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Conflict-related sexual violence and international peace operations
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E.MA European Master's Degree in
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Conflict-related sexual violence and international peace operations
Author: **Cordula Steinkogler**



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On behalf of the Governing Bodies of EIUC, the Global Campus and of all participating universities, I congratulate the author.

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PROF. FLORENCE BENOÎT-ROHMER
EIUC Secretary General

CONFLICT-RELATED SEXUAL VIOLENCE AND INTERNATIONAL PEACE OPERATIONS

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ABSTRACT

Within the United Nations peace and security work, as well as in academic research, advocacy and policy initiatives concerned with peace and security, gender is mainly conceptualised as synonymous with women while sexual violence is largely conflated with gender-based violence and thus regarded as an issue that exclusively affects women as victims and men as perpetrators. This, however, led to the exclusion of male victims of conflict-related sexual violence from academic research, advocacy and policy initiatives, as well as UN initiatives on gender, peace and security. This thesis seeks to explore ways to conceptualise and address conflict-related sexual violence in a comprehensive and inclusive way within the UN peace and security agenda and particularly in peace operations. By the means of a critical analysis of academic literature and policy developments the thesis discusses the dominant conceptual and operational frameworks that have been developed to address conflict-related sexual violence and suggests a re-conceptualisation of gender and gender-based violence in order to better accommodate the empirical reality of male victims and female perpetrators of conflict-related sexual violence.

The dominant explanatory and policy frameworks developed by scholars and adopted by the UN to prevent sexual violence in armed conflict are largely based on a narrow approach and fail to adequately address the complex dynamics of conflict-related sexual violence. Conflict-related sexual violence is conceptualised on the basis of a strict male perpetrator/female victim dualism that regards the perpetrator/victim relationship as a male/female relationship and thereby links it to sex rather than gender. This precludes an effective gender analysis of sexual violence in armed conflict and does not permit to include male victims and female perpetrators into a discussion on the root causes of conflict-related sexual violence. The dominant conceptualisation of conflict-related sexual violence furthermore relies on an essentialist representation of men and women, portraying women as vulnerable

victims of sexual violence and men as aggressive perpetrators. Through the perpetuation of these associations, existing gender stereotypes, identities and power relations that make sexual violence an effective tool of humiliation and intimidation in times of armed conflict are reinforced rather than challenged.

Thus, this thesis argues that a more inclusive and comprehensive gender approach to conflict-related sexual violence should be adopted to effectively address the various root causes and underlying dynamics by challenging traditional gender stereotypes and identities promoted by dominant gender discourses. Strategies to enhance the ability of UN peace operations to protect civilians from conflict-related sexual violence will hardly be effective as long as gender stereotypes and ideologies that lie at the roots of sexual violence in armed conflict are reproduced rather than deconstructed in UN discourse on peace and security, as well as in the discourses of member states and particularly their military institutions.

CORDULA STEINKOGLER

CONFLICT-RELATED SEXUAL VIOLENCE
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CHAPTER 1

INTRODUCTION AND DELIMITATION OF THE SUBJECT

1.1. INTRODUCTION

Conflict-related sexual violence has recently received growing attention in academic and policy literature, in advocacy and activism as well as on the United Nations peace and security agenda, culminating in the adoption of United Nations Security Council Resolutions 1325 (2000) and 1820 (2008) that address gender-mainstreaming and conflict-related sexual violence. The predominantly feminist perspective adopted in most of the literature and instruments implies an exclusive focus on women and their particular vulnerability and needs as victims of sexual violence during armed conflict. The existence of male victims and female perpetrators has, however, challenged these dominant explanatory and policy frameworks that generally aim at highlighting the victimisation of women. While the majority of victims of sexual violence during armed conflict are women, it is nevertheless problematic to focus solely on female victims of conflict-related sexual violence and thereby exclude male victims, as sustainable peace and the effective protection of civilians cannot be achieved as long as one group of victims is excluded from mechanisms of conflict management in general, and from strategies for the prevention of conflict-related sexual violence in particular.

This thesis therefore seeks to explore ways in which conflict-related sexual violence can be conceptualised and addressed in a comprehensive and inclusive manner within the UN peace and security agenda and particularly in peace operations, that today take the form of multi-dimensional missions and cover a wide range of tasks aimed at reacting to complex humanitarian emergencies. Through a critical discussion of academic literature and policy developments this thesis aims at analysing the dominant conceptual and operational frameworks that have been developed to respond to conflict-related sexual violence and

suggests a re-conceptualisation of gender and sexual violence in order to better accommodate and address the empirical reality of male victims and female perpetrators of conflict-related sexual violence. Finally, this work attempts to critically reflect upon the extent to which UN policy instruments, developed to enhance the ability of peace operations to respond to conflict-related sexual violence, have adopted an inclusive and comprehensive gender approach to prevent sexual violence in situations of armed conflict and represent an effective means to address the complex underlying dynamics and root causes of the phenomenon of conflict-related sexual violence.

The following part of this thesis will provide an overview of the research developments in the field of gender and armed conflict with particular attention to peacekeeping and sexual violence. It will introduce the analytical framework that forms the basis of this thesis and delimitate the scope of this work. The second chapter aims at explaining the relationship between gender and armed conflict and will briefly discuss the most important concepts and current research in this area. The third chapter will analyse the different theoretical approaches that have been developed to explain the causes of conflict-related sexual violence and will propose a comprehensive and inclusive gender approach to effectively address conflict-related sexual violence in peace operations. The fourth chapter will be concerned with peace operations in relation to conflict-related sexual violence. It will analyse the policy frameworks that have been developed by the United Nations to enhance the ability of UN peace operations to respond to conflict-related sexual violence and discuss in how far these frameworks provide peace operations with an appropriate tool to address and prevent sexual violence in situations of armed conflict and promote a comprehensive and inclusive gender approach to conflict-related sexual violence. Finally, the conclusions of the analyses and discussions undertaken in this thesis will be drawn in the last chapter.

It should be noted at this point that by focusing on conflict-related sexual violence against women and men, this thesis does not intend to minimise the suffering of women as victims of sexual violence or to downplay the devastating effects sexual violence has for women. Women constitute the majority of victims of sexual violence. This thesis, however, intends to analyse conflict-related sexual and gender-based violence against women *and* men as it seems important to address all forms, causes and consequences of sexual violence during armed conflict in a comprehensive and inclusive manner in order to find sustainable solutions and develop effective prevention and protection strategies. This work, furthermore, does not aim at diminishing the

importance of addressing the different forms of sexual violence against women and men in times of peace, by focusing on sexual violence during armed conflict. While sexual violence has common determinants in both times of war and peace, the conflict context nevertheless entails several differentiating factors. In situations of armed conflict sexual violence can be employed for particular purposes, can entail specific consequences and can constitute an international security issue that needs to be assessed under international norms and addressed by international actors, in particular the United Nations Security Council.

1.2. ANALYTICAL FRAMEWORK

To date it has been mainly feminist scholars who have engaged in analyses of armed conflict from a gender perspective. However, a uniform feminist theory on gender, conflict and conflict resolution does not exist; rather there is a «polyphonic chorus of female voices¹.» The great variety of feminist theories and approaches concerning the relations between gender and armed conflict can be divided into three main strands. Liberal feminism emphasises the equality between men and women. Thus, according to liberal feminism, women, just like men, can be capable soldiers and women are as proficient as men in engaging in guerrilla and rebel warfare and they should have the same rights as men to participate in armed conflict. Liberal feminists furthermore argue that the gendering of war reflects male domination over women in society. Difference feminism maintains that while (biological and/or cultural) gender differences exist, female qualities are generally devalued in male dominated societies. With regard to the connection between gender and armed conflict, in the difference feminist theory women are perceived to have a more pacifist nature than men and to be more effective in conflict resolution due to their potential for motherhood and their care-giving and nurturing roles. Postmodern feminism sees gender as arbitrary, culturally constructed concept that favours the men in power. This approach suggests that gender shapes not only men's and women's experiences of war but also the roles they play in times of armed conflict. At the same time, by demonstrating that war-time gender roles are contextual, fluid and pliable, postmodern feminists emphasise the diversity of women's experiences and the variety of roles women can play during armed conflict. Most feminist approaches

¹ Elshtain, 1987, p. 232.

that analyse the relations between armed conflict and gender combine different elements of these strands². This thesis will be based on two feminist approaches that allow for a better understanding of the dynamics of armed conflict, particularly of its gendered nature and its specific impact on men and women.

Cynthia Cockburn developed an analytical framework that permits to better understand the relations between armed conflict and gender. She criticises difference feminism for it promotes gender traditionalism and contrasted gender roles and emphasises the differences between men and women, which are presented as natural. Her criticism of liberal feminism, which stresses the equality between men and women and their similarities, is that it often obscures the gender differentiations and male dominance that still exist in most modern, liberal societies. She argues that both liberalism and traditionalism are found simultaneously in societies all over the world today and can prevent traditional gendered perceptions from being questioned³. Cockburn thus developed a gender approach to overcome these two approaches. Her analysis focuses on gender differentiation as social process and its importance in shaping relations of power. According to Cockburn, gender power is an important ordering principle that structures all forms of human interaction and finds expression in physique (for instance how vulnerable men and women are or how their bodies are deployed), in economics (including how resources are distributed between sexes), in the social sphere (for example who has authority in the community, who is the provider in the family) and in political power (including the sex of political leaders). While these differentiations and asymmetries between men and women are demonstrated by statistics on quantifiable sex distributions, the approach proposed by Cockburn aims at revealing them as intentionally created «governing principles, idealised qualities, practices, or symbols⁴». Cockburn's model of analysis allows to take gendered power relations in situations of armed conflict into consideration and to make certain features of conflict visible that would otherwise remain unnoticed. It also permits to explain these features by means of an analysis of the underlying gendered representations and value systems.

Caroline Moser, also adopting a feminist gender approach, developed a theoretical framework that allows conflict management initiatives to incorporate a gender perspective. Her framework is based

² Goldstein, 2001, pp. 38-51.

³ Cockburn, 2001, pp. 13-14.

⁴ *Ibidem*, pp. 14-16, citation p. 16.

on the recognition that armed conflict and violence are inherently gendered and influenced by culturally prescribed gender roles and identities. Thus men and women experience conflict and violence differently and have different needs and interests not only during conflict but also with regard to conflict resolution⁵. Moser identifies three categories of violence: social violence (mainly interpersonal violence including sexual assault of women, which is motivated by the will to gain or maintain social power), economic violence (for instance drug or human trafficking or armed confrontations over resources, inspired by economic gains) and political violence (such as armed conflict between opposing political parties or the systematic use of sexual violence as political strategy, motivated by a desire to obtain or maintain political power). These three categories of violence are interrelated along a continuum and are not mutually exclusive as the same violent act can be committed for different reasons⁶. According to Moser, each of the categories of violence is gendered since «gender is embedded in relations of power/powerlessness⁷.» Moser furthermore identifies causal factors of violence at four levels: the structural level (macro-level political economic and social structures including cultural gender norms), the institutional level (institutions, organisations and social networks in which gender relations are entrenched), the interpersonal level (gender relations between individuals) and the individual level (biophysical and ontogenetic characteristics of an individual). Gender pervades all four causal levels of violence and influences the different ways men and women are involved in conflict and experience violence. The framework allows accommodating different interpretations of different types of violence⁸.

These frameworks represent a comprehensive and integrated analytical approach to armed conflict, conflict-related sexual violence and conflict management that recognises the connections between the various dynamics, causes and consequences of conflict and violence⁹.

⁵ Moser, 2001, pp. 30-31.

⁶ *Ibidem*, pp. 34-37.

⁷ *Ibidem*, p. 37.

⁸ *Ibidem*, pp. 39-40.

⁹ They have, however, largely been applied with a singular focus on women. Cynthia Cockburn argues that her gender approach generates demands «for the satisfaction of women's needs» that are according to her «less often heard and less often satisfied» due to a gender hierarchy between men and women and the dominance of men and masculinity across cultures. Cockburn, 2001, p. 16. Caroline Moser emphasises that the mainstreaming of a gender perspective into conflict resolution strategies would permit to identify and integrate the differing needs and interests of men and particularly women, whose agency is generally denied. Moser, 2001, pp. 37-38.

1.3. DELIMITATION OF THE SUBJECT

While an extensive literature exists that analyses the dynamics of armed conflict, earlier works were largely «gender-blind» since armed conflict was generally regarded as exclusively male domain¹⁰. Later literature was mainly based on traditional, stereotypical perceptions of men and women and contrasted gender roles. Men were usually portrayed as aggressors and perpetrators of violence, as defenders of the nation and protectors of women and children, while women were seen as passive and peaceful caregivers and vulnerable victims of violence, particularly of sexual violence¹¹. More recently, feminist approaches to conflict and conflict resolution called into question the simplistic and stereotypical description of women as victims of war and violence and attempted to remedy the insufficient acknowledgment of women's active involvement in armed conflict. The work of feminist scholars concentrated primarily on the question of women as participants in armed conflict and as positive agents in peace processes. Therefore the main topics developed in feminist approaches are the absence of women as negotiators in formal peace talks and as personnel in peace operations, the difficulty of women's reintegration into society in their traditional gender roles after they have assumed agency during armed conflict or the importance of a social and political transformation of post-conflict societies that reflects women's needs and interests¹². Feminist literature demonstrated that preconceived perceptions of stereotypical gender roles in situations of conflict may enhance violence and impede sustainable and peaceful conflict resolution. Feminists have highlighted the discrepancy between stereotypical generalised assumptions about the roles of women in armed conflict and the multiplicity of roles women actually assume in conflict situations. Furthermore, feminist scholars have emphasised the need to address the underlying gendered representations of stereotypes concerning male and female roles in armed conflict¹³.

Feminist scholarship had a similar influence on the development of the problem of conflict-related sexual violence in research on armed

¹⁰ Clark & Moser, 2001, p. 3; El Jack, 2003, pp. 6-7.

¹¹ Clark & Moser, 2001, p. 3; Burguières, 1990, pp. 3-4.

¹² Clark & Moser, 2001, pp. 3-12; Butalia, 2001, pp. 99-113; Coral Cordero, 2001, pp. 151-163; Ibáñez, 2001, pp. 117-130; Mulholland, 2001, pp. 164-177; Wilson, 2005, pp. 242-263; Chinkin, 2003; Pietropaoli, 2007; Pasquero, 2007.

¹³ El Bushra, Adrian-Paul & Olson, 2003, pp. 30-32 and 50-52; Chinkin, 2003, pp. 9-13; Stern & Nystrand, 2006, pp. 34-35.

conflict. Early literature either ignored sexual violence as a problematic issue in connection with armed conflict or regarded it as an exclusively social phenomenon and inevitable by-product of war. Under feminist influence sexual violence in armed conflict was increasingly recognised as an aspect of political and economic violence, in the form of deliberate war tactics, strategically employed to advance military, political and economic objectives. While in a first phase the aim of feminist scholars was to bring sexual violence during armed conflict on the international agenda, which led to a rather undifferentiated compilation of evidence and testimonies to portray the extent and urgency of the problem, in a second phase a more nuanced analyses of the circumstances, causes and consequences of sexual violence in conflict settings emerged. Nonetheless, women continued to be portrayed as victims of sexual violence in situations of armed conflict while men remained the exclusive perpetrators¹⁴.

Research on conflict management and particularly peacekeeping has long neglected gender issues, particularly conflict-related sexual violence. More recently feminist scholars have drawn attention to the importance of gender in connection with peacekeeping and particularly to the necessity of gender mainstreaming in peace operations. They have furthermore demonstrated that peace operations rarely incorporate a gender perspective and, more often than not, fail to take the gendered consequences of armed conflict and the gendered political, economic and social structures that constitute causal factors of armed conflict into account¹⁵. Gender issues discussed in relation with peace operations mainly include the particular vulnerability of women with regard to sexual violence in conflict situations, the protection of women from conflict-related sexual violence by peacekeeping missions, the problem of sexual violence perpetrated by peacekeepers, and the participation of women in peace operations¹⁶.

Feminist research has emphasised the gender dimensions of armed conflict and has recognised gender as a necessary theoretical concept to analyse not only the causes and consequences of armed conflict but also international conflict management interventions. Feminist scholars have contributed to a better understanding of the dynamics of armed

¹⁴ Stiglmeier, 1994(b), pp. 82-169; Turshen, 2001, pp. 55-68; Sackellares, 2005, pp. 137-165; Manjoo & Mcraith, 2011, pp. 11-31.

¹⁵ Mazurana, Raven-Roberts & Parpart, 2005; Tryggstad & Olsson, 2001.

¹⁶ Whitworth, 2004; Grady, 2010, pp. 215-228; Kanetake, 2010, pp. 200-214; Simić, 2010, pp. 188-199; Harris & Goldsmith, 2010, pp. 292-306; Bedont, 2005, pp. 83-108; Hicks Stiehm, 2001, pp. 39-48; Olsson, 2001, pp. 97-110; Karamé, 2001, pp. 85-96; Skjelsbaek, 2001, pp. 69-84.

conflict by drawing attention to the particular ways in which conflict affects women and by highlighting women's specific experiences and needs in situations of armed conflict. Feminists played an important role in challenging traditional perceptions of concepts such as security, violence, victim, perpetrator or threat. While early literature on armed conflict and conflict resolution was largely gender blind or focused on stereotypical gender perceptions of women as victims of conflict, feminist scholars have drawn attention to the diverse and active roles women can play in armed conflict that need to be taken into account in conflict management initiatives. However, although the concept of gender includes women and men, research in the field of gender and armed conflict has to date focused almost exclusively on women – a gender focus thus meaning a focus on women. While recently some attention has been given to the construction of masculinities in relation to armed conflict, men, particularly as victims of violence, have largely been neglected in gender analyses of armed conflict and conflict management initiatives.

This thesis aims at analysing the distinct ways in which both, women and men, can be affected by gender-based and sexual violence during armed conflict that are often overlooked in conflict management initiatives. Due to gender stereotypes and identities, men are often ignored as victims of sexual violence, thus interventions need to recognise and address the diverse ways – stereotypical or other – in which women and men can be affected by sexual violence during armed conflict in order to effectively prevent this kind of violence and establish sustainable peace and gender-equality in post-conflict societies.

CHAPTER 2

GENDER AND ARMED CONFLICT

In order to analyse the issue of conflict-related sexual violence it seems important to situate the phenomenon of sexual violence within the broader context of armed conflict and its relations to and implications for gender issues. Therefore, the following paragraphs will, after introducing the concepts of gender, gender-based violence and sexual violence, discuss the relations between gender and armed conflict in particular.

2.1. GENDER, GENDER-BASED VIOLENCE AND SEXUAL VIOLENCE

2.1.1. *Gender*

While «sex» generally denotes the biological distinctions between men and women, «gender» refers to the socially and culturally constructed differences between the sexes¹⁷. Gender is usually understood as referring to the social roles ascribed to men and women and the relationship between them¹⁸. These social roles are context specific and shaped by the «cultural, social, economic and political conditions, expectations, and obligations within the family, community, and

¹⁷ The Oxford English Dictionary defines sex as «Either of the two main categories (male and female) into which humans and many other living things are divided on the basis of their reproductive functions» and notes that gender, in its modern, especially feminist use, is «often intended to emphasize the social and cultural, as opposed to the biological, distinctions between the sexes.» See «gender, n.» and «sex, n.1.» OED Online, Oxford University Press, March 2011, available at <http://www.oed.com/viewdictionaryentry/Entry/77468> and <http://www.oed.com/viewdictionaryentry/Entry/176989> (consulted on 1 May 2011).

¹⁸ Some feminist scholars have however criticised the distinction between sex and gender arguing that even biology can be mediated through culture and power. See Goldstein, 2001, p. 2; Stern & Nystrand, 2006, pp. 34-35.

nation¹⁹.» As gender is not biological but socially constructed and learned, it is liable to variations across cultures and to transformations over time. It is closely related to other social factors such as age, ethnicity and class²⁰. Gender is furthermore regarded as relational in the sense that it implies a relationship of power whereby feminine (that which is stereotypically associated with the female sex) cannot be understood without referring to masculine (that which is stereotypically associated with the male sex) and is often defined as opposed to it. The notion of masculine, associated with agency, rationality, production, public, war, perpetration of violence, protector, and warrior, is given meaning only through the opposition to the related notion of feminine, associated with passivity/dependence, emotion, reproduction, private, peace, victim, being in need of protection, and nation/homeland. These stereotypical perceptions, roles and expectations of men and women are created by gender discourses that define what is accepted as «true» in a society and thus let socially constructed differentiations and perceptions of men and women appear as natural²¹. The gendered social roles ascribed to men and women by dominant gender discourses tend to maintain certain inequalities between the sexes for instance in economic and educational opportunities, in political power and in legal status and entitlements. They thus perpetuate gender hierarchies that ascribe a higher value to the masculine that dominates the feminine²². One of the most important dynamics that underlies these unequal gender power relations is the public/private divide. The public sphere is associated to the nation-building process including political representation, national defence, and productive economic activity. This sphere is traditionally understood as masculine. The private sphere on the other hand is deemed female and associated with reproductive activities such as caring for the social well-being of the family and community, and biological reproduction²³.

