
SEXUALITY,
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FROM GENDER-BLINDNESS TO GENDER-
BLINDNESS: THE ILLEGITIMATE VICTIMS OF
SEXUAL VIOLENCE IN THE CONGOLESE
CONFLICT

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I. ABSTRACT

There exists little knowledge about the experiences of male victims of sexual violence, and even less about its connection with norms governing masculinity and power in the context of armed conflict. This intersection deserves attention, both in order to address male experiences of victimhood, and to bring about a more inclusive understanding of the gendered component of sexual violence in conflict (SVC). This paper looks at data gathered on male and female victims of sexual violence in Eastern DRC in March 2010 and discusses a number of assumptions regarding the crime of SVC, such as social stigma and the victim-perpetrator stereotype. Its objective is to highlight the need to transcend conventional societal perceptions of SVC, and by avoiding simple narratives, adopting a more nuanced understanding of its victims, perpetrators, causes, and consequences. This study thus seeks to allow for a more dignified victim response, and in a more general sense, hopes to take steps to engage the human rights framework with rights issues concerning gender and sexuality.

II. INTRODUCTION

“Congolese law defines rape as a: “sexual union that a man imposes on a woman with the use of violence. In other words, the act in which a person of the male sex has relations with a person of the female sex against the will of the latter, whether the lack of consent results from physical or mental violence or from any other means of constraint or from her having been taken by surprise.”¹

Prior to 2006, the Congolese legal definition of rape was problematic for the student of human rights for several reasons; one that was glaringly obvious was the absence of a provision for male victims. In the Democratic Republic of Congo (DRC), a man could not legally be a victim of rape, or other forms of sexual violence². The testimonies of perpetrators, victims, civilians, humanitarian organizations and researchers, however, provided a different warscape: studies show that between 6 and 10% of men in the DRC have been victims of sexual violence since the outbreak of the conflict in 1996, figures that are assumed to be deceptively low due to underreporting³. Despite the passing of two laws by the Congolese government in 2006 that expanded the definition of and the criminal procedure for sexual violence, the very collation of the words ‘male’ and ‘victim’ remain problematic; dominant cultural discourses tend to reinforce the image in

¹ Marie Claire Omanyondo Ohambe et al, *Women’s Bodies as a Battleground: Sexual Violence Against Women and Girls During the War in the Democratic Republic of Congo, South Kivu (1996-2003)*. Réseau des Femmes pour un Développement Associatif (RFDA), 2004, p. 53.

² *Ibid.*

³ Maria Eriksson Baaz and Maria Stern, “The Complexity of Violence - A Critical Analysis of Sexual Violence in the Democratic Republic of Congo (DRC),” *The Nordic Africa Institute*, (May 1, 2010) accessed December 1, 2012, at http://www.peacewomen.org/portal_resources_resource.php?id=549, p. 44.

which “men appear as beast-like perpetrators, while women appear as passive and helpless victims”⁴.

Considering the scale of the atrocities committed during the course of the First and Second Congo Wars since the outbreak in 1996, as well as the extensive media attention that the conflict continued to attract, remarkably little epidemiological information on the presence and extent of sexual violence has been gathered⁵. Unsurprisingly, and for important reasons that we shall turn to below, there is a significant lack of data concerning the extent to which men have been victims of sexual violence. Consequently, there exists very little knowledge about the experiences of male victims of sexual violence beyond that of anecdotal evidence and speculative theorizing. This study finds its relevance in relation to a research gap identified by the United Nations Office Coordination of Humanitarian Affairs Research Meeting in 2008, regarding how sexual violence against men and boys in armed conflict can be connected with the broader gender research agenda on “masculinities, power, and security issues”⁶.

The focal point of this study is thus the intersection of sexual violence against men and the context of armed conflict. The observation that “men tend to self-

⁴ Maria Eriksson Baaz and Maria Stern, “Making Sense of Violence: Voices of Soldiers in the Congo (DRC),” *The Journal of Modern African Studies* 46, no. 1 (March 1, 2008), p. 59

⁵ Anna Mädl, “Rape as Weapon of War in the Eastern DRC?: The Victims’ Perspective,” *Human Rights Quarterly* 33, no. 1 (2011), p. 132.

