

Above all other figures presented, The Male Victim Subject most evidently brings to bear the relational, and tenaciously interdependent, gendered logics underpinning contemporary

responses to sexual violence in conflict. Specifically, he underscores the extent to which the response architecture is structured around and reinforces a gender binary that positions women-as-victims and men-as-perpetrators. Increasing recognition of this figure, therefore, *prima facie* unsettles this conventional gender script. Yet, *repress*-ented as the exceptional victim of an exceptionally abject gendered harm, I argued that he simultaneously functions to reinforce it.

The idea that sexual violence against men represents an especially abject harm was also deserving of critical reflection. Indeed, situated outside the presumed norm of sexual violence, I highlighted that male sexual victimisation is pervasively and closely associated with still taboo questions of homosexuality. Where norms around gender and sexuality remain deeply conservative, this association compounds stigmatisation around the issue. On the one hand, from the perspective of individual survivors, this further discourages reporting. Viewed through the lens of the gendered figures, on the other, I noted that this conflation is underpinned by clear assumptions about perpetrators of sexual violence against men in DRC, even when these are not explicitly identified. In this way, I posited that The Male Victim Subject both challenges, and paradoxically, re-affirms longstanding sexuo-racialised assumptions of the (militarised) 'Black African man.' He, thus, reinforces the overarching and dominant imaginary of The Quint-*essentialist* Perpetrator.

Reverberating through the chapters was an attention to colonial echoes, notably in representations of sexual violence in DRC as well as in the responses these have engendered. Historicising 'the rape capital of the world,' Chapter III pointed to the tangible legacies of Western colonial-cum-humanitarian interest in 'African' sexuality. In particular, this discussion emphasised how these have long informed imaginaries of sexual danger that legitimate(d) attendant practices of sexual regulation in the region. Colonial durabilities were most explicit, and striking, relative to The Legal Victim and The Strategic Ally. Both figures bore clear echoes of the role of colonial actors in regulating sexual relations and shaping

normative arrangements of intimacy. In more general terms, adopting a postcolonial lens evidenced how colonially construed frames remain conducive to an ease of acceptance of contemporary, and quint-*essentialist*, reporting of sexual violence in DRC. Overall, then, this leads to the conclusion that in their current conception, internationally driven responses to sexual violence may not only function to re-produce 'gender,' but to reify a historically constituted and intimately raced imaginary thereof in this postcolonial warscape.

IMPLICATIONS BEYOND DRC: A FINAL NOTE ON THE INSTITUTIONAL, THE OPERATIONAL, AND THE PERSONAL

At their core, the conclusions drawn in this dissertation align with and uphold claims made by critical feminist approaches gender, peace and security. In many respects, they affirm the cautionary tales feminist scholars have long told across the fields of international law, international relations, international development, and forced migration studies vis-à-vis the opportunities and dangers of engaging with international political and legal institutions. While demonstrating the tangible importance of scholarly critique, by virtue of its underlying focus on making visible institutional contexts, operational realities, and personal manoeuvring, this study simultaneously softened and sharpened existing critiques.

In effect, the focus of this research was not on sexual violence in DRC *per se*, but on *institutional responses* thereto. It thus shed light on the perspectives, experiences, priorities, constraints, achievements, and setbacks as perceived and presented by actors positioned within different components of the multi-sectoral and multi-institutional response apparatus. Through its multi-sited and multi-institutional approach, this study has been drawn out the role of institutional imperatives, operational constraints, and personal predilections in shaping the language of policy texts and their translation into programmatic practice. These, in turn, have clear implications for the forms these can be expected to take, what they can be expected to

achieve, and how their outcomes can be measured and evaluated. The gendered figures around which this thesis was structured evidenced the degree to which each of these can differ, even as the same issue is addressed through distinct institutional prisms. In short, one's institutional lens significantly influences what one can be expected to 'see.'

More concretely, this dissertation demonstrated the analytical value of accounting for micro-politics behind macro-policies in the process of assessing policy texts, their underlying – and seemingly unconscious – assumptions, and their implications in/for practice. These were most clearly evidenced through the deliberations behind The Quint-*essentialist* Survivor and The Quint-*essentialist* Perpetrator wherein a particular narrative of sexual violence was moulded to correspond with the mandate of the Security Council. Equally, subsequent chapters demonstrated that limiting one's gaze to a policy producing entity renders one unable to account for the material effects of its policies as these are operationalised in a vast, complex and challenging lifeworld, such as that of eastern DRC. Together, the consequent figures demonstrated the unexpected forms these can take in practice – at times, in ways that do not align with the intended aims of policy and programmatic architects. Furthermore, The Legal Victim and The Strategic Ally foregrounded the importance of accounting for the particular histories of a place and a population. Doing so, they went some way to demonstrating how socio-historical legacies shape the (perceived) role of, interactions with, and the outcomes of internationally driven policies and programmes in a postcolonial setting.