2.1.2. *Sexual and Gender-based Violence*

While there is no generally accepted definition of sexual violence under international law, several definitions and descriptions are of importance for this work. The Rome Statute of the International

¹⁹ Mazurana, Raven-Roberts, Parpart & Lautze, 2005, p. 13.

²⁰ *Ibidem*.

²¹ Stern & Nystrand, 2006, pp. 34-37.

²² Cockburn, 2001, pp. 15-16; Stern & Nystrand, 2006, p. 35.

²³ Stern & Nystrand, 2006, pp. 44-45.

Criminal Court provides that «rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, or any other form of sexual violence of comparable gravity» can constitute a crime against humanity and a war crime²⁴. The «Elements of Crimes», which «shall assist the Court in the interpretation and application» of the provisions of the Statute²⁵, defines as an element of the war crime of rape: «the perpetrator invaded the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body²⁶»; as an element of the war crime of sexual slavery: «the perpetrator exercised any or all of the powers attaching to the right of ownership over one or more persons, such as by purchasing, selling, lending or bartering such a person or persons, or by imposing on them a similar deprivation of liberty [... and] caused such person or persons to engage in one or more acts of a sexual nature²⁷»; of enforced prostitution: «the perpetrator caused one or more persons to engage in one or more acts of a sexual nature [... and he] or another person obtained or expected to obtain pecuniary or other advantage in exchange for or in connection with the acts of a sexual nature²⁸»; of forced pregnancy: «the perpetrator confined one or more women forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law²⁹»; and of enforced sterilisation: «the perpetrator deprived one or more persons of biological reproductive capacity³⁰.» While not providing an explicit definition of sexual violence, The «Elements of Crimes» lists one of the elements of the crime against humanity of sexual violence and the war crime of sexual violence as «the perpetrator committed an act of a sexual nature

²⁴ Rome Statute of the International Criminal Court, A/CONF.183/9, 17 July 1998, Article 8 (2) (b) (xxii) and Article 7 (1) (g). For these forms of sexual violence to constitute crimes against humanity and war crimes the other elements of these crimes need to be fulfilled, particularly that «the conduct took place in the context of and was associated with an international armed conflict» in the case of war crimes and that «the conduct was committed as part of a widespread or systematic attack directed against a civilian population» in the case of crimes against humanity. See International Criminal Court, Elements of Crimes, ICC-PIDS-LT-03-002/11_Eng, 2011, Article 8 (2) (b) (xxii)-1 - War crime of rape and Article 7 (1) (g)-1 - Crime against humanity of rape, pp. 8 and 28.

²⁵ Rome Statute of the International Criminal Court, A/CONF.183/9, 17 July 1998, Article 9 (1).

²⁶ International Criminal Court, Elements of Crimes, ICC-PIDS-LT-03-002/11_Eng, 2011, Article 8 (2) (b) (xxii)-1 - War crime of rape, p. 28.

²⁷ *Ibidem*, Article 8 (2) (b) (xxii)-2 - War crime of sexual slavery, p. 28.

²⁸ *Ibidem*, Article 8 (2) (b) (xxii)-3 - War crime of enforced prostitution, p. 29.

²⁹ *Ibidem*, Article 8 (2) (b) (xxii)-4 - War crime of forced pregnancy, p. 29.

³⁰ *Ibidem*, Article 8 (2) (b) (xxii)-5 - War crime of enforced sterilisation, p. 29.

against one or more persons or caused such person or persons to engage in an act of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or persons or another person, or by taking advantage of a coercive environment or such person's or persons' incapacity to give genuine consent³¹.» The UN Special Rapporteur on systematic rape, sexual slavery and slavery-like practices during armed conflict defined sexual violence as «any violence, physical or psychological, carried out through sexual means or by targeting sexuality,» thus covering «both physical and psychological attacks directed at a person's sexual characteristics,» as well as «situations in which two victims are forced to perform sexual acts on one another or to harm one another in a sexual manner³².» Furthermore, the International Criminal Tribunal for Rwanda has noted that sexual violence «is not limited to physical invasion of the human body and may include acts which do not involve penetration or even physical contact³³.»

Sexual violence should therefore not be seen as limited to rape, it is a broader category that covers actions directed at a victim's sexual or reproductive health or identity and thus includes *inter alia* rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, forced marriage, forced abortion, enforced nudity, genital violence and mutilation, indecent assault, trafficking, inappropriate medical examinations, strip searches, enforced masturbation, enforced incest, or enforced rape of female or male others³⁴.

Gender-based violence differs from the narrower category of sexual

³¹ *Ibidem*, Article 7 (1) (g)-6n - Crime against humanity of sexual violence and Article 8 (2) (b) (xxii)-6 - War crime of sexual violence, pp. 10 and 30.

³² United Nations Commission on Human Rights, Final report submitted by Ms Gay J. McDougall, Special Rapporteur, Contemporary Forms of Slavery- Systematic Rape, Sexual Slavery and Slavery-like Practices During Armed Conflict, E/CN.4/Sub.2/1998/13, 22 June 1998, paras. 21-22.

³³ *The Prosecutor v. Jean-Paul Akayesu* (Trial Judgement), ICTR-96-4-T, International Criminal Tribunal for Rwanda (ICTR), 2 September 1998, para. 688.

³⁴ United Nations Office for the Coordination of Humanitarian Affairs, Discussion Paper 2 - The Nature, Scope and Motivation for Sexual Violence Against Men and Boys in Armed Conflict, Use of Sexual Violence in Armed Conflict: Identifying Gaps in Research to Inform More Effective Interventions, UN OCHA Research Meeting, OCHA Policy Development and Studies Branch, 26 June 2008, p. 1; United Nations Development Fund for Women, United Nations Department of Peacekeeping Operations, United Nations Action Against Sexual Violence in Conflict, Addressing Conflict-Related Sexual Violence - An Analytical Inventory of Peacekeeping Practice, United Nations, 2010, p. 5; Sivakumaran, 2007, pp. 263-267; Russell, 2007, pp. 22-23; United Nations General Assembly, In-depth Study on All Forms of Violence Against Women Report of the Secretary-General, A/61/122/Add.1, 6 July 2006, paras. 143-144.

violence in that gender-based violence comprises violence that occurs because of the victim's gender and is defined as «violence directed at an individual, male or female, based on his or her specific gender role in society».³⁵ Gender-based violence therefore refers to diverse forms of violence committed against women as well as men and should not be seen as referring exclusively to sexual violence against women, but also to sexual violence against men. Conflict-related gender-based violence should furthermore include the phenomena of forced recruitment and the execution of civilians, which men are generally more vulnerable to during armed conflict than women.³⁶ These forms of sex-selective violence are gender-based because they are rooted in expectations about the victim's stereotypical social and cultural gender roles during armed conflict.³⁷

However, the term «gender-based violence» entered the United Nations discourse in relation to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Declaration on the Elimination of Violence Against Women. The United Nations Committee on the Elimination of Discrimination Against Women charged with monitoring the implementation of CEDAW³⁸ defined gender-based violence as «a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men» and as «violence that is directed against a woman because she is a woman or that affects women disproportionately».³⁹ Furthermore, the 1993 Declaration on the Elimination of Violence Against Women, defines violence against women as «any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life».⁴⁰ This women-specific approach adopted in United Nations human rights instruments, by relating gender-based violence exclusively to women, might be explained by the general neglect of women's rights in the early international human rights movement. Feminist scholars have criticised the absence of

³⁵ Human Rights Watch, 2002, p. 8.

³⁶ Human Security Centre, 2005, pp. 106-111.

³⁷ Carpenter, 2006(b), pp. 85-89.

³⁸ United Nations General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women, A/RES/34/180, 18 December 1979, Articles 17-30.

³⁹ United Nations Committee on the Elimination of Discrimination Against Women, General Recommendation 19: Violence Against Women, A/47/38, 1992, paras. 1 and 6.

⁴⁰ United Nations General Assembly, Declaration on the Elimination of Violence Against Women, A/RES/48/104, 20 December 1993, Article 1.

women's issues in international law in general and human rights law in particular and have exposed the «gender bias of apparently neutral systems of rules».⁴¹» Despite the enshrinement of the «equal rights of men and women» in the Universal Declaration of Human Rights of 1948⁴², the United Nations largely failed to promote women's rights⁴³. In this context sexual violence became the main claim that united international women's rights movements in their attempt to counter the neglect of women's human rights and to make women's issues a priority on the international agenda, because sexual violence «seemed to provide a means to make the gender-specific content [of human rights violations against women] visible to the key human rights bodies and actors».⁴⁴» As a result, sexual violence was framed as a «women's issue» and the meaning of the term «gender» has come to be regarded as synonymous with «women's concerns».⁴⁵» This in turn is reflected in the conflation of the terms «gender» and «women,» as well as «gender-based violence» and «sexual violence against women,» in academic and policy literature concerning sexual violence in armed conflict⁴⁶. The consequences this interchangeable use of «gender» and «women» has for male victims of gender-based, and particularly sexual violence, will be discussed in the next chapters.

2.2. GENDER AND ARMED CONFLICT

The way men and women experience armed conflict is influenced by their gendered social roles and by gender power relations. It has been argued that, while in times of peace the formulation of gender roles and identities may vary considerably in different cultures and through time, during armed conflict gender representations are very similar across cultures and gender roles become more polarised⁴⁷. The inequalities between men and women existing in most societies in times of peace tend to be exacerbated during armed conflict. A gender analysis allows

⁴¹ Charlesworth, Chinkin & Wright, 1991, citation p. 613; Askin, 2003(a), pp. 289-296; MacKinnon, 1994, pp. 183-184.

⁴² United Nations General Assembly, Universal Declaration of Human Rights, General Assembly Resolution 217 A (III), A/810, 1948, Preamble, preambular para. 5.

⁴³ Fraser, 1999, pp. 885-895.

⁴⁴ Miller, 2004, pp. 16-27, citation p. 18.

⁴⁵ Quéniévet, 2005, p. 117; Charlesworth, 2005, pp. 14-15.

⁴⁶ See for instance: Rehn & Johnson Sirleaf, 2002; Askin, 2003(a); Enloe, 2000; Manjoo & Mcraith, 2011; United Nations Security Council, United Nations Security Council Resolution 1325, S/RES/1325 (2000), 31 October 2000.

⁴⁷ Goldstein, 2001, p. 9; Cockburn, 2001, pp. 18-21.

to identify the different roles men and women play in times of armed conflict, as well as their particular needs and their differential access to resources and decision-making processes and permits to take underlying gendered representations, value systems and power relations into consideration⁴⁸. Four moments or stages of armed conflict (pre-conflict, conflict, conflict resolution/peacemaking and post-conflict) can be distinguished that are accompanied by specific gendered phenomena. While conflict has shifting boundaries and stages might overlap, this division allows interventions to analyse their potential impact and address the specific gendered needs at each stage of the conflict⁴⁹.

2.2.1. The Pre-conflict Stage

In the pre-conflict stage economic stress and impoverishment is often a causal factor and sign of imminent conflict which affects men and women differently. While men risk to be forced towards crime and militarism, female-headed households are often most negatively affected by reductions in state welfare spending⁵⁰. One of the features of armed conflict that often manifests early in times of mounting tensions, before conflict effectively breaks out, is the increased militarisation of societies. Militarisation is described as «a step-by-step process by which a person [...] comes to be controlled by the military or comes to depend for its well-being on militaristic ideas,» which means that «a community's politicized sense of its own identity becomes threaded through with pressures for its men to take up arms, for its women to loyally support brothers, husbands, sons and lovers to become soldiers⁵¹.» Increased militarisation is often accompanied by a rise in spending on arms and a decrease of expenditure on public health and education services. This shifts the responsibility for these public goods from the public to the private sector and thus to women in their traditional roles as caregivers and providers of social welfare. It also leads to a deterioration of the security situation of women due to an increased availability of small arms and a rise in women trafficking, often related

⁴⁸ United Nations Department of Peacekeeping Operations, Handbook on UN Multi-dimensional Peacekeeping Operations, Peacekeeping Best Practices Unit, United Nations, New York, December 2003, pp. 114-115; United Nations Development Programme, Gender Approaches in Conflict and Post-Conflict Situations, 2002, pp. 6-7; Cockburn, 2001, pp. 16-17. The following analysis will be based on the framework developed by Cockburn.

⁴⁹ For instance: Stern & Nystrand, 2006, pp. 59-83; El Jack, 2003, p. 9; Cockburn, 2001, pp. 17-28; United Nations Development Programme, Gender Approaches in Conflict and Post-Conflict Situations, 2002, pp. 5-6.

⁵⁰ Cockburn, 2001, pp. 17-18.

⁵¹ Enloe, 2000, p. 3; Enloe, 1993, p. 250.

to arms dealing⁵². Militarisation also entails a general increase of violence in society as a whole and the ideals of masculine behaviour thus often become more violent. In this climate of general violence and fear, domestic sexual violence against women often increases⁵³. Another gendered element of the pre-conflict stage is the renewal of traditional, patriarchal family ideologies that emphasise the differentiation of men and women. Gender roles prescribed by society thus become more polarised and rigid. While men are required to protect women, children and the nation, women are expected to attend to their traditional roles as mothers and wives⁵⁴. At the onset of conflicts, particularly of an ethnic, racial or religious dimension, gender discourses intersect with the definition of ethnic, religious, national or racial identity and belonging to create inequalities between and among men and women. Dynamics of inclusion and exclusion, that often gain importance in public discourse in the pre-conflict stage to stir up patriotism and strengthen the sense of ethnic belonging, inform the construction of ideal gender roles and identities that help to distinguish the «self» from the «enemy.» Those who deviate from these rigid gender roles and identities face violence and punishment⁵⁵.

2.2.2. *The Conflict Stage*

During armed conflict men are more likely to be recruited into national military forces and armed rebel groups. Their role as fighters and protectors is related to the ideals of masculinity promoted by the gender systems of societies. «Many versions of masculinity in the world's varied cultures are constituted in the practice of fighting: to be a real man is to be ready to fight and, ultimately, to kill and die. That for which men are asked by their leaders to sacrifice themselves is the safety and honour of women⁵⁶.» Due to the division between public and private spheres in society, women have traditionally been responsible for the welfare of the community and are thus usually left behind to provide for the needs of the family as single heads of the household. Women are particularly affected by the collapse of economic and social

⁵² Cockburn, 2001, pp. 17-18; Mazurana, Raven-Roberts, Parpart & Lautze, 2005, pp. 5-6.

⁵³ Stern & Nystrand, 2006, pp. 50-51, 60-65; Rehn & Johnson Sirleaf, 2002, pp. 10-11.

⁵⁴ Enloe, 1983, pp. 45-47; Rehn & Johnson Sirleaf, 2002, pp. 10-11; Stern & Nystrand, 2006, pp. 60-65.

⁵⁵ Cockburn, 2001, pp. 11-12, 19; El Jack, 2003, pp. 11-12; Stern & Nystrand, 2006, pp. 61-63.

⁵⁶ Cockburn, 2001, p. 20; see also Jacobs, Jacobson & Marchbank, 2000, p. 11; El Jack, 2003, pp. 12-13; Goldstein, 2001, p. 9.

structures during times of armed conflict. They have to take on additional productive responsibilities to ensure household food security, which is often compounded by a lack of land and property rights. Due to the breakdown of the public health system, maternal and child mortality rise and women see an increase of their workload in their role as providers of healthcare. In addition, women's traditional daily tasks such as fetching water or selling at markets become more dangerous as women become more vulnerable to be targeted with sexual violence or to be caught in crossfire⁵⁷.

Violence is another gendered phenomenon of armed conflict. Men and women are often killed tortured and abused in different ways that reflect not only the physical differences between men and women but also the dominant ideals for gender identities and roles during armed conflict and the specific gendered meanings that the male and female body is associated with in different cultures⁵⁸. Men are thus more likely than women to be killed or wounded as a result of the fighting, but also to become victims of forced recruitment, forced disappearance and extrajudicial killing, while women typically suffer various forms of sexual assault during armed conflict, ranging from sexual violence perpetrated as integral part of a broader military strategy to pursue political and economic objectives, to domestic sexual violence that increases in times of conflict when traditional moral, community and institutional safeguards disintegrate⁵⁹. Due to the traditional gender roles ascribed to men and women by dominant gender discourses during armed conflict, women are stereotypically regarded as innately peaceful and nurturing and as victims of wars waged by men. Men on the other hand are seen as innately violent aggressors or «masculine heroes» who protect «their» women and the nation⁶⁰. However, women have participated in armed conflicts as active combatants and as supporters of conflict and militarism and have committed violent acts, including sexual violence. Women have also been victims of many

⁵⁷ Cockburn, 2001, pp. 19-22; United Nations, Handbook on UN Multidimensional Peacekeeping Operations, Peacekeeping Best Practices Unit, United Nations, New York, December 2003, pp. 114-115; Mazurana, Raven-Roberts, Parpart & Lautze, 2005, pp. 5-7; El Bushra, Adrian-Paul & Olson, 2003, pp. 16-17; United Nations Security Council, Report of the Secretary-General on Women, Peace and Security, S/2002/1154, 16 October 2002, pp. 1-2.

⁵⁸ Cockburn, 2001, p. 22; Mazurana, Raven-Roberts, Parpart & Lautze, 2005, p. 4; El Bushra, Adrian-Paul & Olson, 2003, pp. 16-17; El Jack, 2003, pp. 16-18; Stern & Nystrand, 2006, pp. 68-70.

⁵⁹ Bloomfield, Barnes & Huyse, 2003, p. 55; Rehn & Johnson Sirleaf, 2002, pp. 13-14; United Nations, Handbook on UN Multidimensional Peacekeeping Operations, Peacekeeping Best Practices Unit, United Nations, New York, December 2003, p. 115.

⁶⁰ Clark & Moser, 2001, p. 3.

forms of violence other than sexual violence during armed conflict, including unlawful killings, forced recruitment, involuntary disappearance and arbitrary detention⁶¹. At the same time, men have gone to great lengths to avoid combat and many have actively participated in peace movements. Men have also become victims of different forms of violence, including sexual violence, during military operations against the civilian population but also in detention or in the context of forced conscription⁶². Thus, the experiences on the ground do not always correspond to the stereotypical gender roles and expectations imposed by society and it has been argued that «men who feel they are unable to fulfil their “masculine” roles as protectors or aggressors may vent their frustrations on their families,» which leads to further violence and insecurity and can hinder sustainable peace⁶³.

2.2.3. *The Conflict Resolution and Post-conflict Stage*

During the phase of conflict resolution or peace making, again due to the public/private divide, it is usually men who take part in formal peace negotiations, although women often play important roles in anti-war movements and in the peaceful settlement of conflicts at the community level⁶⁴. In the post-conflict stage, men and women are affected differently by displacement. For instance, while for women the risk of sexual aggression in or around refugee and internally displaced persons (IDP) camps is higher than for men, men are more likely to be recruited into gangs or paramilitary movements⁶⁵. However, men and particularly boys are also highly vulnerable to become victims of sexual violence in

⁶¹ El Jack, 2003, pp. 11-12; Stern & Nystrand, 2006, pp. 54-55; Goldstein, 2001, pp. 59-127, 301-322; United Nations General Assembly, In-depth Study on All Forms of Violence Against Women Report of the Secretary-General, A/61/122/Add.1, 6 July 2006, para. 143; United Nations Commission on Human Rights, Final report submitted by Ms Gay J. McDougall, Special Rapporteur, Contemporary Forms of Slavery- Systematic Rape, Sexual Slavery and Slavery-like Practices During Armed Conflict, E/CN.4/Sub.2/1998/13, 22 June 1998, para. 109; United States Institute of Peace - Women, Conflict, and Peacebuilding Working Group, *Sexual Violence in Conflict: One Year After UN Resolution 1820*, expert panel discussion, 11 June 2009; The «Taguba Report» on Treatment of Abu Ghraib Prisoners in Iraq - Article 15-6 Investigation of the 800th Military Police Brigade.

⁶² El Jack, 2003, pp. 12-13; Stern & Nystrand, 2006, pp. 54-55; Goldstein, 2001, pp. 251-300, 356-362; Russell, 2007, p. 22; The «Taguba Report» on Treatment of Abu Ghraib Prisoners in Iraq - Article 15-6 Investigation of the 800th Military Police Brigade; United Nations Security Council, Final Report of the United Nations Commission of Experts Established Pursuant to Security Council Resolution 780 (1992), S/1994/674/Add.2 (Vol. V), Annex IX, Rape and Sexual Assault, 28 December 1994.

⁶³ El Jack, 2003, p. 13; see also Dolan, 2002, pp. 60-79.

⁶⁴ Chinkin, 2003, pp. 10-12; Cockburn, 2001, pp. 23-24; Stern & Nystrand, 2006, pp. 72-75.

