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# The Complexity of Violence:

A critical analysis of sexual violence in the Democratic Republic of Congo (DRC)



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Democratic Republic of Congo (DRC)

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# Foreword

Gender based violence is fundamentally a violation against human rights. Stemming such violence will be crucial in working towards poverty reduction as well as human security. Policies and interventions aimed at combating gender based violence in its different forms; e.g. domestic violence, violence due to harmful traditional practices and violence against LGBT-people, as well as rape, demand a holistic approach as well as a context specific one.

This analysis of sexual violence in war time and post-conflict Africa draws on the case study of the Democratic Republic of Congo (DRC). It critically explores and convincingly challenges existing stereotypes and narratives about the nature of sexual violence in conflict settings. By identifying forms of conflict-related violence, and explaining the role of various complex factors, it draws attention to the need for a more nuanced understanding of sexual violence, including its invisible victims. It thereby provides a more informed basis for understanding the complex circumstances in which sexual and gender based violence are committed. Furthermore, it transcends the one-sided explanations that separate SGBV from other forms of violence that afflict war-ridden societies, and haunt post-war contexts.

This report, which is the first in the *gender based violence series*, produces refreshingly original knowledge on gender norms, violence and security-development in post-conflict DRC. We hope that it will be of great importance to various international policy actors, activists and scholars with a keen interest in addressing issues related to gender equality, violence and peace in post-war settings.



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# 1. Introduction

Reporting on armed conflicts invariably relies on one or more basic storylines that impart sense to the unfolding events and the roles of actors. Such a narrative usually casts some in the role of victims and others as perpetrators. The most prevalent storyline of violence in the reporting on the warscape of the Democratic Republic of Congo (DRC) has been rape. Indeed, the DRC has become infamous globally through the reports on the massive scale of sexual violence. While other forms of violence and abuse have also been committed on a massive scale, it is sexual violence that has attracted the lion's share of attention, especially among "outside" observers. Countless reports, newspaper articles, newsclips, appeals and documentaries have been devoted to the issue, which has been described as the "monstrosity of the century",<sup>1</sup> "femicide", a "systematic pattern of destruction toward the female species",<sup>2</sup> "incomprehensible",<sup>3</sup> the "worst in the world",<sup>4</sup> etc. 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. Arguably, "SGBV (Sexual and Gender Based Violence) tourism" has thus been added to what has come to be known as "war zone tourism".

In response to the ways in which sexual violence<sup>5</sup> in the DRC has been described and conceptualised, this report sets out to *identify and critically reflect upon various factors that may contribute to this violence*. The report will not embark on a description of the character of the violence by citing survivor testimonies, since this has already been done in numerous other

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1 <http://www.li-reviews.com/2008/03/21/press-release-greatest-silence/>.

2 Eve Ensler in an interview with Michele Kort, available at [http://www.pbs.org/pov/lumo/special\\_ensler.php](http://www.pbs.org/pov/lumo/special_ensler.php).

3 Churches support victims of rape in Democratic Republic of Congo <http://www.reliefweb.int/rw/rwb.nsf/db900SID/VV0S-7UCFP?OpenDocument>.

4 Gettleman Jeffrey: Rape Epidemic Raises Trauma of Congo War [http://www.nytimes.com/2007/10/07/world/africa/07congo.html?\\_r=1](http://www.nytimes.com/2007/10/07/world/africa/07congo.html?_r=1).

5 We refrain from a comprehensive discussion of the different understandings and definitions of SGBV in this report. The defining of sexual or gender based violence and its differentiation from other violence is a very complex question. How can one determine to what extent torture, execution or any other act of violence is linked to the sex/gender of the victim? Should an act of torture or execution in which the perpetrator has an erection be defined as sexual, etc.? However, we underscore that many of the current definitions of GBV and SGBV are problematic, particularly since they either include only women (such as CEDAW), or in other ways exclude men as victims of conflict-related SGBV. For a good discussion of this see, Lewis 2009. See also Stern and Zalewski 2009; and Eriksson Baaz and Stern forthcoming 2010.

reports.<sup>6</sup> Neither will it embark on the impossible task of trying to assess the real numbers of violations committed.

While the report focuses on the DRC, we believe it is also relevant for the understanding of sexual violence in other conflict and post-conflict settings. Moreover, the great attention paid to sexual violence in the DRC, reflected in the interventions of various international actors, makes the DRC a particularly good case from which to learn.

The report is part of, and emerges from, a research project financed by the Swedish International Development Cooperation Agency (Sida) on gender and sexuality within the Congolese armed forces (Forces Armées de la République Démocratique du Congo, FARDC). Hence, the report focuses particularly on the sexual violence committed by the (newly) integrated state security forces, which are responsible for much of the sexual violence committed since their initial creation in 2003.<sup>7</sup>

The report reflects upon various factors that seem to feature especially prominently in various reports (such as rape as a weapon of war, impunity, lack of timely and adequate salaries, and lack of training.) It will also address other factors that have largely been missing in most reporting on the DRC, but which emerged as important in our research (such as hostile civil-military relations, traumas and learned behaviour of the many former ex-child soldiers in the army and norms of militarised masculinity). We have organised our discussion of these factors into the following separate chapters: 2. *Historical and institutional context of the National Armed Forces*, providing a historical overview and addressing the challenges posed by the military integration process and hostile civil-military relations; 3. *Judicial and social factors*, focusing on the issue of impunity and the role of poverty and social conditions; 4. *Sex/Gender: silences and failures*, including a discussion of the consequences of the invisibility of men and boys as victims/perpetrators, as well as ideals related to militarised masculinity and

6 Cf. Amnesty International 2008; Ertürk 2008; Tosh and Chazan 2008; USAID/DCHA 2004; Human Rights Watch 2002, 2009; Horwood 2007; Omayondo et al. 2005; Pole Institute 2004.

7 It is impossible to assess the exact proportion. This is due to several factors: the lack of coordinated reporting; a large number of cases are never reported at all; the difficulty of the survivors to determine with certainty the identity of the perpetrator due to the frequent circulation of army uniforms among other groups, etc. Figures on the levels of sexual violence, including the background of perpetrators, are very contradictory in the DRC context, varying enormously, even for the same period and geographical areas, and depending on the sources. Assessments have varied between 70 and 24 percent during 2006–08. Some figures suggest that the proportion committed by the army increased during 2009 after the fast-track integration of former CNDP and other armed groups. According to Human Rights Watch (December 2009), in 350 of the 527 sexual violence cases documented in North Kivu during the Kimia II operations in 2009, “the victim or other witnesses clearly identified the perpetrators as Army soldiers”. However, this possible increase must be seen as a reflection of the fact that this integration enlarged the army by approximately 12,000 combatants, hence reducing the number of fighters in other armed groups. At the same time, the Provincial Commission on the Fight Against Sexual Violence in North Kivu ascribed only 24 percent of the cases to the army during the first semester of 2009. Civilians were identified as the main perpetrators in 37 percent of the reported incidents, followed by militia groups (29 percent).



sexuality; 5. *The commercialisation of rape*, where we highlight some of the drawbacks of a single focus on sexual violence as separate and outside other forms of violence, and the way in which allegations of rape become increasingly entangled in survival strategies; and 6. *Conclusions and recommendations*.

*In sum, this report aims at contributing to a better understanding of the circumstances in which sexual violence is committed. In doing so, the report underscores the complexity of GBV and the problems inherent in one-sided explanations and a singular focus on SGBV as separate from other forms of violence.*

## METHOD

As noted above, the research project on which this report is based was funded by the Swedish International Development Cooperation Agency (Sida). The project was undertaken in several locations (Kinshasa, South Kivu, Kitona and North Kivu) and in various phases between 2006 and 2009. It is mainly based on interviews with 226 soldiers and officers. The project focused generally on gender in the armed forces. Specifically, it addressed the issue of sexual violence as well as several other related issues (such as the situation of, and attitudes towards, women soldiers) with the aim of attending to the voices of some of the soldiers themselves. This project therefore addressed a gap in current research: little attention has been paid to understanding the ways in which soldiers' systematic human rights violations—including sexual violence—are explained by the soldiers themselves. While their testimonies naturally do not reflect any absolute truth about the nature of and motivations for violence, their experiences and testimonies nevertheless shed important light on the contexts and power relations in which the violence is committed. Such an understanding is surely crucial to any effort to mitigate and redress the occurrence of such violence.

Because most sexual violence and human rights abuses by army personnel are committed in the conflict areas, we chose to focus on soldiers and officers presently or recently deployed at the “front” areas (approximately 80 percent of those interviewed). Except for this basic delimitation/selection, our intention was to include military personnel of different rank, age, gender and ethnic background. Approximately half the interviews were with officers and the rest with soldiers, and about 20 percent of the interviewees, soldiers and officers,

were women<sup>8</sup> Roughly half of those interviewed had a background in the previous government forces, Forces Armées Congolaises (FAC).<sup>9</sup> The rest came from the multitude of armed groups integrated into the army in various phases, in particular MLC, RDC, Mai-Mai and CNDP. Approximately 20 percent of the soldiers interviewed were ex-child soldiers who were either recruited into the army or into the other armed groups and later integrated into the army. A handful of them were still minors at the time of the interviews.

Most interviews were organised as semi-structured group interviews (groups of 3–4 persons) including soldiers/officers from the same unit with the same rank and gender.<sup>10</sup> We also conducted a few individual interviews, but the group interviews proved to be the most fruitful.<sup>11</sup> A majority of the interviews were conducted by Maria Eriksson Baaz in the local language Lingala (which is also the general language of the army), without an interpreter. In some areas in the Kivus, where soldiers were not comfortable in Lingala, interviews were conducted with the assistance of a Swahili interpreter.

The semi-structured interviews addressed how the soldiers themselves saw their role in the armed forces, as well as in regard to civil-military relations. The first part of the interviews focused on what interviewees thought was required to be a good or successful soldier, as well as what being a a successful/good soldier meant to them. The second part concentrated more specifically on exploring their understandings of masculinity and femininity in relation to soldiering, and ended with a discussion of sexual violence. The soldiers responded to our questions about sexual violence in a general manner and never directly admitted to committing such crimes (nor did we deem it fruitful to pose the question of their involvement directly). Nonetheless, the ways in which most spoke about specific instances of rape indicated that they were talking from personal or at least close experience.<sup>12</sup>

As noted above, the general aim of the research project was to analyse gender discourses within the armed forces. In relation to the issue of sexual violence, the particular aim was to

8 Women have been present in the armed forces in the DRC (Zaire) since 1966. According to Ministry of Defence estimates, approximately 2.6 percent of the army are women. See Eriksson Baaz and Stern forthcoming 2010 for a discussion of the situation and experiences of women soldiers and officers.

9 Some of these had joined the Forces Armées Zairoises (FAZ) during the Mobutu period, but most joined after Laurent Kabila took power in 1997, when the armed forces were renamed the Forces Armées Congolaises.

10 In the initial stages, we tried to conduct some individual interviews. However, in our estimation the person interviewed felt quite intimidated in this context.

11 The group interviews followed the structure of the army itself, and were with people of the same rank who also knew each other. The interview sessions often turned into open discussions and debates within the group itself.

12 For a more developed discussion on methods, including reflections on how the researcher's position vis-à-vis the respondent informs the interviews, see Eriksson Baaz and Stern 2009 and Eriksson Baaz and Stern forthcoming 2010.

listen to the voices of the soldiers and explore the ways in which they spoke of the instances of rape committed by members of the armed forces. The purpose of this report is, by contrast, to identify and critically assess the role of various factors contributing to sexual violence.

Ideally, an assessment of these factors should be based on a systematic process of data collection aimed at establishing the correlation between levels of sexual violence and levels relating to the factors discussed (such as the amount and regularity of salaries, impunity/level of conviction, etc.). An effort to embark on such an analysis, especially in relation to the question of salaries, was made in autumn 2009 in North Kivu.<sup>13</sup> However, it was impossible to link particular cases of SGBV to particular military units, let alone to disaggregate the factors contributing to SGBV during particular periods. This difficulty must be understood in light of the constant movement and mixing of military units after the peace agreement at the beginning of 2009, the subsequent fast-integration process, the *Kimia II* military operations,<sup>14</sup> as well as the problem of deficient reporting of abuses (many cases of SGBV are reported long after they are committed).

For this reason, this report is not based on such a systematic investigation. Instead, we consider the various factors primarily by drawing on our interviews with army staff, other reports based on survivor testimonies and research findings, as well as lessons learned from other contexts. Because our research has covered quite a long period and been conducted at several different sites within the Congolese armed forces—each with differences in terms of soldiers' salaries, the prevalence of prosecution and convictions of rape and the level of training, etc.—we have been able to reflect critically on the role of various factors.

While this report is mainly based on the research project described above, parts of it—particularly those dealing with the “commercialisation of rape”—also draw on a smaller research project entitled *Gender Based Violence: Understanding Change and the Transformation of Gendered Discourses*,<sup>15</sup> also funded by Sida. This latter project is based on interviews with national and local organisations in the DRC working in the area of women's rights with the aim of examining how their understanding of SGBV and gender relates to that of international actors in the field. Discussions with representatives of seven organisations active in Kinshasa and the eastern parts of the country were conducted within the framework of this smaller research project.

<sup>13</sup> This was done with the logistical support of the Joint OHCHR-MONUC Human Rights Office.

<sup>14</sup> The military operation against the FDLR.

<sup>15</sup> This project is being conducted with Mona Lilja.

