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'WAR IS NOT YET OVER'

Community Perceptions of Sexual Violence
and its Underpinnings in Eastern DRC

Dr Chris Dolan
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The description and assessment of the political and security context in the areas where the research took place are the expressions of the surveyed communities and do not in any way reflect the views of International Alert and the European Commission.

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List of Acronyms

ADF	Allied Democratic Forces
AFDL	Alliance des Forces Démocratiques pour la Libération (du Congo)
APC	Armée Populaire du Congo
CNDP	Congrès National pour la Défense du Peuple
CTLVS	Commission Territoriale pour la Lutte contre les Violences Sexuelles
DRC	Democratic Republic of the Congo
FARDC	Forces Armées de la République Démocratique du Congo
FDD	Forces pour la Défense de la Démocratie
FDLR	Forces Démocratiques pour la Libération du Rwanda
FGD	Focus Group Discussion
FNL	Forces Nationales pour la Libération
GADHOP	Groupe d'Associations des Droits de l'Homme et de la Paix
ICTR	International Criminal Tribunal for Rwanda
IDP	Internally Displaced Person
KII	Key Informant Interview
MONUC	Mission de l'Organisation des Nations Unies en RD Congo (United Nations Mission in the DR Congo)
MONUSCO	Mission de l'Organisation des Nations Unies pour la Stabilisation en RD Congo (United Nations Organisation Stabilisation Mission in the DR Congo)
NALU	National Army for the Liberation of Uganda
NGO	Non-Governmental Organisation
PARECO	Coalition des Patriotes Résistants du Congo
RCD	Rassemblement Congolais pour la Démocratie
REJUSCO	Restoration of the Judicial System in Eastern Congo
RPF	Rwandan Patriotic Front
SGBV	Sexual and Gender-based Violence
STAREC	Programme de stabilisation et de reconstruction des zones sortant des conflits armés (Stabilisation and Reconstruction Programme for Former Armed Conflict Zones)
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs

Executive Summary

This report considers whether or not it is still valid to describe sexual violence as a weapon of war in Eastern Democratic Republic of the Congo (DRC) and explores possible reasons for its continuing high levels. Although a global peace agreement (the Lusaka accords) was signed in 2003, elections were conducted in the DRC in 2006 and various local peace agreements were subsequently signed with North and South Kivu Congolese armed groups in 2008 and 2009, war is not yet over in Eastern DRC. From a community perspective, one of the primary indicators of this, that ranks above all the other forms of physical insecurity including raids, abductions, looting of goods and livestock, burning of houses and killings, is the persistence of sexual violence.

That all of these remain current realities is evident in all four sites visited, namely Butembo and Rutshuru in North Kivu, and Walungu and Uvira in South Kivu. Women, girls, men and boys all continue to be victims of sexual violence and abuse perpetrated by a range of actors. Although the military and armed groups remain the primary perpetrators, sexual abuse is also perpetrated by civilians, including supposed sources of moral authority, such as teachers, pastors, priests, catechists, and peacekeepers.

Three major clusters of issues appear to underpin the persistence of what is experienced by ordinary people as a state of war. Firstly, poverty, as evidenced in questions of land, livelihoods and identity. The availability of land for cultivation has been progressively reduced since the mid 1940s through a series of interconnected events and trends that include the arrival of Rwandan refugees in the wake of the 1994 genocide, of foreign armed groups from the mid-1990s to date, and of domestic armed groups seeking to control access to resources. The continued presence of armed groups, as well as generalised insecurity, creates numerous no-go zones for the general population. This, and the resultant impoverishment caused by reduced agricultural production, coupled with increasing disparities of wealth between a land-grabbing elite which has emerged as a result of the war and the poor, whose situation has worsened, are one factor driving young people to join the various armed groups that continue to emerge. This tendency is further aggravated when economic tensions become framed in terms of ethnicity and nationality.

This dynamic in turn is linked to the second cluster, namely the weakness of state structures and resultant patterns of corruption and impunity. The state has yet to enjoy a monopoly on the exercise of force and where its armed forces are present they are frequently implicated in abuses of civilians. Operations such as *Amani Leo* (Peace Today) are widely viewed as old wine in new bottles, lacking both concrete impact and popular legitimacy. State authority is further undermined by its inability to ensure the rule of law, in particular through effective administration of justice. In Butembo, for example, the failure of the state either to remove armed groups or to control the appropriation of huge land concessions by the rich elite is a critical catalyst in the emergence of ‘Mai-Mai’ rebel groupings. The introduction of the 2006 law on sexual violence, while an important statement of the state’s intent, has not been matched when it comes to implementation. These weaknesses compound a situation in which non-state forms of authority such as the churches, the United Nations, the international community, as well as various armed groups that operate parallel to or in competition with the state, also enjoy low levels of accountability at best, and high levels of impunity at worst.

Thirdly, the intertwining of physical and economic insecurity with economic and identity claims, coupled with the severe disconnect between the theory and practice of state authority, profoundly challenges people’s sense of order and justice, and within this, their sense of self. While many seek refuge by going into exile, others seek refuge through a resort to drugs and alcohol, which are seen by some as contributing to high levels of sexual violence.

More generally, people tend to seek to counter the state of anarchy, and the perceived threat of globalisation, through a resort to “culture” and “custom” expressed through ethnic identity

and gender norms and discourses. Both contribute to and are shaped by armed conflict, and are central to local and provincial power dynamics. For people on the ground, ethnic identity is highly problematic as it can easily become a liability in situations where decisions to kill or let live are often taken on the basis of presumed ethnicity.