⁶ United Nations Office for the Coordination of Humanitarian Affairs. “Use of Sexual Violence in Armed Conflict - Identifying Gaps in Research to Inform More Effective Interventions,” UN OCHA Research Meeting – 26 June 2008, accessed December 1, 2012 at <http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&docId=1092305>, p. 5.

identify with masculine stereotypes more strongly”⁷ in contexts of armed conflict invites an examination of the relationship between gendered norms of masculinity as they are manifested and reinforced in armed conflict, and male experiences of victimhood following sexual violence in the given conflict. In an endeavor to avoid contributing to the plethora of over-generalizing assumptions and putative arguments, this study will make brief use of a data set which considers the association of sexual violence with physical and mental health, in order to identify any relevant similarities and differences in the experiences of sexual violence in women and men in Eastern DRC. Relating to these findings, the study will attempt to assess the validity of claims that gendered norms about victimhood and masculinity affect the experiences of male victims of sexual violence in conflict (SVC). It will look specifically at common claims about stigma, and attempt to evaluate the effects of the notion that “men also may be loath to talk about being victimized, considering this incompatible with their masculinity”⁸. The relationship between female SVC and male SVC is one that is largely empirically unexplored; it is, however, an area where unsubstantiated assumptions tend to cluster.

Having provided the relevant context of sexual violence in conflict and its emergence in the human rights framework as a female-centric discourse, this study will go on to comment on certain data gathered by Johnson et al and discuss globalized norms of masculinity and militarism identified by Eriksson Baaz and

⁷ Sandesh Sivakumaran, “Sexual Violence Against Men in Armed Conflict,” *European Journal of International Law* 18, no. 2 (April 1, 2007), p. 255.

⁸ *Ibid.*

Stern in the Congolese context, and propose ways in which they may interact with victimhood. This paper will use 'victim' and 'survivor' interchangeably, noting that whilst 'victim' may incur undesirable connotations that imply a loss of agency, it is indeed precisely the 'entitlement' of having the status of 'victim' that is discussed here.

III. INVISIBILITY IN INTERNATIONAL LAW: THE FEMALE-CENTRIC APPROACH

Any attempt to problematize the invisibility of male victims of sexual violence in conflict must reasonably make the existing international legal framework its point of departure, in order to understand what role international law may have played, and continues to play, in feminizing the issue. Whether or not a peremptory norm under international law⁹, the prohibition of SVC has with United Nations Security Council Resolution (UNSCR) 1325 taken on unprecedented weight in the international community. Whereas women's groups had long advocated for a broad range of issues pertaining to the differentiated experiences of human rights violations by women and the need for a gendered approach to human rights, violence against women became the one potent issue that could be satisfactorily framed within the peace and security agenda of the Security Council. Whereas this securitization should rightfully be coupled with a

⁹ See: Patricia Viseur Sellers, "Sexual Violence and Peremptory Norms - The Legal Value of Rape," *Case Western Reserve Journal of International Law* 4, (2002), p. 287 and David S. Mitchell, "Prohibition of Rape in International Humanitarian Law as a Norm of Jus Cogens: Clarifying the Doctrine," *Duke J. Comp. & Int'l L.* 15 (2004), p. 256.

degree of skepticism as to whether there is a risk of advancing “narrow, self-interested, and even militaristic responses to complex social problems”¹⁰, and whether considerations of women’s rights will remain “an afterthought, rather than an internalized and institutionalized change”¹¹, it nonetheless provided the impetus for the international community to begin to take SVC seriously.

Violence against women served as an entry point for women’s rights into the human rights framework largely because rights claims about “protecting vulnerable groups from bodily harm will have more transnational resonance”¹² than those appealing to more contested and culturally controversial questions. UNSCR 1325 was passed in the year 2000, following the powerful and exhaustive lobbying by women’s groups and subsequently the NGO Working Group on Women, Peace and Security¹³, and followed the adoption of the Rome Statute of the International Criminal Court. The latter defined “rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence as war crimes in international and non-international armed conflict as well as crimes against humanity”¹⁴. The Rome Statute built on the precedence set by the ad hoc criminal tribunals for the atrocities committed in Former Yugoslavia

¹⁰ Natalie Florea Hudson, “Securitizing Women’s Rights and Gender Equality,” *Journal of Human Rights* 8, no. 1 (2009), p.53.

¹¹ *Ibid.*, 66.

¹² Martha Finnemore and Kathryn Sikkink, “International Norm Dynamics and Political Change,” *International Organization* 52, no. 4 (October 1, 1998), p. 907.