## A SINGULAR FOCUS ON SEXUAL VIOLENCE AS PROBLEMATIC

One obvious problem with descriptions of sexual violence in the DRC relates to the way in which sexual violence is represented. As we have argued elsewhere,<sup>16</sup> most media reports have recycled and reinforced familiar colonial images and fantasies in their representations of the violence. Few are the reports that make no references to Joseph Conrad's *Heart of Darkness*. Soldiers and militia (male) are described as barbaric and brutal and vengeful killers and rapists who mutilate and eat their victims,<sup>17</sup> or simply as animals.<sup>18</sup> Since their crimes are presented as incomprehensible, the conclusion that nothing can be done is a tempting one. Moreover, the ways in which outsiders have rendered survivors' testimonies have frequently been characterised by a pornography of violence. As one observer explained, observers try to "outdo each other with the most barbaric gang-rape scenario".<sup>19</sup> The ways in which reports and media coverage thus contribute to a recycling and reinforcement of racialised stereotypes is clearly inherently problematic. However, representations of violence in the DRC are also problematic in other ways.

The research on which this report is based underscores the drawbacks of a singular focus on sexual violence as *sui generis*, separate and outside other forms of violence. By singular focus, we refer to the specific attention directed at sexual violence in the DRC and reflected in the number of reports, articles, newsclips, appeals and documentaries dealing specifically with the issue of rape. Other forms of violence—mass killings, systematic torture, forced recruitment and forced labour, etc.—are committed on a massive scale but receive far less attention and resources.<sup>20</sup> This is, of course, problematic in itself, in that other violence does not receive adequate attention. This singular focus, however, entails other interrelated problems.

16 Eriksson Baaz and Stern 2008 and Eriksson Baaz and Stern 2007. "Rasistiska beskrivningar av valdet i Kongo", in GP Debatt 2007-10-29 <http://www.gp.se/gp/jsp/Crosslink.jsp?d=114&a=378870>.

17 For an interesting analysis of the emergence of rumours of cannibalism in the Ituri that later enjoyed a lot of attention in Western press, see Pottier 2007. As Pottier argues, these rumours must first be understood as a "politically driven metaphor of extreme violence and suffering".

18 <http://www.nytimes.com/2007/10/07/world/africa/07congo.html>.

19 Jason Stearns "Are we focusing too much on sexual violence in the DRC?" 14 Dec 2009, <http://congosiasa.blogspot.com/2009/12/are-we-focusing-too-much-on-sexual.html>.

20 For instance, according to MONUC over 1,700 civilians were killed in North and South Kivu during the military operations during 2009 and 6,000 homes were burned. Moreover, the issue of child soldiers has received comparably little attention in the DRC, despite the fact that 8,000 children are estimated to still be in the ranks of armed groups. For recent reports on the levels of "non sexual" violence, such as mass killings, systematic torture, forced recruitment, forced labour and arbitrary arrests, see for example Human Rights Watch December 2009 and US Department of State March 2009.

First, sexual violence in the DRC has tended to be conceptualised as “abnormal” and fundamentally different from and outside of other forms of violence, which are presumed to be ungendered. By “ungendered”, we mean that the gendered aspects<sup>21</sup> of other types of violence are not seen to be significant or relevant. Conceptualising sexual violence as somehow “abnormal” or outside other forms of violence by being *gendered* has ultimately contributed to dehumanising those who rape (and also ultimately those who are raped).<sup>22</sup> While this conceptualisation is not exclusive to the DRC, it is particularly evident in a context where other forms of violence are committed on a large scale against civilians, but largely and comparably receive much less attention.

Second, the specific, often exclusive, focus on sexual violence is problematic in that it hampers our understanding of the relationship between sexual violence and other (supposedly) “ungendered” violence. Emphasising and commenting on only the sexual violence mentioned in testimonies that also talk of other forms of violence hinders our understanding of the relationship between sexual violence and other violence. These forms of violence are, to a large extent, manifestations of the same systemic failures and mechanisms as those contributing to SGBV. By treating SGBV as a phenomenon *sui generis* we risk ending up with counter strategies that are inherently flawed. We would like to underscore that we are convinced that *most factors discussed in the report are also applicable to the understanding of other violence committed on civilian populations, not just sexual violence.*

Third, the DRC experience shows that a singular focus on sexual violence within a very wide repertoire of human rights abuses by state security forces risks feeding into the “commercialisation of rape” or the perception of “rape as an income earning strategy”. In a context of a corrupt judiciary, rampant poverty, decreasing stigma and the almost total absence of basic health and social services, the focus on sexual violence as a *particularly* serious crime and the resources provided *specifically* for survivors of rape give rise to situations where allegations of rape become a survival strategy.

Lastly, the storyline of GBV in the DRC has been embedded in a limited understanding of gender, which conflates sex with gender and ignores the many ways in which wartime *gen-*

21 Gender in this sense must be seen as a relationship of power, whereby the “masculine” cannot be understood as separate from, and indeed is defined in opposition to, the “feminine”. Gender can be seen as informing identities (who we are, who we are supposed to be), activities (what we/institutions do) and symbolism (how we think). There are many different ways to be a “man” or a “woman”, just as there are many different attributes associated with masculinity and femininity in any given context. Throughout this report, gender is addressed as a culturally specific discursive practice and concept [see Peterson 2003, p. 40 and Stern and Nystrand 2006; Stern and Zalewski 2009; Shepherd 2007a and b.

22 See Eriksson Baaz and Stern forthcoming 2010 for a further discussion.

*dered* violence also affects men and boys. The invisibility of men and boys as (non)survivors<sup>23</sup> of GBV and its consequences will be discussed in this report. This invisibility, we argue, ultimately contributes to the continuation of the cycles of violence.

## SGBV AS A WEAPON OF WAR?

As in other conflict settings, sexual violence in the DRC is sometimes portrayed as a “weapon of war”. From the first reports at the beginning of the 2000 until today, rape has been described as a combat tactic, as a strategy of war<sup>24</sup> “used systematically in operations against the civilian population” and “systematically employed to intimidate the local population”.<sup>25</sup> Hence, in line with the long (and important) political struggle to have sexual violence legally decreed as a crime against humanity and as a war crime, sexual violence in the DRC has been, and is still, mostly described as a weapon of war. This conceptualisation of SGBV has been indispensable for breaking with the frequently held view of rape as a tragic but inevitable outcome of war, which is unleashed by men’s sexuality in a climate of warring that lacks “normal” societal controls.

Moreover, many recent conflicts (such as in Rwanda and Bosnia) have demonstrated the ways in which systematic mass rape has been used as an instrument of ethnically specific oppression and terror (which “make sense” in the workings of gendered nationalist discourses).

However, conflict settings differ. Firstly, while the DRC conflict complex also includes the violent drawing of ethnic/national boundaries (in particular between “national Congolese” and “the Kinyarwanda speakers”, or simply “the Rwandans” or “Tutsis”), our interviews rarely reflected an explicit reasoning informed by violent (and virulent) gendered nationalist discourses of the sort evident in other conflict settings (for instance, Rwanda and Bosnia). Explicit ethnic identification appeared rarely in the interviews. Instead, and as in the case of Liberia, where sexual violence was also widespread, rape tend to be committed against any woman, regardless of political or ethnic affinity with the perpetrator.<sup>26</sup> For example, armed groups (such as Mai-Mai groupings) claiming to be acting in self-defence in order to protect the population against “the Rwandese” are responsible for much of the

23 We use the term “(non)survivor” simply to point to the fact that not all victims of SGBV survive.

24 Cf. Ertürk 2008; Tosh and Chazan 2008; USAID/DCHA 2004; Human Rights Watch 2002; Horwood 2007; Omayondo 2005; Pole Institute 2004.

25 Ertürk 2008, pp. 10 and 8.

26 Utas 2005a.

sexual violence against the very group they claim to be protecting.

Second, describing sexual violence in the DRC in a reductionist way as a “weapon of war” (which warrants no further explanation) ignores the fact that sexual violence by men in uniform has been widespread even when there has been a low level of armed conflict.<sup>27</sup> While sexual violence has indeed increased in times of intensified conflict in the DRC (as was clearly demonstrated during the Kimia II operations),<sup>28</sup> high levels of SGBV have also existed in contexts and times of relative peace. Moreover, soldiers also commit rape in areas not directly affected by conflict.

Third, while it is possible to assume that various forms of violence against civilians by the armed forces, including rape, are used as weapons of war in the DRC, in that soldiers often tell the violated civilians they are being punished because of their (alleged) collaboration with rebel groups (most recently, the FDLR in particular),<sup>29</sup> far from all cases involve these kinds of “explanations” for the violations committed. In many instances, victims contend that they do not know why they were raped/targeted (i.e., nothing was said). Moreover, many cases of sexual violence take place in contexts of riots and pillage: these rapes are often connected to demands for survivors to surrender goods or to pay illegal taxes/contributions, rather than to accusations of support for “the enemy”.<sup>30</sup>

Moreover, the soldiers’ testimonies in our interviews suggest that the SGBV has not been used as an explicit military strategy, in the sense that soldiers have been ordered to rape. While conducting our research, the soldiers were always asked whether they had ever received orders to rape. Their answer was always no. Given the openness with which the soldiers talked about their commanders generally (accusing them of stealing salaries and food rations, being incompetent, etc.),<sup>31</sup> itself a manifestation of the breakdown of command structures and discipline so characteristic of the army, there is no reason to doubt that they would be forthcoming if they had ever received such orders. On the other hand, officers (especially those interviewed at the beginning of the research) often contended that rape is very difficult to stop, something we discuss further below in relation to militarised masculinity and sexuality. Hence, our research suggests that if rape by the

27 See cf., reports from MONUC Human Rights Division.

28 Cf. Human Rights Watch December 2009; Human Rights Watch 2002; Horwood 2007; Omayondo 2005; Pole Institute 2004.

29 For example, as concluded in the recent Human Rights Watch Report December 2009, p. 86 “In numerous accounts collected by Human Rights Watch, Congolese army soldiers reportedly told civilians variations of: ‘Since you collaborated with the FDLR, we will punish you’”.

30 Cf. Human Rights Watch December 2009.

31 See Eriksson Baaz and Stern 2008.

national army is to be conceptualised as a weapon of war, it is as an *implicit authorisation* followed by a lack of specific orders not to rape, and coupled with an attitude that rape is unavoidable.

Hence, a reductionist conceptualisation of rape as a weapon of war in the DRC has entailed many problems, as it overshadows other forms of violence and hides other factors that contribute to conflict and post-conflict sexual violence.

Reducing sexual violence simply to a weapon of war limits the possibilities of understanding the various factors that contribute to this violence. In referring to it as a weapon of war, rape and sexual violence tend to be portrayed only as something strategic and planned. While sexual violence is often used to humiliate and intimidate, this humiliation and intimidation is also much less strategic and far more complex than a combat strategy to further military gains. It must be understood in relation to a multitude of other circumstances, such as the realities of civil-military relations in the DRC, learned behaviours, (failed) military integration processes, militarised ideas of masculinity and experiences of imagined (and real) marginalisation. All these factors we discuss throughout this report.

Last, while sexual violence is an aspect of the terror against civilians to further political gains—and a quite effective one, not least because of the press attention it receives—it must again be remembered that sexual violence is just one aspect of this violence against civilians, women as well as men.<sup>32</sup>



## 2. Historical and institutional context of the National Armed Forces

The problem of sexual violence committed by the army must be understood in the context of the state of the army itself and the chosen military integration process, as well as in light of the history and current climate of civil-military relations. Therefore, we now turn to a historical assessment and an analysis of the state of the army as a vital backdrop for understanding the continuing violence against civilians, including rape committed by members of the armed forces.

In the absence of a particular military strategy, violence against civilians, including sexual violence, tends to be more common in armed forces or armed groups with unclear, parallel or otherwise dysfunctional accountability and command structures.<sup>33</sup> As noted in the introduction, rape committed by the army does not seem to be primarily part of a mediated military strategy that involves ordering soldiers to rape. Even if this were the case, it would probably not be very effectively executed, given the state of the army, which is riddled with divisions and unclear, parallel chains of command. The present challenges facing the army are manifestations of the military integration route embarked on since 2003. However, they also have deeper historic roots.

### AN ARMY OF DIVISIONS AND PARALLEL CHAINS OF COMMAND

The Congolese armed forces do not exist and operate in a vacuum, but are clearly situated within the general political and economic context of the DRC, as well as in the global political economy. National armed forces, like all state institutions, are a creation of, and reflect economic and political power structures and mechanisms. In the DRC, the political context has been and continues to be the informal modes of governance that are deeply embedded in a system of clientelism. Mobutu developed a system that enabled and encouraged total and permanent confusion between what are commonly understood to be the “private” and the “public” spheres, and his successors have maintained this system. The public spheres, including, for example, state institutions as well as the army, are mainly perceived and used as a way to accumulate re-

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33 Cf. Horwood 2007.

sources for private gain. Moreover, in order for those in power to remain in a dominant position, portions of the accumulated wealth must be redistributed in (often) complex clientelist networks.<sup>34</sup> As a result, the impact and even presence of the rule of law is weak, and the willingness as well as the capacity of the state to develop and implement public policies is meagre. The historical and present architecture of, and the problems embedded in and caused by, the Congolese armed forces must be understood in this context.