For different reasons, gender identities, which both demand and are created by a combination of very specific behaviours, roles and powers, are equally problematic. In a context of severe poverty, impunity and endemic violence, male gender identity is particularly troubled, and some communities have specific terms to describe men who fail to live up to gender expectations. Changing gender roles are a reality in all four study sites and pose further challenges to restoring community cohesion. Whether or not one approves of changes in roles and the power of women and men relative to one another, where they are understood as having been totally inverted, as in the claim that 'the men have become the women', it is apparent that gender power is still perceived as a bi-polar and zero-sum game, rather than something which could be redistributed more equitably to the profit of both women and men. *With such perceptions, the changes are a significant source of tension and conflict within households and communities, for they mean that the "enemies" are no longer seen as just coming from outside, they are also believed to have found agents from within the home community.* This is reflected in the statement that 'the women are colonising the men', itself an example of how conflicts over custom and culture are further related to what are generally dubbed examples of "globalisation", notably the push for gender parity.

Several impacts of war in turn enable sexual violence to prevail, notably militarisation and impunity: the high visibility and wide deployment of the under/unpaid military is widely regarded as a major source of sexual violence. Meanwhile, the failure to fully implement the 2006 law on sexual violence aggravates a climate of impunity. This is compounded by extreme poverty in which the incentives to leverage resources through sexual exploitation are heightened.

Societal responses to ongoing war also provide an enabling framework for continuing sexual violence. Gender norms that see the provision of sexual satisfaction to men as a natural duty of women and which render women powerless and submissive in both the domestic and public arenas (although they co-exist with a more positive vision of women as the pillars of the household and the backbone of agricultural production) simultaneously lower the psychological barriers to rape and raise the incentives to carry out such acts.

Gender norms which stigmatise female and male victims of sexual violence make tackling impunity even more difficult, as many victims cannot break the silence around what happened to them. This is not helped by the relative silence of the churches on the matter. A decline in traditional mechanisms of sex education, coupled with the churches' role in sustaining deeply entrenched taboos on discussing or dealing with sex and sexuality outside the normative framework of Christian marriage, also creates obstacles to the perpetrators understanding the nature of their actions when they engage in such behaviour. Popular explanations for why men rape women, or indeed other men, vary widely, and ignore the impact on the victim's own sexuality.

While the contributions of culture and custom to sustaining patterns of sexual violence are important, non-governmental organisations and the international community may also be doing the same thing.

Although communities support punishment for perpetrators, as provided for in the 2006 law, the fact that the law effectively sets the age of 18 as the start-date for young people's sexual intercourse is clearly problematic in communities which not just traditionally but also throughout the recent wars viewed the marriage age as closely related to puberty. Policy emphasis on 'rape as a weapon of war' may foreclose interest by interveners in sexual violence, whether local or international, in understanding or even attempting to understand what motivates perpetrators who are not operating within a military operation. Perpetrators may thereby be effectively dehumanised and written off, despite the fact that many are themselves likely to be victims turned perpetrators.

Through the filter of this dehumanisation, coupled with the difficulties of accurate reporting by victims and the corresponding lack of detailed figures for who exactly is committing which crimes of sexual violence, most interventions are being developed and implemented in what amounts to a statistical and conceptual twilight. What is going on and why is only dimly understood at best. This makes effective programming to try to address underlying causes and dynamics – and breaking the victim to perpetrator cycle – difficult and probably impossible.

Where interventions on Sexual and Gender-based Violence (SGBV) challenge perpetrators and the authors of impunity, the latter can easily accuse those intervening of being agents of globalisation and its harmful impacts, particularly if the interventions are established and financed by international organisations and donors. Such accusations are likely to resonate when people are struggling to establish a sense of cultural identity and risk limiting the impacts of such interventions. External actors may not be aware of such impacts.

Community perceptions that war is ongoing need to be taken seriously. Even if “*the war*” officially came to an end in 2003, war as evidenced by ongoing severe insecurity continues. Within this, ‘rape as a weapon of war’ continues to have some explanatory power in situations where it is situated within larger military operations; certainly that is how it is perceived by its victims, both the individuals and the communities in which they live. Where individual acts of sexual violence are enabled by the context of widespread militarisation, impunity and impoverishment, it can be regarded as a crime of opportunity – but this still begs the question of why the perpetrators are even looking for such “opportunities”. The analysis of sexual violence as an indicator – perhaps as *the* indicator – of ongoing war, is thus hugely important, as it suggests that even where sexual violence is not a deliberate and orchestrated tactic of psychological warfare, it may still be an individual response to the pressures created by the various conflicts, not least the war over a sense of individual and community self.

Our analysis leads to a number of policy recommendations which we propose to those with policy influence in DRC and the region:

- The military context in which rape continues to be deployed as a weapon of war must be addressed. This means addressing the situation of foreign armed groups from Rwanda, Burundi and Uganda, and seeking political solutions to regional geopolitical blockages. It is equally imperative to bring to an end the free-for-all exercised by Congolese armed groups and the Congolese national army and the use of excessive militarisation as a strategy for “demobilising” ex-combatants from non-state groups.
- Measures are needed to enhance and regulate the management of economic resources. The links between sexual violence and the economy are complex and need further elaboration through research. Economic progress needs to go hand in hand with improvements in governance and accountability so that people feel their priorities are being listened to by those in authority if they are to gain the benefits of the “peace dividend”.
- Improved interventions are needed on issues of law and order, such as institutional reform programmes, strengthening of civilian policing and judicial systems, demobilisation and effective reintegration of ex-combatants, and professionalisation of the military. As the DRC begins to consider transitional justice processes, sexual violence should be taken as a core issue.
- Institutions, both state and non-state, with a potential leadership role in regulating behaviour and influencing values should be expected and assisted to play this role to the full. Community mechanisms for dealing with those guilty of such offences may be promising if they can be reinstated and overhauled for present-day conditions. Those seeking to tackle impunity need to work more with community leaders, the churches and the army in order to win greater recognition of the culpability of people within their own ranks, as well as getting them to acknowledge their own involvement in sexual violence and in generating a culture where sexual violence becomes acceptable.