⁶⁵ Cockburn, 2001, pp. 25-26.

these settings⁶⁶. Furthermore, women who have become widows as a result of the conflict often fall into deep poverty lacking resources, credits, and training for employment. Men on the other hand «may consolidate their gender power» as they are more likely than women to profit from land distribution programmes and to be granted bank loans⁶⁷. However, gender relations may shift during armed conflict and women sometimes emerge empowered as they often assume roles previously unavailable to them. Forced to ensure their survival independently, women often develop creative ways of earning money during times of conflict, for instance through the establishment of commercial networks and trading and savings schemes. Nonetheless, they are usually expected to return to their traditional gender roles and are often under-represented in re-established electoral structures and excluded from formal reconciliation processes⁶⁸. Women who were combatants during the conflict often face social ostracism and are neglected in demobilisation programmes. At the same time men and boys who have been recruited into armed forces and rebel groups may face difficulties to reintegrate into civilian life after they have learned violent behaviour as part of their masculinity and might have been forced (or compelled through peer pressure) to commit acts of violence, including sexual violence. These difficulties may in turn be expressed through an increase in violent behaviour, including sexual violence, as soon as demobilised men rejoin their communities and families⁶⁹.

2.2.4. *Gender Analysis*

Thus sexual violence is a gendered feature of conflict that is closely related to and influenced by other gendered elements of armed conflict. A man might, for instance, resort to domestic sexual violence when returning to his community at the end of the conflict after he has become a victim of sexual violence in the context of forced conscription. A woman might decide to join a rebel group and take up arms against national armed forces after she has been sexually assaulted by national soldiers⁷⁰. Furthermore, in conflicts with a high level of forced recruitment the frequency of sexual violence perpetrated by soldiers

⁶⁶ Russell, 2007, p. 22.

⁶⁷ Cockburn, 2001, pp. 26-27; Stern & Nystrand, 2006, pp. 45-46, 75-76.

⁶⁸ Cockburn, 2001, pp. 27-28; Chinkin, 2003, pp. 10-12; Stern & Nystrand, 2006, pp. 70-

74. ⁶⁹ Stern & Nystrand, 2006, pp. 54-57.

⁷⁰ Anderson, 2010, p. 253.

and armed groups against civilians can increase⁷¹. It is therefore important to consider sexual violence in relation to the gendered workings of war more generally in order to address it effectively. A gender analysis allows making the gender dynamics of conflict visible and permits to explain them by means of an analysis of the underlying gendered representations and value systems. An understanding of the connections between the gendered features of conflict and the gender stereotypes and ideologies that underpin them is crucial to address conflict-related sexual violence in a comprehensive and inclusive way. Sexual violence in situations of armed conflict needs to be regarded together with, not independently of, other forms of violence as they are closely intertwined⁷².

Peace operations thus need to adopt an integrated approach to simultaneously address different forms of violence and their gender-related implications and underlying gendered dynamics as well as the connections between them. To understand the causes and effectiveness of sexual violence in armed conflict it is crucial to identify the dominant ideals of gender identities and stereotypical gender roles and how they are constructed through gender discourses during armed conflict. However, attention needs to be paid not only to the consequences of conflict in relation to stereotypical gender roles but also to the consequences of a deviation from the dominant perceptions of men's and women's ideal gender roles and identities. Thus, in order to take the differential experiences of both men and women during armed conflict into consideration and to identify and integrate their particular needs

⁷¹ United States Institute of Peace - Women, Conflict, and Peacebuilding Working Group, *Sexual Violence in Conflict: One Year After UN Resolution 1820*, expert panel discussion, 11 June 2009. This will be further discussed in the next chapter.

⁷² The Special Rapporteur on contemporary forms of slavery-systematic rape, sexual slavery and slavery-like practices during armed conflict has for instance argued that an exclusive focus on sexual violence against women can have negative consequences as it might draw attention away from other forms of violence women are subjected to during armed conflict. United Nations Commission on Human Rights, Final report submitted by Ms Gay J. McDougall, Special Rapporteur, Contemporary Forms of Slavery- Systematic Rape, Sexual Slavery and Slavery-like Practices During Armed Conflict, E/CN.4/Sub.2/1998/13, 22 June 1998, para. 109.

Furthermore, studies in the field of development aid have shown that in a context of armed conflict, characterised by rampant poverty and a general lack of basic health services, a singular focus on sexual violence independent of other forms of violence and the disproportionate attention and resources dedicated to victims of sexual violence has contributed to a process in which false accusations of sexual violence, or the threat thereof, have become an effective means to extort money from soldiers and thus an income-generating strategy and has furthermore led women who are not victims of sexual violence to present themselves as victims in order to get access to health services as well as food aid, training and credit facilities that are generally provided for victims of sexual violence during armed conflict. Stern & Eriksson Baaz, 2010, pp. 51-55.

and interests, it is necessary to take the underlying gender power relations and gender ideologies into account and understand how gender stereotypes and discourses shape the dominant ideals of gender identities in times of armed conflict and influence the way men and women experience conflict. It is however of the same importance to unsettle the dominant stereotypical gendered assumptions that underlie armed conflict in order to find sustainable solutions. This means to question stereotypical perceptions of the gender roles that men and women *typically* assume during conflict and of what their specific needs *usually* are, so that the needs and interests (typical or not) of both women and men can be taken into consideration.

2.3. GENDER MAINSTREAMING AND PEACE OPERATIONS

Particularly the phases of conflict resolution and post-conflict reconstruction in conflict-affected settings are often seen as a «window of opportunity» to promote structural change and gender equality⁷³ and to further the advancement of women, especially in societies where patriarchal social structures maintained unequal gender power relations before and during the conflict⁷⁴. Expectations are often high that the presence of international actors such as peace operations can transform the situation of women and advance gender equality in their areas of operation.

2.3.1. *Gender on the International Security Agenda*

The development of the concept of human security has contributed to the growing importance accorded to gender issues on the international security agenda⁷⁵. In international politics the concept of security was traditionally viewed in terms of national security and in relation to international armed conflict. It was based on the idea of military defence of state interests and territory and the nation-state was regarded as the main actor and recipient of security. However, the rising number and changing nature of international security threats after the

⁷³ Gender equality refers to the equal rights and opportunities of men and women and implies that the interests and needs of women and men are given equal consideration. See United Nations Department of Peacekeeping Operations, Handbook on UN Multi-dimensional Peacekeeping Operations, Peacekeeping Best Practices Unit, United Nations, New York, December 2003, p. 113; Mazurana, Raven-Roberts, Parpart & Lautze, 2005, p. 13.

⁷⁴ Olonisakin, Barnes & Ikpe, 2011, p. 226.

⁷⁵ Thakur, 2006, p. 87.

end of the Cold War, such as non-international armed conflicts with a high incidence of civilian casualties, complex humanitarian crises resulting from natural disasters, diseases, economic crises and scarcity of resources, as well as «failed» or «perpetrator» states, unable or unwilling to guarantee the security of their citizens, have contributed to a heightened awareness that the safety and life of individuals can be threatened not only by external factors but also by factors within a country⁷⁶. As a consequence the traditional concept of security has evolved towards the broader concept of human security, first officially launched by the 1994 Human Development Report published by the United Nations Development Programme, which described the concept as encompassing economic, food, health, environmental, personal, community and political security⁷⁷. Thus, security has been deepened to go beyond purely military issues and widened as it places the individual, rather than the state, at the centre of security concerns⁷⁸. Human security includes not only the physical safety of individuals from «hard threats,» but also the respect of their dignity and fundamental freedoms, as well as their economic and social well-being, endangered by «soft threats» such as diseases, poverty, economic deprivation, environmental degradation or lack of social cohesion that often constitute the long-term structural causes of conflict⁷⁹. The concept of human security has been criticised for the lack of a precise definition as well as for shifting attention and resources away from conventional security issues toward goals that are already adequately addressed by other initiatives such as the development agenda⁸⁰. One of the main concerns with regard to the concept of human security expressed by feminist scholars is that «it can mask gender-differentiated insecurities by encouraging a gender-neutral approach⁸¹.» Feminist researchers maintain that gender shapes what is regarded as a security threat and what experience of insecurity is considered relevant in global policy. They argue that human security neglects women's specific needs and experiences and call for more attention to the vulnerability of women⁸².

Nevertheless, the re-conceptualisation of the concept of security has

⁷⁶ King & Murray, 2001-2002, pp. 586-589; Thakur, 2006, pp. 72-79; Paris, 2001, pp. 87-91; Alkire, 2003, p. 11.

⁷⁷ United Nations Development Programme, *Human Development Report 1994*, New York-Oxford, Oxford University Press, 1994, pp. 22-33.

⁷⁸ King & Murray, 2001-2002, pp. 586-589; Thakur, 2006, pp. 72-82.

⁷⁹ Thakur, 2006, p. 73.

⁸⁰ Paris, 2001, pp. 88-94; Alkire, 2003, pp. 31-32.

⁸¹ Barnes, 2006, p. 16.

⁸² Stern & Nystrand, 2006, pp. 35-37; Enloe, 1993, pp. 38-59; Barnes & Olonisakin, 2011, pp. 6-7.

led to an expansion of the range of activities that fall within the scope of peace operations and has entailed increasing efforts to integrate gender-related issues into peacekeeping missions⁸³. Thus, in order to adapt to the changing nature and perception of international security threats, peacekeeping⁸⁴ has expanded from traditional peacekeeping missions, based on the principle of the use of force only in self-defence and mainly tasked with the separation of conflicting parties and the observation of ceasefires, to take the form of multidimensional peace operations that cover a wide range of tasks aimed at reacting to complex humanitarian emergencies, including not only military but also political, administrative and humanitarian functions such as the delivery of humanitarian assistance, the monitoring of elections, the disarmament and reintegration of former fighters, the promotion of respect for human rights or the restoration of state structures, and have increasingly been authorised by more robust mandates to use limited force⁸⁵. At the same time⁸⁶, gender issues gained importance within the UN system and the strategies of gender balance⁸⁷ and gender mainstreaming⁸⁸ were adopted to promote gender equality within the organ-

⁸³ Barnes & Olonisakin, 2011, p. 6; Väyrynen, 2004, pp. 132-136.

⁸⁴ The UN has defined peacekeeping as «a technique designed to preserve the peace, however fragile, where fighting has been halted, and to assist in implementing agreements achieved by the peacemakers.» United Nations Department of Peacekeeping Operations/ United Nations Department of Field Support, *United Nations Peacekeeping Operations - Principles and Guidelines, Peacekeeping Best Practices Section*, New York, 18 January 2008, p. 18. For other definitions see: Bellamy & Williams, 2010, pp. 14-15.

⁸⁵ Particularly the two UN reports «An Agenda for Peace» in 1992 and the «Brahimi Report» in 2000 called for a new conception of peacekeeping going beyond its traditional role and broadened the roles of the UN to encompass the aims of human security: United Nations General Assembly/ United Nations Security Council, *An Agenda for Peace, Preventive Diplomacy, Peacemaking and Peacekeeping*, Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992, A/47/277 - S/24111, 17 June 1992; United Nations General Assembly/ United Nations Security Council, *Report of the Panel on United Nations Peace Operations*, A/55/305 - S/2000/809, 21 August 2000. For the development of UN peace operations see: Thakur, 2006, pp. 19-20 and 34-43; Cassese, 2005, pp. 344-345; MacQueen, 2006, pp. 2-16; Diehl, 2008, pp. 28-67; Bellamy & Williams, 2010, pp. 93-298; Mazurana, Raven-Roberts, Parpart & Lautze, 2005, pp. 18-20; Barnes, 2006, pp. 4-9.

⁸⁶ While the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Declaration on the Elimination of Violence Against Women represented a framework to address gender issues it was not until the 1990s that gender gained importance in the UN system. See Barnes, 2011, pp. 15-16.

⁸⁷ Gender balance refers to the equitable representation and participation of men and women within all areas of activity associated with the United Nations. See United Nations Department of Peacekeeping Operations, *Handbook on UN Multidimensional Peacekeeping Operations, Peacekeeping Best Practices Unit*, United Nations, New York, December 2003, p. 113; United Nations Economic and Social Council, *UN Economic and Social Council Resolution 1997/2: Agreed Conclusions*, 1997/2, 18 July 1997; Mazurana, Raven-Roberts, Parpart & Lautze, 2005, pp. 13-15.

⁸⁸ United Nations Economic and Social Council, *UN Economic and Social Council*

isation and through its work⁸⁹. A general commitment to mainstreaming a gender perspective into all areas of peace and security was concluded at the Fourth World Conference on Women held in Beijing in 1995, where women and armed conflict constituted one of the twelve core areas of discussion⁹⁰. The Beijing Declaration adopted at the conference highlighted the ways in which women are adversely affected by armed conflict, particularly due to their social status and sex, including as victims of sexual violence and emphasised the important roles women can play in peace processes. It recognised the links between peace and gender equality and recommended the mainstreaming of a gender perspective in all policies and programmes related to conflict resolution⁹¹. However, despite these advancements «policies and initiatives to address women's needs and interests remained at the margins of peace and security» and it was only as a result of «ongoing advocacy, research, [and] activism» that the Security Council officially recognised the need to address gender in peace and security issues with the adoption of United Nations Security Council Resolution 1325 on women, peace and security in 2000⁹². As noted by Carol Cohn, «although “gender mainstreaming” has been official UN policy since 1997, Resolution 1325 represents the first time that gender has been mainstreamed in *the armed conflict and security* side of the UN⁹³.»

2.3.2. Gender Mainstreaming in UN Peace Operations

In Resolution 1325 the Security Council expressed «its willingness to incorporate a gender perspective into peacekeeping operations⁹⁴.» The resolution acknowledged that armed conflict has a disproportionate impact on women and recognised women's role in conflict prevention,

Resolution 1997/2: Agreed Conclusions, 1997/2, 18 July 1997, for definition and discussion see below.

⁸⁹ Whitworth, 2004, pp. 199-120.

⁹⁰ United Nations General Assembly, Fourth World Conference on Women, Beijing Declaration and Platform for Action, A/CONF.177/20, 1995, paras. 131-149.

⁹¹ *Ibidem*, paras. 131, 135, 138, 139, 141.

⁹² Barnes, 2011, pp. 15-21, citation pp. 15 and 16.

The marginalisation of gender in UN peace and security issues before the adoption of Resolution 1325 is also reflected in the absence of gender concerns in the parallel development of peacekeeping operations. The «Brahimi Report» only mentions gender eight times in 74 pages, seven of these when referring to the need to ensure a «fair geographical and gender distribution» in peace operations. See United Nations General Assembly/ United Nations Security Council, *Report of the Panel on United Nations Peace Operations*, A/55/305 - S/2000/809, 21 August 2000, pp. 11, 32, 33, 39, 41, 62, 71, 72.

⁹³ Cohn, 2008, p. 185.

⁹⁴ United Nations Security Council, United Nations Security Council Resolution 1325, S/RES/1325 (2000), 31 October 2000, para. 5.

conflict resolution and peacebuilding. It is aimed at enhancing the participation of women in peace processes, the protection of women from conflict-related sexual violence and the attention to their particular needs during armed conflict⁹⁵. The United Nations Department of Peacekeeping Operations defines gender mainstreaming as: «The process of systematically incorporating gender perspectives into areas of work and assessing the implications for women and men of any planned action, including legislation, policies or programmes. It is a strategy for making women's and men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated⁹⁶.» Gender mainstreaming is therefore not about «adding a woman's component» and «goes beyond increasing women's participation; it means bringing the experience, knowledge, and interest of women and men to bear⁹⁷.» Mainstreaming gender into peace operations includes to be attentive to the particular ways in which armed conflict affects men and women and to take their specific needs and interests into account in policy-making, planning and decision-making. The mainstreaming of a gender perspective into peace operations permits to identify the differences between men and women with regard to their roles in society, their access to political power and economic resources and opportunities, and their participation in public and private institutions. Gender mainstreaming furthermore allows to take gender power relations into account and to be attentive to how they shape institutions like the family, the military or the state and how they structure and justify oppression and exploitation⁹⁸. Depending on their mandate, peacekeeping operations have the possibility and the potential to enhance gender equality and positively affect gender relations in their area of operation. If for instance the mandate includes monitoring human rights, establishing or restructuring institutions, or serving as transitional civil administration, missions have the possibility to influence the political and social environment. This allows «for a

⁹⁵ *Ibidem*.

⁹⁶ United Nations Department of Peacekeeping Operations, Handbook on UN Multi-dimensional Peacekeeping Operations, Peacekeeping Best Practices Unit, United Nations, New York, December 2003, p. 113.

⁹⁷ United Nations Development Programme, Gender Approaches in Conflict and Post-Conflict Situations, 2002, pp. 6-7.

⁹⁸ United Nations Department of Peacekeeping Operations, Handbook on UN Multi-dimensional Peacekeeping Operations, Peacekeeping Best Practices Unit, United Nations, New York, December 2003, pp. 114-115; Mazurana, Raven-Roberts, Parpart & Lautze, 2005, p. 15; El Jack, 2003, pp. 33-34; Cockburn, 2001, p. 28.

special focus on the needs and concerns of women in [...] the justice system, police force, constitutional and legislative development and the electoral process⁹⁹.» Examples include initiatives that support women's participation as voters and political representatives in elections, the emphasis on crimes that affect women, including rape, sexual assault, domestic violence and other gender-based crimes during the training or restructuring of local law enforcement agencies, or the attention to women's particular skills and responsibilities in disarmament, demobilisation and reintegration initiatives for former combatants¹⁰⁰.

For many observers Resolution 1325 marked a «watershed» for it «provides a critical legal and political framework through which, for the first time in history, women worldwide can claim their space and voice their views on peace and security matters¹⁰¹.» Indeed, several positive effects of the resolution have been lauded by feminist researchers. The resolution reflects the theoretical recognition of women as political actors by highlighting the importance of their contribution to conflict resolution and prevention¹⁰². The adoption of the resolution furthermore, led to increasing efforts and advocacy within the UN system as well as by the NGO community to promote the integration of gender issues into the UN peace and security work and allowed for continuous interaction between women's groups and the Security Council¹⁰³.

However, with regard to the question whether peace operations are best placed to deliver the implementation of Resolution 1325 on the ground, a 2011 comparative study of eight country and four regional case studies concludes that «the idea that peace operations provide security to local communities and to women in particular is widespread but the reality on the ground hardly supports this. Gender is not paramount on the agenda of peace missions [...] and they] seem to have had only a marginal impact on the national context in which they operate¹⁰⁴.» The authors argue that even though peace operations have

⁹⁹ United Nations Department of Peacekeeping Operations, Handbook on UN Multi-dimensional Peacekeeping Operations, Peacekeeping Best Practices Unit, United Nations, New York, December 2003, p. 118.

¹⁰⁰ *Ibidem*, pp. 117-118.

¹⁰¹ Anderlini, 2007, p. 7.

¹⁰² Otto, 2009, pp. 15-17.

¹⁰³ For instance the efforts by the NGO Working Group, the Inter-Agency Network on Women and Gender Equality, the Office for the Special Adviser on Gender Issues and the Advancement of Women and the UN Development Fund for Women, leading *inter alia* to the creation of the position of Gender Adviser in the Department of Peacekeeping Operations in 2003, and the continuing contact between the Security Council and international and local women's groups through open debates and Arria Formula meetings. Anderlini, 2007, pp. 7-9; Otto, 2009, pp. 17-19.

¹⁰⁴ Olonisakin, Barnes & Ikpe, 2011, p. 229.

been consistent in the establishment of gender units, the deployment of gender advisors and the provision of gender training for personnel in cases where it formed part of their mandate, this did not translate into a positive impact on the situations on the ground with regard to gender equality. They argue that this is largely due to a discord between the perception of security within the mission and that of Resolution 1325, as peace operations generally focus on a state-centric perception of security. Other factors are the general marginalisation of gender issues within peacekeeping missions, as well as a lack of commitment on the part of mission leadership in most missions. Gender equality is usually regarded as a long-term agenda that can be neglected over more urgent security needs. If gender issues are included into the mission activities, emphasis is usually on numbers of women in positions and the targeting of women for programmes rather than structural change to enhance gender equality¹⁰⁵. It has been argued that the marginalisation of gender issues in peacekeeping operations is due to the general lack of understanding of what gender entails and the absence of political will to integrate gender within a UN system that is still based on «masculinist norms» and patriarchal structures¹⁰⁶. While the UN has adopted a more inclusive language with regard to gender and women's issues there has been little change in practice as policies have not translated into action and UN gender mainstreaming commitments generally lack accountability mechanisms to monitor their implementation and enforcement¹⁰⁷. Gender mainstreaming, as conceived by the UN, aims at integrating a gender perspective into the existing patriarchal and state-centred framework rather than thinking «critically the structures that have rendered gender silent in the first place¹⁰⁸.» In the words of Sandra Whitworth, «the manner in which [gender] has been used within UN understandings of peace and security issues has transformed it from a critical to a problem-solving tool, which does not challenge prevailing practices in response to armed conflict, peace and security¹⁰⁹.» Therefore, rather than being mainstreamed «gender issues become lost along the way and what results is tokenistic gestures that contradict the essence of what mainstreaming seeks to achieve¹¹⁰.» This is also reflected in Resolution 1325 itself which has been criticised for its failure to address the root causes of gender inequality and to challenge patri-

¹⁰⁵ *Ibidem*, pp. 226-235.