The historical role of the Congolese army has been to protect ruling regimes against internal opposition. Moreover, as a result of Mobutu's efforts to prevent the army from destabilising the regime, the army has itself been divided by "internal" conflicts and unclear, parallel command structures. Appointing himself supreme commander, commander-in-chief, president of the superior council of defence and minister of defence, Mobutu enjoyed total command of the army and personally promoted and dismissed officers and directed military operations. Consequently, the Mobutu period was characterised by constant reorganisation, ad hoc promotions and dismissals, the creation and renaming of new specialised units, and executions of military staff (on the pretext of coup attempts).<sup>35</sup>

This created a climate of permanent insecurity, suspicion and lack of clarity in terms of accountability and responsibility, as well as increasing ethnic division within the army. Newly appointed generals created entourages made up of members of their own ethnic group, who were given higher ranks and other privileges. Most senior military staff, especially in the specialised units, were from Mobutu's own ethnic group (many were even family members). Mobutu created several specialised and privileged units, whose names and functions changed over time.<sup>36</sup> The rest of the army, consisting of approximately 50,000 men (and women), was largely left to fend for itself. These soldiers made their living from diverse illegal practices and by extortion from the population.<sup>37</sup>

Hence, the Congolese army has always been riddled with conflicts and division. As Ebenga and N'Landu conclude in their historic overview of the Congolese armed forces: "What we have to achieve is the creation of an entirely new army with an ideology, structure and organisation unlike anything that has previously existed in the DRC".<sup>38</sup> They warn us of the dangers of easy solutions in the form of "papering over cracks"

34 Cf. Braeckman 1992; Minani 2008.

35 Cf. Ebenga and N'Landu 2005; Minani 2008.

36 While their names and functions changed over time, the main specialised units were the elite presidential guard DSP, which was under his direct command and was trained by Israel; the paratroops; and the Military Operations and Intelligence Service (SARM).

37 Ebenga and N'Landu 2005; Rigobert 2008.

38 Ebenga and N'Landu, 2005, p. 81.

and “fusing armies and militias”. Their warnings, however, have not been heeded.

**Brassage and fast-track integration:  
Taking the problems to yet another level**

The problems of division and parallel chains of command have increased with the military integration processes chosen after the various peace accords. The national army was initially formed after the installation of the transitional government in 2003, and it is still being formed with the signing of new peace accords and the integration of new groups as part of what has been described as a “never-ending process”.<sup>39</sup> In the first round, the army included the signatories of the Global and All-inclusive Agreement, Part VI, signed in Pretoria on 17 December 2002 (*inter alia* the government forces FAC, MLC, RCD and the Mai-Mai). DRC’s chosen integration strategy has involved building a new republican army on the basis of the former government forces and the various militia groups.<sup>40</sup> The general process has been that of mixing *brassage*, that is, of forming new brigades out of units of the main armed groups with the aim of breaking down old loyalties and establishing a unified chain of command.

*Brassage* has involved the constant addition of new armed units to be integrated, often units which have already been integrated in an earlier phase and then abandoned the process, only to join again. Hence, the army is undergoing constant re-organisation, involving the breaking up and forming of new brigades. While the general approach has been to provide three months of common training at *brassage* centres for newly integrated brigades, this has not been consistently adhered to. The most notable exception was the recent integration of mainly CNDP, but also Mai-Mai, groups starting in early 2009 and involving more than 12,000 new combatants. These were instead integrated through a “rapid integration process” in North Kivu. The CNDP force (and some Mai-Mai and ex-FDLR) was broken down to platoon-level units and mixed with other army units, all in the middle of ongoing military operations.

While this last phase of fast integration has been particularly difficult, the overall method of integration has been generally problematic. As Boshoff already concluded during the first phase of integration (MLC, Mai-Mai, RDC), military integration has essentially meant “the juxtaposition of the units of the former belligerents under, sometimes merely theoretic-

<sup>39</sup> Boshoff, 2007.

<sup>40</sup> In contrast, Liberia, for example, has chosen to “start from scratch”, forming an entirely new army.

cal, integrated command”.<sup>41</sup> The units often remain responsive to the former belligerents, and not to the integrated command structures, creating parallel chains of command. Refusal to take orders from certain commanders occurs often. Hence, the general military culture is characterised by lack of discipline and mutinies.<sup>42</sup> Commanders usually maintain control of only those units composed of soldiers with a similar military background to themselves (e.g., FAC, CNDP, Mai-Mai, etc.), and not of all the troops.

The fractured state of the army must be seen as a reflection of the difficulty of uniting previous adversaries (who in the most recent case had been engaged in combat just weeks before the fast-track integration) under a common command structure. This is a process that would take a long time in any context. However, there are several other factors at play here, and we want to point out a few of these in order to pinpoint some of the challenges facing the army reform process in the DRC.

### Competition for resources

Many of the conflicts and divisions within the army are expressions of the competition for resources, in itself an example of the army’s dysfunction. The definition of a “good deployment area” is clearly linked to how lucrative the area is in terms of potential control over and access to resources. The most important and lucrative are, of course, the major mining sites. As is well documented in several reports, members of the army, often in collaboration with other armed and non-armed groups, are heavily involved in the illegal trade in minerals.<sup>43</sup> The CNDP leaders’ expanded control of mineral-rich regions in the context of *Kimia II* is merely one example of this phenomenon. This practice has not only created resentment and conflicts among the population and other armed and unarmed business interests previously in control<sup>44</sup>, but also, and particularly, among other fractions in the national army. Non-ex-CNDP members of the army interviewed in 2009, for example, expressed strong resentment and anger at CNDP’s increased control over mining sites.

However, while often the most lucrative (depending on prices on the world market), mining is but one source of income. Others include charcoal production, poaching, illegal arrests for extortion purposes, providing private security, and, more

<sup>41</sup> Boshoff, 2005.

<sup>42</sup> The examination of the former 14th Brigade in a Human Rights Watch Report July 2009 provides a telling example.

<sup>43</sup> Cf. Global Witness July 2009; UN Security Council, Final Report of the Group of Experts on the Democratic Republic of the Congo, S/2009/603; Sullivan and Atama 2010.

<sup>44</sup> Manifested, for example, in the 12 August 12 attack on Bisie. See Sullivan and Atama January 2010.

generally, illegal taxation of important business sites, routes, borders and ports. Soldiers generally aspire to being deployed in resource-rich areas, while redeployment from such areas to areas with less financial opportunity is often considered a punishment. Indeed, such forced redeployment often results in riots, protests and sometimes even mutinies. We further discuss the normalisation of extra-legal income opportunities for the army in the next chapter.

Similarly, the distribution of the army's own resources, such as salaries, rations and other support is extremely uneven and frequently simply nonexistent. While the salary system is being restructured with the assistance of EUSEC to limit the possibility of embezzlement through the reorganization of payment channels and the introduction of biometric identity cards, etc., payments are still unevenly distributed. In our interviews, we were frequently asked variations of the following question: "We heard that others are paid [their salary], but we have received nothing. Why is that?"<sup>45</sup> The distribution of salaries and other support differs not only from brigade to brigade, but also within the same brigade. This exacerbates the existing conflicts between, but particularly within, mixed brigades. While the problem of paying timely and regular salaries to all is partly a logistical problem (especially during 2009, with the integration of more than 12,000 new soldiers who had not been budgeted for), it is mainly a result of the systematic embezzlement of funds by high ranking officers and government officials.

In this context, it should also be pointed out that external resources provided by MONUC, in particular food rations, seem to form part of this systematic embezzlement. Food rations provided to the army by MONUC are in some areas often sold directly in market places in bulk, suggested they are being sold by high ranking officers and not individual soldiers.<sup>46</sup>

45 The latest example of this problem can be found in the Kimia II operations. The recently integrated CNDP commanders who led the combat operations received the bulk of support and food rations, fostering resentment among other sections of the army.

46 Enough Project March 2010. MONUC is providing support to the army mainly in food rations, fuel, water and medical supplies. This support is mainly provided to three military operations (Kimia II in North and South Kivu, Rudia 2 in Haut Huelé and Oriental and Iron Stone in Ituri and Oriental) at an estimated cost of US\$ 8.2 million for the fiscal year 2009–10, not including delivery costs which are more than double the actual value of the delivered goods. It must be acknowledged that short-term interventions to enhance the combat efficiency of the army, such as the food rations and other resources provided by MONUC, may also be counterproductive to successful long-term defence reform and diminished human rights abuses. They risk feeding into—and exaggerating—systematic embezzlement by senior officers, in turn increasing frustrations among soldiers and feeding into even more abuses against civilians.

### Rank and training

An additional and related problem is the uneven distribution of rank irrespective of competence or merit. In general, the politics of inclusion into the army, and the attendant assignment of rank, has been very generous. While some selection has occurred, mainly to weed out minors and the disabled, most ex-combatants wanting to enlist or with commanders pressing them to join, have been able to enter the armed forces.<sup>47</sup> Also, despite the official objective, some minors have been integrated, and are still found within the ranks of the army.<sup>48</sup> Women have often been automatically demobilised, on account of the requirement that one must carry a gun to qualify for disarmament or integration (and many women active in armed groups do not bear arms or share arms with male combatants). Hence, they often do not reach the DDR centres, or leave without completing the demobilisation process because they feel their needs are not being met.<sup>49</sup>

According to the first peace accord, which formed the basis of the first and major phase of military integration, members of the various armed groups were able to keep the ranks they already had. A similarly generous politics of rank has characterised subsequent integration processes. Given the status and possibilities accompanying rank (primarily economic possibilities connected to extra-legal activities), the question of rank has been central in the peace negotiation processes. These generous policies are, needless to say, highly problematic. Conflict, for example, occurs between ex-FAC members (the former government forces) and the newly integrated soldiers. Ex-FAC soldiers have been promoted in a system which, while certainly fallible, was based on competence and merit, while many of the newly integrated soldiers have little or no training but still hold a high rank. This causes resentment. As one lieutenant with a background in the previous FAC explained:

A good soldier is someone who knows discipline, someone who knows *Règlement Militaire* and who has been to the centres [and received training]. *Règlement Militaire* is like the Bible—you have to obey it. But now there are a lot of people who don't know it, they don't know discipline, they have their ranks

<sup>47</sup> According to the initial DRC national DDR plan, the processes of DDR and military integration were to be carried out in an interrelated way, through a combined core (**tronc commun**) for the two programmes. The combined core means that all fighters, whether they are to enter the DDR programme or be recruited into the new army, should follow the same procedures, which involves awareness-raising, disarmament, and identification of fighters, leading to their integration into the unified FARDC or reintegration into civilian life.

<sup>48</sup> For example, MONUC identified more than 300 children in the intermingling of the FARDC and CNDP brigades Alpha, Bravo, Charlie, Delta and Foxtrot in 2007. In total, only 106 children were removed from the brigades.

<sup>49</sup> See, for example, Schroeder 2005 and also Coulter, Persson and Utas 2008 for a good discussion of the problems linked to DDR from the perspective of female fighters.

and you have to salute them but they don't know anything. Work is ruined. It is all messed up [poto poto]. Male, 31 years.

In addition to the conflicts and divisions occasioned by the lack of standardised requirements for rank, the presence in the army of a very disproportionate number of senior officers, many with no formal military training and unable to even read the *Règlement Militaire*, is also clearly problematic. There are many senior officers who cannot read or write and who are still in their twenties. Moreover, since high ranking officers often perceive themselves to be “too senior for training”, many have received very little or no training following their integration, often less than soldiers.

### Widespread use of alcohol and drugs

The soldiers themselves often attribute violence against civilians, including sexual violence, to the widespread use of alcohol and drugs in combination with the “craziness of war” and other frustrations.<sup>50</sup> Hence, another aspect of the lack of discipline in the army (as well as the rampant social problems) is the widespread use of alcohol and drugs, including in combat situations. Indeed, we have found that drunk and otherwise intoxicated soldiers are a common sight in various military units, even early in the day. Soldiers explain the extensive alcohol and drug use as being linked to the need to cope with hardships and hunger, as well as to reduce fear in combat.<sup>51</sup> A group of newly integrated soldiers explained the situation in this way.

*Adj 1:* We smoke a lot of marijuana [likaya ya makasi] to take away the worries about salaries, about everything. Especially in combat [bitumba]. Me, if I don't get it then, I will not fight! I will do anything to get the FC 100 to get it. Without smoking, combat is really scary [ebangisaka, bangisaka].

*Maria:* So you prefer smoking to drinking then?

*Adj 2:* Well, we drink too. It is both. It also depends from person to person.

*Adj 3:* Drinking is also good. It also gives you strength to carry the weapons. Our weapons are

<sup>50</sup> For a further discussion of this, see Eriksson Baaz and Stern 2008.

<sup>51</sup> It could be mentioned that the use of alcohol in battle has a long history. Alcohol has been given to troops in various instances in the belief that alcohol will limit fear while the increased levels of adrenaline in battle will limit the undesirable aspects of intoxication for combat efficiency. We are unable to say whether/to what extent it has also been used in this way within the Congolese army, since we have not specifically addressed this question at any length.

heavy—up to 20 kgs. And look at us! [alluding to their small, meagre bodies]. In other countries, they transport them on trucks. We have to carry them ourselves all the way because the army has no transportation. And if you drink, it takes away part of the weight [soki omeli elongolaka mua poids]. And drinking also gives courage to fight [makasi].

While the use of alcohol or other drugs should certainly not be seen as a *cause* of sexual violence, it increases the likelihood of such abuse if the context is otherwise “conducive” to sexual violence. Alcohol or other drugs impair judgment and reason and reduce inhibitions.<sup>52</sup> Moreover, many survivors in their testimonies speak of aggressors that are (sometimes seriously) intoxicated.<sup>53</sup> Hence, the widespread use of alcohol and drugs, while not an explanation, surely contributes to the high levels of sexual violence committed by the army.