- More work is needed to understand gender ideologies and identities, as well as sex and sexualities, including how they intersect with other identities, notably ethnic and national. Such work will need to draw out the differences between generations but must go on to explore the extent to which these differences can be reconciled.
- At a community level, the relative importance of different sources of identity requires further exploration. It was notable that youth were visibly more interested in their livelihoods and professions as a source of identity rather than ethnicity and location. This suggests there is value in further study.
- Sex education should form part of a broader debate about sex, sexuality, sexual attitudes and behaviours, as well as the psychological dimensions of intimate relationships.
- A unified and sophisticated system for the documentation of sexual violence should be established, including a consistent set of indicators, putting in place mechanisms to minimise double counting of victims and identifying the socio-economic status of survivors to allow better mapping of vulnerabilities. It would be appropriate for the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) to organise a consultation process to develop this framework and provide the necessary training in data collection and compilation.
- The range of support and services provided to survivors needs to be broadened, both in content and in target beneficiaries. Beneficiaries should include children and men, particularly ex-combatants. Content should include the psycho-social domain and mental health issues, integrating with legal and economic support. Interventions with ex-combatants need to integrate discussions of sexuality and marriage.
- More work needs to be done to enable survivors to come forward, including men. Such work to enable victims to come forward requires very particular strategies, tailored to victim identity, and reflecting different needs for men and for women.
- The Territorial and Provincial Commissions on the Fight against Sexual Violence (CTLVS) is a coordination structure that has been instrumental in deepening knowledge of the phenomenon and developing effective strategies to combat it. The effectiveness of the commissions depends on the participation and support of agencies working against sexual violence and resources should be made available to enable the commissions to function consistently in all territories.
- An impact assessment of existing SGBV intervention patterns should be conducted. The findings of our research suggest that actors involved need to step out of a women's rights framework and into a more holistic gender framework which explores and influences the mutual interactions between masculinities and femininities.
- There needs to be more recognition that perpetrators are themselves often victims, as in the case of soldiers who are given the choice of rape or be killed. In other words, there is often a degree of victimhood even amongst the ostensible perpetrators. If this nuance could be built into programming it would enable more perpetrators to come forward, which, if appropriate psycho-social interventions were established, would not only be in their interests but also in the broader interest of gaining real insights into what is happening at a personal level in situations of sexual violence in conflict.
- Finally, it is difficult to find evidence from this research to support the official framing of the situation of Eastern DRC as "post-conflict", given that so many respondents clearly described elements of "war" that persist into the present, with sexual violence as a key indicator. This suggests that governments and the international community should recognise the fundamental problems of governance, statehood and regional geopolitics facing the country which remain unsolved which, if unaddressed, could lead to renewed violence.

1. Introduction

1.1 Understanding sexual violence in the Great Lakes Region

The Great Lakes region has become emblematic of high levels of sexual violence in conflict situations. The argument that rape – and sexual violence more broadly – was being used as a weapon of war, particularly in the 1994 Rwanda genocide, as well as in the various wars afflicting the Democratic Republic of Congo in the 1990s and early 2000s, has gained considerable prominence. International Alert's own published research of 2005 made an important contribution to the documentation of this phenomenon in South Kivu.¹

This prominence is reflected in a flurry of SGBV interventions in the Great Lakes region, and important progress in terms of definitions. The Akayesu judgment² of the International Criminal Tribunal for Rwanda (ICTR), for example, defined rape as an international crime. Stating that it is 'a physical invasion of a sexual nature, committed on a person under circumstances which are coercive',³ the Trial Chamber went beyond existing definitions of rape as non-consensual intercourse, to include oral sex and forced physical penetration with objects, and a more comprehensive interpretation of coercion. Definitions of sexual violence go further still, with one commentator observing that it is 'a broader category [than rape] that includes rape, sexual torture and mutilation, sexual slavery, enforced prostitution, enforced sterilisation, and forced pregnancy'.⁴ In 2006 the DRC introduced a new law on sexual abuse and violence, law 06/018 of 20th July, 2006, known in Swahili as *vitendo vya haya*, or 'the law of shameful acts'. This raised the age of majority from 14 to 18 (thus identifying early marriage – a norm in most of the Eastern DRC communities – as a form of sexual abuse), as well as providing severe custodial punishments for perpetrators.

Notwithstanding these important developments in determining the scope of sexual violence in war situations, and multiple interventions in the domain of SGBV, levels of sexual violence appear to remain very high in the region, even after wars have ostensibly been brought to an end through the signing of peace agreements. While figures relating to sexual violence are deeply problematic, some suggest an increase in the proportion of civilian, as opposed to military or militia, perpetrators. The realisation that sexual violence continues despite the formal ending of war has led to a number of studies in recent years that have attempted to deepen and broaden understanding of the phenomenon, which this present study seeks to build on and complement.

