

# Understanding and addressing conflict-related sexual violence

Lessons learned from the Democratic Republic of Congo

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The Democratic Republic of Congo's (DRC) warscape has become infamous globally from the reports on the massive scale of sexual violence. While vast amounts of other forms of violence and abuse have also been committed, it is sexual violence that has attracted the lion's share of attention, especially among "outside" observers. Countless reports, newspaper articles, news-clips, appeals and documentaries have been devoted to the issue. Numerous journalists, activists and representatives of diverse international organisations and governments have made pilgrimages to the DRC to meet and listen to survivors first-hand.

## Introduction

Based on two research projects funded by Sida,<sup>1</sup> this Policy Note highlights three main lessons drawn from the ways in which Sexual and Gender Based Violence (SGBV) in the DRC has been described and addressed: 1) the problem of a reductionist understanding of sexual violence as a weapon of war; 2) the dangers of a singular focus on sexual violence; 3) the problem of the invisibility of men and boys as victims of SGBV. The vast attention paid to sexual violence in the DRC makes it a particularly good case from which to draw wider lessons regarding SGBV. A comprehensive analysis of the points raised in this Policy Note can be found in Eriksson Baaz and Stern, 2010, *The Complexity of Violence: A Critical Analysis of Sexual Violence in the Democratic Republic of Congo (DRC)* (Stockholm: Sida and the Nordic Africa Institute).<sup>2</sup>

1. The Policy Note is part of, and emerges mainly from, a research project financed by the Swedish International Development Cooperation Agency (Sida) on gender and sexuality within the Congolese armed forces. The project, based on interviews with 226 soldiers and officers, was undertaken in several locations (Kinshasa, South Kivu, Kitona and North Kivu) and in various phases between 2006 and 2009.

2. See also Eriksson Baaz, Maria and Maria Stern, 2009, "Why Do Soldiers Rape? Masculinity, Violence and Sexuality in the Armed Forces in the Congo", in *International Studies Quarterly* 53(2009):495-518, and Eriksson Baaz, Maria and Maria Stern, 2008, "Making Sense of Violence: Voices of Soldiers in the DRC", in *Journal of Modern African Studies* 46(1).

## The problem of a reductionist understanding of sexual violence as a weapon of war

As in other recent conflicts, sexual violence in the DRC has mainly been described as a weapon of war. The conceptualisation of sexual violence as a 'weapon of war' has been indispensable in placing war-time rape on the security agenda. From being seen as a tragic but inevitable outcome of war, war-time sexual violence is now legally decreed to be a crime against humanity and a war crime. Many recent conflicts, such as in Rwanda and Bosnia, have indeed demonstrated the ways in which systematic mass rape has been used as a weapon of war, as a tool of violent identity politics and oppression.

However, conflict settings differ. Describing sexual violence in the DRC mainly as a weapon of war (which requires no further explanation) is a simplification that obscures other complex motivations and factors. As in the case of Liberia, where sexual violence was also widespread, rape in the DRC tends to be committed against any woman in general, regardless of political or ethnic affinity with the perpetrator.<sup>3</sup>

Rape has surely been used as a military strategy by rebel groups in the DRC, not the least in order to at-

3. Utas, Mats, 2005, "Victimcy, Girlfriending, Soldiering: Tactic Agency in a Young Woman's Social Navigation of the Liberian War Zone", in *Anthropological Quarterly* 78(2):403-30.

tract the attention of the international community (with the aim of pressing for negotiations and ending military operations). Nevertheless, the DRC case underscores the potential dangers of reducing sexual and other violence against civilians by men in uniform to being solely a generalised weapon of war. The DRC case shows that while sexual and other violence is often used to humiliate and intimidate, this humiliation and intimidation is also much less strategic and much more complex than a combat strategy to further military/political objectives. Sexual violence in this context must be understood in relation to several other factors. Without aiming to provide an exhaustive list, we highlight some of these below.