In sum, the fragmentation of the armed forces and the myriad related problems mentioned above, coupled with commanders’ lack of control over their troops, contribute to creating the contexts in which sexual and other violence against the civilian population occurs.

## HOSTILE CIVIL-MILITARY RELATIONS AND FEELINGS OF DISRESPECT

The DRC has a long history of hostile civil-military relations. Any attempt to understand present relations of this sort in the DRC, including abuses of the civilian population, must be placed in its historical context.

### History of the Congolese army:

#### An instrument to repress internal opposition

As noted earlier, the Congolese army has never functioned in the idealised sense of a military, namely to protect the nation and its citizens against external threat. Instead, the armed forces in the DRC have been used to protect the regime and suppress internal opposition. During colonial times, the role of the army was to break all resistance to the economic exploitation by the colonial power. During the Mobutu regime, the military largely continued in the role of protecting the regime against internal opposition. The traditional role of the army, in combination with the prevalence of illegal activities and extortion of the population, have clearly had consequences for

<sup>52</sup> Cf. Horwood 2007.

<sup>53</sup> Cf. Amnesty International 2008.



the development of civil-military relations. Ebenga and N'Landu explain the situation as follows:

In the same way as the colonial forces, the FAC was regarded as a self centered and heartless body of men trained to fight and kill. It was an instrument of repression and, because of this, most Congolese were convinced that there was nothing to be gained from associating with its members. If anything, the army forces were to be avoided at all costs. The military was seen as the enemy of the ordinary people; and this hostility was worsened by the actions of the national intelligence network, which stamped out any dissent.<sup>54</sup>

Lacking salaries and means of survival, the general army and the police (outside the specialised units, see below) were forced to fend for themselves by exploiting the civilian population, epitomised in the expression *civil azali bilanga ya militaire*, “the civilian is the [corn] field of the military”. In fact (and in contrast to what is sometimes assumed), in the areas not affected by the war, harassment by the military and police was probably more rampant during the latter part of the Mobutu era than it is today. During that period, the population lived in a constant fear of being stopped and extorted by soldiers, either on the pretext of some real or fake transgression of the law, or simply by referring to the expression above. As a result of the long misuse of power by security sector staff, the police and military enjoy very little legitimacy in the eyes of the civilian population. Policemen and soldiers are often referred to simply as *miyibi* (“thieves.”) The population as a whole has been deeply dissatisfied with the security apparatus, as was clearly demonstrated in the spontaneous public killing of members of the military and police by the population of Kinshasa when Laurent Kabila’s forces entered the city.<sup>55</sup>

While most soldiers interviewed for this study can repeat the new (official) role of the new army “to protect the nation, the population and their property”, the lack of historical experience and role models (in combination with the suspicions of the civil population and the lack of incentives/rewards for good behaviour, etc.) renders the task of ensuring people’s security quite abstract. In fact, the poor record of the army in terms of its abuses against the civilian population serves as one

<sup>54</sup> Ebenga and N'Landu 2005, p. 73

<sup>55</sup> When Laurent Kabila took power, he decreed law and order within the army also, including an end of the impunity that characterised much of the Mobutu period. The new “professionalism” of the army was particularly evident at the beginning of the Laurent Kabila regime, but later deteriorated again.

of the rationales for why some people join the army. One soldier expressed himself in the following way:

*Maria:* So what brought you into the army?

*Cpl:* Anger, anger (kanda) for all the bad things we have seen since we were children. We had little money. But when the soldiers came to our little boutique [shop]... when the soldiers came. Everything a soldier wants to do they do. [Soda aye. Makambu nionso akolinga kosala akosala na ye]. Soldiers do what they want. All that made us angry. We just thought, I should become a soldier.

*Maria:* Ok, so you joined the army out of anger against the army ... also to protect your family, or what?

*Cpl:* Yes. Now they are a bit safe [calme]. People know I am in the army. Now when I go home to visit [my family] I can see that they are a bit safe now compared to before.

Given the history of the army, a military career enjoys rather low status in Congolese society, unless one is a senior officer. Except for families with a “military” tradition, most are reluctant to join the armed forces or to send their children to do so. This circumstance is also reflected in our interview material. While the integration of former forcibly recruited militia/rebels into the Congolese army is formally a free decision, a majority of the soldiers interviewed described the choice of integration (rather than demobilisation) as being made because they saw no other options—they had nothing to go back to. Also, many who wished to demobilise were hindered by their commanders, who needed them in order to maintain the position of being in command of many men and in order to advance their importance and position within the army. Moreover, those who joined the regular army voluntarily also stated that they joined as a last resort, because of poverty, the lack of other opportunities and the wish to get an education. Hence, a large part of the army consists of soldiers who perceive themselves as having been more or less forced to enlist.

The civilian population’s negative image of the armed forces has also persisted because of a general absence of the otherwise common propaganda mobilizing popular support behind the army in times of conflict. At the outset of the conflict, Laurent Kabila embarked on a process to mobilise the population, the army (FAC) and attract new recruits. Except for this rather short period, the DRC warscape has generally been marked

by the absence (or minimal presence) of the typical nationalist war propaganda celebrating the idea of “strong active males putting their lives at risk and sacrificing their lives for the greater good of their homeland”.<sup>56</sup> The lack of propaganda does have consequences for the notorious combat record of the Congolese army. As one put soldier put it: “I will desert if I am sent to the front again. Why should I fight and risk my life? I get nothing. No money. And not even honour. The civilians despise us”.

Importantly, the above brief description of the historical background to present poor civil-military relations helps us better understand the enabling context in which violent abuses against the population occur. We now turn to a more in-depth discussion of this enabling context and the factors that perpetuate it.

### **Punishments and enforcing power through violence**

The long history of abuse perpetrated by the military, in combination with their low status (connected to low salaries and poor living conditions) and the lack of nationalist propaganda in support of the armed forces has perpetuated a negative image of military personnel among civilians. This is something that constantly recurs in the interviews with the soldiers (though less so in interviews with officers, who enjoy more respect in light of their position). In the interviews, the soldiers repeatedly underscored that they were misunderstood and not respected by civilians, as exemplified in the following quotation:

You know, they [the civilians] do not understand. They no longer respect us. They see us as useless people [batu ya pamba]. Because, these days we have nothing. We are the ones who have to come to them to beg for food. They laugh and refuse us a seat on the bus, call us “faux tête”.<sup>57</sup> It used not to be like that. Before ... Of course they also fear us because of some of the bad things people in uniforms do. It is bad. So they fear us. But also, they don't understand what we are doing. We are fighting and suffering for the country, to protect the nation [ekolo] and them and their things [biloko ya batu]. Many die, and many, many get injured. But nobody cares for them. Not the army and not the

<sup>56</sup> Interestingly, among those interviewed it was only the soldiers recruited during the period of politicised national identity who stated they had joined the army out of conviction and the wish to “defend the nation”.

<sup>57</sup> According to the rules, government employees, including soldiers, have free transportation even on private busses. According to the soldiers, they are often denied this right and/or ridiculed as “faux tête”, hence as somebody who does not pay/is a “lost” income.

civilians. They [the injured] go begging in the streets. Really, it is not fair. Male sgt., 29 years.

As indicated in this sergeant's words, the alleged contempt has two aspects: soldiers do not have money/are poor, which makes people look upon them as "batu ya pamba" (losers), and they are not recognised for the work they do "fighting and suffering for the country". In addition, many soldiers provided examples of the ways in which this contempt was expressed: being mocked (e.g., being called *faux tete*), spat on, having things thrown at them and being attacked and beaten when walking alone and unarmed. In some areas, the soldiers said they would not go out alone unarmed, since they were afraid of being attacked by civilians.

It should be noted that this is not the case in all deployment areas. In some places, the soldiers said, they have a good relationship with the civilian population and are even seen as "saviours" by civilians. This was mostly the case in areas where commanders seem to have been committed to engaging in communication and dialogue with the population (or in areas previously held by the CNDP or FDLR).

However, the general picture is that soldiers feel they do not get the respect they deserve from civilians. These feelings of not being respected, in combination with the long history of/normalisation of abuses as well as the general dissatisfaction with and feelings of betrayal by the military hierarchy, surely feed into violence against civilians. In some cases, this was clearly expressed as a "need to put them in their place", "show them a lesson" and "punish" them. As one corporal explained:

The civilians don't respect us. They see us as useless people/losers [batu ya pamba]. Because we don't have anything. We have to beg from them, so they see us as losers. They call us bad names [bazali kofinga biso] [...] Yesterday when I was out, somebody spat on me. Sometimes they even attack us. We don't go out alone anymore, not alone without any weapon. That can be dangerous, because sometimes they can attack you. Here, in this area, there are a lot of weapons around. The civilians have lots of weapon and they can kill you ... So therefore, sometimes you have to show them [par fois il faut olakisa bango po pe bayeba]. They are thick headed [bazali mutu makasi]. They don't understand things. So sometimes they need some punishment ... That is also sometimes, sometimes, an explana-

tion for rape. If they respected us, it would be different. Then you would not see so much of all that, rape, killings and stealing. It is also that. Their disrespect [manque ya respect]. They don't understand.

Hence, the disrespect experienced feeds into what is described as the need to re-establish authority and to punish in various ways, including rape. In sum, hostile civil-military relations, which are the result of several interrelated factors, constitute one important reason for violence against civilians, including sexual violence.

### 3. Juridical and Social Factors

Occurrences of SGBV are clearly animated and enabled by the social and juridical context in which they occur. In this section, we address the most salient factors that, our research indicates, contribute to the perpetuation of such violence. We discuss the connections between social conditions and violence with, first, a focus on the controversial question of poverty as a “cause” of violence, and second, a discussion of the consequences of the normalisation of extra-legal income activities. We then move on to discuss impunity, including the lack of vetting mechanisms and the impact of convictions on the level of violence.

#### SOCIAL CONDITIONS – POVERTY

The importance of providing Congolese soldiers with timely and adequate salaries is underscored in most reports dealing with SSR, including reports on human rights abuses committed by the army.<sup>58</sup> The assumption is that raised salaries and social conditions will not only increase the combat efficiency of the army, but also reduce the level of human rights abuse.

Several reports seem also to assume that sexual violence can, to some extent, be explained by poor living conditions, although this supposed relationship is rarely elaborated in detail. For example, the 2009 Human Rights Watch Report states: “Poor living conditions of soldiers cannot justify any of the sexual crimes committed by the Congolese army. But efforts to improve access to basic necessities and look after soldier’s families ultimately contribute to civilian protection”.<sup>59</sup>

Most members of the army interviewed for this research project, from officers to soldiers, also identify poverty as a main “reason” for the occurrence of violence, including sexual violence. Poverty features in their explanations in different ways: as an obstacle to their having sex, compelling them to use force, and as a source of frustration and anger that is man-

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<sup>58</sup> Amnesty International 2007; Human Rights Watch July 2009.

<sup>59</sup> Human Rights Watch Report July 2009, p. 45. This conclusion is probably based on the fact that many rapes are committed in context of pillage and looting. As concluded in the latest HRW Report: “In many cases, the sexual violence was linked to pillage and looting, whether in the victims’ homes, their farms, or while women and girls were on their way to the market. The government’s failure to pay its soldiers and provide them adequate food rations while on operation contributed to an environment where such violence flourished” (*ibid.*, p. 105).

ifested in an urge to harm and destroy.<sup>60</sup> In the following section, we present their views and problematise their rationales.

### Poverty produces rape?

The soldiers explain that the lack of salaries and money makes it impossible for soldiers “to get a woman the normal way” (see quotation below). According to this line of reasoning, a man cannot be without sex for any sustained period and it is “somewhat unavoidable” that a man who is denied sex in any way will eventually take a woman by force. Nonetheless, the soldiers distinguished between different “types” of rape: “evil” rapes and “lust” rapes. The latter, they told us, occur because a man must release sexual tension. A colonel explained “lust” rape in the following way:

... it is a problem of suffering/poverty [pasi]. A soldier, if he has no possibilities, no money so that he can go the normal way [voie normal] ... if he has nothing in his pocket, he cannot eat or drink his coke, he has nothing to give to a woman—he will take her by force. He will take a woman by force. Physically, men have needs. He cannot go a long time without being with a woman. It is very difficult to stop him ... So a soldier needs a bit of money in his pocket, and he needs to have leave. If that would happen, it would reduce the rapes a lot.

Most soldiers we interviewed attributed the high incidence of rape to the “problem of suffering/poverty”, and called it “lust” rape. However, by contrast, many also spoke of “evil” rapes (*viol cruel or viol ya mabe*) as different from what they deemed to be the “normal” rapes described above.

“Evil” rape, they explained, arises from the sense of moral disengagement that accompanies the climate of war, the frustrations and the poverty. The soldiers described this rape as “evil” because of the level of brutality and, most importantly, because of the intentions behind the act. “Evil” rapes, they explained, are the particularly brutal acts of sexual violence, involving mutilations and sometimes the subsequent killing of victims. Moreover, “evil” rapes are described as not connected to sexual satisfaction but as being driven by “a wish to humiliate the dignity of people” or “to sully people”. Rape is here described as disconnected from sexuality and instead as similar to, and connected to, other abuses such as severe beating, looting and killing. While “evil” rapes are explained in terms of “the craziness of war” and the use of alcohol and drugs, they

60 For a further discussion of the points below, see Eriksson Baaz and Stern 2008, 2009.

are also presented as a result of frustration and anger related to their living conditions. One soldier explains as follows:

You know, [rape] is also because of the suffering from being hungry, not having anything, living like animals [tozovivre lokola banyama] ... Even the dogs here eat better than us! We were hungry yesterday, today hungry and tomorrow hungry [nzala lobi, nzala lelo, nzala lisusu lobi]. Also when we get it, you should see it: look at this! [pointing to plate with dark fufu on the ground]. When we get something this is what we get. Not even the pigs would eat it. Also, is this food for soldiers in combat who have to walk long distances and carry heavy weapons? It also makes people angry and anger makes you want to do bad stuff. Rape is also part of that. But it is not good.