Three such studies are of particular relevance. The first⁵ examined the proposition that 'rape is a weapon of war' from the perspective of regular soldiers of the Congolese national army (FARDC). It concluded, *inter alia*, that soldiers' values and practices were shaped substantially by relationships both within the army and between the army and civilians. The report cast doubt on the notion that rape was being used as a conscious strategy by the army and deplored what it saw as a tendency within the donor and civil society community to focus its attention

1 International Alert, Réseau des Femmes pour un Développement Alternatif (RFDA), Réseau des femmes pour la Défense des Droits et la Paix (RFDP) (2005). 'Women's bodies as a battleground: sexual violence against women and girls during the war in the Democratic Republic of Congo, South Kivu (1996-2003)', London.

2 Jean Paul Akayesu served as *bourgmestre* of the Taba commune where at least 2000 Tutsi were killed during the 1994 genocide in Rwanda. Akayesu was subsequently charged with genocide, murder, torture and rape. He was found guilty of nine counts of genocide by the ICTR and sentenced to life imprisonment in September 1998. The Akayesu judgement marks the first time that rape was considered as constitutive of genocide if committed with the intent to destroy a specific group in whole or in part.

3 ICTR (2nd September 1998). 'The Prosecutor v. Jean-Paul Akayesu (Trial Judgment)', Case no ICTR-96-4-T, ICTR.

4 J.E. Wood (2009). 'Armed groups and sexual violence: when is wartime rape rape?', in *Politics and Society*, Vol. 37, No. 1, p.133.

5 M. Eriksson-Baaz and M. Stern (2009). 'Why do soldiers rape? Masculinity, violence and sexuality in the armed forces in the DRC', in *International Studies Quarterly*, Vol. 53, No. 3, pp.495-518.

exclusively on sexual violence, rather than seeing it within a broad continuum of forms of violence used against civilians.

An anthropological study of options for legal recourse available to rape survivors in Eastern DRC conducted by the Restoration of the Judicial System in Eastern Congo (REJUSCO) programme,⁶ in its overview of perceptions of sexual violence in the various ethnic communities of Eastern DRC,⁷ concluded that cultural norms in the East generally deny women active choice in sexual relations and that a number of generally accepted sexual practices are in fact either violent or coercive. Since consent is not normally expected in sexual relations, it is only extreme forms of sexual coercion such as rape by armed men which come to mind when people talk about rape. Whether this controversial assessment is accepted or not, there can be little doubt that local perceptions of sexuality and of violence or coercion in sexual relationships do not necessarily find an echo in recent national legislation, such as the 2006 law on sexual violence, or in the provisions of international human rights law.⁸

Thirdly, a statistical study linking experience of sexual violence and other forms of abuse to mental health in North Kivu, South Kivu and Ituri,⁹ found exceptionally high levels of sexual violence in Eastern DRC as compared to other conflict and post-conflict settings and concomitantly high levels of mental health disorders; 40.5 percent of the sample showed symptoms of major depressive disorder and 50.1 percent of post-traumatic stress disorder. The survey found evidence that both women and men had been both survivors and perpetrators of sexual violence: 41.1 percent of female and 10 percent of male survivors had been abused by women. While these findings clearly need further investigation, they point to the need for policymakers and decision makers to adjust the paradigms in which they develop their responses to violence and to ensure that interventions target the needs of men and boys as well as women and girls.

The 'rape as a weapon of war' explanation for sexual violence in Eastern DRC has become one of the main building-blocks of the international community's response. However, such studies raise questions about the wisdom of a single-focus approach to the problem and point to the insufficiency of explanations detached from local realities and perceptions. They represent the beginnings of an in-depth understanding of the phenomenon of sexual violence in present-day Eastern DRC. The present research aims to extend and complement these studies in two ways. In the first place it took as its starting point the view from the ground, as expressed by members of four selected communities in Eastern DRC, on the forms and causes of sexual violence as they experience and observe it. Broadening out, it analysed a range of factors that affect sexual violence in these locations, including the impact of organisations intervening in this area (NGOs, churches, government bodies) and individuals (professional staff working on sexual violence, community leaders and officials) having influence over attitudes, practices and policies. This permitted a further discussion of relevant policy dynamics and of the philosophical parameters (including gender paradigms) of policy and practice.

In second place, the study sought to further explore the explanatory power of the 'rape as a weapon of war' argument, by addressing four key questions:

Firstly, why do levels of sexual violence remain high even when the war is ostensibly over? If sexual violence was being deliberately deployed as part of a broader military strategy, should it not come to an end together with the end of the war?

6 REJUSCO is a programme sponsored by the Belgian Development Cooperation (DGDC), the European Commission (EC), and the British and Dutch Cooperation agencies. The REJUSCO Programme's aim is to restore the justice system in Eastern DRC. Its three pillars are: rehabilitating the judicial infrastructure, including tribunals, prisons, *parquets* (public prosecutor's offices); strengthening the functioning of the justice sector; legal sensitization and monitoring of the justice chain.

7 S. Candeias (Ed.) (2008). 'Etude anthropologique sur les mécanismes extra-juridictionnels de réponse aux violences sexuelles à l'Est de la RDC' [Anthropological study on the extra-jurisdictional response mechanisms to sexual violence in the Eastern DRC], Ministère de la Justice and REJUSCO, Goma.

8 See for example the comments on "globalisation" in section 3.

9 K. Johnson, et al (2010). 'Association of sexual violence and human rights violations with physical and mental health in territories of the Eastern Democratic Republic of the Congo', *Journal of the American Medical Association*, Vol. 304, No. 5.