¹³ Carol Cohn, Helen Kinsella, and Sheri Gibbings, “Women, Peace and Security Resolution 1325,” *International Feminist Journal of Politics* 6, no. 1 (2004), p. 131

¹⁴ Angela M. Banks, “Sexual Violence and International Criminal Law: An Analysis of the Ad Hoc Tribunal's Jurisprudence & the International Criminal Court's Elements of Crimes,” Faculty Publications. Paper 305, (2005), accessed December 1, 2012, at <http://scholarship.law.wm.edu/facpubs/305>, p. 43.

(International Criminal Tribunal for the Former Yugoslavia, ICTY) and Rwanda (International Criminal Tribunal for Rwanda, ICTR) respectively, “the two main engines driving the contemporary evolution of rape and sexual violence jurisprudence”¹⁵.

Briefly put, UNSCR 1325 led to a proliferation of significant resolutions concerning the protection of women. In 2008, UNSCR 1820 declared that SVC, in its own right, posed a threat to security; the year 2009 saw the adoption of UNSCR 1888, calling on the Secretary General to appoint a Special Representative for Sexual Violence in Conflict, and in 2010 UNSCR 1960 established that the Security Council had the mandate to put into place a global surveillance mechanism. Furthermore, 1960 authorized the Secretary General to name and shame perpetrating parties by publically listing violators, and perhaps most importantly, provided an imminent link to sanctions. UNSCR 1960 aimed at increasing the cost of violation, in order to make SVC a visible crime and to end impunity.

Whilst the limited scope of this study prevents an exhaustive account of the origins of the international jurisprudence on SVC, what is key for our purposes is the major involvement of women’s rights advocates from its inception. As a result, “the international instruments that contain the most comprehensive and meaningful definitions of sexual violence exclude men on

¹⁵ K. Alexa Koenig, Ryan Lincoln and Lauren Groth, , "The Jurisprudence of Sexual Violence," Human Rights Center University of California Berkeley, Sexual Violence & Accountability Project Working Paper Series, (2011), accessed December 1, 2012, http://www.law.berkeley.edu/HRCweb/pdfs/SV_A_Jurisprudence.pdf, p. 9.

their face”¹⁶ in their honorable attempt to cater for the exclusion of the interests of women. The belief, thus, that sexual violence is of relevance to women only is embedded in the existing legal framework, and despite the growing recognition of the prevalence of SVC that targets men, initiatives within even the last few years have tended to contribute “to the relative silence through the exclusion of male victims from its framework”¹⁷

Whereas it is not within the mandate of this study to consider how, and if it would indeed be fruitful, to divorce SVC from the women’s rights agenda, it can be argued that the fact that SVC is framed as a women’s issue undermines even the claim that women’s rights now form part of the international human rights agenda. If this were indeed the case, there would plausibly be little need to speak of women’s rights alongside human rights – surely ‘human’ encompasses ‘woman’ (and if it does not, that is indeed what is problematic). Whereas it may certainly be necessary, to a certain extent, to take the general trends of the differing experiences of men and women into account as “there is considerable evidence that women are affected by armed conflict in ways that men are not”¹⁸, this may be an undesirably dichotomous approach; gender is one component of our identity that informs our experiences, but it undoubtedly intersects with our other components. However, what is essential in regards to SVC, as we shall see below,

¹⁶ Lara Stemple, "Male Rape and Human Rights," *Hastings LJ* 60 (2008), p. 619.

¹⁷ Sandesh Sivakumaran, "Lost in translation: UN responses to sexual violence against men and boys in situations of armed conflict." *International Review of the Red Cross*, 92, no. 877 (2010), p. 265.

¹⁸ Hilary Charlesworth, "Feminist Methods in International Law," *The American Journal of International Law* 93, no. 2 (April 1, 1999), p. 385.

is to engage in a *gendered* analysis; unfortunately we have often taken 'gender' to mean 'woman, blinding us to a fact that, as argued by Lara Stemple, should be glaringly obvious for feminist critique: "the rape of men is a form of gender oppression in which gendered hierarchies are reproduced."¹⁹

Finally, another open-ended question that may prove enlightening is whether the invisibility of male victims of SVC in international law is a product of, or a contributing factor to, the supposed stigma of male rape. Whilst I have argued, as many do, that their exclusion is largely a consequence of the advocacy of groups focused on women, it may be simplistic to assume that the inconceivability of male victims of SVC indeed affects social climates, but has no direct bearing on the institutions of international law (in which there, incidentally, is an "absence of women"²⁰). In other words, whilst this paper rests on the assumption that the exclusion of men is due to neglect and a deliberate focus on women, it may be plausible to argue that widespread stigma and social attitudes toward male rape also has played a part in the actual process of drafting international legislation. As noted by feminist international legal scholar Hilary Charlesworth, examining the composition of international legal institutions may be informative: "If law is a "human artifact", is it not relevant that its makers are almost invariably men?"²¹

¹⁹ Stemple, "Male Rape and Human Rights," p. 633.