How can we interpret this reasoning? Is the poor situation of the soldiers really contributing to rape, as they themselves assert, and as is assumed in several reports? Would the number of rapes decrease if the soldiers were paid regular and adequate salaries?

Let us start with the first assertion made by the soldiers and officers, namely that soldiers rape because they lack the money required to “get a woman the normal way”. If that were true, all poor men would rape, which is clearly not the case. What is more important here are familiar myths about male heterosexuality, masculinity, soldiering and violence reproduced in the military context. We will discuss this further in the following chapter.

We suggest then that it's the *idea and the ideal of militarised male sexuality* expressed in the citation above (“if he has nothing in his pocket – he will take her by force ... physically, men have needs. He cannot go a long time without being with a woman ...”) that contributes to this type of rape, not poverty (or inherent male sexuality) itself. It could be pointed out here that while similar ideals of male masculinity (i.e., “physically men have needs”) are also found in civilian spheres both in the DRC as well as globally, such ideals are particularly strong in the military sphere. In particular, the description of rape as an unavoidable, and “normal”, consequence when a man is deprived of sex is quite specific to the military context. While this line of reasoning can arise in relation to rape by civilians, it is not part of a normalised and widely accepted discourse, as it is in the military context.



The second assertion, namely that sexual violence is one of the consequences of frustration and anger partly arising from poverty and feelings of neglect and betrayal by military superiors and manifesting itself in an urge to harm and destroy, is probably more pertinent and relevant. The sense of neglect and betrayal by military commanders and the military hierarchy in general was very strong in the interviews with ordinary soldiers. Superiors were described as corrupt thieves, leading a good life while ordinary soldiers were left to die of malnutrition/starvation and illness.<sup>61</sup> The soldiers most commonly ascribed irregular and missed salary payments to the practice of military commanders to “eat” (steal) the soldiers’ salaries. Moreover, most contended that life in the army was neither what they had expected nor what they had been promised.<sup>62</sup>

These strong feelings of frustration, neglect and deceit do not bode well for peaceful civil-military relations. It is reasonable to assume that anger and frustration contribute to the abuses, including sexual violence, especially in light of the tense military-civilian relationship in many deployment areas described earlier. Hence, frustration and anger are enacted through violence aimed at the civilian population. It could even be imagined that sexual violence against civilians, despite instructions by military commanders forbidding SGBV, functions as a way of resisting and protesting against what is perceived as a corrupt and deceitful hierarchy. Given the “zero-tolerance” politics regarding sexual violence (and repeated messages to soldiers that rape is a *particularly* forbidden act) in combination with recent efforts to strengthen command responsibility, raping can ironically, and sadly, become an effective tool of resistance and punishment directed at those held ultimately responsible, one’s superiors.

Moreover, poverty and dire social conditions surely contribute to the circumstances and situations in which rape often occurs. Because of irregular salaries and lack of adequate food provisions, etc., soldiers in many areas are literally forced to live off the population. Moreover, the lack of food or pay leads to dissatisfaction and makes it more difficult for commanders to control their troops. In these circumstances of extortion and looting, the risk of sexual violence increases. As noted above, the connection between rape and looting is well documented in various conflict and post-conflict settings. Rape has often also functioned as a reward for military success, as “war booty”, rewarding victorious soldiers (male) with the rape of

61 See Eriksson Baaz and Stern 2008.

62 Many of the newly integrated (both in the earlier processes and in the “fast-track” integration of 2009) asked us during the interviews whether it would still be possible for them to demobilise, or if that “door now was closed”.

women.<sup>63</sup> However, even in contexts unconnected to military success, looting and rape can be seen to be linked through women's bodies being symbolically represented as another good to "loot"/take/enjoy. We know that a great deal of the sexual violence in the DRC is combined with and linked to pillage and looting in various contexts: in the homes, of women working in the fields or on their way to and from market places. However, in many cases, pillage and looting in the DRC are not only combined with sexual violence, but also with other forms of violence such as killing, beating, abduction, etc. Hence, while there is a linkage between looting and sexual violence, there is also a linkage between looting and other violence.

In conclusion, our research indicates that while dire social conditions and low and irregular salaries and other support surely contribute to sexual violence, *they do not seem to be important factors in themselves*. It is only in combination with other factors (such as learned behaviour and militarised masculinity, conflicting civil-military relations) that low and unpaid salaries contribute to physical violence, including sexual violence. Hence, we surmise that improved and regularly paid salaries alone are not sufficient solutions.

### Normalisation of extra-legal income activities

Given the long process of normalisation, it is not even certain that raised salaries would greatly diminish extra-legal income activities such as illegal taxation at road blocks, arbitrary arrests and pillaging. Without other measures, extra-legal income activities could easily become a complement to regular and raised salaries. It must be remembered that, while still low and deficient, monthly salaries have been raised from approximately US\$ 20 to US\$ 50 between 2006 and 2009, without visibly diminishing levels of extra-legal income activities. This could, of course, be attributed to the continued irregularity of payments and the fact that levels are still too low to support a family. In a press release by Enough Project on the civilian costs of the Kimia II military operations, it is concluded that "even when units are paid, the salaries are inadequate to disincentivize looting. Integrated units taking part in Kimia II that have been paid their 50 USD per month salaries are still preying upon the population they are supposed to protect".<sup>64</sup>

The question then is: what level of salaries would act as a disincentive to looting? Or rather, are levels of salaries alone ever able to dissuade people from engaging in looting or corruption? Lessons learned all over the world show that levels of

<sup>63</sup> Cf. Card 1996.

<sup>64</sup> Enough Project 2009.

salary are in themselves never able to deter engagement in illegal economic activities. Rather, what is important is the potential consequences—legal, but also social, through shaming mechanisms—for those caught in these activities. In the DRC, such consequences are minimal. The legal framework makes the prosecution of corruption difficult. Consequently, perpetrators of these crimes, if caught, are at most sacked and are free to leave with the resources acquired. Moreover, the shame connected with corruption is very low. Instead, the rampant corruption and “*débrouillez-vous*”<sup>65</sup> politics of the Mobutu era have created a situation in which “eating on the job” is considered normal and where people who do not take advantage of the opportunities offered are often considered “stupid” [njuma].<sup>66</sup>

As noted above, armed forces, like all state institutions, are embedded in, reflect and reproduce power structures and mechanisms in society in general. Hence, this type of extra-legal income activity linked to the formal job does not relate only to the armed forces. Most other state agents have long resorted to informal and extra-legal activities connected to their position.<sup>67</sup> It is generally accepted that the income-earning opportunities linked to one’s professional position are the main reasons people seek these positions, not the salary itself. Each state position has its own repertoire of extra-legal income opportunities. For security staff, this repertoire has included providing security for private persons, imposing fees at road-blocks, arbitrary arrests to extort money, or simply demanding “contributions” from the population on the basis that “the civilian is the corn field of the army”. The security sector’s repertoire of income-earning opportunities is particularly problematic compared to those for other state agents simply because of the evident links to violence (and the culture that arguably celebrates such violence).

<sup>65</sup> Literally, from the French, meaning “fend for yourself”.

<sup>66</sup> Indeed, the DRC is often presented as the prime example of the engagement in and normalisation of extra legal activities through the infamous Article 15 and the “*débrouillez-vous*” politics legitimised by the state during the Mobutu period (cf. MacGaffey and Bazenguissa-Ganga 2002; Biyaya 1995; Villers 2002; Lemarchand 2002). Originally the meaning of *la débrouillardise* comes from the legitimating of the illegal practice of artisan diamond digging after the secession of South Kasai in the 1960s. Since the state lacked a budget, its leader, Albert Kalondji, decreed “*débrouillez-vous*” to be Article 15 of the constitution of the territory of the Luba-Kasai, including MIBA territory, thus liberalizing the diamond industry (see MacGaffey and Bazenguissa-Ganga 2002 and Biyaya 1995). This simple “*débrouillez-vous*” order was subsequently given to the whole nation by President Mobutu, and has since become associated with all illegal activities: corruption, theft, smuggling, embezzlement and so on (cf. de Villers 2002; MacGaffey and Bazenguissa-Ganga 2002).

<sup>67</sup> Cf. Trefon 2009.

## IMPUNITY

The problem of impunity for military staff who have committed sexual violence in the DRC has been addressed in numerous reports.<sup>68</sup> This report will not discuss the situation in terms of levels of impunity. Instead, we will, based on the interviews, discuss the possible implications of ending or limiting impunity in terms of preventing SGBV and violence more generally. Moreover, it should be remembered that impunity is the rule not only in relation to sexual violence, but equally (and perhaps more so) to other violence committed by state security personnel. The fact that we conducted research over a limited period during which there was slight progress in numbers of convictions *and* conducted interviews at different sites—in areas where there have been no convictions, as well as in areas where there have been some—enables us to identify differences in how soldiers reason about sexual violence and punishment/impunity.<sup>69</sup>

### Lack of vetting mechanisms

The lack of effective mechanisms in the military integration process to identify and exclude combatants and soldiers who have committed serious human rights abuses is one important aspect of the generalised climate of impunity.<sup>70</sup> As concluded earlier, military integration has been characterised by a “politics of generosity”, which has also been extended to combatants with serious human rights abuse records.<sup>71</sup> Such indiscriminate inclusion has surely had a particularly negative impact in terms of continuing violence against civilians. Retaining staff with poor human rights records, especially at high commander levels, increases the likelihood of continued violence, since they are more likely to commit or order such crimes again and are less likely to punish subordinates guilty of committing them.

Moreover, and importantly, through such policies a message is sent out that is detrimental to the standards and values conveyed through military training. For this reason, we warn

68 Cf. Davies 2009; Amnesty International 2008; Human Rights Watch 2002, 2005, 2009; Feely and Thomas-Jensen 2008.

69 The research project covered a rather long period (between 2006 and 2009). During this period, some progress, however limited, was made in terms of military justice and the number of military convicted of sexual violence. While convictions are still extremely low relative to the cases reported (and while criminal infractions by senior officers, including those related to their command responsibilities, are seldom investigated by military prosecutors), a number of members of the armed forces have been convicted, especially since the beginning of 2008. According to Human Rights Watch (2009), 27 soldiers were convicted of sexual violence in 2008. However, MONUC sources suggest the number is higher. These figures (as well as those for 2009) were not available at the time of publication of this report.

70 Cf. Davies 2009; Amnesty International 2008; Human Rights Watch 2002, 2005, 2009; Feely and Thomas-Jensen 2008.

71 Ibid.

of the danger of putting too much emphasis on training in human rights and IHL as one of the key solutions. Our research suggests that unless training is accompanied by systemic change that includes also a significant shift in terms of impunity and vetting, we posit that training will not change the currently high level of human rights abuses. All soldiers interviewed, including those integrated through the fast-track program who have received no training at all (except training at deployment sites by new commanders), know that sexual violence is forbidden under the military law and code. The problem is not that soldiers are unaware of this or are living in moral vacuum. Rather, it lies in the lack of implementation of the *Règlement Militaire* and the legal frameworks. The examples of soldiers receiving training, including on human rights, and later committing massive human rights abuses are legion.<sup>72</sup>

### Soldiers' reflections on impunity

The soldiers and officers interviewed are in agreement with the international community on the need for punishment and emphasise countering impunity as a main preventive measure. In all interviews, we asked the soldiers to identify the measures needed to end or curtail sexual violence. They suggested the introduction of severe punishments as the most pressing measure, followed by training (often the second most important measure identified by ex-FAC) and improving living conditions (often third). In all the interview contexts, soldiers underscored that adequate punishment for the crimes they and their colleagues commit is the only way to put a stop to them. Most often, they linked the need for punishment to an overarching need for order and discipline.<sup>73</sup> Indeed, introducing severe punishments, preferably involving public humiliation, is a recurrent recommendation made by the soldiers. Two sergeants interviewed at the outset of the research project in 2006 made the following recommendations:

*Male Sgt A:* To diminish [rapes] you need punishments, it has to be severe punishments ... and public trials. If a soldier at Zeta [military camp in Kinshasa] rapes a woman, he should be judged there. They should expel him from the army there, take off his uniform, put him in the car [which transports him away] and everybody should be there to watch.

*Male Sgt B:* That will give a lesson to all the people that are there to watch him.

<sup>72</sup> One report provides the example of the first integrated brigade that, after receiving training from the Belgians, including on human rights, "later went on the rampage in the Kivus, raping, murdering and pillaging" (Davies 2009).

<sup>73</sup> See Eriksson Baaz and Stern 2008 for further discussion.

*Male Sgt A:* Yes, it has to be public trials: “Today it is the trial of Corporal X” [they should say to him] “Do you know that you took somebody’s woman by force [ozwaki mwasi ya batu na makasi]? “Yes, my commander, I know” [he answers] “Do you know that this is forbidden in the law?” “Yes, I know.” “Ok, we will give you the death penalty”.

*Maria:* But that is too much maybe?