Finally, a note on the personal. I use the term 'personal,' as opposed to 'individual,' here for several reasons. It serves as a nod to the important feminist insight that the personal is political. Relatedly, I use it as an appeal to take this principle one reflexive step further towards recognising the personal as not only political, but as always-already philosophical. In this context, then, it conveys the idea that, while navigating institutional structures and operational

realities, individuals matter. Indeed, how individuals chose to negotiate, push, or protect institutional or structural boundaries is influenced by personally defined proclivities and priorities, particularly when the available room for manoeuvre is limited. This was most apparent through The Male Victim Subject. This last figure illustrated a pervasive reluctance among institutional actors towards substantively addressing sexual violence against men in conflict, whether driven by a commitment to protecting precarious spaces carved out for women and girls in androcentric spaces or by concerns with pervasive social taboos. Overall, taking into account the personal further encourages us not to take for granted institutionally and normatively prescribed parameters of 'gender.'

Collectively, taking into account these three factors permits us to better understand how, why, and with what effect conceptual boundaries are shaped, reshaped, and sustained by individuals navigating particular sets of institutional and operational limits at any given political moment. While this research focused exclusively on eastern DRC, it raises pertinent questions for re-examining the nature and outcomes of institutional responses to sexual violence in other conflict settings where a similar response architecture may be established. It compels us to remain attune to the *degree* and *nature* of gender transformative outcomes that might be possible – or expected – in the institutions within which policy documents and agendas are made, at any given time. It subsequently compels to remain attune to the degree and nature of gender transformative outcomes that might be possible – or expected – in the contexts within which these are operationalised – and, turn, appropriated, resisted, and/or embraced – at any given time. And, it compels us to accept that what might be a radical success in one institutional context might look, be interpreted, and be experienced quite distinctly, and not always radically, across different operational landscapes, as seen in DRC.

This should not be taken to suggest that institutional policy discourses and operational outcomes are inevitable, or even immutable over time. This study focused predominantly on the adoption of Security Council resolution 1820 in 2008, yet by 2013 – as marked by the adoption of resolution 2106 – a discursive shift was perceptible in broadening understandings of sexual violence towards acknowledging a male 'survivorhood.' In years since, the Security Council has made tentative moves towards recognising LGBT rights and experiences in conflict,[1113] and in 2017, the civil society statement at the annual debate on Women, Peace and Security spoke of the "explicit inclusion of a gender perspective as an *intersectional* principle" in the Colombian Peace Process, introducing 'intersectionality' to the Security Council Chamber.[1114] These examples are all too exceptional; they nevertheless offer glimmers of hope of the possible victories emanating a from continual and persistent chipping of the gender limits of the Council. Yet, institutional policy shifts alone cannot be the end goal: as feminists have long shown, we must remain attentive to the dangers of institutional cooption in policy and practice, and sensitive to the understanding that, ultimately, transformative change – including vis-à-vis gender – cannot come (only) from 'above' but must come from 'below.'

As I close, I am conscious that this conclusion reflects a more pragmatic stance, certainly, than I anticipated at the outset of this research. However, believing in the importance of ensuring robust responses to sexual violence in conflict contexts, it is one that permits a more granular understanding of the still evolving mechanisms at our disposal and their sometimes unexpected situational implications in practice. In doing so, it ultimately brings empirical and conceptual weight to the necessity of reconfiguring how 'gender' is defined and institutionalised in responses to armed conflict. Yet, an obvious question remains: rethinking gender how and

[1113] Al Jazeera (2015), "UN Security Council holds first meeting on LGBT rights," *Al Jazeera*, 24 August 2015.
[1114] Mina-Rojas, C. (2017), *Statement by Ms. Charo Mina-Rojas at UN Security Council Open Debate on Women, Peace and Security*, 27 October 2017. Available online: http://www.womenpeacesecurity.org/resource/statement-unsc-wps-open-debate-october-2017/ [Accessed 27 January 2018].

towards what end? Having shown clear limits of the current gender paradigm as it relates to conflict-affected women and men, a simple response to the latter part of that question might be 'towards a more inclusive gender protection agenda.'

Addressing what this might look like in any substantive and theoretically grounded sense lay beyond the scope of this dissertation. Further conceptual and empirical work is needed to build such an understanding, which, importantly, might consider perspective from 'below' as well as what it might mean to go 'beyond gender' in responses to sexual harms in conflict. Until then, by calling attention to institutional imperatives of policymaking and operational constraints of policy implementation, this dissertation offers a step towards promoting greater mutual understanding across feminist scholarship, policy, and practice. This, in turn, offers a crucial step towards achieving more complex, intersectional, and inclusive conceptions of gender (and) protection in responses to armed conflict and its aftermath. Reaching this end will require the concerted and collective efforts of vigilant, curiously critical, and interdisciplinary feminists as we continue to reshape the boundaries of international peace and security.

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