²⁰ Charlesworth, "Feminist Methods in International Law," p. 381.

²¹ *Ibid.*, 392.

IV. ILLEGITIMATE VICTIMS: THE INTERSECTION OF MILITARISM AND VICTIMHOOD

It appears generally plausible and accepted to argue that various social norms about what constitutes our conceptions of femininity and masculinity inform the behavior of individuals. Furthermore, the associations of femininity with the private sphere, vulnerability, and weakness, and masculinity with the public sphere, dominance, and strength, tend to be considered as culturally widespread. Whereas it may indeed be valuable to explore the causality and the logic of such gendered dichotomies, this has been done elsewhere, and is not appropriate given the constraints of this paper. With this in mind, what this study now seeks to discuss is the relationship between the “male positioning in patriarchal gender systems, and the masculine identities they generate”²², notably so in times of conflict, and their relation to male experiences of sexual violence.

Whilst it would certainly be narrow-minded to frame wartime rape as an inevitable consequence of patriarchy and gender inequality, the observation that “violence against women in the form of rape in conflict contexts is connected to certain conceptualizations of femininity and masculinity that also underpin gender inequalities in peace time”²³ should invite us to extend our thinking about the impact of such conceptualizations on sexual violence targeting men. Eriksson Baaz and Stern, who have carried out some of the most comprehensive research available on SVC in the DRC, identify that “the Congolese military celebrates

²² Caroline N. O. Moser and Fiona Clark, *Victims, Perpetrators or Actors?: Gender, Armed Conflict and Political Violence* (Palgrave Macmillan, 2001), p. 20.

²³ Eriksson Baaz and Stern, “The Complexity of Violence - A Critical Analysis of Sexual Violence in the Democratic Republic of Congo (DRC)”, p. 42.

certain ideals of macho heterosexual masculinity”²⁴ and recognize that such discourses form “part of a more general and global discourse on militarized sexuality”²⁵. Such a logic perpetuates the idea that “to be a real man is to be ready to fight and, ultimately, to kill and to die”²⁶ and “that men, by definition, may be the aggressor but not the victim.”²⁷ Armed conflicts serve to reinforce certain norms concerning masculinity, and as “connections between masculinity and being a warrior are very widely cross-cultural, across historical periods”²⁸, there is a certain credibility to the claim that the brutal warfare in the DRC may have seen this effect.

The Congolese conflict has witnessed perpetrations of sexual violence from both civilians as well as armed forces, but a majority of both women and men report that their perpetrators, both male and female, were of combatant status (women reported that 71.9% of male perpetrators were combatants, and that 88.4% of female perpetrators were combatants; men reported that 85.9% of male perpetrators were combatants, and that 79.3% of female perpetrators were combatants)²⁹. Considering, however, that 20% of the adult population in the survey carried out by Johnson et al “had served as combatants at some point

²⁴ *Ibid.*, p. 47.

²⁵ *Ibid.*, 49.

²⁶ Moser and Clark, *Victims, Perpetrators or Actors? Gender, Armed Conflict and Political Violence*, p. 20.

²⁷ Eric Stener Carlson, “Sexual Assault on Men in War,” *The Lancet* 349, no. 9045 (January 11, 1997), p. 129

²⁸ Miranda Alison, “Wartime Sexual Violence: Women’s Human Rights and Questions of Masculinity,” *Review of International Studies* 33, no. 1 (2007), p. 76.

²⁹ Kirsten Johnson et al., “Association of Sexual Violence and Human Rights Violations with Physical and Mental Health in Territories of the Eastern Democratic Republic of the Congo,” *JAMA: The Journal of the American Medical Association* 304, no. 5 (August 4, 2010), p. 557.

during their lifetime”³⁰, it is clear that the lines between civilians and combatants, and subsequently those of victims and perpetrators, are perhaps at a risk of being blurred.