Firstly, and importantly, the high levels of violence against civilians – including sexual violence – must be understood in light of the present circumstances of the state security forces. In the absence of a particular military strategy, violence against civilians (including sexual violence) tends to be more common in armed groups with unclear, parallel or otherwise dysfunctional accountability and command structures.<sup>4</sup> Much violence – including sexual – against civilians in the DRC has been committed by the army and the police, which since 2003 have been formed through the integration and mixing of militia groups into the government forces.<sup>5</sup> From that date, there has been a constant addition of new armed groups to be integrated (often involving groups that were integrated in an earlier phase and then abandoned the process, only to join again). Hence, the army is undergoing constant reorganisation, involving the breaking up and forming of new brigades. Moreover, integration often remains merely theoretical. Units tend to remain loyal to their former commanders and not to the integrated command structures. Additionally, the integration process has been characterised by a generous politics of inclusion and distribution of ranks, irrespective of merit, experience or human rights record. The violence committed against civilians must be seen as a manifestation of this institutional dysfunction.

Relatedly, the high levels of violence must be understood in the context of hostile civil-military relations. The current combative civil-military relations emerge from a long history of abuse perpetrated by the military, going back to the time of Mobutu, in combination with the low status of state security personnel in the society. This is in turn connected to low salaries, poor living conditions and the minimal level of nationalist propaganda in support of the armed forces. Soldiers often express feelings of not being respected by civilians and, in many cases, explain violence against civilians in terms of the need to “teach them a lesson” and “punish” them for disrespect.

Another important factor contributing to the continuation of sexual violence is, of course, the weak justice and penal system and the widespread impunity (though some progress has been made in terms of numbers of convic-

tions in recent years). It is important to recall that impunity is the rule not only in relation to sexual violence, but perhaps even more so to other violence committed by state security personnel. The result of impunity is a normalisation of sexual violence, as well as other violence against civilians.

Lastly, as in other warscapes, rape occurs in the context of certain militarised ideals of masculinity and sexuality common in most military institutions, including those of the DRC. The (male) soldier’s libido is often described as a natural, virile and potent force, which ultimately requires sexual satisfaction from women. While these ideals are just that, ideals, and not (as claimed) connected to inherent male sexuality, they nevertheless contribute to a climate in which sexual violence (e.g., rape) is more likely to occur and become normalised.<sup>6</sup>

In sum, a singular and simplified explanation of war-related rape as a strategy to further military and political aims occludes other factors contributing to conflict and post-conflict sexual violence. Particularly, the weapon of war discourse is problematic since it masks the ways in which this violence is a manifestation of failed military integration processes and other forms of institutional dysfunction. By referring to sexual violence as a strategy of war, the institutional contexts appear as normal/functional. This is problematic, since it risks producing misguided interventions.

### The dangers of isolating sexual violence from other violence

One of the main lessons learned from the DRC is the danger of a singular focus on sexual violence. As noted above, while other types of violence and abuse – executions, torture, arbitrary arrest, forced labour, etc. – occur on a massive scale in the DRC, it is the sexual violence that has attracted global attention. The specific focus on sexual violence is also reflected in the comparatively massive resources provided by various international organisations and agencies. While most of these resources have been channelled into service provision for rape survivors, the special attention to sexual violence is also reflected in the interventions related to violence prevention, in particular, information campaigns and legal support. This is, of course, problematic in itself, in that other violence does not receive adequate attention. This singular focus, however, gives rise to other interrelated problems.

First, achieving a better understanding of the relationship between sexual violence and other violence, and ultimately of violence more generally, is hampered. SGBV can neither be understood nor effectively countered if approached and studied in relative isolation. It has to be seen in a context in which grave human rights violations against both women and men, such as executions, torture, arbitrary arrest and forced labour occur daily. These forms of violence are, to a large extent, manifestations of the same systemic failures and mechanisms as those contributing to

4. Horwood, C., 2007, *The Shame of War: Sexual Violence against Women and Girls in Conflict*. Malta: OCHA/IRIN.

5. It is impossible to assess the exact share committed by the army. Assessments have varied from between 70 and 24 percent during 2006-09, depending on the source. For a further discussion of the problems of contradictory figures, see Eriksson Baaz and Stern 2010.