¹⁰⁶ Puechguirbal, 2010, pp. 183-184.

¹⁰⁷ Charlesworth, 2005, pp. 16-18; Otto, 2009, p. 20.

¹⁰⁸ Väyrynen, 2004, p. 138.

¹⁰⁹ Whitworth, 2004, p. 139.

¹¹⁰ Barnes, 2006, p. 1.

archal gender hierarchies as well as for the absence of effective accountability mechanisms¹¹¹. Furthermore, while «Resolution 1325 represents the first time that gender has been mainstreamed in the armed conflict and security side of the UN¹¹²,» it refers exclusively to the rights, interests, protection and enhancement of women and uses the terms «gender» and «women» interchangeably. The exclusive focus on women in the resolution and related UN documents on gender mainstreaming in peace operations might be explained by the marginalisation of women's needs and interests, especially their particular security needs, on the UN peace and security agenda prior to the adoption of the resolution and the consequent advocacy and activism by women's movements to counter this marginalisation and to advance the integration of women's concerns into the peace and security framework of the United Nations¹¹³.

The failure to treat gender as relational concept and to include both men and women in the resolution might diminish its efficiency as a framework to mainstream gender issues into peace operations. The consequences of the persisting lack of understanding and the marginalisation of gender issues within the UN peace and security agenda as well as of the exclusive focus on women for the protection of men against sexual violence during armed conflict will be discussed in the next chapters.

¹¹¹ Barnes, 2011, p. 20; Cohn, 2008, pp. 197-198; Charlesworth, 2005, pp. 16-18; Otto, 2009, pp. 22-23.

¹¹² Cohn, 2008, p. 185.

¹¹³ See the examples given above and generally for instance United Nations Department of Peacekeeping Operations, Handbook on UN Multidimensional Peacekeeping Operations, Peacekeeping Best Practices Unit, United Nations, New York, December 2003, pp. 113-123; United Nations General Assembly/ United Nations Security Council, Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations, A/55/138 - S/2000/693, 14 July 2000.

CHAPTER 3

SEXUAL VIOLENCE AND ARMED CONFLICT

3.1. CIRCUMSTANCES OF CONFLICT-RELATED SEXUAL VIOLENCE

The discussion of sexual violence in conflict situations is complicated due to the lack of detailed information concerning the extent of its occurrence and the exact numbers of victims. The main reason for this lack of information is an under-reporting on the part of the victims who fear stigmatisation and reprisal by families and communities. Victims are often afraid of revealing that they have been sexually aggressed due to traditional cultural attitudes and stereotypes about gender roles and identities that become more polarised during times of armed conflict¹¹⁴. Another obstacle to reporting sexual violence particularly to state authorities is that these crimes are often not adequately prohibited by national laws, nor properly investigated or effectively prosecuted, and uniformed state personnel may enjoy *de jure* or *de facto* impunity for such crimes. This leads to a common mistrust by the affected population against the national justice and police system and entails fear of reprisal and stigmatisation on the part of the victims¹¹⁵. Victims may furthermore be reluctant to report cases of sexual violence because they might face criminal charges themselves, ranging from adultery, the provision of «false» information or, in the case of male victims, homosexual activity, which constitutes a criminal offence in many national legal systems¹¹⁶.

¹¹⁴ For a detailed discussion of these attitudes and stereotypes and the resulting stigmatisation of victims see Chapter 3.2.

¹¹⁵ United Nations High Commissioner for Human Rights, *Access to Justice for Victims of Sexual Violence*, Report of the United Nations High Commissioner for Human Rights, 29 July 2005, pp. 3-34; see also International Commission of Inquiry on Darfur, Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General, Pursuant to Security Council Resolution 1564 of 18 September 2004, Geneva, 25 January 2005, pp. 5-6 and 144-145.

¹¹⁶ International Commission of Inquiry on Darfur, Report of the International Commis-

Despite these difficulties, historical and anthropological evidence suggests that sexual violence has prevailed in armed conflicts across cultures and historical epochs¹¹⁷. However, the occurrence of sexual violence varies in extent and can take on many different forms. In some conflicts sexual violence has been perpetrated in a widespread and systematic manner, as for instance in the conflicts in Bosnia-Herzegovina¹¹⁸, Darfur¹¹⁹, or the Democratic Republic of Congo (DRC)¹²⁰. In other armed conflicts, such as the Israel-Palestine conflict or the conflict in Sri Lanka, the occurrence of sexual violence was reported to be very limited. While in most conflicts sexual violence is perpetrated symmetrically, by all parties, in some conflicts certain armed groups, like the Maoist insurgent group Sendero Luminoso in Peru or the Tamil insurgency in Sri Lanka, have engaged in relatively little sexual violence, with the large majority of the (few) acts of sexual violence perpetrated by state agents in these conflicts¹²¹. Sexual violence can be opportunistic, when civilians and combatants take advantage of the disintegration of social norms and mechanisms and regulatory state structures, but it has also been employed strategically as method of warfare to advance economic, political and military aims. It can be indiscriminate as well as targeted at a particular political, religious or ethnic group. Furthermore, sexual violence can occur under many different circumstances. It has been perpetrated in detention facilities, during attacks on villages, in and around refugee and IDP camps, in sites explicitly established for the purpose of sexual assault, in private homes, or in public, in front of family members, members of the community or several perpetrators. Sexual violence is perpetrated by men as well as women, by civilians as well as combatants, by government agents, rebel groups,

sion of Inquiry on Darfur to the United Nations Secretary-General, Pursuant to Security Council Resolution 1564 of 18 September 2004, Geneva, 25 January 2005, pp. 5-6 and 144-145; According to the 2011 Map on Gay and Lesbian Rights in the World produced by the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) same sex acts are regarded as a crime in 76 countries.

¹¹⁷ Goldstein, 2001, pp. 356-368; Seifert, 1994, p. 58; Brownmiller, 1994, pp. 180-182; Gottschall, 2004, pp. 129-130.

¹¹⁸ United Nations Security Council, Final Report of the United Nations Commission of Experts Established Pursuant to Security Council Resolution 780 (1992), S/1994/674/Add.2 (Vol. V), Annex IX, Rape and Sexual Assault, 28 December 1994.

¹¹⁹ International Commission of Inquiry on Darfur, Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General, Pursuant to Security Council Resolution 1564 of 18 September 2004, Geneva, 25 January 2005, pp. 87-95; United Nations Human Rights Council, Report of the Special Rapporteur on the Situation of Human Rights in the Sudan, Ms Sima Samar, A/HRC/11/14, June 2009.

¹²⁰ United Nations High Commissioner for Human Rights, Report of the Panel on Remedies and Reparations for Victims of Sexual Violence in the Democratic Republic of Congo, March 2011, pp. 10-38.

¹²¹ Wood, 2006, pp. 313-314 and 317.

peacekeepers and family members of victims. Similarly, the victims of sexual violence can be women as well as men, combatants as well as civilians. During armed conflict sexual violence can take on many different forms. Victims have been raped vaginally, orally or anally with penises, other body parts or objects such as knives, broken bottles, burning wood or metal rods. Victims have been forced to rape, masturbate, genitally mutilate and perform fellatio on fellow victims, including family members. Rapes can be multiple, carried out by several perpetrators and accompanied by other severe forms of violence including beating and whipping. Victims have been genitally mutilated, castrated or sterilised, forcefully impregnated, intentionally infected with AIDS/HIV through sexual assault, subjected to humiliating strip searches and forced to parade naked in public. Victims have been abducted and repeatedly raped while held in confinement or forced to provide sexual and domestic services for soldiers¹²².

3.2. CAUSES OF CONFLICT-RELATED SEXUAL VIOLENCE

In order to effectively address the problem of conflict-related sexual violence it is crucial to understand and identify the underlying factors

¹²² United Nations Human Rights Council, Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural, Including the Right to Development, Report of the Special Rapporteur on Violence Against Women, Its Causes and Consequences, Ms Yakin Ertürk, Indicators on Violence Against Women and State Response, A/HRC/7/6, 29 January 2008; United Nations Commission on Human Rights, Report of the Special Rapporteur on Violence Against Women, Its Causes and Consequences, Ms Radhika Coomaraswamy, submitted in accordance with Commission Resolution 1997/44, E/CN.4/1998/54, 26 January 1998; United Nations General Assembly, In-depth Study on All Forms of Violence Against Women Report of the Secretary-General, A/61/122/Add.1, 6 July 2006; United Nations Security Council, Report of the Panel of Experts on the Sudan established pursuant to Resolution 1591 (2005), S/2011/111, 8 March 2011; United Nations Security Council, Report of the Secretary-General on Women, Peace and Security, S/2002/1154, 16 October 2002; United Nations, *Women, Peace and Security*, Study submitted by the Secretary-General pursuant to Security Council Resolution 1325 (2000), 2002; Henttonen, Watts, Roberts, Kaducu & Borchert, 2008, pp. 122-131; Hynes, Robertson, Ward & Crouse, 2004, pp. 294-321.

On sexual violence against men and women: United Nations Security Council, Final Report of the United Nations Commission of Experts Established Pursuant to Security Council Resolution 780 (1992), S/1994/674/Add.2 (Vol. V), Annex IX, Rape and Sexual Assault, 28 December 1994; United Nations Security Council, Final Report of the United Nations Commission of Experts Established Pursuant to Security Council Resolution 780 (1992), S/1994/674/Add.2 (Vol. V), Annex IX, A, Sexual Assault Investigations, 28 December 1994; United Nations Security Council, Final Report of the United Nations Commission of Experts Established Pursuant to Security Council Resolution 780 (1992), S/1994/674/Add.2 (Vol. V), Section IV, Substantive Findings (E. Detention Facilities, F. Rape and Other Forms of Sexual Assault), 27 May 1994; United Nations Commission on Human Rights, Periodic Reports of the Special Rapporteur on the Human Rights Situation on the Territories of Former Yugoslavia, Mr Tadeusz Mazowiecki, E/CN.4/1992/S-1/9, 1992.

that cause this form of violence as well as the conditions that promote it. A multitude of approaches and arguments have been developed with the aim of explaining the main causes that lie at the root of conflict-related sexual violence. In the following paragraphs these different approaches will be subsumed under several theories following the theoretical framework proposed by Moser¹²³. The underlying causal factors and dynamics of sexual violence are similar in times of peace and conflict. This part of the work will therefore, where appropriate, draw upon research and studies concerning sexual violence in situations of conflict as well as in times of peace. In academic literature it is generally argued that sexual violence occurs more frequently during armed conflict than in times of peace because the opportunity for sexual violence increases in conflict situations. The social norms and mechanisms that regulate sexual violence are weaker during armed conflict as regulatory state structures and community mechanisms break down¹²⁴. Most of the academic literature on sexual violence focuses mainly on particular countries and conflicts with a high incidence of sexual violence rather than addressing the causes of sexual violence across countries and conflicts in systematic studies that compare cases of high incidence of sexual violence with cases of limited occurrence of sexual violence. In times of peace comparative studies of the causes of sexual violence are difficult as not only the definition of what constitutes a socially unacceptable and thus punishable act of sexual violence but also the extent to which reporting by victims of sexual violence might be hindered due to feelings of shame and fear of stigmatisation varies across cultures. The difficulty in studying the causes of sexual violence systematically across conflicts is compounded during armed conflict. The extent to which legal, police and public health structures remain intact and international attention, support and resources invested into the reporting, investigation and prevention of sexual violence are available may vary from conflict to conflict and between different sections of the population or areas of conflict. Similarly, the fear of reprisal and stigmatisation of victims might increase or decrease in times of conflict, depending on the degree of politicisation

For a global overview of sexual violence in armed conflict see Bastick, Grimm & Kunz, 2007, pp. 23-142.

¹²³ It has to be noted that these theories do not exist as coherent theories, rather there are many different approaches and arguments that are here subsumed under main theories in order to give a structured but at the same time as comprehensive as possible presentation of the different approaches to the issue of sexual violence. This unavoidably implies a certain degree of simplification. The framework developed by Moser was described in the introductory chapter.

¹²⁴ Wood, 2006, pp. 318-323.

of a conflict, the continued presence of perpetrators, as well as their impunity for acts of sexual violence and the extent to which traditional norms are undermined through displacement and the destruction of social structures.

Nevertheless, it is of high importance to compare the occurrence of sexual violence across conflicts in order to identify conflicts where certain forms of sexual violence are more likely to occur. This would permit to more effectively address the particular forms and causes of sexual violence in different conflicts, as well as to recognise early warning signs and to create specific prevention mechanisms.

3.2.1. Causal Factors at the Individual Level

3.2.1.1. Socio-biological Theory

Sociobiologists and evolutionary psychologists explain social behaviour by studying its biological foundations based on evolutionary theory and genetic inheritance. They suggest that sexual violence has a biological and genetic root cause at the individual level and is primarily influenced by sexual desire. This approach maintains that men inherit a genetically transmitted predisposition for rape which has been selected in the process of evolution because it increases the chances to produce offspring for men who are unable to do so in more socially acceptable ways as they lack the resources and status necessary to attract female sexual partners. Thus this theory suggests that since sexual violence is genetically and biologically determined, with an increase in opportunity during armed conflict, all men would rape¹²⁵.

There is, however, little empirical support for this proposition. While this theory could explain the perpetration of sexual violence in the form of rape against fertile women as this would enhance the chance of the perpetrator to create offspring, it does not explain why sexual violence is also perpetrated against children, postmenopausal women and men in times of armed conflict. Furthermore, the socio-biological theory does neither account for the variations concerning the frequency of sexual violence during armed conflict nor for the occurrence of other forms of conflict-related sexual violence such as sexual slavery, enforced prostitution, and sexual mutilation. In addition, this approach does not give a satisfying explanation for the perpetration of different forms of sexual violence by women, nor does it explain why

¹²⁵ Wrightsman & Allison, 1993, pp. 17-18; Ellis, 1989, pp. 14-15; Thornhill & Palmer, 2000, pp. 53-82, who suggest that rape may also have developed as a by-product of adaptations for consensual sexual activity.

women sometimes incite men to commit acts of sexual violence in times of armed conflict (for instance the role women played in prisons in Iraq, Guantánamo and Afghanistan and the conflict in Rwanda). The theory does moreover not account for the extreme brutality of many acts of sexual violence committed during armed conflicts, including the killing of victims, and the frequent occurrence of gang rape and sexual aggression with objects¹²⁶.

Recent research has furthermore demonstrated that men and women are genetically nearly identical and both latently possess the genes that contribute to higher levels of sexual aggression. The expression of the relevant genes is activated differentially by gender through sex hormones such as testosterone. Sex hormones, however, are influenced by social relations and personal experiences and perceptions, not only through a slow evolutionary development but also directly through feedback loops. Thus sexual violence as a form of social human behaviour is not determined one-directionally by genetics, rather, there exists a complex system of reciprocal causality where the stronger causal links run from social behaviour to sex hormones that in turn regulate the expression of genes relevant for sexual aggression¹²⁷. Today many socio-biologists have abandoned propositions of an exclusively biological and genetic root cause of sexual violence and acknowledge the importance of both, genetic as well as socio-cultural influences. They maintain, however, that in order to understand and explain the ubiquity of sexual violence across conflicts, cultures and historical epochs, their theory cannot be dismissed¹²⁸.

3.2.1.2. *Theory Focusing on Sex Hormones*

Another approach to explain the causes of conflict-related sexual violence emphasises the importance of the main male sex hormone testosterone. This theory is based on the assumption of a positive relation between combat, levels of testosterone, aggression and sexual desire and activity. This relation, however, is complex and research in this field is difficult as testosterone levels vary greatly across individuals as well as through time for a given individual as it fluctuates over the course of the day but also seasonally¹²⁹. Empirical studies support the

¹²⁶ See for example the brutality of sexual violence in the conflicts in the former Yugoslavia, Sudan or DRC where gang rapes and rape with objects such as knives or broken bottles were frequent, as well as the general execution of victims of sexual violence during «the rape of Nanking» during World War II.

¹²⁷ Goldstein, 2001, pp. 130-132, 139-142.

¹²⁸ Thornhill & Palmer, 2000, pp. 167-178.

¹²⁹ Freese, Li & Wade, 2003, p. 245; Goldstein, 2001, pp. 144-148.

existence of a weak but positive relation between testosterone levels and aggression. Comparative studies of research results demonstrate that men who show higher levels of testosterone are also more prone to exhibit dominant behaviour which can be expressed aggressively¹³⁰. Studies conducted with perpetrators of sexual violence during times of peace suggest that higher testosterone levels encourage more violent acts of sexual aggression¹³¹. Furthermore, research results have demonstrated that testosterone levels increase in anticipation of and after a victory in status contests such as physical competition¹³². It has moreover been shown that once dominance has been achieved in a status competition and a certain threshold of testosterone has been reached, sexual desire increases with a rise in testosterone¹³³.

This theory could explain the occurrence of sexual violence in conflict situations that are directly related to combat activities which are perceived as status contests and have similar effects to physical competition in that they entail an increase in testosterone levels¹³⁴. Nevertheless, this approach does not explain the prevalence of sexual violence in situations that are not directly related to combat activities or the absence of sexual violence in connection with intense fighting that would be expected to produce similar effects to physical competition. In addition, it does neither account for the variations concerning the distinct forms sexual violence can take during armed conflict and the very limited occurrence in some conflicts as opposed to its widespread use in others, nor for the targeting of specific religious, ethnic or political groups that occurs in certain conflicts but not in others. Furthermore, it has been suggested in recent literature that social processes play an important role in mediating the relation between testosterone, aggression and sexual behaviour. Whether aggression will actually take a sexual form depends not only on sexual desire but also on cultural beliefs and social norms and structures that regulate the expression of aggression¹³⁵. Comparative studies of research results demonstrate that testosterone levels are influenced not only by objective victory in a status competition but rather the subjective perception of the attain-

¹³⁰ Book, Starzyk & Quinsey, 2001, pp. 579-599; Goldstein, 2001, pp. 148-153.

¹³¹ Studer, Aylwin & Reddon, 2005, pp. 171-181.

¹³² Mazur & Booth, 1998, pp. 353-363; Goldstein, 2001, pp. 153-156.

¹³³ Kemper, 1990, pp. 40-48; Kemper, 1998, pp. 378-379.

¹³⁴ For instance in cases where sexual violence is employed as part of a strategy of forcing a civilian population to flee as for example in the conflicts in former Yugoslavia, Sudan or Sierra Leone.

¹³⁵ Freese, Li & Wade, 2003, pp. 245-246.

ment of a dominant status or advancement in a social hierarchy. Sexual intercourse itself, when perceived as attainment of a dominant status, entails an increase in testosterone levels. Thus testosterone levels seem to be influenced by the context-related cultural and social meanings given to particular situations, circumstances and activities¹³⁶.

Empirical evidence does therefore not support an exclusively biological or genetic root cause of conflict-related sexual violence. Rather, the discussion of the two previous approaches highlights the importance of social and cultural norms with regard to the occurrence of sexual violence during armed conflict. Nonetheless, these approaches continue to serve as basis for persistent myths of an uncontrollable male sex drive that, if not restrained by social norms and mechanisms, will unavoidably be expressed in the form of sexual violence. Conflict-related sexual violence is still seen by many as «inevitable by-product of war, impervious to prevention» and biologic explanations are used as justification for the perpetration of acts of sexual violence as they relieve the perpetrator of responsibility¹³⁷. Furthermore, dominant gender discourses continue to resonate with aspects and variations of these approaches and particularly gender socialisation draws upon myths based on biological causes of sexual violence.

3.2.1.3. *Social Learning Theory*

Another theory that situates the explanation of sexual violence at the individual level is the social learning theory. The social learning theory suggests that aggressive and violent behaviour is learned through the observation and imitation of social role models. Aggressive sexual behaviour thus results from observing, particularly unpunished, acts of sexual violence in real life and the mass media. According to this theory, the underlying causes of sexual violence are cultural traditions and attitudes as well as personal experiences that are seen in relation to interpersonal aggression and sexuality¹³⁸.

Studies carried out with perpetrators of sexual violence show a positive but not causal relation between the perpetration of sexual violence and the experience of physical violence and sexual abuse as a child as well as, to a lesser extent, the consumption of pornography that portrays women in a subservient and degrading manner and shows violent sexual behaviour of men towards women¹³⁹.

¹³⁶ Kemper, 1990, pp. 40-45; Kemper, 1998, pp. 378-379; Goldstein, 2001, pp. 153-156.

¹³⁷ Anderson, 2010, p. 244; see also Seifert, 1994, p. 55.

¹³⁸ Ellis, 1989, pp. 10-14; Wrightsman & Allison, 1993, pp. 16-17; Goldstein, 2001, p. 135.

¹³⁹ Wrightsman & Allison, 1993, pp. 28-29 and 37-39.