The survey by Johnson et al, using a sample of 998 households across 67 villages in Eastern DRC, was carried out with the objective of identifying the potential effects of sexual violence on the state of mental and physical health of survivors. The subjects of the study were randomly selected adults belonging to a village household, interviewed one-on-one for a duration of approximately twenty-five to forty-five minutes. The interviewers, as well as their supervisors, were of Congolese descent, and originated from the five provinces in which the survey was carried out. The survey provides for a range of meaningful results, of which a select few are notable for the purpose of this study: firstly, a higher percentage of men reported both anxiety and depression as consequences of sexual violence. More men than women were also beaten as part of the act of sexual violence. Interestingly, “less than 10% of men and women for whom sexual violence was reported also reported being stigmatized by family or community”³¹. Additionally, turning to the sex-disaggregated data shows that only 2.8% of men reported stigma, compared to 8.4% of women. 39.7% of women reported having been exposed to sexual violence in their lifetime, compared to 23.6% of men; 74.3% of women and 64.5% men reported that the sexual violence was conflict-

³⁰ *Ibid.*

³¹ *Ibid.*, 558.

related³². These figures are appalling in their own right; moreover, it should be noted that the percentage of men having been exposed to SVC in the DRC is considerably higher than the estimated 6-10%. What, if anything, do these data indicate about the experiences of being a male victim of SVC?

Evidently, it would be both premature and presumptuous to draw any decisive and general conclusions from the data collected by Johnson et al; however, they do generate reflections that may be of interest in theorizing about men as victims. Perhaps most significantly, the fact that fewer men than women report that they have been stigmatized following exposure to sexual violence (but still suffer from anxiety and depression) may be surprising given the overwhelming academic consensus that stigma surrounding male rape is an obstacle to meaningfully engaging with survivors who are men. Conversely, it could perhaps be argued that a reason for this is the fact that male victims of sexual violence are not recognized by their families and communities as such. It has been noted that because of the “strong disjuncture between masculinity and victimhood”, wartime rape towards men tends to be desexualized: “often sexual violence against men and boys in armed conflict is not characterized as such, but is considered under the rubric of torture, beatings, and the like.”³³ Such rhetoric may form part of an explanation as to why men who in the study reported to their interviewer that they had been exposed to SVC experienced less harsh treatment from society than their female counterparts. Of course, a less problematizing

³² *Ibid.*, 557.

³³ Sivakumaran, "Lost in translation: UN responses to sexual violence against men and boys in situations of armed conflict," p. 265.

approach would generate a vast array of equally possible inferences to explain this disparity, the most obvious being that perhaps male wartime rape tends to be burdened with less stigma in Eastern DRC than female wartime rape. Nevertheless, recognizing the sexual component of SVC, without thereby necessarily attributing any particular weight to it, is key. Likewise, “an accurate classification of abuse is important not just to give victims a voice, not only to break down stereotypes and not merely to accurately record the picture”³⁴, but because language matters in our response to atrocities. A parallel reference to the significance of language is highlighted by the 2004 report on SVC in Eastern DRC issued by Médecins Sans Frontières (MSF), which notes the following: “The age of victims has ranged from girls as young as 12 years old to women as old as 70. The youngest patient seen at the MSF clinic has been a 10-year-old boy who was raped by an armed man, while his mother was violated by two others”³⁵. Whether or not a specific intention underlies this phrasing, it is noteworthy that the report, firstly, refers exclusively to girls and women as comprising the group of ‘victims’, and secondly, prefers referring to the boy as a ‘patient’ rather than a ‘victim’.

Furthermore, it could be posited that male victims, in response to masculine norms about being strong protectors and dominant providers³⁶, are

³⁴ Sivakumaran, “Sexual Violence Against Men in Armed Conflict,” p. 257.

³⁵ Médecins Sans Frontières Holland, “‘I Have No Joy, No Peace Of Mind’: Medical, Psychosocial, and Socio-Economic Consequences of Sexual Violence in Eastern DRC.” (2004), accessed December 1, 2012 at http://www.doctorswithoutborders.org/publications/reports/2004/sexualviolence_2004.pdf , p.16.