*Male Sgt A:* [Laughing] It is just an example. Even 50 or 5 years. His wife will start to cry, his children will start to cry: “Ahh, Papa”. Then, the other people who are watching will understand, they will start to be afraid: “Ahh, so that is the way it is”.

*Male Sgt B:* But the punishment also has to be severe, even 20 years. Then people will fear it.

As this extract illustrates, the soldiers stress the importance of severe punishments (long sentences or the death penalty).<sup>74</sup> However, they equally emphasise public shaming processes: public trials and shaming (including the forced removal of military uniform and badges of rank in front of military colleagues) are for them a crucial part of the justice process.

In this regard, we wish to underscore that similar shaming processes are used in relation to sexual violence and other abuses/crimes (in particular, it seems, theft), with public corporal punishment and shaming instead of formal legal proceedings and prison convictions. Our interviews, in addition to survivors’ testimonies, attest to these types of punishments being employed when a soldier who commits rape is caught. Thus, while such procedures clearly sidestep the formal legal process, which requires that all cases of sexual violence be formally prosecuted through the legal system, they do show that sexual violence does not enjoy total impunity in the army. Other punishments, while illegal, are used by military commanders to punish and make examples of soldiers.

### **Changed perceptions arising from increasing convictions**

As noted earlier, our varied research experience enables us to identify differences in how the soldiers reason about sexual violence and impunity in different contexts. The way they speak of punishments and legal repercussions is very different in areas where convictions occur compared to areas with

<sup>74</sup> Especially in the interviews conducted in 2008–09, many soldiers recommended the death penalty, arguing that prison sentences are rarely effective due to the corrupt legal and penal system (convicts escaping or bribing themselves out of prison) and that prison sentences have thereby lost some of their deterrent value.

fewer convictions, and in terms of whether or not they knew of actual convictions for sexual violence crimes.

When our research began in 2006, there was almost total impunity. The preceding quote was merely a recommendation, and what it described had not yet been put into practice. While most soldiers agreed that sexual violence is morally wrong and contrary to the *Règlement Militaire*, they never raised the issue of possible legal punishments in light of what was already occurring in terms of conviction. Recent interviews conducted in 2009, especially in North Kivu, display a dramatically different understanding of the possible legal repercussions of sexual violence. Moreover, and importantly, most soldiers themselves brought up the question of legal repercussions, often immediately after the question of sexual violence was raised.

Just before one of the field visits to Rutshuru in North Kivu in September 2009, a lieutenant-colonel and a major was sentenced to 10 years for raping four young women.<sup>75</sup> This case was brought up and discussed spontaneously by the soldiers themselves. Moreover, the soldiers in North Kivu in 2009 displayed a certain reluctance and much fear when the question of rape was broached. By contrast, sexual violence was discussed openly and freely by soldiers and with no obvious fear of the possible repercussions of what they said in the earlier phases of the research in 2006 and 2007, or in areas where soldiers had no close knowledge of convictions. Further assurances of total anonymity and that the aim of the research was not to identify rapists, but to listen to soldiers' views generally, was required before those in North Kivu in 2009 would start to speak more freely. In addition, and unlike in other contexts, the soldiers seemed to feel a need to display a correct attitude and display their knowledge of the legal repercussions of rape.

Soldiers' stronger fears and greater awareness of the potential legal repercussions of rape is not necessarily evidence of the effectiveness of punishment as a preventive measure. The fact that people are aware of and fear the repercussions of a crime does not necessarily make them less prone to commit the act. As there are many other factors at play, punishments alone do not diminish or deter crimes. However, clear consequences for actions do help shift different sedimented notions of what is considered acceptable or "normal" behaviour, so that cultures of violence and impunity change. Thus, against the backdrop of the previous total impunity which contributed to the normalisation of sexual violence, the increased fear and awareness of possible implications over time and in areas of

<sup>75</sup> <http://www.radiokapi.net/index.php?i=53&a=24101> The lieutenant-colonel was, however, convicted in absentia, since he had escaped from custody a few days after his arrest.

more convictions should be seen as evidence of the important role that effective military justice plays as a preventive and transformative measure (especially when complemented by “positive shaming”). Such measures are surely strengthened when combined with efforts to improve leadership and build positive relationships both within the armed forces and between the army and the civilian population. Moreover, legislation and the implementation of legal frameworks are central, since they express and produce norms in society.

At the same time, real (and imagined)<sup>76</sup> corruption within the military justice system undermines the potential deterrent effect of convictions. The level of trust in military justice among soldiers—especially in areas with many convictions—is very low. Military justice staff were repeatedly presented in the interviews as corrupt. As we will elaborate in chapter 5, many soldiers talked of the *commercialisation of rape*—arguing that rape has become a business, involving both families of supposed victims and military justice personnel. If the belief (and reality) is that the military justice system is arbitrary, convictions lose some of their deterrence function. Instead, this situation can be assumed to feed into the general dissatisfaction and feelings of betrayal discussed earlier, a circumstance not conducive to efforts to decrease levels of violence against civilians.

<sup>76</sup> The parenthetical insertion of imagined corruption is made to highlight another important point, the endemic and normalised mistrust. While corruption in the justice system in the DRC (as in other areas) is real, the general mistrust created by decades of mismanagement and corruption has created a generalised and widespread mistrust of authorities. This mistrust will in itself constitute a problem, even if major changes take place towards an independent and incorrupt judiciary. Regaining trust will most surely take a very long time.



## 4. Sex/Gender: Silences and failures

In this chapter, we address two aspects specifically connected to the question of gender and gender identities. The first deals with the invisibility of men and boys as (non)survivors of sexual violence. We argue that this silence has several problematic consequences. Above all it feeds into the continuation of cycles of violence. In the second part, we address the ideals of militarised masculinity and sexuality and how these in various ways enable violence, including sexual violence. However, before doing this we discuss the importance of gender ideologies and stereotypes for the logics of SGBV in conflict contexts.

### GENDER IDEOLOGIES AND POWER INEQUALITIES

Rape in conflict settings is an effective tool of humiliation and intimidation (whether used strategically to further military or political objectives, or not). The power of rape depends, in part, on the workings of gender ideologies: for example, certain gender stereotypes are animated through the act of rape. For instance, “femininity” is associated with a need for protection, peacefulness and life-giving, in contrast to the supposed “masculinity” of protecting, warring and killing.<sup>77</sup> Such associations render women/girls particularly vulnerable to the logics of rape in conflict and post-conflict settings. Rape humiliates (feminises) the enemy, or (as is often the case in the DRC) other men by sullyng “their” women (nation/homeland), and proving them to be inadequate protectors.

Moreover, conceptualisations of ideal femininity, which link femininity to chastity and virginity (in contrast to ideals connected to masculinity and sexuality, see below) also play a particularly important role. These ideals add to the effectiveness of rape as an act of humiliation and destruction, since SGBV “sullies” women and renders them seemingly unsuitable for present or future marriage and love relationships. As we have seen in the DRC, several rapes result in the raped woman being rejected by her husband/family, or as unsuitable for marriage (especially at the beginning of the conflict).

<sup>77</sup> Cf. Enloe 1990, 2000, 2007; Goldstein 2001; Connell 1995; Higate and Hopton 2005; Eriksson Baaz and Stern 2009; Stern and Nystand 2006; Stern and Zalewski, 2009.

In this way, ideals linking femininity to chastity add to the vulnerability of raped women.

These gender ideologies are, of course, linked to unequal gender power relations as well as SGBV even in peace time. Gendered power inequalities are embedded in the production and reproduction of gender norms, which regulate the character and behaviour of “good women and good men”. Such norms are produced and reproduced at different levels in society: in daily life (i.e., in the household, popular culture) and also through the functioning and non-functioning of government institutions and through international interventions (i.e., impunity for sexual violence cements the idea that a woman has no right over her body; a lack of women’s representation in political bodies reproduces the idea of women as not suitable for politics, etc.).<sup>78</sup> Hence, conflict-related SGVB is linked to peace time gender ideologies and gendered power relations. As we argue later in this section, one of the problems of current reporting of sexual violence in the DRC is that it reproduces and strengthens existing gender power inequalities and stereotypes.

However, it must be acknowledged that many other factors—as we demonstrate in this report—are at play in conflict and post-conflict settings, which makes simplistic explanations of wartime rape as a consequence of gender inequalities problematic. Here, rape must also be seen in the context of the extreme forms of violence committed against civilian men (see below). While violence against women in the form of rape in conflict contexts is connected to certain conceptualisations of femininity and masculinity that also underpin gender inequalities in peace time, the problem of wartime rape cannot be reduced to gender inequalities in society. It must be understood in relation to general efforts (strategic or not) to humiliate, punish and intimidate civil populations—both men and women. Moreover, in this context, *it must be pointed out that civilian women also are subjected to other forms of violence in conflict settings*.<sup>79</sup>

As we have argued elsewhere,<sup>80</sup> rape in the DRC conflict cannot be explained as reflecting either particularly unequal gender relations or a particularly high prevalence of sexual violence prior to the war. Surely, sexual violence constituted a problem in the DRC before the war, as in all societies. There is, however, nothing that suggests that sexual violence was especially severe in the DRC before the war. Most of the local women and human rights organisations we consulted attribute

<sup>78</sup> For a discussion of gender ideologies in the DRC, see, for example, Gouzou, Eriksson Baaz and Olsson 2009.

<sup>79</sup> See Utas 2005b for discussion of this in the context of Liberia.

<sup>80</sup> Cf. Eriksson Baaz and Stern 2009.

the rampancy of sexual violence to the armed conflict. Additionally, they point to the disintegration of traditional authorities and communal structures following the outbreak of war as also contributing to the high levels of sexual violence. While most rape cases before the war—as now—never reached the courts, rape was, according to these local NGOs, considered a serious crime in most parts of the country. The crime of rape was seen as being an assault not only (or even primarily) against the individual woman or girl, but against the family and the community (if the perpetrator was an outsider) and was punished in different ways (compensation and shaming processes). After the outbreak of war, these local legal systems have lost significance and been replaced by total impunity at all levels, which, as we noted above, also contributes to the normalisation of sexual violence in the communities. As has been documented elsewhere, sexual violence is now increasingly committed by civilians.<sup>81</sup>

## INVISIBILITY OF MEN AND BOYS AS (NON)SURVIVORS OF VIOLENCE

As discussed in the introduction, the storyline of SGBV in the DRC has entailed a limited understanding of gender, and a conflating of sex with gender. The focus remains on women/girls as victims/survivors and men/boys as perpetrators, thus obscuring the many ways in which wartime gendered violence also affects men and boys. One problem with the exclusive focus on sexual violence is that it tends to downplay the ways in which sexual violence is not only (or simply)—as sometimes suggested—a war against women or a “systematic pattern of destruction toward the female species”.<sup>82</sup>

As highlighted above, on a more general level rape is an effective tool of humiliation and intimidation precisely because it is not only a violent act against the raped woman, but also against male family members. Through certain gender ideals dominant in most societies, rape in war is a particularly effective means of humiliating (feminising) the enemy, or simply other men.<sup>83</sup> Hence, even where men/boys are not being targeted directly, the logic of rape as a weapon of war also rests upon its consequences for men and boys. But, men and boys are also targets of sexual violence directly, and it is to this we now turn.

81 Cf. Ertürk 2008.

82 Cf. Ertürk 2008; Tosh and Chazan 2008; Eve Ensler in an interview by Michele Kort, available at [http://www.pbs.org/pov/lumo/special\\_ensler.php](http://www.pbs.org/pov/lumo/special_ensler.php).

83 Cf. Enloe 1990, 2000, 2007; Goldstein 2001; Connell 1995; Higate and Hopton 2005; Erikson Baaz and Stern 2009; Stern and Nystrand 2006; Stern and Zalewski, 2009.

### Men and boys as (non)survivors of sexual violence

It is difficult to assess the frequency with which men are raped because of the extreme stigma attached to sexual abuse of males and the ensuing reluctance to report such rapes. Nonetheless, it is clear that men are raped in the DRC, as in other conflicts,<sup>84</sup> but it is only recently that such violence has received attention.<sup>85</sup> The highest percentage of male victims of sexual violence medical clinics report treating is 6 percent,<sup>86</sup> while legal clinics report an incidence of 10 percent,<sup>87</sup> but the real levels are probably much higher. The stigma attached to male rape is often particularly strong due to the strong disjuncture between masculinity and victimhood. Being a victim—especially of sexual violence—symbolises “failed masculinity”, which occupies a position of weakness associated with femininity. Moreover, the stigma is further exacerbated since male rape tends to entail imputing a homosexual identity to the victim.<sup>88</sup>

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 sexual intercourse with kin (daughters, mothers, wives) publicly (if they refuse, they have then been punished, often by death);
- men and boys forced to watch brutal rapes of kin;
- men and boys forced or subjected to other violent and denigrating sexual acts (e.g., being forced to masturbate or commit sexual acts with objects in public, being dragged with a cord connected to the penis or the testicles, etc.).<sup>89</sup>

Some reports do mention that men and boys are affected by sexual violence. The UN Special Rapporteur on violence against women states, for example: “Women are brutally gang raped, often in front of their families and communities. In numerous cases, men are forced at gunpoint to rape their own daughters, mothers or sisters”.<sup>90</sup> However, as is often the case, the consequences for the male victims forced to rape are not further commented on, and only the raped women are mentioned in discussions of reparations, compensation and justice. Sexual violence is still presented simply as a “war against women”.

84 Cf. Sivakumaran 2007, 2008; Lewis 2009.

85 Cf. Human Rights Watch December 2009, p. 92; Horwood 2007; interviews with representatives of local organisations in South Kivu.