While this theory by itself does not account for the variations in form and prevalence of conflict-related sexual violence, particularly its widespread and systematic use in some conflicts and the specific targeting of particular groups, it is nevertheless useful to draw attention to the often high levels of sexual violence that women are subject to at the hands of demobilised soldiers and rebels who are reintegrated into their communities after the end of the conflict. Often these former fighters have not only experienced physical and sexual violence during the conflict but might also have been commanded to use sexual violence against enemies. This theory emphasises the importance of demobilisation programmes that take this particular effect of the experiences during armed conflict into account, particularly for men and boys who have been (forcefully) recruited at a very young age.

Thus there exists little evidence that supports sexual gratification on the individual level as root cause of sexual violence, rather the findings suggest the importance of social norms and cultural attitudes at the structural and the institutional level in explaining conflict-related sexual violence. Explanations of sexual violence that focus on causal factors on these levels will therefore be discussed in the following paragraphs.

3.2.2. Causal Factors at the Structural and the Institutional Level

3.2.2.1. Feminist Theory

Like the social learning theory the feminist theory argues that social and cultural learning is mainly responsible for sexual violence. It complements the social learning theory in that it examines why and how certain social role models develop by focusing on causal factors at the structural and the institutional level. According to the feminist theory sexual violence is the «result of long and deep-rooted social traditions in which males have dominated nearly all important political and economic activities¹⁴⁰». Feminist scholars highlight that in these social traditions women are regarded as powerless, dependent, inferior and subservient to men. Thus socially constructed gender hierarchies and power relations ascribe a higher value to the masculine which dominates the feminine. Sexual violence is employed as a means to regulate these unequal social power relations and maintain male dominance and control over women¹⁴¹. It is not regarded as an aggressive expression of

¹⁴⁰ Ellis, 1989, p. 10.

¹⁴¹ MacKinnon, 1991, pp. 1302-1303; Wrightsman & Allison, 1993, p. 16; Brownmiller, 1976, p. 15.

a natural male sexuality (as in the first two approaches discussed above) but rather as a sexual manifestation of violence and aggression against women. Sexual violence demonstrates male domination and serves to humiliate, degrade and subjugate women¹⁴². Feminist scholars argue that what makes sexual violence such a humiliating form of violence is that personal identity and sexual identity are closely intertwined. Sexual violence is thus an attack on the dignity, identity and self determination of the victim through the invasion of the most intimate space of a woman's body. At the same time, the mere danger of sexual violence shapes women's identity and social position in society¹⁴³. Therefore, a patriarchal gender ideology at the structural level, as well as male dominance at the institutional level are seen as root causes of sexual violence in times of peace. Research has demonstrated that traditional gender stereotypes and adversarial attitudes towards women upheld by society play an important role in encouraging and justifying sexual violence against women. Studies carried out with perpetrators of sexual violence have furthermore shown that a desire to exert power and domination over the victim is one of the main motives for acts of sexual violence¹⁴⁴.

Generally, the feminist theory maintains that sexual violence during armed conflict, as in times of peace, is rooted in patriarchal gender relations, stereotypical perceptions of men and women and traditional attitudes and gender roles¹⁴⁵. However, a variety of feminist approaches and arguments that base the explanation of sexual violence in situations of armed conflict on gendered power relations in times of peace and on underlying gender representations and value systems have been developed.

A first feminist approach sees the root cause of sexual violence during armed conflict in a general cultural contempt for and hatred against women in connection with the collapse of state structures and challenges to established patriarchal gender power relations. In this view, the social norms and mechanisms and state institutions that maintain traditional gender roles in times of peace are undermined in times of armed conflict and traditional power balances and gender hierarchies become unstable. Sexual violence thus increases as a means

¹⁴² Seifert, 1994, p. 55.

¹⁴³ *Ibidem*, pp. 55-57; Folnegovic-Smalc, 1994, pp. 174-175.

¹⁴⁴ Wrightsman & Allison, 1993, pp. 29-31 and 39-40.

¹⁴⁵ See for example: Brownmiller, 1976, pp. 31-38; Cockburn, 2001, pp. 22-23; Turshen, 2001, pp. 59-61; Sajor, 1998, pp. 1-5; Enloe, 2000, pp. 109-140; Rehn & Johnson Sirleaf, 2002, pp. 10-11.

to restore and enforce gender hierarchies and male dominance and control over women. At the same time, these mechanisms and institutions inhibit, to a certain extent, the perpetration of sexual violence in times of peace, with their breakdown «the fundamental hatred that characterises the cultural unconscious» with regard to women finds its expression in the form of sexual violence¹⁴⁶. Thus women become victims of conflict-related sexual violence not because they «belong to the enemy camp, but because they are women and therefore enemies¹⁴⁷.» Particularly the perpetration of especially brutal forms of sexual violence against women, such as the mutilation of breasts and genitals that is seen as attack on the «femaleness of the body,» has led commentators to interpret this violence as «a special expression of hatred toward women¹⁴⁸.» These dynamics are not only proposed as causes of sexual violence in the direct arena of conflict but are also regarded as responsible for the increase in domestic sexual violence in times of armed conflict, as well as for a rise in sexual violence in refugee and IDP camps and for acts of sexual violence perpetrated by international peacekeeping personnel¹⁴⁹. Comparative ethnological studies of societies with a high and a low prevalence of sexual violence have demonstrated that sexual violence is more frequent in cases where rigid gender roles and hierarchies are established in which women have a lower status than men and where male dominance has become unstable¹⁵⁰.

A variation of this approach by feminist scholars proposes as causal factor of sexual violence against women in armed conflict the idea of «militaristic,» «militarised» or «hyper»-masculinity¹⁵¹. Feminist scholars argue that «militaries require a particular ideology of manliness in order to function properly¹⁵².» The ideal of masculinity promoted by military institutions is premised on «violence and aggression, individual conformity to military discipline and aggressive heterosexism and homo-

¹⁴⁶ Seifert, 1994, pp. 55-57 and 65-66, citation p. 65; Brownmiller, 1976, pp. 31-38; Enloe, 2000, pp. 123-132; Skjelsbaek, 2001, pp. 74-75; Manjoo & Mcraith, 2011, p. 11; Rehn & Johnson Sirleaf, 2002, pp. 10-11.

¹⁴⁷ Seifert, 1994, p. 65; see similarly Brownmiller, 1994, p. 181.

¹⁴⁸ Seifert, 1994, p. 65.

¹⁴⁹ Enloe, 2000, pp. 123-132; Skjelsbaek, 2001, pp. 74-75; Seifert, 1994, pp. 65-66; Rehn & Johnson Sirleaf, 2002, pp. 14-15; United Nations Human Rights Council, Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural, Including the Right to Development, Report of the Special Rapporteur on Violence Against Women, Its Causes and Consequences, Ms Yakin Ertürk, Indicators on Violence Against Women and State Response, A/HRC/7/6, 29 January 2008, pp. 18-19.

¹⁵⁰ Seifert, 1994, pp. 56-57.

¹⁵¹ Enloe, 1993, pp. 52, 250; Whitworth, 2004, pp. 16, 184.

¹⁵² Whitworth, 2004, p. 16.

phobia, as well as misogyny¹⁵³.» The masculine identity offered by the military reflects the models of ideal type masculinity promoted in society at large that regard homosexual and gentle or fearful men as less masculine than aggressive heterosexual men. To ensure an effective construction of a militarised masculinity in the military, women and homosexuals have traditionally been excluded and their eventual acceptance into military institutions has been preceded by intense discussions. Furthermore, the hypermasculine culture that forms the basis of military training excludes feelings of fear, gentleness or insecurity that are considered feminine. The construction of militarised masculinity links power and dominance to heterosexuality, virility and misogyny, reflected in military jargon and imagery that associates power with masculine sexuality. Moreover, masculine solidarity between soldiers and male bonding within small units are closely related to ideals of male sexual identity of soldiers and reinforce the militarised masculinity promoted in armies. A combination of these dynamics can explain an inclination to sexual violence against women by soldiers¹⁵⁴. In times of armed conflict, when society as a whole becomes militarised, these dynamics underpin the construction of masculinity in general. During armed conflict men are thus not only allowed but compelled to be violent and the perpetration of sexual violence becomes socially acceptable¹⁵⁵. «In militarized societies generally men who resist violence are suspect. Not only is their loyalty to the state questioned, but also their loyalty to (heterosexual) masculinity¹⁵⁶.» In extreme cases, according to this view, the amalgamation of power, masculinity and misogyny together with group pressure can lead to sexual violence in the form of gang rapes that serve as a mutual demonstration of masculinity or competition for greater masculinity, so that it is difficult for soldiers to refuse to participate as this would not only reveal their weakness but also their «deviation from the militaristic heterosexual norm¹⁵⁷.» Reports of gang rapes demonstrate that typically the masculinity of soldiers who do not participate in the gang rape is questioned¹⁵⁸.

This approach, by focusing on sexual violence exclusively as a means to maintain patriarchal gender hierarchies and to reaffirm the militarised masculine identity of the perpetrator, depicts gender relations and

¹⁵³ *Ibidem*.

¹⁵⁴ Skjelsbaek, 2001, pp. 79-80; Seifert, 1994, pp. 59-62; Whitworth, 2004, pp. 151-172; Enloe, 2000, pp. 111-147; Duncanson, 2009, pp. 63-73.

¹⁵⁵ Alison, 2007, p. 80.

¹⁵⁶ Price, 2001, p. 222.

¹⁵⁷ Skjelsbaek, 2001, p. 80.

¹⁵⁸ Seifert, 1994, p. 61.

differences in an essentialist way. It sees patriarchy solely as male supremacy over women and sexual violence as a manifestation of domination of «all men over all women,» made possible by the disintegration of social and state norms and structures. Thus, while it could be useful to explain certain forms of sexual violence during armed conflict, particularly the increase in domestic sexual violence or the perpetration of sexual violence by peacekeepers, this approach can by itself not explain the general variations in sexual violence, the specific targeting of particular political, ethnic and religious groups or the perpetration of sexual violence against men.

A more nuanced approach has been developed by feminist scholars in order to explain why some women are more vulnerable to be targeted with sexual violence during armed conflict than others. Two variations can be distinguished. The first variation, more general in its reasoning, is based on the cultural and symbolic identity of the victim to explain why women belonging to an opposing party to the conflict are more likely to be targeted with sexual violence. The second variation of this approach focuses on the specific targeting of women belonging to a particular ethnic, religious, political, or national group by taking into account other factors that create identity such as religion, political affiliation or ethnicity.

Both variants of this approach found the explanation of the underlying causes of conflict-related sexual violence on the specific meaning that gender ideologies and stereotypes ascribe to femininity and masculinity in times of armed conflict. Feminist scholars argue that the effectiveness of sexual violence as a means of intimidation and humiliation of the enemy during armed conflict largely depends on the coding of gender that associates femininity with the need for protection, life-giving, chastity and purity and the nation, homeland or community, while masculinity is associated with protecting, killing and warring. Therefore men and women are targeted differentially during armed conflict and women are particularly vulnerable to be targeted with sexual violence¹⁵⁹. This leads to several dynamics that can explain the effectiveness of sexual violence.

One of the stereotypes activated through the perpetration of acts of sexual violence is that men are expected to protect the women of their community. Sexual violence against enemy women during armed conflict is therefore intended to communicate to the men of their community that they have failed to protect «their» women¹⁶⁰. It thus be-

¹⁵⁹ Brownmiller, 1994, p. 181; Olujic, 1998, pp. 32-42.

¹⁶⁰ Seifert, 1994, p. 59; Chinkin, 1994, p. 328; United Nations Commission on Human

comes a symbolic expression of the humiliation of male opponents and reinforces the «conquered's status of masculine impotence¹⁶¹.» This gendered representation of men as protectors also makes reports of the (actual, invented or pretended) perpetration of sexual violence against women of the own community, group or country by enemy men an effective means to incite aggression against the opponent¹⁶².

In addition, stereotypical gender roles during armed conflict often reinforce an idealised perception of femininity that is associated with purity and chastity and, at the same time, promote patriarchal attitudes that regard men's honour as depending on the purity of women. This often leads to the stigmatisation and social exclusion of women who have become victims of sexual violence by their families and communities¹⁶³. In many cases these women are regarded as unsuitable for marriage or are rejected by their husbands, which shows, according to this approach, that «men regard their masculinity as compromised by the abuse of "their" women¹⁶⁴.»

Furthermore, the economic value that is attributed to women in many societies can be a causal factor of conflict-related sexual violence. Women are often regarded as little more than property and are denied equal legal status, while men dispose of women's productive labour as part of their general control over family assets. This is not only important with regard to sexual violence perpetrated against enemy women with the aim of humiliating opponents by «sullyng their property» but also in connection with forms of sexual violence, particularly forcible abduction and sexual slavery, that can be used with the aim of appropriating women's productive and reproductive labour power when women are abducted and forced to fulfil household tasks such as cooking, cleaning and farming and to provide sexual services to rebels and soldiers¹⁶⁵.

Rights, Report of the Special Rapporteur on Violence Against Women, Its Causes and Consequences, Ms Radhika Coomaraswamy, submitted in accordance with Commission Resolution 1997/44, E/CN.4/1998/54, 26 January 1998, I. Violence against women in times of armed conflict, para. 5.

¹⁶¹ Seifert, 1994, p. 59; United Nations Commission on Human Rights, Report of the Special Rapporteur on Violence Against Women, Its Causes and Consequences, Ms Radhika Coomaraswamy, submitted in accordance with Commission Resolution 1997/44, E/CN.4/1998/54, 26 January 1998, I. Violence against women in times of armed conflict, para. 5; citation: Brownmiller, 1976, p. 38.

¹⁶² MacKinnon, 1994, pp. 185 and 192-193.

¹⁶³ Cockburn, 2001, p. 19; Brownmiller, 1994, p. 181; Askin, 2003(a), p. 298.

¹⁶⁴ Seifert, 1994, p. 59.

¹⁶⁵ Turshen, 2001, pp. 60-64; United Nations Commission on Human Rights, Report of the Special Rapporteur on Violence Against Women, Its Causes and Consequences, Ms. Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights Resolution 2000/45. Violence against women perpetrated and/or condoned by the State during times of

Moreover, since gender coding during armed conflict links femininity with the nation or homeland, the sexual assault of enemy women symbolises the conquering of the entire nation, the occupation of the homeland, the humiliation and defeat of the enemy men¹⁶⁶. On the basis of comparative studies of historic accounts of armed conflicts it has been argued that this underlying dynamic has always formed a part of armed conflict and that one of the «rules of the game» of war «has always been that violence against women in the conquered territory is conceded to the victor¹⁶⁷.» This has led to a widespread use of sexual violence in the context of occupations¹⁶⁸.

The second variant of this approach argues that while sexual violence has always taken place in armed conflicts, its prevalence and strategic importance have increased in recent conflicts that are of an ethnic, racial or religious dimension and characterised by a systematic targeting of civilians¹⁶⁹. In order to explain why women who belong to a particular ethnic, racial or religious group are at a higher risk to be targeted by sexual violence feminist scholars have highlighted an important dynamic by suggesting that in conflicts of an ethnic, racial or religious character gender discourses intersect with the definition of ethnic, religious, national or racial identity and belonging to create inequalities between and among men and women. Dynamics of inclusion and exclusion are related to perceptions of ideal masculinity and femininity that help to distinguish the self from the enemy and to stir up patriotism and strengthen the sense of ethnic belonging¹⁷⁰. «During times of conflict multiple binary constructions are formed; not only is “masculine” contrasted to “feminine” *within* a group and “us” contrasted to “them” *between* groups, but “our women” are contrasted to “their women” and “our men” to “their men.” “Our women” are chaste, honourable, and to be protected by “our men”; “their women” are unchaste and depraved [...] the difficult counterpoint to this notion of (male) soldiers fighting to protect “our” women from rape is their corresponding abusive behaviour towards “Other” women¹⁷¹.» This can

armed conflict (1997-2000) E/CN.4/2001/73, 23 January 2001, pp. 14-15; see for instance in the conflicts in Mozambique and Rwanda.

¹⁶⁶ Brownmiller, 1994, p. 181; Manjoo & Mcraith 2011, p. 15.

¹⁶⁷ Seifert, 1994, p. 58.

¹⁶⁸ As for instance the occupation of the Chinese city of Nanking by Japanese forces in 1937, where an estimated 20.000 women were raped during the first month of the occupation and the Russian occupation of Berlin at the end of World War II during which between 100.000 and 900.000 women were raped. Sources: Seifert, 1994, p. 54 and Chang, 1997.

¹⁶⁹ MacKinnon, 1991; Sajor, 1998, pp. 3-4; Manjoo & Mcraith, 2011, p. 12.

¹⁷⁰ Cockburn, 2001, p. 19; Yuval-Davis, 1997, pp. 21-26 and 46-53; Marchand & Runyan, 2000, pp. 7-10.

¹⁷¹ Alison, 2007, p. 80.

explain the systematic and strategic use of sexual violence during armed conflict by targeting women belonging to a specific group or community. According to this view, gendered value systems, stereotypes and social roles associated to femininity and masculinity also lie at the roots of conflict-related sexual violence in cases where it is perpetrated as part of a larger strategy in order to pursue specific political, economic or military objectives. Gender stereotypes make sexual violence an effective means to terrorise, injure, degrade, and intimidate the affected population with the aim of displacing communities and to further an agenda of annihilation of a group or community through the destruction of its social order¹⁷². In cases where the cultural or ethnic destruction of a group or community is the larger objective of the conflict, women are therefore particularly vulnerable to become targeted with sexual violence due to their reproductive value, their important role in the transmission of the cultural heritage of a community as well as because of gendered social norms that link sexuality, purity and honour¹⁷³. Thus, the ethnic destruction of a group or community can be pursued through the sterilisation of women, by physically injuring women during the sexual assault in a way that renders them unable to bear children in the future or by forcing women to flee their homes and thereby destroying «their possibility of reproducing within and “for” their community¹⁷⁴.» An agenda of cultural or ethnic destruction can also be furthered by preying upon gender stereotypes and prejudices about victims of sexual violence to undermine the social cohesion of the group or community. Women might be regarded as socially unacceptable for marriage after they have been sexually assaulted and might be shunned from the community which can destroy the social order of a group. Furthermore, in cultures where a child's ethnicity is determined paternally, forced impregnation of women of an opponent community can entail the erosion of the social cohesion of the victim's community or group, since the children are considered to bear the ethnicity of the perpetrator and «are regarded by the aggressors as somehow clean and purified, as “cleansed” ethnically¹⁷⁵.» Moreover, the psychological and psychosocial consequences that sexual violence may entail for victims

¹⁷² MacKinnon, 1994, pp. 190-191, citation p. 191; Allen, 1996, pp. 87-102; Brownmiller, 1994, p. 181; Enloe, 2000, pp. 132-140; Stiglmeier, 1994(b), pp. 82-169; Manjoo & Mcraith, 2011, p. 14; Askin, 2003(a), pp. 297-298.

¹⁷³ Allen, 1996, pp. 92-99; Yuval-Davis, 1997, pp. 26-66; Seifert, 1994, pp. 62-64; Turshen, 2001, pp. 60-62; Lentin, 1997, pp. 2-6; MacKinnon, 1994, pp. 185, 187 and 191; Rehn & Johnson Sirleaf, 2002, p. 10.

¹⁷⁴ Copelon, 1995, p. 205.

¹⁷⁵ MacKinnon, 1994, citation p. 191; see also Allen, 1996, pp. 99-102.

can weaken marital and communal relations within the community. The gendered perception of femininity as representing the nation or community, gives an additional symbolic importance of the perpetration of sexual violence against women within a strategy aimed at the cultural or ethnic destruction of a group or community, as sexual violence against women of this group comes to symbolise the destruction of the culture of the entire group or community¹⁷⁶.

This theory and the dynamics it proposes as root causes of conflict-related sexual violence can explain the effectiveness of sexual violence against women during armed conflict and account for the particular vulnerability of women to become victims of sexual violence. Credit has to be given to the feminist theory for drawing attention to the impact and implications of conflict-related sexual violence against women and for furthering research and policy developments concerning this issue with the aim of enhancing the protection of women against sexual violence during armed conflict. Feminist scholars have contributed to a change in the perception of sexual violence, as they suggested that rather than the outcome of individual aberrations rooted in a biologically determined male sexual desire and thus a mere incidental and inevitable by-product of armed conflict, conflict-related sexual violence is an expression of male dominance over women, rooted in social and cultural norms and perceptions about gender roles and underlying value systems at the structural level, and is increasingly perpetrated against civilians in contemporary armed conflicts in a widespread and systematic manner as a method of warfare and part of an overall military strategy to advance a specific political and economic agenda.

The feminist theory is useful to explain certain aspects of conflict-related sexual violence. It does not, however, account for the variations in extent and form of sexual violence in different conflicts, particularly the limited occurrence in certain conflicts. Furthermore, it neither explains the targeting of men with conflict-related sexual violence nor the perpetration of, or incitement to, sexual violence by women.