6. For a discussion of this in the context of the Congolese army (including references to other contexts), see Eriksson Baaz and Stern 2009.

SGBV. By treating SGBV as a phenomenon *sui generis*, we risk ending up with counter-strategies that are inherently flawed.

Second, a single focus on sexual violence committed by men in uniform masks other forms of gender based violence and discrimination against women (e.g., domestic violence, lack of property and inheritance rights), which might be equally – or more – problematic in the daily lives of women in conflict and post-conflict areas.

Third, the DRC shows that a one-sided focus on sexual violence within the very wide repertoire of human rights abuses by state security forces risks feeding into the commercialisation of rape, where rape (or allegations of rape) becomes increasingly entangled in survival strategies. In the context of a corrupt judiciary, widespread poverty and the decreasing stigma associated with rape, the focus on sexual violence as a particularly serious crime seems to be increasingly employed in allegations of rape as an income-earning strategy. Moreover, the abundant resources earmarked by international organisations for various services to rape survivors, in combination with rampant poverty, has fostered a situation in which destitute women who are not survivors of rape feel forced to present themselves as rape victims in order to access services and opportunities.

### The problem of the invisibility of men and boys as victims of SGBV

The situation in the DRC underscores the dangers inherent in conflating sex and gender and thereby ignoring the many ways in which wartime gendered violence also affects men and boys. Men and boys tend to be more exposed than women and girls to other, non-sexual violence, such as forced recruitment, execution, arbitrary arrest and torture. As many of these crimes are directed at men and boys (especially forced recruitment) because they are men/boys, it must be recognised that this violence is also gendered.

In terms of sexual violence, the highest percentage of reported male victims of rape is 10 percent,<sup>7</sup> but the real levels are probably higher (due to the extreme stigma attached to sexual abuse of males). Moreover, and importantly, testimonies of rape in the DRC draw attention to the many other ways in which men and boys are (non) survivors of sexual violence: civilian men and boys being forced to have public sexual intercourse with kin (daughters, mothers, wives), on pain of punishment, often including death, if they refuse; men and boys being forced to engage in or being subjected to other violent and humiliating sexual acts (e.g., being dragged by a cord tied to the penis or testicles, etc.).

The current invisibility of men and boys as survivors of SGBV is problematic for several reasons.

First, it neglects men's and boys' legitimate rights and needs as survivors of violence, including sexual violence. Such neglect is not unique to the DRC. Indeed, interna-

tional legal instruments have been developed in a way that often excludes men as a class of (non) survivors of sexual violence in armed conflict.<sup>8</sup>

Second, the current invisibility of men and boys as survivors of violence hampers the long-term struggle against violence against women by strengthening existing gender/power inequalities and stereotypes. Gender stereotypes upholding power inequalities are often built on the conception of masculinity as embodying power and control (including the man's capacity to defend not only his family, but also himself, in particular against physical assaults) in contrast to femininity, which is associated instead with weakness and victimhood. These stereotypes have been strongly reproduced in the reporting of violence in the DRC. While women and girls are stigmatised and victimised, men still appear in a position of power – as perpetrators or as rejecting “their” raped woman. Hence, men and boys remain in the reports untouched and unsullied by the victimhood, stigma and shame associated with sexual violence. Such representations, besides being inaccurate, can only hamper the long-term struggle against violence against women.

Lastly, and importantly, failing to recognise the experiences, rights and needs of men and boys related to violent experiences will surely manifest itself in a continuation and perpetuation of cycles of violence. Ex-combatants who have experienced trauma and humiliation by being subjected to violence themselves, or who have been encouraged to inflict violence upon others, tend to be more prone – in the short term and without proper measures – to perpetrate further violent acts.