Secondly, has the ‘rape as a weapon of war’ argument been overstated? With the benefit of hindsight, was this model not an oversimplification?

Thirdly, and related to the second question, was the ‘rape as a weapon of war’ argument blinding us to other factors underpinning sexual violence in these conflict contexts? For example, could it be that certain “cultural” or indeed political specificities in the region provided alternative or additional explanations?

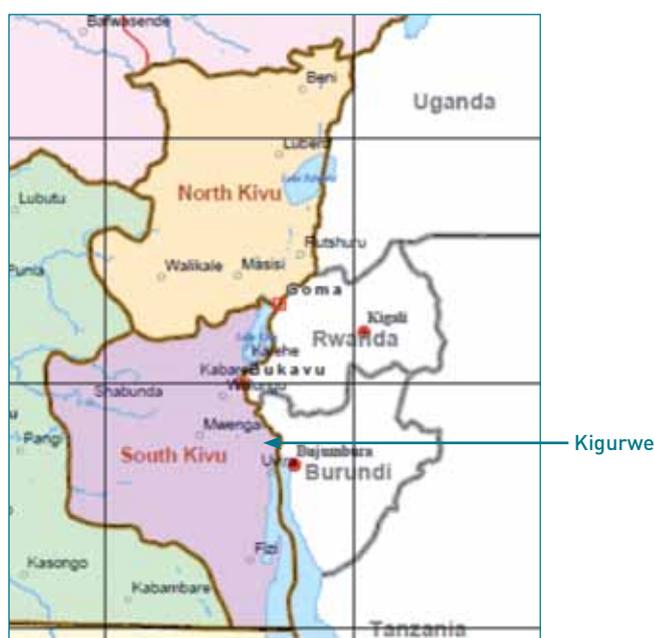
Fourthly, could it be that the ‘weapon of war’ argument retains its validity and that what are mistaken are official framings of when a situation does or does not constitute a “war”?

1.2 Methodology

With the above overarching questions in mind, a qualitative methodology was developed, with focus group discussions and key informant interviews as the primary data collection instruments. In addition to the principal researcher, who is based in Kampala, Uganda, four experienced Congolese researchers were head-hunted, with an emphasis on gender balance (two women, two men) and geographic familiarity (two researchers each from North and South Kivu). A further key characteristic was not included in the criteria for recruitment but played a role in the focus group discussions about gender norms and identities, namely the civil status of the five team members, two of whom (one man, one woman) were married, and three of whom were single (two men, one woman).

Fieldwork was conducted in the Butembo and Rutshuru territories of North Kivu and the Walungu and Uvira territories in South Kivu (See Map 1, below). Criteria for choosing these territories included the history of conflict and sexual violence, ethnic composition and practical considerations of access. In Butembo the site for focus group discussions (FGDs) was Cité Lubero, approximately 45km from Butembo town. In Rutshuru FGDs were conducted in Kinyandonyi, some 15 km from Kiwanja town. In Walungu FGDs were carried out in Kinyonyi, some 15 km from Walungu itself, and in Uvira the site was Kigurwe, a small village 7 km to the east of Sange and the main highway on the Rusizi plain.

Map 1: North and South Kivu, showing Lubero and Rutshuru (North Kivu) and Walungu (South Kivu). The fourth site, Kigurwe, is just to the north of Uvira and to the west of the border with Burundi



In each site two researchers conducted a pre-visit to gather background information and documentation, identify potential key informants, and make arrangements for the focus group discussions (venue, participants, dates and refreshments).

The full team subsequently spent five days in each of the four sites. One day was dedicated to key informant interviews and one day each to a focus group discussion with adult men, adult women, youth (both male and female) in their late teens/early twenties and ex-combatants. The final focus group with ex-combatants on the last site could not be conducted as a national disaster occurred in Sange on the evening before the meeting was scheduled to take place.¹⁰

In total 15 focus group discussions were carried out. Discussions were primarily in Swahili, supplemented with French. The average focus group comprised twenty participants, giving a total of 300 people. Discussions broadly followed a pre-determined format, though the facilitators could alter the sequencing of the different issues tackled, depending on the flow of the discussions. Their length varied from a minimum of four hours to a maximum of seven; lunch was provided, as was a modest transport reimbursement. FGDs were written up on flip-charts in the course of the discussion and these were typed up in the evenings. All discussions were also digitally recorded.

The FGDs in the four sites were supplemented with a total of 40 key informant interviews, including human rights activists, local and international NGO staff, traditional leaders and government officials. They were chosen because their different capacities give them all some overview of the situation, and all contribute to determining the prevailing discourses on sexual violence. It is perhaps noteworthy that no Catholic priests were prepared to be interviewed, despite repeated requests. The interview map was broadly the same as that used for FGDs. With only a few exceptions key informant interviews were recorded using digital audio-recorders.

Interviews were transcribed verbatim to give rich textual material to draw from. While the majority of interviews with key informants were conducted in French, in some cases this also required the transcribers to translate from Swahili or a local language into French.

Additional key informant interviews with staff of international NGOs working on sexual and gender-based violence were conducted in the provincial capitals of North and South Kivu, Goma and Bukavu by a British PhD student. A literature review considering sexual violence in conflict in general, and in the DRC in particular, was also conducted by the London-based project administrator.

The principal researcher conducted three further interviews with refugees living in Kampala who originated from one or other of the field sites and had themselves been victims of sexual violence in those areas (two women, one man). These were conducted primarily to get a sense of whether survivors described the situation in a similar manner to those still living in the affected areas. In all three cases, the researcher was able to refer the respondents to further psycho-social support mechanisms to help them deal with the consequences of their experiences.