This theory conceptualises sexual violence on the basis of a strict male perpetrator/female victim dualism. It thus sees the perpetrator/victim relationship as a male/female relationship and thereby links it to sex rather than gender. This precludes an effective gender analysis of sexual violence in armed conflict and does not permit to include male victims and female perpetrators into a discussion on the root causes of conflict-related sexual violence. Furthermore, this theory bases its ex-

¹⁷⁶ Seifert, 1994, pp. 63-64.

planation of conflict-related sexual violence on a restrictive understanding of patriarchal gender relations as a domination of men over women and thereby sustains a link between masculinity, domination, power, and aggression as well as between femininity, subordination and vulnerability. This theory therefore relies on an essentialist representation of men and women, portraying women uniquely as vulnerable victims of sexual violence and men solely as aggressive perpetrators. By perpetuating these associations this theory reinforces rather than deconstructs existing gender stereotypes and hierarchical power relations. The exclusive focus on female victims of sexual violence has been criticised as this narrow conceptualisation has the potential to confirm that «the most important thing to know about a woman is her chastity¹⁷⁷.» Similarly it can be argued that the representation of men solely as aggressors and perpetrators precludes the possibility to regard men as victims of sexual violence and can thereby reinforce stereotypical perceptions of aggressive male behaviour. Thus, while this theory sees the root causes of conflict-related sexual violence in socially constructed gender stereotypes and ideal gender identities as well as social power relations rather than in biologically determined behaviour, by adopting a narrow conceptualisation of gender power relations as domination of men over women, and by relying on essentialist representations of women as vulnerable victims and men as aggressive perpetrators, this theory does not question existing gender stereotypes, identities and power relations that make sexual violence an effective tool of humiliation and intimidation in times of armed conflict but rather reproduces and strengthens them.

3.2.2.2. *Theory Focusing on Masculinities*

Like the feminist theory this approach sees the root causes of sexual violence in relations of power and domination. However, while the feminist theory limits the discussion of the issue of sexual violence to the context of male-female gendered power relations, this approach argues that these power relations are not only established between sexes but also within them. It explains ways in which men dominate women through sexual violence but also how men dominate other men, and it recognises the connection between these two hierarchies. According to this approach, an unequal, patriarchal gender order is established mainly through the promotion of models of idealised masculine behaviour «which in various ways express ideals, fantasies and desires,

¹⁷⁷ Miller, 2004, p. 19.

provide models of relations with women and solutions to gender problems and above all “naturalize” gender difference and gender hierarchy¹⁷⁸.» The devaluation of femininities and subordinate masculinities through social norms and institutions sustains this hierarchical order and strengthens the hegemony of the ideal type masculinities. While multiple masculinities and femininities exist, all femininities are, according to this view, subordinate. Since masculinities are socially constructed, which vision of masculinity is regarded as predominant and becomes the hegemonic masculinity varies over time and across cultures and is related to social factors such as age, ethnicity and class. Important elements of the ideal, hegemonic masculinities, that seem to be enduring across cultures and over time, are physical strength, power and aggression, sexual performance, heterosexuality and protecting women¹⁷⁹. Power, aggression and sexuality thus play an important role in the construction of masculinities and sexual violence can constitute a means to assert superiority over not only women but also men¹⁸⁰. Armed conflict is, in this view, a competition between masculinities where sexual violence is a tool to demonstrate the domination of the hegemonic masculinity and the subordination of other masculinities. During armed conflict, as in times of peace, sexual violence is, according to this theory, rooted in stereotypical perceptions of masculinity and femininity and in unequal social power relations and is used as a means to regulate these power relations and to assert domination over the enemy¹⁸¹.

Following the line of argumentation proposed by the first approach of the feminist theory, this theory sees the increase in sexual violence during armed conflict as a reaction to the undermining of the regulatory social mechanisms and state structures that maintain established social power relations in times of peace. While the feminist theory holds that in this context sexual violence is used as a tool to maintain male dominance over women and to restore patriarchal gender structures, this theory adopts a broader and more nuanced view and argues that sexual violence is employed as a means to suppress challenges to the social and political status of any dominant group and to maintain existing social hierarchies and power relations between and within sexes¹⁸².

Similar to the second approach of the feminist theory, this theory

¹⁷⁸ Connell, 2002, p. 90.

¹⁷⁹ *Ibidem*, pp. 89-91; Connell, 2005, pp. 67-85; Tosh, 2004, pp. 42-51.

¹⁸⁰ Jones, 2006, pp. 458-462; Sivakumaran, 2007, pp. 267-269.

¹⁸¹ Sivakumaran, 2007, pp. 267-269; Jones, 2006, pp. 458-462; Del Zotto, & Jones, 2002; Zawati, 2007, pp. 33-37; Goldstein, 2001, pp. 356-360.

¹⁸² Jones, 2006, pp. 461-462; Sivakumaran, 2007, pp. 267-269.

claims that the effectiveness of conflict-related sexual violence as a means of humiliation and intimidation lies in the meaning that gender stereotypes and value systems associate with femininity and masculinity during armed conflict. It differs from the feminist theory in that it maintains that these stereotypes and gender representations are valuable also as underlying root causes of sexual violence perpetrated against men¹⁸³.

According to this theory the dynamics of gender coding, that associate femininity with the nation or community and the need for protection and masculinity with power, strength and protection, do not only make sexual violence against women a powerful demonstration of an enemy's defeat and humiliation, they also underlie sexual violence against men. Thus, in this view, similar to the symbolic meaning of the perpetration of sexual violence against enemy women, which demonstrates the conquering, occupation and defeat of the entire enemy nation or community, the sexual aggression of enemy men does not only imply the humiliation and disempowerment of the individual men, it also symbolises the disempowerment and humiliation of the entire nation or community. While sexual violence against women of an opponent community demonstrates the humiliation of the men of this community by communicating them that they have failed to protect «their» women, the perpetration of sexual violence against male members of a community demonstrates not only the inability of the individual men to protect themselves from sexual aggression by the enemy, but also communicates to their community that they are unable to protect the community as a whole¹⁸⁴.

This approach furthermore maintains that the stereotypical equation of masculinity with power, aggression and violence and of femininity with weakness, victimhood and vulnerability makes conflict-related sexual violence against men an effective means to demonstrate the disempowerment, humiliation and defeat of an enemy and to assert own power and domination. When an act of sexual violence occurs, the characteristics of masculinity and power are attributed to the perpetrator and femininity, powerlessness and subordination to the victim. Victimhood is therefore associated with femininity and disempowerment and seen as inconsistent with masculinity¹⁸⁵. On this basis, if a man becomes a victim of sexual violence, his masculinity and therefore his power are considered to have been taken away from him and he is

¹⁸³ Lewis, 2009, pp. 8-10; Sivakumaran, 2007, pp. 267-269; Jones, 2006, pp. 461-462.

¹⁸⁴ Sivakumaran, 2007, pp. 267-269.

¹⁸⁵ Zarkov, 2001, pp. 77-78; Sivakumaran, 2007, pp. 270-271.

regarded as «emasculated» and «feminised»¹⁸⁶. Sexual violence thus becomes the «preferred» form of violence because «this is the form of violence which most clearly communicates masculinisation and feminisation»¹⁸⁷.

Another gender stereotype that is, according to this approach, activated through the perpetration of sexual violence against men is that the ideal type hegemonic masculinity is associated with heterosexuality, while homosexual men are regarded as less masculine and more effeminate and therefore as less powerful than heterosexual men. Thus the construction of a male victim of sexual violence as homosexual is a way to emasculate him, and thereby demonstrating his subordination, disempowerment and defeat¹⁸⁸. «Homosexualisation» is particularly pronounced in cases of male-male rape¹⁸⁹. An important element in this context is that the victim is «homosexualised» and feminised while the powerful status of heterosexual masculinity of the perpetrator is reinforced¹⁹⁰. However, if two men are forced to rape each other, according to this view, both victims lose their heterosexual status. Thus male victims are forced to commit acts typically associated with homosexuality with the intention to «“taint” both parties with homosexuality and strip them both of their masculinity and, with it, any power they may have»¹⁹¹. Similarly, in cases where sexual violence in the form of castration is framed as homosexual act, as for instance when one male victim is forced to bite off the testicles or penis of another, both victims are «homosexualised» and thus emasculated¹⁹².

On the basis of historical and ethnological accounts it has been argued that «most cultures appear to support the claim that an important aspect of conquest involves turning male enemies into feminized subjects [... and that] this practice, along with confiscation of the enemy's feminine “spoils of war,” is as old as history itself»¹⁹³. In ancient conflicts sexual violence against male enemies was considered «an absolute right of the victorious soldiers to declare the totality of the enemy's defeat and to express their own power» and involved mainly

¹⁸⁶ Sivakumaran, 2007, pp. 270 and 271; Jones, 2006, pp. 459-462; Alison, 2007, p. 81.

¹⁸⁷ Alison, 2007, p. 81.

¹⁸⁸ Zarkov, 2001, pp. 77-81; Sivakumaran, 2005, pp. 1296-1299.

¹⁸⁹ Sivakumaran, 2007, p. 272.

¹⁹⁰ Jones, 2006, pp. 461-462.

¹⁹¹ Sivakumaran, 2007, pp. 272-273; Sivakumaran, 2005, citation p. 1298.

¹⁹² Zarkov, 2001, pp. 78-79. See for instance United Nations Security Council, Final Report of the United Nations Commission of Experts Established Pursuant to Security Council Resolution 780 (1992), S/1994/674/Add.2 (Vol. V), Annex IX, Rape and Sexual Assault, 28 December 1994, para. 265.

¹⁹³ Jones, 2006, p. 459.

rape, sexual slavery, castration and genital mutilation¹⁹⁴.

Like the feminist theory, this approach holds that gendered value systems, stereotypes and social roles associated to femininity and masculinity also lie at the roots of conflict-related sexual violence in cases where it is perpetrated as part of a larger strategy in order to pursue specific political or economic objectives. Thus this theory claims that sexual violence against men can, particularly if employed in a widespread and public manner, constitute an effective means to terrorise, humiliate and intimidate the affected population with the aim of displacing communities¹⁹⁵. Moreover, it is suggested that sexual violence against men can be used to further an agenda of ethnic and cultural destruction of a group or community not only by rendering men physically unable to procreate but also by preying upon stereotypical gender perceptions and prejudices associated with victims of sexual violence to weaken the social cohesion of a group. In this sense, sexual violence in the form of castration, genital mutilation and violence aimed at the male reproductive organs may be perpetrated, similar to the sterilisation of women, with the intention to undermine a group's ability to replenish itself through sexual reproduction¹⁹⁶. Particular attention is however given to the «shame, fear, and stigma that flow from imputing a homosexual and/or feminine identity onto a man» through sexual aggression during armed conflict which can entail the erosion of the social cohesion of a group or community¹⁹⁷. Thus, it is argued that the stigma attached to the loss of masculinity, the «feminisation,» of a male victim of sexual violence is comparable to the stigma faced by a female victim due to the loss of chastity and will have a similar effect on group cohesion¹⁹⁸. Furthermore, the psychological effects of sexual violence are regarded as similar for male and female victims and may lead to a sexual dysfunction that can weaken the social cohesion of the group in a comparable manner in both cases¹⁹⁹. However, it is suggested that an «extra stigma» lies in the «taint» of homosexuality about the male victim of sexual violence that explains the particular small numbers of reported cases of sexual violence against men²⁰⁰.

The (few) existing studies concerning male survivors of sexual violence have shown that men usually resist to be regarded as victims

¹⁹⁴ Zawati, 2007, p. 33. See also Goldstein, 2001, pp. 356-360.

¹⁹⁵ Sivakumaran, 2007, pp. 268-269.

¹⁹⁶ Jones, 2006, pp. 460-461; Sivakumaran, 2005, pp. 1293-1296.

¹⁹⁷ Lewis, 2009, p. 9.

¹⁹⁸ Jones, 2006, p. 461; Sivakumaran, 2005, p. 1288.

¹⁹⁹ Jones, 2006, p. 461; Sivakumaran, 2005, pp. 1288-1289.

²⁰⁰ Sivakumaran, 2005, pp. 1290-1291.

because they perceive victimhood to be in conflict with masculinity²⁰¹. Furthermore, male victims of sexual violence often question their masculinity as well as their sexuality. Particularly if victims have experienced a physical response such as an erection during the sexual assault, which is not uncommon regardless of the sexual orientation of the victim, they may suffer sexual orientation confusion and perceive themselves to be homosexual²⁰².

This approach complements the feminist theory in that it broadens the discussion on sexual violence during armed conflict to include male victims, who have largely been neglected by feminist scholars due to their focus on the victimisation of women. The approach focusing on masculinities has to be credited for drawing attention to the phenomenon of sexual violence against men that challenges the feminist explanatory framework, based on a female victim/male perpetrator dualism, by rendering the understanding of hierarchical gender relations more complex and portraying them not as strict male-female relations but rather basing them on a more nuanced understanding of masculinity and femininity and the power relations between and within them. This approach can explain aspects of sexual violence in armed conflict by highlighting the underlying dynamics and consequences of sexual violence against men that can make the specific targeting of men with sexual violence a useful means of humiliation and intimidation of an opposing group. It thereby strengthens the feminist argument that sexual violence is not an inevitable by-product of armed conflict rooted in a biologically determined male sex drive but rather a demonstration of power and dominance that is increasingly committed systematically as fundamental part of a broader military strategy to pursue political and economic objectives. This approach therefore contributes to a better understanding of the phenomenon of conflict-related sexual violence in general by revealing important aspects of it that are neglected by the feminist approach.

However, like the feminist theory, this approach does not account for the general variations of sexual violence during armed conflict and the exclusive focus on the victimisation of men (like the exclusive focus on women as victims in the feminist theory) is problematic, since sexual violence against men and women forms part of the gendered dynamics of armed conflict and needs to be addressed through an inclusive approach in order to generate a better understanding of the dynamics of

²⁰¹ Stanko, & Hobdell, 1993, pp. 400-401, 403-404.

²⁰² Oosterhoff, Zwanikken, & Ketting, 2004, pp. 74; Peel, 2004, p. 67.

sexual violence as a whole. While similarities with regard to the consequences and motivations of sexual violence against men and against women are highlighted by this approach, the relations between these two forms of sexual violence are not discussed, as for instance the effects of sexual violence against men on the occurrence of sexual violence against women or the consequences of enforced sexual violence against members of the family or community of the victim for the social cohesion of the community. Furthermore, the focus of this approach is mainly on sexual violence perpetrated by men against men and women as perpetrators are neglected. In order to give a more complete picture of the phenomenon of sexual violence and its underlying dynamics it would however be important to address these issues.

Moreover, by basing the explanation of sexual violence against men on its similarities and differences with regard to sexual violence against women this theory reproduces the same stereotypes and essentialist representations as the feminist theory rather than deconstructing them. Particularly, by claiming that the experience of sexual violence has a particular stigma attached to it in the case of male victims due to the «taint of homosexuality» it entails, this approach runs the danger of creating a hierarchy of victims that privileges the male heterosexual victim over the female or homosexual victim. It is understandable that advocates of this approach try to raise conscience about the phenomenon of sexual violence against men by emphasising the stigmatising and traumatising experiences of male victims in order to counter the neglect of sexual violence against men in the feminist, and dominant, theory. However it is important not to draw misleading pictures of the phenomenon of sexual violence that privilege the violation of some bodies over the violation of others, with the latter consequently being regarded as less deserving of protection from sexual assault.

3.2.3. Causal Factors at the Structural, Institutional, Interpersonal and Individual Level

3.2.3.1. Instrumental and Strategic Use of Conflict-related Sexual Violence

Militarised sexual violence «is perpetrated in a context of institutional policies and decisions [...] and] is directly related to the functions of a formal institution such as the state's national security or defence apparatus or an insurgency's military arm²⁰³.» It is therefore important to discuss the role of state authorities and higher levels of command structures of insurgent groups to better understand why sexual violence is perpetrated in a systematic and widespread manner in some conflicts and to a very limited extent in others. State and military institutions as well as insurgent leaders may decide to order, promote, condone or prohibit the use of certain forms of sexual violence during armed conflict and different factors can influence these decisions.

If national governments, military authorities or rebel groups perceive sexual violence to be an effective form of terror, intimidation and humiliation, they might promote its widespread and systematic use in order to pursue economic objectives, as for instance to gain control over land and resources, or to further a political agenda of cultural and ethnic destruction of a group or community²⁰⁴. Sexual violence might moreover serve a strategic purpose in cases where it is perpetrated in detention facilities, especially in the form of sexual torture, to punish and humiliate opponents, particularly members of insurgent groups²⁰⁵. The use of sexual violence in armed conflict may also be promoted or tolerated by military and insurgency leaders as a reward for participation for soldiers, regarding it «as a chance to release tensions and relax» after a battle that serves as encouragement for further success²⁰⁶. Another instrumental use of sexual violence during armed conflict is, particularly in the form of sexual slavery, forced marriage and enforced prostitution, as a tool to provide sexual services to fighters in order to improve their morale²⁰⁷. Sexual violence might furthermore be tolerated

²⁰³ Turshen, 2001, p. 59.

²⁰⁴ Askin, 2003(a), pp. 297-298; Enloe, 2000, pp. 130-145; Sackellares, 2005, pp. 140-141; Reid-Cunningham, 2008, pp. 280-285; Copelon, 1995, p. 205.

²⁰⁵ Enloe, 2000, pp. 123-145; Oosterhoff, Zwanikken & Ketting, 2004, pp. 69-70; Skjelsbaek, 2001, pp. 74-77.

²⁰⁶ Askin, 2003(a), p. 296; Gingerich & Leaning, 2004, p. 9.

²⁰⁷ Manjoo & Mcraith, 2011, p. 13; Goldstein, 2001, pp. 342-346; Askin, 2003(a), pp. 296-298. See for instance the establishment of the system of sexual slavery in the form of forced

as a means to enhance solidarity within small groups of combatants and to promote the bonding of its members. Particularly within groups characterised by a low level of social cohesion due to a high level of forced recruitment, sexual violence is used as socialisation practice to create bonds between group members and enhance the group cohesion²⁰⁸.

Besides explicitly ordering the use of sexual violence as part of a military strategy, state authorities might also promote the perpetration of sexual violence against opponents by allowing sexual crimes to be committed with impunity, thus failing to deter such crimes through an effective punishment of perpetrators. Acts of sexual violence during armed conflict might not be properly investigated and effectively prosecuted *inter alia* because they are not adequately prohibited by national law, an independent police and justice system does not exist to address sexual crimes in an impartial manner or uniformed personnel enjoy immunity from prosecution for such crimes²⁰⁹.

State authorities and rebel or insurgent group leaders might also promote the use of sexual violence in armed conflict by shaping propaganda discourses in a way that links dominant models of ideal masculinity and femininity to other social factors that define identity such as ethnicity, religion, race or nationality to create dynamics of inclusion and exclusion that help to distinguish the own identity from the opponent's identity thereby inciting soldiers to perpetrate acts of sexual violence in times of armed conflict²¹⁰.

The state can also play an important role in the construction and perpetuation of hegemonic models of militarised masculinity as well as in the suppression of alternative models of masculinity with the aim of pursuing certain political aims. Governments can benefit from certain normative models of masculinity that represent an incentive for national armed forces to exert violence on the civilian population, including sexual violence against women and men, since the resort to

prostitution known as «comfort women» in reaction to the sexual violence perpetrated during the Japanese occupation of Nanking: Chang, 1997, pp. 170-180. Or the occurrence of sexual slavery in the form of forced marriage during the conflict in Mozambique: Turshen, 2001, pp. 60-61.

²⁰⁸ Goldstein, 2001, p. 365; Wood, 2006, p. 327; United States Institute of Peace - Women, Conflict, and Peacebuilding Working Group, *Sexual Violence in Conflict: One Year After UN Resolution 1820*, expert panel discussion, 11 June 2009.

²⁰⁹ United Nations High Commissioner for Human Rights, *Access to Justice for Victims of Sexual Violence*, Report of the United Nations High Commissioner for Human Rights, 29 July 2005, pp. 3-34; Anderson, 2010, pp. 253-254; Oosterhoff, Zwanikken & Ketting, 2004, p. 70; Askin, 2003(b), p. 520.

²¹⁰ El Jack, 2003, pp. 11-12; Stern & Nystrand, 2006, pp. 61-63.

violence by the military against civilians gives the state the opportunity to exercise better control over parts of the civilian population that it wants to oppress. In addition, the prevention of the emergence of alternative models of masculinity that promote practices such as negotiation, reconciliation and non-violent conflict resolution could be advantageous for a government whose political aims are contrary to peaceful conflict resolution. At the same time, the inability to live up to the hegemonic model of masculinity promoted by the state together with the absence of alternatives might result in the perpetration of sexual violence by individual men, civilians as well as soldiers²¹¹. The deliberate manipulation of the hegemonic model of masculinity by the state can lead to the perpetration of sexual violence by armed forces as well as by civilians. An example from the DRC can illustrate this point. The formal prohibition of the perpetration of sexual violence by soldiers of the national armed forces led to a certain decrease of sexual crimes committed by soldiers. The prohibition, however, remained largely ineffective due to the model of masculinity that was celebrated in the military and society at large and condoned by the state through inconsistent enforcement of the prohibition. This hegemonic model links masculinity closely to virility, heterosexuality and sexual potency and to men's role as protector and provider. For soldiers who are unable to live up to this ideal of masculinity (i.e. to sustain a family or pay for a prostitute) due to a lack of resources, sexual violence then becomes a means to perform the hegemonic model of masculinity²¹².