86 Reported by *Médecins sans Frontières*, see Thomsen 2009.

87 Reported by the American Bar Association North Kivu. See U.S. Department of State 2010.

88 See Lewis 2009; Sivakumaran 2007, 2008.

89 For testimonies on the latter, see Lewis 2009; Human Rights Watch December 2009.

90 Ertürk 2008, p. 7.

### Consequences of invisibility

This type of reporting further entrenches simplistic gendered distinctions between victims (women) and perpetrators (men). As noted above, in the storyline of violence in the war in the DRC, the casting has been quite clear: the role of villain/perpetrator is played by the man in uniform and the victim/survivor role by women/girls, especially raped women/girls. Men and boys have generally been rendered invisible as victims of violence in reports and policy papers by international organisations. While women and girls undoubtedly are the main (non)survivors of rape in the DRC, men and boys are more vulnerable to “other” violence, such as forced recruitment into armed groups, executions, arbitrary arrests and torture. Since many of these crimes are directed at men and boys (especially forced recruitment) because they are men/boys, it has to be recognised that this violence is also *gendered*.

As noted earlier, one obvious problem with this focus on women/girls and SGBV is that it *neglects men’s and boy’s legitimate rights and needs as survivors of violence, including sexual violence*. It must be recognised that men and boys are also victims/survivors—in various ways—of sexual violence. Only men and boys (and this has only recently been talked about) who are raped are acknowledged as victims/survivors with a right to compensation and reparation. However, the many men and boys affected in other ways are neglected. The man forced to rape his daughter (or severely beaten for refusing to) also has the right to rehabilitation and compensation, as does his family when the man has been killed. So too has the juvenile combatant who has been forced to rape. Even the many men and boys forced to witness brutal rapes of female family members have needs and rights, as do—perhaps more controversially—those who have learned violence as child soldiers and who rape without being directly forced.<sup>91</sup> The neglect of men’s and boys’ rights in relation to sexual violence is not unique to the DRC. As Lewis has shown, international 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>92</sup>

Recognizing the ways in which men and boys are also victims of sexual violence might strengthen efforts to combat SGBV against women. *The current reporting of rape in the DRC is problematic since it tends to strengthen existing gender power inequalities and stereotypes*. Gender stereotypes upholding power inequalities are often built on a conception of masculinity as embodying power and control, including the man’s capacity to defend

91 For interesting reflections on the problem of justice in relation to ex-child combatants, see the discussion of the case of Dominic Ongwen in the LRA (Baines 2009).

92 Lewis 2009.

not only his family, but also himself, in particular against physical assault. This is one of the reasons male victims/survivors show greater reluctance to report physical violence. As noted above, being a victim symbolises “failed” masculinity and places one in a position of weakness associated with femininity (and subaltern masculinity, such as homosexuality).<sup>93</sup> 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—and remain in the reports untouched and unsullied by the victimhood, stigma and shame of sexual violence. This type of representation—besides being inaccurate—can only hamper the long-term struggle against violence against women.

Lastly, and importantly, *failing to recognise the rights and needs of men and boys connected to violent experience and performed masculinity will surely manifest itself in a perpetuation of cycles of violence*. Combatants (and others) who have experienced trauma and humiliation by being subjected to violence themselves or been forced or encouraged to inflict violence on others, tend to be more prone—in the short term and when proper countermeasures are lacking—to perpetrate new violent acts.<sup>94</sup> This is especially true of the juvenile combatants integrated into the national army and police force.

In contrast to demobilised former child combatants, whose needs are recognised at least discursively (demobilising signifying a discursive move into the victim/survivor camp), those integrated into the army are by default placed in the “perpetrator” category and thereby lose their rights to reparation, rehabilitation and compensation. Unlike demobilised soldiers, those reintegrated into the army receive no rehabilitation at all. This neglect surely contributes to the violence committed by the army. The increasing levels of sexual violence committed by civilians in recent years is often attributed to an increase in the demobilised combatants<sup>95</sup> (many recruited as minors) reintegrated into communities without adequate rehabilitation. Similarly, there is a lack of programmes and initiatives in SSR processes dealing with the special needs and circumstances of previous (especially juvenile) combatants who have been exposed to and forced to commit extreme forms of violence (sexual and other) on civilians. Part of the violence committed by army members must surely be attributed to this lack. At the moment, the only way in which this issue is addressed is (at best) through “new orders” that rape is forbidden

93 Cf. Sivakumaran 2007, 2008; Stanko and Hobdell 1993.

94 Cf. Horwood 2007.

95 Cf. Ertürk 2008; Human Rights Watch July 2009.

(see Chapter 6). While these “new orders” and efforts are commendable and important, they are hardly sufficient to break patterns of learned violent behaviour, especially in the present context of conflicts and unclear command structures.

## MILITARISED MASCULINITY AND SEXUALITY

As explained above, the soldiers themselves cite poverty as the main reason for rape. According to this line of reasoning, it is as “somewhat unavoidable” that a man—who in any way is “denied sex” through lack of financial or other means—will eventually rape.

This reasoning is a familiar echo of myths about male heterosexuality, masculinity, soldiering, and violence reproduced in military contexts. The Congolese military celebrates certain ideals of macho heterosexual masculinity. A (male) soldier’s libido is understood as a formidable natural force, which ultimately demands sexual satisfaction from women. Similar portrayals of masculinity can be found in most other military institutions globally. For example, men’s sexual needs are often presented as the reason for the need of regular R & R (also to reduce the risk of supposedly unhealthy homosexual acts). Army brothels have also frequently been used, not the least during the Second World War. The prostitution rings that notoriously surround army bases, including current UN forces worldwide such as MONUC, is another example of this phenomenon.<sup>96</sup>

According to this ideal, masculinity is tightly linked to virility and sexual potency. Maintaining multiple sexual relations and displaying sexual potency becomes a central way of performing the desired masculinity. This came out strongly in the interviews, as the exchange below illustrates:

*Male Adj:* Good [sexual relations with women] are when you see a woman and you tell her “I like you, I have a need for you [nazali na posa na yo]. I like you and I have some money, couldn’t we do some” ... If then she has a need for money, or if she has a need for your body too, then “lets go”. We go, and I take out my money and I give her and ... that is not rape. ... Also, even today... there are plenty of women. In all my good and bad, if I feel physical needs, then I do anything to find even FC 300 [US\$ 0. 4] to go to those who are standing on the

96 Enloe 2007; Higate 2004 and 2007; Human Rights Watch 2004.

streets. You go to a prostitute [mwasi ya ndumba] and you tell her: “Satisfy my needs, these FC 300 that I have, here, take it”.

*Maria:* Can you get a woman with only FC 300?

*Male Adj:* [Laughing] Yes you can.

Like the adjutant cited here, most soldiers (especially those interviewed in recent years in places with many convictions) emphasised the difference between paying for sex and rape, underscoring that prostitution is not rape. While they viewed paying for sex as completely “normal”, and indeed a way to perform and live up to the ideals of masculinity, they never spoke of rape in the same way. Hence, while they may have explained or even excused rape, they never celebrated it. In referring to instances of rape, almost all—even those who had not participated in training—either started or ended their discussion of rape by saying “it is wrong” or “it is forbidden according to RM”. Moreover, in their view rape or raping were not linked to successful masculinity. A successful, celebrated man, they explained, is a man with the financial and material resources to “keep”/“support”/“pay for” many women (Eriksson Baaz and Stern 2008). In the soldiers’ testimonies, the man who rapes was, rather, an *emasculated man*, who, deprived of the resources needed to perform hegemonic masculinity, is “forced” to rape (ibid. 2009).

Hence, even if members of the armed forces did not celebrate rape in their conversations with us, they nevertheless presented it as a somewhat unavoidable consequence of men being deprived of sex, supposedly due to the lack of financial means.<sup>97</sup> As already concluded in the previous chapter, it is this *idea and the ideal of militarised male sexuality* underlying this assertion that should be seen as contributing to rape, not poverty or inherent male sexuality. Through such logics, rape becomes “normalised”. Hence, according to this line of thinking, rape—while wrong—is a quite “normal” outlet for a soldier deprived of “normal” sexual relations.

One clear problem is that this attitude is expressed at the senior commander level. Nonetheless, we noted some changes in that commanders interviewed later in the project (2008–09) were a bit more cautious in their statements. While they described rape as being to a large extent a consequence of inherent male masculinity, they expressed stronger commitment to making soldiers control their sexual behaviour. In the military units interviewed, the politics of “implicit authorisation”

<sup>97</sup> The relationship between sex and money was constantly emphasised. One soldier explained: “Sex and money go hand in hand. If you have no money, you will have no sex”.



seems to have been increasingly replaced by direct orders not to rape. This was also reflected in the testimonies of the soldiers: in the interviews during 2008 and particularly 2009 they often repeated what they had been told by their commanders. As one 18-year-old ex-Mai-Mai soldier integrated through the fast track integration in 2009 put it:

Rape, they [the commanders] tell us, belongs to rebel fighting [or system of rebel fighting/systeme ya rebellion]. It does not belong in the army. Here it is punishable. In the army it is punishable, really long sentences. But of course some do it anyway. It depends on person to person. Every person has his way of doing things [muntu na muntu azali na ndenge na ye].

Again, it should be stressed that this ideal of militarised male masculinity can be found in many (if not all) other military contexts. Hence, it should be seen as part of a more general and global discourse on militarised sexuality, not as something peculiar to the Congolese army.<sup>98</sup>

### Feelings of “failed masculinity” and rape

As noted above, soldiers see sexual violence as related to, if not largely caused by, poverty. They explained that the frustration and anger related to poor living conditions (and the sense of abandonment and betrayal by the military hierarchy) finds its outlet in violence, including sexual violence. Their sense of failure to live up to the “masculine provider” role recurred in the interviews. For them, (heterosexual) manhood was intimately connected to being a provider—not only of money and gifts to a temporary lover, but for the family. A man who does not fulfil his obligations is somehow deprived of his manhood.

It is reasonable to assume that these general feelings of “failed masculinity” contribute to sexual violence, both in the home and in relation to soldiering. Violence, including sexual violence, becomes a way to perform and try to regain masculinity and power. While feelings of failed masculinity are often considered to contribute to GBV generally, such sentiments become particularly dangerous in military contexts, where a general celebration of violence reigns. This is especially salient in the context of conflicting civil-military relations. It is important to emphasise that in this context these feelings of “failed masculinity” do not manifest themselves only in sexual violence or other violence against women: the need to perform and regain power (and masculinity) is surely also enacted in,

<sup>98</sup> Enloe 2007; Higate 2004, 2007.

for instance, violence against civilian men (see Whitworth 2004).

However, as noted above, it is crucial to underscore that it is not poverty itself, but rather ideals of masculinity positing hegemonic— and impossible—models of masculinity that constitute the most powerful underlying factor for this violence.

## 5. Commercialisation of rape

In this section, we highlight some of the drawbacks emerging from a singular focus on sexual violence as separate and outside other forms of violence, particularly the way in which rape (or allegations of rape) becomes increasingly entangled in survival strategies. The vast attention paid to sexual violence in the DRC, reflected in interventions of various international actors, makes the DRC a particularly good case from which to learn in this regard.

The specific focus on sexual violence is not only reflected in the attention it has received from “outsiders” (reflected in the number of reports/articles, newsclips, appeals and documentaries directed specifically at the issue of rape), but also in the resources pouring in from the various international organisations and agencies providing services specifically to rape survivors: particularly medical care for fistulas and other rape-induced injuries, but also training/education and credit facilities, etc. While many of these resources have been channelled into service provision to rape survivors, the specific focus on sexual violence (in relation to other violence) is also reflected in violence-prevention related interventions. For example, while the population (particularly of the eastern parts of the country) is informed that women *have the right to not be raped* (through posters, radio emissions, banderoles and other means of communication which warn potential perpetrators/viewers/readers of the grave legal consequences), similar communications in relation to other forms of violence are quite absent.

The attention received by SGBV in eastern DRC is, simply put, out of proportion to the attention received by other equally grave human rights violations (mass killings of villagers, systematic torture of detainees, etc.). This is problematic, since it means that other violence does not receive adequate attention, but also because it has other consequences: it contributes to a process in which allegations of rape are perceived as, and become, a particularly effective bargaining, and ultimately quite effective income-earning, strategy.

## ACCUSATIONS OF RAPE AS A BARGAINING/EXTORTION STRATEGY

The “commercialisation of rape” was raised as a problem especially in our interviews with military personnel, but also in interviews with local organisations. Many soldiers argued that rape had become a business, involving both families of supposedly “fake” victims as well as military justice staff. A group of sergeants expressed themselves in the following way:

*Sgt 1:* But you must also understand something. This is like a business. Also involving your friends. Look at the people here in this village. Yes, we are poor. But we are rich in comparison to them when we get our salary. When we get our salary—that 39,000 is a lot of money here. Look at them—they are in rags! They have nothing. They can do just anything just to get some money to buy pots.

*Sgt 2:* Or a bicycle or something else they need. And when we get our salary, they know it. They are not stupid. And they also try to “eat”. [bango balingi pe balia]

*Sgt 1:* And when you have some money in your pocket, you go to a woman. You want a woman. Sometimes you have a girlfriend [cherie] in the village. Or sometimes just a prostitute [ndumba]. Sometimes it is the family/father of your girlfriend [babokilo] if he does not know. If you have not paid money for her yet. So he sees his possibility. He accuses you of raping her so that you will pay. Because you will be afraid to go to prison. They know that. So you pay. And if you do not have money, they take it from the coming salaries.