In the course of the fieldwork it became evident that two further sources of information would be helpful. The first was a collection of photographs of wall art, taken by members of the research team, some of which are included in this report. The second was to try to access an example of the pornographic materials which many respondents claimed were providing the basis for sexual education for the youth.¹¹

An initial analysis of the data was conducted over a two-day period in Goma by four of the five research team members. The principal researcher developed further analysis based on the major themes addressed in the course of the focus group discussions.

10 A petrol tanker overturned in the middle of Sange Cite on the main highway to Uvira in the early evening. The leaking fuel ignited and exploded with more than 200 people burned to death and approximately 1,000 requiring hospitalisation.

11 See chapter IV section 4.6 and chapter V section 5.3 for a discussion of the resulting material.

1.3 Structure of the report

The structure of the report does not attempt to follow the sequence of questions used in the research but does seek to offer an analysis which encompasses the overall responses given to each of the major questions posed. Section 2 looks at the views of the communities concerned. Sections 3 reviews a range of economic, social and other factors that appear to be driving the ongoing “war” and to be instrumental in perpetuating sexual violence as experienced and observed in these communities. Sections 4 and 5 review the response of civil society and the international community, while section 6 summarises the insights gained by the research around the four key questions listed above. A final section proposes recommendations for local and international actors.

1.4 Research approach

This study aims to chart how people in Eastern DRC view the issue of sexual violence in war. The descriptions of events set out here reflect the perceptions of respondents in the study and the report makes no claim as to their historical accuracy. Perceptions may of course themselves become an aggravating factor in conflict; however, the different viewpoints expressed do in fact have much in common. Whatever their ethnic or political differences, the common perception was that, despite having been led to expect improvements in their conditions in the post-transition period, people in Eastern DRC still live in chronic physical, economic, political and cultural insecurity and feel that those in authority are failing to provide the protection and political leadership required to correct this.

2. The war is not yet over: The view from the ground

Despite the fact that various peace agreements were signed in 2003 and elections conducted in the DRC in 2005, war is not yet over in the Eastern DRC. This chapter summarises why and how the four communities describe their situation as being one of continuing war of which the prevalence of sexual violence is a key part.

2.1 'The war is not yet over'

Perhaps one of the most revealing questions, both in focus group discussions and key informant interviews, was 'Is the war over yet?' This provoked a resounding 'No!' in nearly 100 percent of focus group discussions and key informant interviews. One respondent went further to say 'One cannot say that the war is over, rather it's about to begin'.¹² Indeed, the majority of the ex-combatants in Butembo had enrolled in the Mai-Mai rebel groupings after the official end of the war in 2003, since, from their perspective, 'although the war was officially ended it was necessary to defend the home country (*la patrie*) because we were tricked [into believing] that the war was over'.¹³ The recent history of each of the sites, including the days, weeks and months immediately prior to our research visits, as described in interviews and focus group discussions,¹⁴ gave weight to people's perception that for them, the war had not come to an end.

2.1.1 Lubero

Lubero (Butembo Territory) has seen a range of armed groups over the last fourteen years. The degree of militarisation is extreme and complicated and armed groups have come from within and from without, with foreign forces still present alongside various local armed groups. How it feels to live in such a context is suggested by the introduction to a report on massacres perpetrated in Butembo town by the *Alliance des Forces Démocratiques pour la Libération* (AFDL) in 1998, a report only released in 2009, eleven years after the incident in question:

'Throughout history, the Democratic Republic of Congo in general, and the province of North Kivu in particular, have been shaken by repeated explosions of violence which have plunged the region into a socio-political and economic quagmire which has no name. This situation is characterised by antagonisms, ethnicism, clientelism, the re-emergence of armed militias, and by the killings of peaceable populations. With the arrival of the so-called wars of liberation in 1996 and 1998, the province of North Kivu, which was at the epicentre, was drawn into paroxysms of violence, thus accelerating the descent into hell of a province which had already been sufficiently martyred for many years'.¹⁵

The nearest Mai-Mai group at the time of our research was estimated to be some 40km away, while troops from the *Forces Armées de la République Démocratique du Congo* (FARDC) and the United Nations Mission in the DR Congo (MONUC, now the United Nations Organisation Stabilisation Mission in the DR Congo or MONUSCO) were both present in Cité Lubero.¹⁶ In

12 Male key informant, Kiwanja, 24th May 2010.

13 Ex-combatants' focus group discussion, Butembo, 22nd May 2010.

14 The descriptions of events set out here are as presented by respondents in the study and are not presented as verifiable fact.

15 Groupe de Chercheurs Libres du Graben (2009). 'Les massacres perpétrés au camp militaire de KIKYO, Ville de Butembo, République Démocratique du Congo, le 20 Février 1998 et du 14 avril au 17 Avril 1998' [Massacres perpetrated in the KIKYO military camp in Butembo, DRC], p.3.

16 Security advice from MONUC to the research team was to be in our hotel before 17.30 as there were numerous murders at night, and to be in our hotel before 16.00 when staying outside Butembo town. We were advised to fly to Butembo from Goma as the road was deemed too insecure, and that the road from Butembo town to Cité Lubero, a one and one-half hour journey, had recently seen an attack on a mini-bus, possibly by a Mai-Mai group.