³⁶ Maria Eriksson Baaz and Maria Stern, “Why Do Soldiers Rape? Masculinity, Violence, and Sexuality in the Armed Forces in the Congo (DRC),” *International Studies Quarterly* 53, no. 2 (June 1, 2009), p. 507.

socially discouraged to self-identify with the idea of a victim, and thus are not perceived as such by their families and communities. It should, however, not be induced from such a supposition that men suffer any less from SVC than women; another finding of the survey to consider in this light is the fact that “more than twice as many men than women of the represented were reported to be current substance abusers”³⁷. The idea of self-identification with victimhood also stands in contrast with the expectation of “dealing with the consequences of the attack – to be able to cope ‘like a man’”³⁸, another aspect of gender norms which dictate that vulnerability is fundamental to femininity, and thus in opposition with masculinity³⁹.

The survey results account for a reality that has oftentimes been neglected and considered just as unlikely as male victimhood: 10.0% of men (and 41.1% of women) report that they were exposed to SVC from female perpetrators, the most common type of sexual violence being rape (for both men and women). Such findings contradict “societal paradigms of sexual violence”⁴⁰ and serve to confuse the gendered power dynamics even further. It could perhaps be posited that female combatant perpetrators tend to act in accordance with the militarized masculinity that governs the structure of their organization, according to which wartime rape may be condoned as militarily strategic and an “über-masculine

³⁷ Johnson et al., “Association of Sexual Violence and Human Rights Violations with Physical and Mental Health in Territories of the Eastern Democratic Republic of the Congo,” p. 559.

³⁸ Sivakumaran, “Sexual Violence Against Men in Armed Conflict,” p. 255.

³⁹ Sasha Gear, “Behind the Bars of Masculinity: Male Rape and Homophobia in and About South African Men’s Prisons,” *Sexualities* 10, no. 2 (2007), p. 214.

⁴⁰ Johnson et al., “Association of Sexual Violence and Human Rights Violations with Physical and Mental Health in Territories of the Eastern Democratic Republic of the Congo,” p. 559.

stance”⁴¹ is the expectation, as it can be argued that “masculinity is culturally constructed, not universally biologically determined”⁴². In their interviews with soldiers of the Armed Forces of the Democratic Republic of Congo (FARDC), Eriksson Baaz and Stern noted a presence of very strong militarized masculine codes, common to men and women soldiers⁴³, by which “rape becomes a possible performative act of masculinity”⁴⁴, and also that such a “precarious masculinity is coupled with a femininity that is at once weak, subordinate and treacherous.”⁴⁵ What emerges from Eriksson Baaz and Stern’s research is the presence of a strong social construction of masculinity and manhood amongst soldiers in the DRC, often manifested in expressions of being a provider and protector. Whilst their study looks at its impact on soldiers in order to find out why soldiers rape, it would arguably be plausible to claim that the intensification of such a social norm may equally have relevant consequences on civilian men, and in particular those who are victimized by sexual violence, as this study attempts to do. One such consequence, it has been noted, could be the affirmation of the masculinity of the perpetrator, through the negation of the masculinity of the victim⁴⁶, regardless of whether the former is a man or a woman.

Moreover, a particularly convincing way of explaining why male victimhood is only conceived of with difficulty is the link to sexuality: given that

⁴¹ Sivakumaran, “Sexual Violence Against Men in Armed Conflict,” p. 270.

⁴² Stemple, “Male Rape and Human Rights,” p. 635.

⁴³ Eriksson Baaz and Stern, “Why Do Soldiers Rape?,” p. 505.

⁴⁴ *Ibid.*, p. 510.

⁴⁵ *Ibid.*, p. 508.

⁴⁶ Gear, “Behind the Bars of Masculinity,” p. 214.

the harm of sexual violence has often been framed as the ‘deflowering’ of a woman, it is incompatible with the corresponding image of male sexuality, as “chastity is not a virtue to which men are generally taught to aspire and is not an attribute associated with proper manhood”⁴⁷. This dissociation of the male with sexual integrity, here understood as chastity or purity, can perhaps help explain the tendency to desexualize the crime of SVC when it concerns men. Men are not either generally viewed as the reproducers or harborers of community and culture, which has been another controversial way of framing the harm of sexual violence towards women; such a view, where the primary harm is not regarded as physical and mental trauma to the individual, is conceivably damaging for men, who are removed from the harmfulness of the crime.