Even though national governments and military authorities as well as rebel groups might be aware of the strategic utility of the use of sexual violence during armed conflict, they may decide to prohibit sexual violence due to strategic as well as normative concerns. Sexual violence committed by soldiers can generate resistance on the part of the civilian population and might represent a threat to the strategic interests of state forces or rebel groups. Thus, particularly in case where the overall objectives of the national military or an insurgent group include governing the civilian population, the use of sexual violence will probably be restrained. Similarly, armed groups who depend on the voluntary support of the population for the provision of supplies and intelligence will attempt to limit the use of sexual violence, while groups who have abundant resources available are less likely to prohibit the use of sexual violence²¹³. These considerations are closely related to the

²¹¹ Dolan, 2002, pp. 60-79.

²¹² Stern & Eriksson Baaz, 2010, pp. 47-50.

²¹³ Goldstein, 2001, p. 341; Wood, 2006, pp. 329 and 331.

social and cultural perception and construction of the own identity and that of the opponent that might entail the prohibition of sexual violence. Revolutionary groups who see themselves as «disciplined bearers of a new, more just, social order for all citizens» as well as insurgent groups or national military forces who for instance strongly adhere to certain religious values, such as the sanctity of womanhood in Catholicism, or to principles such as democracy, the rule of law and the respect for human rights, that are contrary to the use of sexual violence in armed conflict, are more likely to restrain its use. Sexual violence might also be prohibited in cases where the social and cultural norms promoted by an armed group, a government or a military institution regard the perpetration of sexual violence across ethnic boundaries as «polluting to the perpetrator» rather than as a humiliation of the victim²¹⁴. However, cultural and social norms, identities and motivations might diverge at the individual level, the small unit level and the top level of the military or insurgency structure as well as at the level of possible international allies²¹⁵. This makes clear that, particularly in cases where effective incentives and sanctions to promote or prohibit sexual violence lack at higher command levels, the norms, motivations and identities at the small unit and the individual level have to be taken into consideration in an analysis of the causes of sexual violence in armed conflict if all aspects of the phenomenon are to be addressed effectively.

This approach complements the previous approaches and takes into account the intentions, motivations and methods of state authorities and rebel leaders concerning the use of sexual violence during armed conflict. It highlights several important causal factors at different levels that can help not only to identify conflicts where certain forms of sexual violence are likely to occur but also to tackle the phenomenon of sexual violence in a comprehensive manner that allows to develop well-directed prevention mechanisms.

²¹⁴ Wood, 2006, pp. 329-331.

²¹⁵ Kalyvas, 2003, pp. 475-484. The fear of criticism by international allies might also lead to the prohibition of sexual violence. See for example the international reactions to the sexual violence perpetrated during the Japanese occupation of Nanking, that led to the establishment of the system of sexual slavery known as «comfort women.» Chang, 1997, pp. 170-180. See also Wood, 2006, p. 329.

3.3. COMPREHENSIVE GENDER APPROACH TO CONFLICT-RELATED SEXUAL VIOLENCE

The discussion of different theories that have been developed to explain conflict-related sexual violence shows that no theory can by itself comprehensively explain all aspects of the phenomenon of conflict-related sexual violence and satisfyingly account for the variation in extent and form of sexual violence during armed conflict. Therefore, a comprehensive and multifaceted approach that simultaneously takes the different forms of sexual violence as well as the different causal factors and motivations of perpetrators at different levels into account needs to be adopted in order to address conflict-related sexual violence effectively.

The analysis of the different theories has demonstrated that sexual violence should not be regarded as inevitable by-product of armed conflict rooted in a biologically determined male sex drive but rather as a demonstration of power and domination that largely depends on social power relations, gender ideologies and stereotypes. An answer to conflict-related sexual violence needs to take the complex social relations, norms and processes that lie at the root of conflict-related sexual violence into consideration.

However, the dominant explanatory frameworks on sexual violence in armed conflict are based on a restrictive understanding of power relations as a manifestation of the domination of men over women. The predominantly feminist scholars dedicated to the issue of conflict-related sexual violence are primarily concerned about highlighting the victimisation of women by men, and therefore generally conceptualise men as perpetrators and women as victims. The existence of male victims and female perpetrators has challenged the dominant understandings of victimisation and the female victim/male perpetrator dichotomy. Therefore, in order to be able to effectively address conflict-related sexual violence in its various dimensions the perpetrator-victim relationship should not only be regarded as a male-female relationship, but rather it needs to be conceptualised as a relation between masculinity and femininity, where masculinity is equated to power and domination and femininity to powerlessness and subordination. A focus on the symbolic meaning of the interaction between victim and perpetrator rather than on their sex would permit to include men as victims and women as perpetrators of sexual violence. Janis Bohan describes gender relations as constructed through «transactions that are understood to be appropriate to one sex,» while «the factors defining a particular transaction as feminine or masculine are not the sex of the

actors but the situational parameters within which the transaction occurs²¹⁶.» The effectiveness of sexual violence as a means of domination, intimidation and humiliation during armed conflict therefore largely depends on the underlying perceptions of ideal gender identities, stereotypes and power relations, promoted by the dominant gender discourses, where masculinity is generally equated to power and domination and femininity to powerlessness and subordination. However, since gender identities and relations are socially constructed and therefore liable to variations across cultures and to transformations over time, the meaning and effects of acts of sexual violence are context specific. Thus, in order to prevent and address sexual violence effectively it is necessary to deconstruct stereotypes and gender ideals and to reveal underlying power relations. To this end the social, political and cultural circumstances, as well as the nature of the conflict in which sexual violence occurs need to be well understood and taken into account in the design of strategies and mechanisms for the prevention of sexual violence in armed conflict. It is furthermore of particular importance to understand the dominant gender discourses that promote certain gender identities, stereotypes and hierarchical power relations as well as to identify the main factors and actors that influence the construction of these discourses.

Furthermore, since gender identities are closely linked to other social factors such as ethnicity, race, religion and social class that define identity it is important to take the interplay between these aspects of identity into consideration in an analysis of conflict-related sexual violence as these factors might play an important role in identifying conflicts where certain forms of sexual violence are likely to occur and in determining potential groups of victims of sexual violence which can help to more effectively address and prevent the phenomenon of sexual violence. On this basis it is of particular importance to understand how dominant gender discourses intersect with the definition of ethnic, religious, national or racial identity to construct ideal models of gender identities. In this regard particular attention needs to be paid to the role of the state and of military authorities and higher levels of command structures of insurgent groups in the construction and perpetuation of hegemonic models of gender identities. Through the deliberate manipulation of gender discourses that shape gender ideals and stereotypes military and rebel leaders as well as state authorities can promote the use of sexual violence during armed conflict.

²¹⁶ Bohan, 1997, pp. 33 and 39.

In addition, what this analysis shows is that sexual violence can take on different forms and can have several causes in one and the same conflict, particularly as motivations, norms and aims might diverge at different causal levels. However, it also becomes clear in this regard that if dominant discourses that define norms, motivations and identities at all causal levels condemn sexual violence its occurrence can be very limited and skilled soldiers can be formed without tolerating the perpetration of conflict-related sexual violence.

Moreover, the analysis has revealed that an approach that is based on a conceptualisation of the terms «gender» and «women» as synonymous and therefore neglects male victims cannot account for the complexities of conflict-related sexual violence and precludes the possibility to adopt an inclusive gender approach that would facilitate a better understanding of the phenomenon of sexual violence in times of armed conflict as well as the deconstruction of stereotypical perceptions of sexual violence and its victims. Increased attention to male victims has recently revealed important aspects of conflict-related sexual violence that are neglected by the feminist theory. However, in order to be able to react to sexual violence in armed conflict in a comprehensive way, sexual violence against women and men should be addressed together, since both forms of violence are part of the gender dimension of armed conflict and their root causes are interrelated.

Therefore, a comprehensive and integrated approach needs to be adopted, that recognises the connections between the various dynamics underlying conflict-related sexual violence. It is important to develop inclusive strategies that simultaneously address the different forms and causes of sexual violence and the diverse motivations of perpetrators at several causal levels in a holistic way. An inclusive and comprehensive gender approach can contribute to a better understanding of the dynamics of sexual violence as a whole, it can also open new ways of addressing the issue of sexual violence against women, who remain the majority of victims of sexual violence in armed conflict, and can dismantle stereotypes that lead to stigmatisation, social exclusion and a perpetuation of the problem. In order to deconstruct the gender stereotypes and power relations that lie at the root of conflict-related sexual violence and to reveal the underlying gendered dynamics of power and domination and of inclusion and exclusion, a comprehensive gender approach needs to pay particular attention to the construction of the dominant gender discourses that shape gender ideals and identities, stereotypes and power relations and thereby not only give meaning to acts of conflict-related sexual violence but also determine their occurrence and shape efforts to prevent their occurrence. The next chapter

therefore attempts to analyse to what extent a comprehensive, inclusive and multifaceted approach to conflict-related sexual violence has been adopted in UN peace operations by paying particular attention to the discourse adopted by the UN with regard to the prevention of conflict-related sexual violence by UN peacekeeping missions.

CHAPTER 4

PEACE OPERATIONS AND CONFLICT-RELATED SEXUAL VIOLENCE

4.1. CONFLICT-RELATED SEXUAL VIOLENCE ON THE UN PEACE AND SECURITY AGENDA

The adoption of Security Council Resolution 1325 in 2000 represented a first attempt to place the issue of conflict-related sexual violence on the United Nations peace and security agenda. Besides acknowledging that war has a disproportionate impact on women and recognising women's role in conflict prevention, conflict resolution and peacebuilding the resolution also explicitly referred to sexual violence and called on parties to armed conflict «to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse» and to «respect fully international law applicable to the rights and protection of women»²¹⁷.» It furthermore emphasised the responsibility of member states to prosecute perpetrators of conflict-related sexual violence against women²¹⁸.

Since these provisions are addressed to member states and conflict parties, the content and scope of the Security Council's responsibilities with regard to conflict-related sexual violence remain unclear. It is therefore necessary to look at the broader commitment by the Council to «incorporate a gender perspective into peacekeeping operations»²¹⁹.» «U.N. peace operations, through their direct engagement in countries and their role in maintaining security and protecting civilians, can play a crucial role in preventing, providing protection from, and responding to sexual violence»²²⁰.» It was therefore in its role as principal organ

²¹⁷ United Nations Security Council, United Nations Security Council Resolution 1325, S/RES/1325 (2000), 31 October 2000, paras. 9-10.

²¹⁸ *Ibidem*, para. 11.

²¹⁹ *Ibidem*, para. 5.

²²⁰ Cook, 2009, p. 131.

responsible for the maintenance of international peace and security, including the mandating of peacekeeping missions, that the Security Council was expected to integrate its commitments under Resolution 1325 and to address the issue of conflict-related sexual violence. However, following the adoption of Resolution 1325, the Security Council failed to consistently mainstream gender into its work and its reactions to conflict-related sexual violence remained limited²²¹.

In 2008 the Security Council adopted Resolution 1820 which focuses primarily on conflict-related sexual violence. In this resolution the Council stressed «that sexual violence, when used or commissioned as a tactic of war in order to deliberately target civilians or as a part of a widespread or systematic attack against civilian populations, can significantly exacerbate situations of armed conflict and may impede the restoration of international peace and security» and expressed its readiness «when considering situations on the agenda of the Council, to, where necessary, adopt appropriate steps to address widespread or systematic sexual violence»²²². It thus acknowledged that conflict-related sexual violence can constitute an international peace and security issue that needs to be addressed by the Security Council. The Council furthermore demanded that all parties to armed conflict cease all acts of sexual violence and take appropriate measures to protect civilians from sexual violence, including training troops, vetting armed and security forces and evacuating civilians under imminent threat of sexual violence²²³. It moreover recognised that rape and other forms of sexual violence can constitute a war crime, a crime against humanity and a constitutive act with respect to genocide and emphasised the need to end impunity with regard to these violations of international law²²⁴. The Council also affirmed its intention to consider sanctions against parties who commit acts of sexual violence against women in armed conflict²²⁵. The resolution furthermore stresses the importance of women's role in conflict resolution and prevention and of the participation and consultation of women of effected local communities in discussions on conflict prevention and resolution and post-conflict peace-

²²¹ *Ibidem*, pp. 130-135.

Even though the Council adopted Security Council Resolution 1674 in 2006, that also referred to sexual violence in relation to peacekeeping missions. See: United Nations Security Council, United Nations Security Council Resolution 1674, S/RES/1674 (2006), 28 April 2006, para. 19.

²²² United Nations Security Council, United Nations Security Council Resolution 1820, S/RES/1820 (2008), 19 June 2008, para. 1.

²²³ *Ibidem*, paras. 2 and 3.

²²⁴ *Ibidem*, para. 4.

²²⁵ *Ibidem*, para. 5.

building²²⁶. In addition, the Secretary-General is requested to include information and recommendations concerning conflict-related sexual violence in country-specific reports²²⁷.

With regard to peacekeeping operations in particular, the Security Council requested the Secretary-General to develop effective guidelines, strategies and training programmes to enhance the ability of peacekeeping personnel to prevent, recognise and respond to conflict-related sexual violence²²⁸. The Council furthermore requested the Secretary-General to strengthen efforts to implement the policy of zero tolerance of sexual exploitation and abuse in United Nations peacekeeping missions and urged troop contributing countries to take preventative action to ensure full accountability of their personnel for such conduct²²⁹. Finally, the Security Council encouraged troop contributing countries to consider steps to heighten the responsiveness of their personnel concerning the protection of civilians from sexual violence during armed conflict, including the deployment of a higher percentage of female peacekeepers²³⁰.

While Resolutions 1325 and 1820 remain the main instruments concerning gender mainstreaming in peace operations and sexual violence during armed conflict, the Security Council has adopted three follow-up resolutions within the women, peace and security agenda. In Resolution 1888, adopted in 2009, the Security Council reiterated its acknowledgement of sexual violence as important international security issue. Resolution 1888 complements Resolution 1820 by detailing practical implementation matters and suggesting additional mechanisms to advance enforcement. It calls for the appointment of a Special Representative of the Secretary-General to provide leadership and strengthen coordination. It furthermore highlights the importance of considering sexual violence in the context of peace processes and urges that judicial and law enforcement systems in affected countries are strengthened and reformed in order to prevent impunity and guarantee victims access to justice and reparations. In addition, the resolution calls for the appointment of women protection advisors in relevant UN peacekeeping missions and requests more effective monitoring and reporting mechanism²³¹. Resolution 1889, also adopted in 2009, re-

²²⁶ *Ibidem*, preambular para. 10, paras. 3 and 10-12.

²²⁷ *Ibidem*, paras. 9 and 15.

²²⁸ *Ibidem*, paras. 6 and 9.

²²⁹ *Ibidem*, para. 7.

²³⁰ *Ibidem*, para. 8.

²³¹ United Nations Security Council, United Nations Security Council Resolution 1888, S/RES/1888 (2009), 30 September 2009.

inforces Resolution 1325, as it calls for more efficient monitoring and reporting mechanisms with regard to the implementation of Resolution 1325, in particular the development of indicators to track implementation. It reasserts the significance of women's participation in conflict resolution, peace building and post-conflict reconstruction and highlights the importance of assessing and addressing women's particular needs in these processes²³².

Finally, Resolution 1960 was adopted by the Security Council in 2010 to strengthen Resolutions 1820 and 1888 by requesting the Secretary-General to establish better monitoring, analysis and reporting mechanisms on conflict-related sexual violence and to list conflict parties that are suspected of committing patterns of conflict-related sexual violence. The Council affirmed that it intends to use these lists as a basis for more focused engagement with the parties of concern, including the establishment of sanctions²³³. The adoption of these resolutions entailed *inter alia* the creation of the position of Special Representative on Sexual Violence in Conflict in February 2010, as well as the establishment of the joint initiative «U.N. Action Against Sexual Violence in Conflict» by ten United Nations agencies and the appointment of women protection advisers in United Nations peace missions²³⁴.

The next part of the thesis will discuss in how far Resolutions 1325 and 1820 provide peace operations with an appropriate tool to address and prevent sexual violence in situations of armed conflict and promote a comprehensive and inclusive gender approach to conflict-related sexual violence. By means of a textual analysis of the resolutions and related documents the following paragraphs aim at analysing the discourse adopted by the United Nations, and particularly the Security Council, with regard to conflict-related sexual violence and the response to this phenomenon by peacekeeping operations. The analysis of the UN discourse on sexual violence in armed conflict and its prevention by peace missions is important, since discourses are «practices that systematically form the objects of which they speak. They also form the responses to the objects that are considered to be appropriate and the identities of the actors that are seen to have appropriate agency to

²³² United Nations Security Council, United Nations Security Council Resolution 1889, S/RES/1889 (2009), 5 October 2009.

²³³ United Nations Security Council, United Nations Security Council Resolution 1960, S/RES/1960 (2010), 16 December 2010.

²³⁴ See: <http://www.stoprapenow.org/>; United Nations Security Council, Letter dated 29 January 2010 from the Secretary-General to the President of the Security Council, S/2010/62, 2 February 2010 – on the appointment of Margot Wallström as Special Representative on Sexual Violence in Conflict.

deal with the objects²³⁵.» Particular attention will therefore be given to the suggestions and recommendations made by the Security Council to enhance the ability of peacekeeping personnel to protect civilians from conflict-related sexual violence, such as the development of guidelines and strategies or the deployment of more women peacekeepers in peace operations.

4.2. THE UN DISCOURSE ON CONFLICT-RELATED SEXUAL VIOLENCE AND PEACE OPERATIONS

4.2.1. *Representation of Men and Women*

The language used by the Security Council in Resolution 1325 and related documents to represent women has recently received increased attention. It has been argued that women are generally portrayed as inherently peaceful and vulnerable and are thus presented solely as victims in need of protection or as peacemakers. Particularly through their association with children, women are primarily defined in their role as caregivers and providers. This representation has been criticised because it maintains women in a subordinate position as victims and minimises their agency²³⁶. An essentialist and protective definition of women is also recurrent in Resolution 1820. Throughout the resolution women are associated with children or girls and are either portrayed as vulnerable victims of conflict-related sexual violence in need of protection or their important roles in promoting peace and conflict resolution are emphasised²³⁷. At the same time, the representation of women as peaceful and vulnerable victims also entails the implicit construction of men as aggressive and belligerent counterpart and thereby not only denies agency to women but also denies men the status of victims with an equal need of protection. The definitions of women and men in the resolutions are therefore based on binary oppositions that associate masculinity with aggressor, perpetrator, warrior and protector and femininity with vulnerability, victim, peace and protected. By reproducing these associations the essentialist representations of men and

²³⁵ Väyrynen, 2004, pp. 126-127.

²³⁶ Carpenter, 2006(a), pp. 30-31; Puechguirbal, 2010, pp. 174-180; Väyrynen, 2004, pp. 126-138.

²³⁷ The construction «women and children» is used 4 times in the resolution, «women and girls» 13 times, all of which define women in their role as victims of or in need of protection from sexual violence. «Women» alone is used 7 times, twice in relation to sexual violence and 5 times in their capacity as peacemakers, once in the call for a higher number of women peacekeepers.

women in the resolutions perpetuate stereotypical perceptions of gender roles and identities.

Similarly, the Security Council's calls for an increased representation of women in mechanisms for the prevention, management, and resolution of conflict²³⁸, their equal participation in all efforts for the maintenance and promotion of peace and security²³⁹, the expansion of their role in United Nations field-based operations²⁴⁰ and for the deployment of a higher percentage of women peacekeepers²⁴¹ in the resolutions are also based on specific perceptions of male and female gender roles during armed conflict. In this case women are not only given the role of the «protected,» but also that of the «protectors» of the civilian population, particularly of women threatened by conflict-related sexual violence. While the call to enhance women's participation in the traditionally «all-male domain of peacekeeping²⁴²» might seem progressive, a look at the discourses that form the basis of this recommendation reveals a less encouraging picture.

The proposal to deploy more female peacekeepers has emerged within the UN system, as well as in feminist academic literature and activism, during the 1990s when the general attention to gender issues increased in the UN peace and security work and gender balance was adopted as one of the strategies to achieve the broader goal of gender equality²⁴³. The arguments brought forward to support this call, however, tend to be of an essentialist nature as they are generally based on an understanding of women as more peaceful and empathetic than men and particularly more attentive to the security needs of the local population, especially women, with regard to conflict-related sexual violence. Resolutions 1325 and 1820 affirm «the important role of women in the prevention and resolution of conflicts and in peacebuilding» in

²³⁸ United Nations Security Council, United Nations Security Council Resolution 1325, S/RES/1325 (2000), 31 October 2000, para. 1.