Butembo Territory as a whole an estimated 11 armed groups were present at the time, including those of Rwandan and Ugandan origin as well as Congolese groups. These included the two main factions of the *Forces Démocratiques pour la Libération du Rwanda* (FDLR), several Mai-Mai groups, and Congolese national forces (FARDC and armed park rangers). Most of these had been in the area since the mid-1990s. The FDLR, the *Allied Democratic Forces* (ADF) and the *National Army for the Liberation of Uganda* (NALU) were considered to be the most serious perpetrators of sexual violence. The administration's 2009 *Annual Report* details a number of incidents of killings and rapes during that year and states these are only a few among many incidents that occurred.¹⁷ Poignantly the forty-page report ends with four 'suggestions': the first is 'that the government should take control of its soldiers', and the last is '*Put an end to the war so that the displaced can return to their respective villages*'.¹⁸

2.1.2 Kinyandonyi

In Kinyandonyi (Rutshuru), physical violence and rights abuses by members of the national military (red berets, green berets) went back to the 1970s, but there were no massacres. After the Rwandan army's invasion of 1996, when Rwandan refugees were chased from the refugee camps and took to the forests, the refugees began looting in the local villages. With the arrival of Kabila's forces (AFDL) in 1996, rapes, massacres,¹⁹ displacement and unemployment all increased, leading youth to readily enrol in armed groups. From 2000 onwards, forces from the *Coalition des Patriotes Résistants du Congo* (PARECO), the *Rassemblement Congolais pour la Démocratie* (RCD), Mai-Mai and the *Congrès National pour la Défense du Peuple* (CNDP) all carried out rapes and killings and 'insecurity, corruption and injustice increased'.²⁰ As a result of a group led by a local militia leader named Ben Jackson, many schools were closed and students had to find places far afield in order to continue their studies.²¹ In October 2008, Kiwanja witnessed a major massacre by CNDP forces (of an estimated 500 people), in which, according to informants, youth and men were the primary targets for killings, but in which fleeing women were frequently victims of rape. One member of the adult men's focus group described how he had given up trying to do business after his goods had been stolen on seven different occasions.²² A male member of the youth focus group had similarly had all the equipment he needed for his milk shop stolen only days before we met him. For him it was the fourth time he had been looted.²³

2.1.3 Kaniola

In Kaniola (Walungu) the arrival of Rwandan refugees and soldiers began in 1994. Although they arrived impoverished, initially they helped with agricultural activities. The following year, when Rwandan Patriotic Front (RPF) soldiers came looking for the *Interahamwe*,²⁴ the latter formed a coalition with the Mai-Mai against the Rwandan army. This was seen as the beginning of sexual violence: 'women became the centre of the war and suffered rape and torture'. In 1998 the RCD arrived, followed by the Mai-Mai group Mudundu 40 (northern Walungu), and Mai-Mai and Congolese government forces (southern Walungu). From 2000 onwards the community began to see families splitting up in the wake of rapes and massacres, the closure of the health centre and displacement to Walungu. The area was troubled by the so-called "Rasta", described by some as '*Interahamwe* who live in the forest and take the population hostage', and by others as local youth who collaborated with the FDLR. The period 2002-2005 saw the FDLR demanding ransoms of as much as \$2000 for those they took hostage. In 2002 the RCD soldiers began to recruit youth into self-defence groups but were themselves seen to be raping 'mothers and their daughters' in 2003: furthermore, it was said that 'it was with their arrival that people began talking about the rape of children'. As in Kinyandonyi, small businesses ground to a halt because

17 Administrator Cité Lubero (2009). *Annual Report*, p.10.

18 Ibid., p.40. Emphasis added.

19 For example, the massacre of Busanzi, in Rutshuru Territory, 7 November 1997, in which AFDL were the perpetrators and returned the next day to bury the victims in mass graves.

20 Summary of findings from focus group discussions in Kinyandonyi.

21 Kinyandonyi youth FGD, 27th May 2010.

22 Kinyandonyi men's FGD, 25th May 2010.

23 Kinyandonyi youth FGD, 27th May 2010.

24 Rwandan Hutu supremacist militias, expelled from Rwanda following the RPF takeover in 1994.

‘anybody who made money during the day would be targeted at night and all the money looted’. On the 19th of October 2005 there was a massacre in Kaniola itself, with 27 people killed. It was only with the 2008 arrival of Colonel Foca Mike, who was considered by respondents as ‘the Moses of Kaniola’, that a series of killings that had begun around the elections of 2006 was brought to an end and peace was re-established – in collaboration with the youth whom he formed into armed self-defence groups – and not before the FDLR massacre of 27 persons in a place called Nyarubuza (15th May 2007).²⁵ As the women said, ‘Foca Mike and his sharks allowed us to sleep in peace, but we are still fearful because those who harmed us are still there in the forest; they can come back’. When asked how they rated the situation today, the women answered that ‘families are still dispersed, women raped, widows abandoned, houses burned, children abandoned; in short, we are still suffering’. The men described how the soldiers of *Amani Leo* and *Kimia II* were still looting their fields and how they could not be differentiated from the RCD and Rasta because some of the former RCD and Rasta were now in those operations. As they said, ‘same people, same practices’.²⁶ On 3rd June 2010 a group of armed men looted four vehicles and shot three people dead on the road between Walungu and Bukavu. The perpetrators were suspected to be FARDC.²⁷