Finally, it should perhaps be noted that beyond the more obvious problem addressed above – that femininity and victimhood are so inextricably linked so as to marginalize male victims of SVC – is the linkage of victimhood with weakness in the first place. The victim/survivor debate has attempted to address this, in noting that ‘survivor’ is a more empowering way in which to understand those exposed to SVC, which does not imply a necessary loss of agency. Eriksson Baaz and Stern have taken this discussion a step further in referring to these same individuals as “(non)survivors”, in order to recognize that SVC can be brutal and damaging to the point where it threatens the survival of the person⁴⁸.

⁴⁷ Stemple, “Male Rape and Human Rights,” p. 631.

⁴⁸ Eriksson Baaz and Stern, “The Complexity of Violence - A Critical Analysis of Sexual Violence in the Democratic Republic of Congo (DRC),” p. 14.

V. A NOTE ON FUTURE CHALLENGES FOR ADVOCACY

The research surrounding male survivors of SVC remains severely limited, due to a number of factors, some of which have been touched on above. There is a de facto “disconnect between the grand pronouncements on the problem of male sexual violence in armed conflict and the lack of measures taken to address it”⁴⁹, amounting to grave human rights violations, the extent of which we are probably still largely unaware. Both rehabilitation and approaches to justice currently fail to take into account victims who fall outside the essentialist category as defined by the majority.

Firstly, the recognition of the primary wrongfulness and harmfulness of sexual violence as pertaining to the individual, as opposed to the larger community or ideals of women’s sexuality, is key in thinking about how to confront SVC. Such framing has certainly served to deny female victims justice, and as this paper has argued, may also be detrimental to how male victims are perceived, and perceive themselves. Secondly, it remains a challenge to “both acknowledge and respond to the reality of male victims and female agents of sexual violence”⁵⁰, given that the majority of perpetrators are men, and that the majority of victims are women. An international legal framework that does not acknowledge the possibility, let alone the extent, of male victims of SVC is an inadequate platform from which to proceed, and such blindness “feeds into the

⁴⁹ Sivakumaran, "Lost in translation: UN responses to sexual violence against men and boys in situations of armed conflict," p. 277.

⁵⁰ Alison, "Wartime Sexual Violence," p. 84.

continuation of cycles of violence.”⁵¹ Finally, the function of norms of masculinity in both armed warfare and in the denial of victimhood deserve increased attention within this field, in order to escape constrictive mechanisms and to change societal understandings and approaches. A central challenge for the human rights framework is to move beyond a female-centric approach that posits that men cannot be in need of rights protection in similar ways in which women may be.

VI. CONCLUSION

Whilst this paper has attempted to respond to the call of addressing the needs of male victims when thinking about sexual violence in conflict, and discussed how gendered social norms of masculinity may interact with ideas about victimhood, its purpose has been to introduce ideas and raise questions rather than to provide definite conclusions. It has argued that the understanding of gendered norms is central to engaging with male victims of sexual violence, and has sparingly used data from Eastern DRC to point to how men may experience sexual violence differently than what may be generally thought. Despite the increased attention being paid to men as victims of sexual violence, the trajectory of the international community with regard to SVC has nonetheless departed from one gender-blindness only to arrive at another: from not recognizing that the experiences of women in conflict may differ from those of men, to not recognizing that the issue of SVC has been female-driven and remains female-

⁵¹ Eriksson Baaz and Stern, “The Complexity of Violence - A Critical Analysis of Sexual Violence in the Democratic Republic of Congo (DRC),” p. 41.

centered. In this light, the importance of avoiding simple narratives for the immediate benefit of rapid policy-making cannot be stressed enough; whilst we through international legal frameworks aspire to end warfare in which “the civilian is the corn field of the military”⁵², only by accepting the complexity and variation of sexual violence in conflict, and allowing for interpretations beyond our own beliefs, will we be successful in eradicating it.

⁵² Eriksson Baaz and Stern, “Why Do Soldiers Rape?,” p. 502.

VII. BIBLIOGRAPHY

Alison, M. "Wartime Sexual Violence: Women's Human Rights and Questions of Masculinity." *Review of International Studies* 33, no. 1 (2007): 75-90.

Banks, A. M., "Sexual Violence and International Criminal Law: An Analysis of the Ad Hoc Tribunal's Jurisprudence & the International Criminal Court's Elements of Crimes." Faculty Publications. Paper 305, (2005), accessed December 1, 2012, at <http://scholarship.law.wm.edu/facpubs/305>

Carlson, E. S. "Sexual Assault on Men in War." *The Lancet* 349, no. 9045 (January 11, 1997): 129.