## RECOMMENDATIONS

### 1) *Sexual violence must be treated as part of – not as separate from – other forms of violence committed by state security forces*

A wider approach to human rights violations by state security forces is necessary, since SGBV is to a large extent a symptom of the same institutional failures and problems as other human rights violations committed by state security forces. It is also necessary in order to diminish the risk of the increasing commercialisation of rape. Focusing and continuing to channel resources towards sexual violence specifically – whether in terms of prevention, access to justice or services to survivors – contributes to rape allegations becoming increasingly entangled in survival strategies. This can only have negative consequences: it will render sexual violence banal and contribute to a climate in which many raped women are increasingly questioned and discredited.

- In terms of services, there is a need to direct more resources to provide access to comprehensive sexual and reproductive health services for all women, not just rape survivors.

7. Reported by the American Bar Association North Kivu. See US Department of State, Diplomacy in Action, 2009, *Human Rights Report: Democratic Republic of the Congo*. Bureau of Democracy, Human Rights and Labour.

8. Lewis, Dustin A., 2009, “Unrecognized Victims: Sexual Violence Against Men in Conflict Settings Under International Law”, *Wisconsin International Law Journal* 27(1):1-49.

- In terms of access to justice and prevention, efforts must be directed at informing and facilitating access to justice for all survivors of violence by security sector staff. This must be done through comprehensive support to the justice system, but also through community-based approaches through Civil Society Organisations.

## 2) Engage in comprehensive Security Sector Reform aimed at systemic change

Only a comprehensive approach to security sector reform, addressing the root causes of problems, has the potential to reduce human rights abuses significantly. For instance, the many efforts that focus on providing human rights training verge on the meaningless in the present context. The main problem is not that security sector personnel are unaware that rape is a crime, or that they live in moral vacuum. Rather, the problem lies in the lack of implementation of legal frameworks. A comprehensive approach must include several measures:

- Continuing support for creating an effective military justice system, including the introduction of vetting mechanisms for staff with extensive records of human rights abuses.
- Harmonisation of rank according to competence and merit, including either extensive training or exclusion of those not meeting basic requirements.
- Engaging in positive measures that encourage effective leadership and high professionalism among security sector personnel. Positive measures to foster a team spirit and work pride are essential in a context where there is little satisfaction or pride and where there are high levels of discontent and frustration linked to real (and sometimes imagined) systemic embezzlement and fraud by military superiors. Such measures could include positive reinforcement, such as providing to units that display the requisite professionalism income-generation activities for soldiers' families and education facilities for soldiers' children.

- Introduce special measures to improve civil-military relations. As noted earlier, hostile civil-military relations seem to be one important reason for violence against civilians, including sexual violence. This suggests the importance of strengthening civil society's influence on the military reform process. It also points to the importance of strengthening military commanders' willingness and capacity to engage in dialogue with local populations in their deployment areas.

- Continuation of efforts to restructure the salary system to ensure timely and adequate remuneration and limit the possibility of embezzlement. Irrespective of what the positive consequences might be in terms of diminished abuses, soldiers have the right to sufficient and regular salaries (as do other state employees).

## 3) Recognise boys and men as victims of violence, including SGBV

As argued above, there is a need to highlight and address the legitimate rights and needs of male survivors of SGBV in the DRC. In addition this, such recognition is crucial as a preventive measure.

- Move the issue of male victims of SGBV up on the agenda in discussions of rehabilitation and compensation. How can the needs of male survivors be better addressed both legally and through rehabilitation service provision?
- Direct more efforts and resources to addressing the needs of demobilised child and juvenile combatants within Disarmament, Demobilisation and Reintegration programmes. It is reasonable to assume that the increasing levels of sexual violence committed by civilians in recent years can in part be attributed to an increase in the demobilised combatants (many recruited as minors) reintegrated into communities without adequate rehabilitation. However, there is also a need to explore how to address the special needs of the many child and juvenile ex-combatants now integrated into the state security forces.

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