*Sgt 3:* Or sometimes it is just the woman herself. Especially prostitutes [ndumba]. You cannot trust them! You agree to give them money, but then they want more. And if they don’t get what they want they accuse you of rape. You, know, they [women and civilians] have their defenders, the human rights defenders and the military justice. And they eat too. [bango pe bazolia na nsima na biso] I tell you. I don’t want to accuse your friends, but they eat too.

While these assertions must be interpreted mainly as efforts at self-defence, it must be acknowledged that the particular focus on sexual violence within the very wide repertoire of human

rights abuses by state security forces (i.e., other physical abuse, arbitrary arrest and execution) is manifested in an increasing “commercialisation of rape”. In the interviews early in the research project, soldiers seldom argued that false allegations of rape were a way for the “accuser” to get money, or gave examples of such conduct. At that time, they sometimes gave examples of “free women” (ndumba) wanting more money than they allegedly had agreed upon and contacting the commander or another authority to claim their money. However, in recent years, these “conflicts” have to a greater extent come to include rape accusations. While this may reflect the fact that the earlier cases were really rapes (rather than seemingly consensual survival-sex), it must surely *also* be interpreted as a sign that the particular focus on rape, especially rapes by soldiers, has contributed to a process in which allegations of rape are perceived as a particularly effective bargaining strategy.

This problem was also highlighted by certain local organisations.<sup>99</sup> According to them, a growing problem is that (allegedly particularly male) family members accuse other young men, often the boyfriends of their daughters, of raping their daughters/sisters in order to press the men for money.

In the context of a corrupt judiciary and rampant poverty, the focus on sexual violence as a *particularly serious* crime enables people from various groups—from justice personnel to poor civilians—to view and use allegations of rape as an income-earning strategy. While it is politically difficult to do so, it is important to recognise that not just military justice staff, but also civilians are already sometimes implicated in such “commercialisation” and may become more so. Given the focus of interventions in combination with rampant poverty in the DRC, this is not surprising.

## ACCUSATIONS OF RAPE AS A MEANS TO GET ACCESS TO SERVICES

Another problem is more specifically connected to the vast resources from international organisations earmarked for various services to rape survivors. The lack of basic health services and the lack of resources for women who have not been raped—plus the widespread poverty—have created a situation in which destitute women and girls who are not rape survivors sometimes present themselves as rape victims in order gain access to these opportunities. For example, women

<sup>99</sup> This was brought up by two organisations in South Kivu and one in Kinshasa.

with fistulas related to childbirth sometimes present themselves as rape survivors to get access to surgery and other medical treatment.<sup>100</sup> Contrary to what perhaps could be concluded from articles and reports on rape and fistula, only a tiny proportion—0.8%—of fistula cases in the DRC are ‘rape-related’.<sup>101</sup> There are potentially thousands of women in need of treatment for fistula caused during traumatic delivery.<sup>102</sup> However, in many places only women who are survivors of sexual violence get free treatment, while others must pay large sums they simply can’t afford. In this context, it is natural that some of these women present themselves as victims of rape.

However, this practice is not only restricted to health services. A similar situation arises in connection with other services provided to rape survivors, such as food aid, training/education and credit facilities. According to local organisations, such instances mostly involve women and girls who have lost their families and therefore have little to lose from the stigma of rape.<sup>103</sup> However, with the increasing attention to sexual violence and combating stigma and shame, in combination with high prevalence of such violence, the stigma associated with rape has also decreased, facilitating the process of presenting oneself as a rape survivor in order to access services. Moreover, as Utas has demonstrated in the cases of Sierra Leone and Liberia, *victimcy*—presenting oneself as a victim of rape (as well as of violence generally)—is a way for women and girls (as well as men and boys) to “establish themselves as ‘legitimate recipients’ of humanitarian aid”.<sup>104</sup>

The emergence of these types of rape accusation must be seen as a result of the comparably massive resources channelled by international agencies and organisations into providing services relating to sexual violence. Some representatives of local organisations working in the area of women’s rights criticised the very strong focus on sexual violence, attributed it to the interests of donors. Many stressed that sexual violence is just one aspect of violence against women in the DRC, but noted that it is very difficult to get funding for projects dealing with other forms of violence.<sup>105</sup> As one representative of an organisation providing legal assistance to survivors of sexual violence put it:

100 Interviews with those responsible at hospitals attending to rape victims in South Kivu.

101 Figures presented by UNFPA; Onsrud et al. 2008:265.

102 Thomsen 2009.

103 Interviews with representatives of local organisations providing support to rape survivors in South Kivu.

104 Utas 2005a, p. 7.

105 For an interesting and relevant critique of SGBV programmes and “SGBV-tourism” from the perspective of local women’s organisations, see for example, Geoffrey York, “Anti-rape Funds in Congo Wasted : Critics”, in The Globe and Mail. 14 March 2010 (<http://www.the-globeandmail.com/news/world/anti-rape-funds-in-congo-wasted-critics/article1500360/>).

There are so many different aspects of it [violence against women] There is domestic violence, that is a very big problem that we have not yet started to address. Women's rights are violated on a massive scale in this country. Also a huge problem if you talk to women in the villages is all the problems connected to inheritance and property rights. But there are some ... problems with different views between us and the donors. They are mostly interested just in sexual violence, especially the ways in which it is used as a weapon of war and all that. And it is. But sexual violence is also committed by civilians, and in our very houses. But it is difficult to get money for other projects. So there is a certain difference in views between us and the donors. But if you discuss too much, and try to get in other things that they don't think are important, you might miss the funding [laughing]. So you avoid discussing too much with them.

Acknowledging the commercialisation of rape, including the involvement of the justice processes relating to sexual violence, *does not imply minimisation of the problem of sexual violence or the suffering of its survivors.* Moreover, we do not aim to discredit the people implicated in this. The problem rather lies in the characteristics of the interventions.

## 6. Conclusions and Recommendations

### CONCLUSIONS

One of the main lessons learned from the DRC is the danger of a singular focus on sexual violence. 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. This has had several problematic consequences:

- *A wide repertoire of violence does not receive adequate attention.*
- *Our 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 where grave human rights violations occur daily.
- Lastly, 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 a 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 associated with 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 present themselves as rape victims in order to access services and opportunities.

In this report we have also demonstrated the complexity of violence, including SGBV, and underscored the potential dangers in trying to reduce SGBV and other violence committed against civilians by men in uniform to a “weapon of war”.

- While the conceptualisation of rape as a weapon/strategy of war has been indispensable in breaking with the view of rape as a tragic but inevitable outcome of war, it has also created many problems. A singular and simplified “explanation” of war-related rape overshadows other forms of



violence and obfuscates other factors contributing to conflict and post-conflict sexual violence.

- As we have shown in this report, while sexual and other violence is often used to humiliate and intimidate, this humiliation and intimidation is *much less strategic and much more complex than a combat strategy to further military/political gains*.
- Sexual and gender based violence—like all violence—committed by security sector staff must be understood in relation to several other factors addressed in this report: learned behaviours, (failed) military integration processes, hostile civil-military relations, militarised ideas of masculinity, experiences of imagined (and real) marginalisation and (imagined) needs of reasserting power and authority. In fact, 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 produces misguided interventions, which in turn may have counterproductive effects.

Lastly, this report underscores the dangers inherent in a limited understanding of gender that conflates sex and gender and thereby ignores the many ways in which wartime gendered violence also affects men and boys. While women and girls are undoubtedly the main (non)survivors of rape in the DRC, as elsewhere, men and boys are also victims of sexual violence in the various ways demonstrated in this report. Moreover, men and boys tend to be more exposed to other 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*. The current invisibility of men and boys as survivors of violence is problematic for several reasons:

- *It neglects men’s and boys’ legitimate rights and needs as survivors of violence, including sexual violence.*
- *It hampers the long term struggle against violence against women through the strengthening of existing gender power inequalities and stereotypes.* Gender stereotypes upholding power inequalities are often built on a conceptualisation 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 stigma-

tised 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 of sexual violence. This type of representation, besides being inaccurate, can only hamper the long term struggle against violence against women.

- Lastly and importantly, *failing to recognise the 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 (both those demobilised and those integrated into the army and police, or as people generally) who have experienced trauma and humiliation by being subjected to violence themselves, or who have been forced or encouraged to inflict violence upon others, tend to be more prone, in the short term and without proper measures, to perpetrate new violent acts.

## RECOMMENDATIONS

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

- *A wider approach to human rights violations committed by state security forces is necessary, since SGBV is to a very 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 increasing commercialisation of rape. Focusing and continuing to channel resources to SGBV 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 make 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. To further contribute to a situation in which women feel forced to present themselves as rape survivors in order to access services is not only counterproductive, it is unethical.
- In terms of access to justice and prevention, efforts must be directed at *informing and facilitating access to justice for all survivors of violence committed by security sector staff*. This must be done through comprehensive support to the justice system,

but also through community-based approaches through CSOs.

## 2) Engage in comprehensive SSR aiming at systemic change

- Only such a *comprehensive approach*, addressing the root causes of the problem, has the potential to significantly reduce human rights abuses. Too few efforts are currently directed at such comprehensive reform. For example, efforts that identify human rights training as a crucial gap and focus solely on providing such training verge on the meaningless in the present context. As the interviews with soldiers clearly demonstrate, the main problem is not that they are unaware that rape is a crime, or that they live in moral vacuum.
- Introducing *vetting mechanisms for staff with extensive records of human rights abuses* is essential. Retaining staff with serious human rights records, especially at senior commander levels, increases the likelihood of the continuation of violence, and sends a message that undermines the standards and values conveyed in military training. However, vetting mechanisms must also be introduced for *higher commanders who do not meet basic qualifications*. As the report notes, military integration has been characterised by a generous politics of inclusion and rank (not linked to competence and merit). This is not only an obstacle to the increasing professionalisation of the army, it leads to conflicts, indiscipline and parallel chains of command. Hence, harmonisation of rank according to competence and merits, including exclusion of those not meeting basic requirements, is essential.
- Continuing support for creating an *effective military justice system* is crucial. As demonstrated in this report, the progress (however limited) in terms of numbers of convictions seems to have fostered a changed attitude among security sector staff.
- Continuation of the 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). Reforming the salary system and paying regular and adequate remuneration must therefore remain a priority. However, given the normalisation of extra-legal incomes related to the job, efforts to improve both the level and regularity of salaries will not be sufficient to decrease income-earning related violence. Other measures to condemn abuses and encourage high professionalism in sustainable ways are important.

- *Engage in positive measures which encourage effective leadership and high professionalism for security sector staff.* Positive measures to foster team spirit and work pride are essential in a context where there is little satisfaction or pride and high levels of discontent and frustration linked to systematic embezzlement and fraud by military superiors. Such measures could include positive reinforcement, such as providing to units that display professional behaviour income-generation activities for soldiers' families and education facilities for soldiers' children.

### 3) Special measures to improve civil-military relations

- As this report demonstrates, *hostile civil-military relations* are an important reason for violence against civilians, including sexual violence. The long history of abuse by military personnel, combined with the low status of the armed forces and the lack of nationalist propaganda mobilising popular support behind them, has created an extremely negative image of military personnel among civilians. The disrespect soldiers experience feeds into what is described as a need to re-establish authority and to punish in various ways, including rape.
- This suggests the important role of *strengthening civil society's influence in 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. As demonstrated in the report, actual civil-military relations in deployment areas seem to depend on the commitment of commanders to engage in communication and dialogue with the population.

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

- There is a need to highlight and address the rights and needs of male survivors of sexual and gender based violence in the DRC. This should include placing the issue of male survivors of SGBV high on the agenda in discussions on rehabilitation and compensation (legal and services). It should also include further emphasis on addressing the needs of child and juvenile demobilised combatants within the DDRRR programs. However, there is also a need to analyse how to address the special needs of juvenile ex-combatants now integrated into the state security forces.”

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We, alone, are of course responsible for the content of this report.

## LIST OF ABBREVIATIONS

AFDL	Alliance of the Democratic Forces for the Liberation of Congo-Zaire
ANR	Intelligence National Agency
CEDAW	Convention on the Elimination of all forms of Discrimination against Women
CNDP	Congrès National pour la Défense du Peuple
CSO	Civil Society Organisation
DDR	Disarmament, Demobilisation and Reintegration
EUPOL	EU Police Mission
EUSEC	EU Advisory and Assistance Mission for Security Reform
FARDC	Forces Armées de la République Démocratique du Congo
FDLR	Forces Démocratiques de Libération du Rwanda
GBV	Gender Based Violence
IHL	International Humanitarian Law
MLC	Mouvement pour la Libération du Congo
MONUC	United Nations Organisation Mission in the DRC
NGO	Non Governmental Organisation
PNC	Police National Congolaise
PARECO	Coalition de Patriotes Résistants Congolais
RCD	Rassemblement Congolais pour la Démocratie
SGBV	Sexual and Gender Based Violence
Sida	Swedish International Development Cooperation Agency
SSR	Security Sector Reform
UNFPA	United Nations Population Fund

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This report, the first in Sida's gender-based violence series, draws on an original case study, including extensive interviews with members of the armed forces in the Democratic Republic of Congo (DRC). By critically exploring and convincingly challenging existing stereotypes and narratives about sexual violence in conflict settings, the authors reveal the need for a nuanced understanding of SGBV, including its invisible victims. Their analysis transcends reductionist explanations that separate SGBV from other forms of violence that afflict war-torn societies, and haunt post-war contexts. They thus provide invaluable insights into the complex circumstances in which SGBV occurs.



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