Charlesworth, H. "Feminist Methods in International Law." *The American Journal of International Law* 93, no. 2 (April 1, 1999): 379-394.

Cohn, C., Kinsella, H., Gibbings, S. "Women, Peace and Security Resolution 1325." *International Feminist Journal of Politics* 6, no. 1 (2004): 130-140.

Eriksson Baaz, M., Stern, M. "Making Sense of Violence: Voices of Soldiers in the Congo (DRC)." *The Journal of Modern African Studies* 46, no. 1 (March 1, 2008): 57-86.

———. "Why Do Soldiers Rape? Masculinity, Violence, and Sexuality in the Armed Forces in the Congo (DRC)." *International Studies Quarterly* 53, no. 2 (June 1, 2009): 495-518.

———. "The Complexity of Violence - A Critical Analysis of Sexual Violence in the Democratic Republic of Congo (DRC)." *The Nordic Africa Institute*, (May 1, 2010) accessed December 1, 2012, at http://www.peacewomen.org/portal_resources_resource.php?id=549

Finnemore, M., Sikkink, K. "International Norm Dynamics and Political Change." *International Organization* 52, no. 4 (October 1, 1998): 887-917.

Gear, S. "Behind the Bars of Masculinity: Male Rape and Homophobia in and About South African Men's Prisons." *Sexualities* 10, no. 2 (2007): 209–227.

Hudson, N. F. "Securitizing Women's Rights and Gender Equality." *Journal of Human Rights* 8, no. 1 (2009): 53–70.

Johnson, K., Scott, J., Rughita, R., Kisielewski, M., Asher, J., Ong, R., Lawry, L. "Association of Sexual Violence and Human Rights Violations with Physical and Mental Health in Territories of the Eastern Democratic Republic of the Congo." *JAMA: The Journal of the American Medical Association* 304, no. 5 (August 4, 2010): 553–562.

Médecins Sans Frontières Holland. "I Have No Joy, No Peace Of Mind': Medical, Psychosocial, and Socio-Economic Consequences of Sexual Violence in Eastern DRC." (2004), accessed December 1, 2012 at http://www.doctorswithoutborders.org/publications/reports/2004/sexual_violence_2004.pdf

Mädl, A. "Rape as Weapon of War in the Eastern DRC?: The Victims' Perspective." *Human Rights Quarterly* 33, no. 1 (2011): 128–147.

Mitchell, D. S. "Prohibition of Rape in International Humanitarian Law as a Norm of Jus Cogens: Clarifying the Doctrine." *Duke J. Comp. & Int'l L.* 15 (2004): 219–257.

Moser, C. N. O., Clark, F. *Victims, Perpetrators or Actors?: Gender, Armed Conflict and Political Violence*. Palgrave Macmillan, 2001.

Ohambe, M. C. O., Bahananga Muhigwa, J.B., Galloy, M. R., Mulyumba Wa Mamba, B., Sow, N., Hall, C., Bukaraba, A. *Women's Bodies as a Battleground: Sexual Violence Against Women and Girls During the War in the Democratic Republic of Congo, South Kivu (1996-2003)*. Réseau des Femmes pour un Développement Associatif (RFDA), 2004.

Sivakumaran, S. "Sexual Violence Against Men in Armed Conflict." *European Journal of International Law* 18, no. 2 (April 1, 2007): 253–276.

———. " "Lost in translation: UN responses to sexual violence against men and boys in situations of armed conflict." *International Review of the Red Cross*, 92, no. 877 (2010): 259-277

Stemple, L. "Male Rape and Human Rights." *Hastings LJ* 60 (2008): 605-647.

Koenig, K.A., Lincoln, R., Groth, L. (2011), "The Jurisprudence of Sexual Violence", Human Rights Center University of California Berkeley, Sexual Violence & Accountability Project Working Paper Series, accessed December 1, 2012, http://www.law.berkeley.edu/HRCweb/pdfs/SVA_Jurisprudence.pdf

United Nations Office for the Coordination of Humanitarian Affairs. "Use of Sexual Violence in Armed Conflict - Identifying Gaps in Research to Inform More Effective Interventions," UN OCHA Research Meeting – 26 June 2008, accessed December 1, 2012 at <http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&docId=1092305>, p. 5.

Viseur Sellers, P. "Sexual Violence and Peremptory Norms - The Legal Value of Rape." *Case Western Reserve Journal of International Law* 4, (2002): 287-303.