²³⁹ *Ibidem*, preambular para. 5; United Nations Security Council, United Nations Security Council Resolution 1820, S/RES/1820 (2008), 19 June 2008, preambular para. 10.

²⁴⁰ United Nations Security Council, United Nations Security Council Resolution 1325, S/RES/1325 (2000), 31 October 2000, para. 4.

²⁴¹ United Nations Security Council, United Nations Security Council Resolution 1820, S/RES/1820 (2008), 19 June 2008, para. 8.

²⁴² United Nations Development Fund for Women, United Nations Department of Peacekeeping Operations, United Nations Action Against Sexual Violence in Conflict, Addressing Conflict-Related Sexual Violence - An Analytical Inventory of Peacekeeping Practice, United Nations, 2010, p. 43.

²⁴³ United Nations Department of Peacekeeping Operations, Handbook on UN Multi-dimensional Peacekeeping Operations, Peacekeeping Best Practices Unit, United Nations, New York, December 2003, p. 113; Mazurana, Raven-Roberts, Parpart & Lautze, 2005, pp. 13-15. See: Barnes, 2011, pp. 15-16; Whitworth, 2004, pp. 199-220; Barnes & Olonisakin, 2011, pp. 4-6. See also the Chapter 2.3 on gender mainstreaming in peace operations.

connection with calls for women's «equal participation and full involvement in all efforts for the maintenance and promotion of peace²⁴⁴.» In Resolution 1820 the Security Council proposes the deployment of more women peacekeepers as a measure to enhance the ability of peacekeeping missions to prevent sexual violence against women and girls in conflict situations²⁴⁵. Furthermore, UN documents concerning peacekeeping missions argue that the increased participation of women in peace operations is important, since «women have a comparative operational advantage in sexual violence prevention, having greater proximity to groups at risk²⁴⁶.» In addition, female peacekeepers «could be particularly effective in monitoring/reporting threats to the security of women and girls» and an increased number of women in peace operations «helps to ensure that women are equal security beneficiaries²⁴⁷.» These arguments have been supported in academic literature on peacekeeping, where it has been maintained that while «men are inherently more violent than women,» women «are not usually inclined toward violence» and therefore «might be valuable to peacekeeping operations²⁴⁸.» Furthermore, it was advanced that the increased participation of women in peace operations is «necessary [to] ensure that women's and girl's protection and assistance needs are met²⁴⁹.»

Recommendations for an increased representation of women in peace operations were also expressed in reaction to reports of UN peacekeepers engaging in various acts of sexual exploitation and abuse (SEA) of local populations, which «have done great harm to the name of peacekeeping²⁵⁰.» In reaction to these revelations the United Nations developed *A Comprehensive Strategy to Eliminate Future Sexual Exploitation and Abuse in United Nations Peacekeeping Operations*. The strategy proposes an increase in the percentage of female peacekeeping personnel as one of the basic requirements to eliminate the occurrence

²⁴⁴ United Nations Security Council, United Nations Security Council Resolution 1325, S/RES/1325 (2000), 31 October 2000, preambular para. 5; United Nations Security Council, United Nations Security Council Resolution 1820, S/RES/1820 (2008), 19 June 2008, preambular para. 10.

²⁴⁵ United Nations Security Council, United Nations Security Council Resolution 1820, S/RES/1820 (2008), 19 June 2008, para. 8.

²⁴⁶ United Nations Development Fund for Women, United Nations Department of Peacekeeping Operations, United Nations Action Against Sexual Violence in Conflict, Addressing Conflict-Related Sexual Violence - An Analytical Inventory of Peacekeeping Practice, United Nations, 2010, p. 17.

²⁴⁷ *Ibidem*, p. 43.

²⁴⁸ DeGroot, 2001, p. 34.

²⁴⁹ Mazurana, Raven-Roberts, Parpart & Lautze, 2005, p. 14.

²⁵⁰ United Nations General Assembly, *A Comprehensive Strategy to Eliminate Future Sexual Exploitation and Abuse in United Nations Peacekeeping Operations*, A/59/710, 24 March 2005, p. 1.

of SEA in peace operations and notes that «the presence of more women in a mission, especially at senior levels, will help to promote an environment that discourages sexual exploitation and abuse, particularly of the local population²⁵¹.» The United Nations Department of Peacekeeping Operations in a document on gender mainstreaming in peace operations notes that the presence of women in peacekeeping missions «makes men peacekeepers more reflective and responsible; and it broadens the repertoire of skills and styles available within the mission, often with the effect of reducing conflict and confrontation²⁵².» A study for the UN Division for the Advancement of Women found that the incidence of SEA in peace operations decreases with the presence of women, as male peacekeepers are then «more likely to observe social conventions that define civilized behaviour²⁵³.»

While this view is supported in academic literature on peacekeeping²⁵⁴, some feminist scholars in their reactions to these reports have gone further than suggesting a mere increase of the number of women deployed in peace operations in order to counter sexual violence and exploitation by peacekeepers. In Catharine MacKinnon's view «the United Nations troops violating those they are there to protect adds a touch of the perverse,» she concludes that «each layer of male protection adds a layer to violence against women,» and proposes the «intervention by a force of armed women²⁵⁵.» Sandra Whitworth describes acts of SEA committed by male military peacekeepers as an «explosion of hypermasculinity» that results from the fundamental contradiction of deploying «militarised men» that are «trained to fight wars in order to conduct peace missions²⁵⁶.» She therefore suggests «contributing not platoons of warriors» but «contingents of feminist and linguists,» «armies of midwives, cultural critics and anthropologists» and «battalions of artists, musicians and poets²⁵⁷.»

However, studies have shown that «women tend to fit into the military hypermasculine environment rather than change it²⁵⁸.» which is supported by reports on women engaging in acts of SEA²⁵⁹ and research

²⁵¹ *Ibidem*, pp. 18-19.

²⁵² United Nations Department of Peacekeeping Operations, *Mainstreaming a Gender Perspective in Multidimensional Peace Operations*, United Nations, New York, July 2000, p. 4.

²⁵³ DeGroot, 2001, p. 37.

²⁵⁴ See for instance Bellamy & Williams, 2010, p. 375 and DeGroot, 2001, pp. 34-37.

²⁵⁵ MacKinnon, 1994, p. 192.

²⁵⁶ Whitworth, 2004, p. 186. See also the feminist theory on «militarised masculinity» above.

²⁵⁷ Whitworth, 2004, p. 186.

²⁵⁸ Simić, 2010, p. 194; see also Goldstein, 2001, pp. 199-203.

²⁵⁹ The «Taguba Report» on Treatment of Abu Ghraib Prisoners in Iraq - Article 15-6

findings that suggest that female peacekeepers are generally not more willing to denounce their colleagues for engaging in acts of SEA than male peacekeepers²⁶⁰. Furthermore, civilian members of peace operations engage with approximately the same frequency in acts of SEA as military peacekeepers²⁶¹.

The arguments in support of an increased participation of women in peacekeeping operations proposed by the UN in Resolutions 1325 and 1820 and other UN documents concerning gender, peacekeeping and sexual violence are problematic in several regards. These suggestions are based on essentialist representations of women who are portrayed as peaceful, empathetic and attentive to the needs of victims of sexual violence, and as «civilising» influence on their male colleagues. However, this implicitly constructs men as inconsiderate and insensitive with respect to the needs of the local population, especially female victims of sexual violence, and as aggressive perpetrators who will, without the calming presence of women, engage in acts of SEA. By reproducing and strengthening these stereotypes rather than questioning them these essentialist representations make positive male agency with regard to the protection of civilians, and particularly women, from conflict-related sexual violence appear impossible.

4.2.2 Victims and Perpetrators of Conflict-related Sexual Violence

Furthermore, a textual analysis of Resolutions 1325 and 1820 reveals that sexual violence is presented as a matter related to women while men as victims of sexual violence are not explicitly mentioned in the resolutions. The two paragraphs concerning sexual violence in Resolution 1325 refer to the protection of «women and girls from gender-based violence, particularly rape and other forms of sexual abuse» and the prosecution of those responsible for «sexual and other violence against women and girls» and thereby exclude male victims. Resolution 1820, however, uses a more nuanced language. When referring to general statements and measures with regard to sexual violence the language used in the resolution is neutral and, at least implicitly, includes men as victims of sexual violence. The resolution uses the construction «sexual violence against civilians» or «against civilians, including women and children,» or «against civilians, particularly women

Investigation of the 800th Military Police Brigade; United States Institute of Peace - Women, Conflict, and Peacebuilding Working Group, *Sexual Violence in Conflict: One Year After UN Resolution 1820*, expert panel discussion, 11 June 2009.

²⁶⁰ Jennings, 2008, pp. 30-31.

²⁶¹ Bellamy & Williams, 2010, pp. 370-371.

and girls» for instance when generally acknowledging that sexual violence can constitute a tactic of war that can exacerbate conflict situations. However, when adopting more concrete measures of implementation, such as the evacuation of those under imminent threat sexual violence, it is «women and children» that need to be evacuated to safety according to the resolution²⁶².

A look at the «Wilton Park Conference,» organised by the United Nations Department of Peacekeeping Operations, the United Nations Development Fund for Women, and UN Action Against Sexual Violence in Conflict in preparation of Resolution 1820, reveals intentions and reasons behind the focus on female victims in the resolution. While it is recognised that «women are not the only civilians to be targeted for sexual violence – children and also men, particularly captive male combatants, are also subjected to sexual torture and terror,» the conference focused on the protection from conflict-related sexual violence against women²⁶³. This narrow focus is explained by the fact that conflict-related sexual violence particularly affects women due to the changing nature of conflict, leading to an increased civilian-combatant interface and due to the specific targeting of women's reproductive capacities by acts of sexual violence with the aim of destroying a community's identity and cohesion to carry out an agenda of ethnic cleansing and genocide²⁶⁴. However, as described above, men are not excluded from acts of sexual violence perpetrated against civilian populations and their reproductive capacities can be targeted with the same objective of pursuing a campaign of ethnic cleansing or genocide. It is furthermore claimed that «violent sexual attacks on women and girls in fact pose *special challenges for peacekeepers* – challenges that differ even from cases when men are the targets of sexual attack. Women and girls do not rush to report the crime, fearing the ensuing social stigma. Indeed, rape is the only crime for which a community's reaction is often to stigmatise the *victim*, rather than prosecute the *perpetrator*²⁶⁵.» This again is not different for male victims of conflict-related sexual violence, who, as described above, are generally reluctant to report due to the fear of stigmatisation.

²⁶² United Nations Security Council, United Nations Security Council Resolution 1820, S/RES/1820 (2008), 19 June 2008, para. 3.

²⁶³ United Nations Department of Peacekeeping Operations, United Nations Development Fund for Women, UN Action Against Sexual Violence in Conflict, Women Targeted or Affected by Armed Conflict: What Role for Military Peacekeepers?, Wilton Park Conference, 27-29 May 2008, p. 3.

²⁶⁴ *Ibidem*, p. 4.

²⁶⁵ *Ibidem* (emphasis in the original).

This approach is also reflected in more recent UN documents concerning sexual violence, peace and security. The 2010 report by the UN Secretary-General on the implementation of Security Council Resolutions 1820 and 1888, in one sentence acknowledges the fact that men and boys are also targeted with conflict-related sexual violence, but the remaining report is concerned with sexual violence against women²⁶⁶. Similarly, the «Analytical Inventory of Peacekeeping Practice» developed by the United Nations Development Fund for Women, the United Nations Department of Peacekeeping Operations, and the United Nations Action Against Sexual Violence in Conflict in 2010 in order to address conflict-related sexual violence, acknowledges that «men and boys are also exposed to rape and other forms of sexual violence during and in the aftermath of armed conflict²⁶⁷.» This acknowledgement, however, remains the sole reference to men as victims of sexual violence in the document and the operational guidelines proposed refer to the protection of women, as for instance the organisation of armed escorts to accompany women when collecting firewood or water or when pursuing sustenance activities such as farming and foraging²⁶⁸, the construction of women's shelters for survivors of sexual violence and the establishment of women-specific safe havens/shelters²⁶⁹, the creation of «Women's Desks» in camps to establish cells to respond to sexual violence and the establishment of «Family Support/Women and Child Protection Desks» in police stations to permit the registration and investigation of cases of sexual violence as part of a gender-sensitive security sector reform²⁷⁰, the transport of threatened women to safety, the organisation of military-led interventions to free women held as sex slaves by armed/rebel groups and the improvement of women's conditions of detention²⁷¹. Factors proposed to enhance the success of strategies adopted by peace operations to respond to conflict-related sexual violence include strong leadership, systematisation of *ad hoc* responses, «willingness and where-withal to patrol and operate in unconventional space in response to an

²⁶⁶ United Nations General Assembly/ United Nations Security Council, Report of the Secretary-General on the implementation of Security Council Resolutions 1820 (2008) and 1888 (2009), A/65/592 - S/2010/604, 24 November 2010.

²⁶⁷ United Nations Development Fund for Women, United Nations Department of Peacekeeping Operations, United Nations Action Against Sexual Violence in Conflict, Addressing Conflict-Related Sexual Violence - An Analytical Inventory of Peacekeeping Practice, United Nations, 2010, p. 15.

²⁶⁸ *Ibidem*, pp. 21-23.

²⁶⁹ *Ibidem*, pp. 26-27.

²⁷⁰ *Ibidem*, pp. 28 and 36.

²⁷¹ *Ibidem*, pp. 36-37.

unconventional and often “invisible” threat²⁷²,» pre-deployment and in-mission training, gender balance in peace operations and «changing the culture» of security institutions as part of a gender-sensitive security sector reform, which is however understood as «building a [...] security sector that is equally accessible and responsive to women and girls²⁷³.»

Thus the resolutions and related documents are based on a conceptualisation of sexual violence as a male perpetrator/female victim dualism and present the perpetrator/victim relationship as a male/female relationship thereby linking it to sex rather than gender, to biologically inherent rather than socially constructed differences. Both resolutions therefore present sexual violence as an issue related only to women and exclude male victims. The focus on women as victims of conflict-related sexual violence shows that even where the existence of sexual violence against men in situations of armed conflict is acknowledged, this acknowledgement is not translated into concrete initiatives and practical measures to address it. This narrow focus perpetuates the stereotypical perception of women as victims and men as perpetrators and thereby strengthens stereotypes that are at the roots of conflict-related sexual violence. Furthermore, the exclusory language used in Resolutions 1325 and 1820 and related UN documents not only fails to take the empirical reality of male victims and female perpetrators of sexual violence into account, it also precludes an inclusive gender analysis of sexual violence in armed conflict and consequently diminishes the possibilities of developing comprehensive and sustainable solutions to conflict-related sexual violence.

4.2.3. *Sexual Violence as a «Tactic of War»*

Another problematic aspect of Resolution 1820 with regard to the actual occurrence of sexual violence during armed conflict is its exclusive focus on sexual violence as a «tactic of war²⁷⁴.» Again a look at the development of the resolutions can illuminate the reasons behind this narrow focus. One of the main reasons for the limited and inconsistent action of the Security Council in relation to conflict-related sexual violence after the introduction of Resolution 1325 was the general view held by some permanent members of the Council that sexual violence against women constitutes a human rights issue that

²⁷² *Ibidem*, p. 40.

²⁷³ *Ibidem*, p. 43.

²⁷⁴ United Nations Security Council, United Nations Security Council Resolution 1820, S/RES/1820 (2008), 19 June 2008, para. 1.

should be addressed by the UN Human Rights Council rather than a matter of international peace and security that should be dealt with by the Security Council. In order to remedy the inconsistency of Security Council action with regard to conflict-related sexual violence and to make certain that «peacekeeping missions are taking a gender perspective and that the U.N. Security Council meets its commitment to mandate this effort» advocacy and activism by international women's rights groups for the adoption of a resolution focusing particularly on sexual violence in armed conflict aimed at ensuring that the Security Council acknowledges that conflict-related sexual violence can constitute a matter of international peace and security that falls within the Council's purview²⁷⁵.

The acknowledgement by the Security Council that sexual violence should not be regarded as inevitable by-product of armed conflict but can be used in a widespread and strategic manner to further political and military objectives and should therefore be addressed by the Council is without doubt a positive development. However, reducing sexual violence to a war strategy not only fails to take the many diverse forms of conflict-related sexual violence into account but it also leaves the interrelatedness of different forms and causes of sexual violence out of consideration. This restrictive approach that neglects important aspects of the phenomenon of conflict-related sexual violence limits the possibilities of understanding and effectively addressing the various factors and complex dynamics that contribute to sexual violence during armed conflict.

²⁷⁵ Cook, 2009, pp. 130-135, citation p. 133.

CHAPTER 5

CONCLUSION

The discussion of the various theories that have been developed to explain the root causes of conflict-related sexual violence shows that sexual violence during armed conflict is a complex phenomenon that varies in form and extent within and across conflicts and is influenced by diverse causal factors and dynamics. The complex nature of conflict-related sexual violence thus demands a comprehensive, integrated and multifaceted approach, that recognises the connections between the various dynamics underlying conflict-related sexual violence and permits to simultaneously address the different forms, causes and complex social relations, norms and processes that lie at the root of conflict-related sexual violence in a holistic way. To be able to effectively tackle conflict-related sexual violence in its various dimensions, an inclusive gender approach needs to be adopted that conceptualises conflict-related sexual violence as a symbolic interaction between victim and perpetrator, the meaning and effects of which depend on socially-constructed gender identities, stereotypes and power relations and their interplay with other social factors that define identity such as ethnicity, religion, race, nationality or political affiliation. It is therefore important to develop inclusive strategies that aim at deconstructing these gender identities and stereotypes in order to reveal the dynamics of power and domination, of inclusion and exclusion that form the basis of conflict-related sexual violence.

However, the analysis of the UN discourse with regard to sexual violence in armed conflict and its prevention by peace operations reveals that the organisation has to date largely failed to adopt an inclusive, comprehensive and multifaceted gender approach. A textual analysis of the main Security Council resolutions on sexual violence in times of armed conflict and related UN documents shows that the UN has rather based its strategies of prevention on narrow understandings of conflict-related sexual violence and its causes.

The UN discourse is organised around an essentialist and dichotomous conceptualisation of gender in general and conflict-related sexual violence in particular. The analysed documents conceptualise sexual violence as a male perpetrator/female victim dualism and present the perpetrator/victim relationship as a male/female relationship thereby linking it to sex rather than gender. This narrow approach not only fails to take the empirical reality of male victims and female perpetrators into account, it also precludes an inclusive gender analysis of sexual violence in armed conflict and consequently diminishes the possibilities of developing comprehensive and sustainable solutions to the phenomenon of conflict-related sexual violence.

Furthermore, the UN discourse on conflict-related sexual violence and peace operations relies on an essentialist representation of men and women. Women are systematically portrayed as peaceful and vulnerable victims of sexual violence, while men are constructed as the opposite – aggressive perpetrators. When it comes to the protection of civilians from sexual violence during armed conflict female peacekeepers are presented as empathetic and attentive to the security needs of women in general and the needs of victims of sexual violence in particular; male members of peace operations are thereby defined as inconsiderate and insensitive with respect to the needs of victims of sexual violence. By reproducing these associations rather than challenging them, the essentialist representations of men and women with regard to conflict-related sexual violence and its prevention preclude the notion that women can be perpetrators and men victims of sexual violence in situations of armed conflict and make positive male agency in connection with the protection of civilians, and particularly women, from conflict-related sexual violence appear impossible. Thus through the adoption of this narrow approach, the UN discourse perpetuates stereotypical perceptions of gender roles and identities that make sexual violence an effective tool of humiliation and intimidation in times of armed conflict, thereby strengthening rather than deconstructing them.

Moreover, the narrow focus on sexual violence as a war strategy fails to take the different forms and causes of conflict-related sexual violence as well as their interrelatedness into account. This restrictive approach neglects important aspects of the occurrence of sexual violence during armed conflict and thus limits the possibilities of understanding and effectively addressing the various factors and complex dynamics that contribute to the phenomenon.

In conclusion, a more inclusive and comprehensive gender approach needs to be adopted within the UN peace and security work in order to

effectively address the complex causal factors and dynamics that lie at the root of conflict-related sexual violence by challenging rather than strengthening the underlying gender stereotypes and identities. The effectiveness of strategies to enhance the ability of UN peace operations to «prevent, recognise and respond to sexual violence against civilians,» will remain limited as long as gender stereotypes and ideologies that make sexual violence an effective means of humiliation and intimidation in times of armed conflict are reproduced rather than deconstructed in the UN discourse on peace and security as well as in the discourses of member states and particularly their military institutions²⁷⁶.

²⁷⁶ United Nations Security Council, United Nations Security Council Resolution 1820, S/RES/1820 (2008), 19 June 2008, para. 6.

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