2.1.4 Kigurwe

Kigurwe (Uvira) is located in the plain of the river Rusizi, to the north of Lake Tanganyika and with Burundi and Rwanda on its eastern edge. The Rusizi Plain was previously a semi-industrialised region; shells of factories which once processed local agricultural production are still visible. The area has been exploited by armed groups from all three countries. The youth recalled that after 1994 ‘the Rwandans [refugees] first looted the factories, then they pillaged the population, and eventually they started taking the iron sheets from the roofs, and then they pillaged our harvests’. In 1996 the AFDL arrived, followed by *Forces Nationales pour la Libération* (FNL) militias. The FNL began capturing business people and demanding ransoms and burning houses. There was some rape but at a low level. In 1998 the RCD arrived, as did the *Forces pour la Défense de la Démocratie* (FDD), and Mai-Mai groups began to form. The women remembered 1998 as marked by gang rapes (*‘viols collectifs’*) of women, destruction of women’s genitalia, ongoing violence by the FNL, as well as the rape of women in front of their children by the RCD. People said that the latter also spoiled food, depositing excrement in cooking pots. In 2003 the FDD and FNL were for some time “neutralised” by the RCD. In 2004 the FDLR began making demands on the population, as well as raping and pillaging. In 2008 the cassava crop was afflicted by the mosaic virus. By 2009 peace was still very precarious, there was severe poverty, many children were not in school and there were numerous children born of rape. FNL forces are still to be found there, and continue to be blamed for sexual violence and atrocities. The women noted that there were still women with untreated sexually transmitted infections. Such is the ongoing insecurity that, on our last day, the youth participants arrived somewhat later than planned. Eventually it transpired that many had slept in the bush rather than in their homes.²⁸

2.2 Community indicators of ongoing war

The above snapshots demonstrate that participants in the focus groups in the four field-sites made a comparison between events of the past (i.e. during the years of formal war) and more recent trends. In all fifteen focus groups, participants were asked why they said that the war was not yet over. The main justification advanced for this view was given in terms of threats to personal security; of the 93 mentions of indicators for ongoing war, around a third (33 mentions) were reserved for rapes, assassinations, looting, and other personal costs such as a disturbed sleep. At the same time, the continued existence of armed groups in

²⁵ Different groups remembered this as taking place on two different dates – the men’s group placed it in 2004 rather than 2007.

²⁶ Compiled from Kaniola FGDs, 23rd-26th June 2010.

²⁷ Notes from report on fieldwork preparation, June 2010.

²⁸ Compiled from FGDs held in Kigurwe, 29th June - 2nd July 2010.

the localities, the incapacity of state structures to provide protection, prevent impunity and regulate the economy, and a range of human rights abuses (including for example, abductions and restrictions on movement) were also quoted as indicators of ongoing war (17, 14 and 14 mentions respectively). People also feared future conflict erupting (7 mentions), for example when refugees return, and cited the possibility of sexual violence becoming normalised in future. Poverty was the lowest ranked indicator with 5 mentions.

It is striking that in the ongoing war rape is by far the most frequently mentioned attack on people's physical integrity, of greater importance than killings, looting, forced labour or other equally direct human rights abuses.²⁹ It is also striking that problematic authority structures and ongoing rights abuses are, when combined, more important than active visible conflict. Fear of future conflict can also be read as an indicator of dissatisfaction with authority structures which are believed to be unable to guarantee forestalling future potential conflicts. The possibility of land conflict following the return of refugees was frequently mentioned as an example.³⁰

2.3 Sexual violence as *the* key indicator

Of the personal costs, rape figures the most prominently as an indicator that war is ongoing.³¹ Although in most groups respondents acknowledged that there had been instances of rape in the 1970s and 1980s, they consistently identified the mid-1990s as the point when sexual violence began to be seen on a large scale. They also reported that there had been no substantial reduction in recent years. While it was impossible to obtain reliable statistics for the overall situation, where they were available for a particular place they were often disturbing. The Territorial Commission³² in Uvira, for example, reported 521 cases in the preceding 11 months.³³ A doctor working with survivors in Walungu quoted a figure of 2972 cases for Kaniola alone, which he estimated meant that 6-10 out of every 20 women had been raped.³⁴

Rape happens in homes, in the fields, on the way to market, and in the vicinity of military barracks. A respondent in Kiwanja described how,

'... in the month of April, I think it was on the 17th, a woman who was seven months pregnant and was working in the fields, was raped and then also her throat was cut. One week later, another woman was raped; she was a widow with seven children. After the rape, she was killed. Both of them were killed less than 500 metres from a military camp. There are witnesses amongst the people working nearby to these two mothers who confirm that these are our soldiers [who did it]'.³⁵

29 In contrast, the JAMA study (August 2008) claims that the most frequently mentioned abuses related to property and to physical (rather than sexual) attacks. See 'Sexual violence in the Democratic Republic of Congo' in the *Journal of American Medical Association (JAMA)*, Vol. 300, No. 6.

30 The findings of this research closely mirror the obstacles to peace identified by a participatory exercise conducted by UNDP in Lubero territory in 2008, namely 'security of persons and their belongings, impartial justice, good governance and peaceful cohabitation, satisfaction of basic needs, and cooperation between men and women both in the home and in society'. See the *Cellule Provinciale d'Appui à la Pacification* and UNDP (2008). 'Exercice participatif d'analyse des conflits et capacités de paix pour la planification du développement dans la province du Nord-Kivu: Territoire de Lubero' [Participatory exercise analysing the conflicts and peace capacities for development planning in North Kivu province, Lubero territory], *Rapport de Consultation*, 1st-4th April.

31 This is also reflected in human rights abuse monitoring reports. The May 2009 GADHOP report, for example, lists 32 incidents, 15 of which are cases of sexual violence, six are cases of theft, four each of killings and pillaging, and one each of extortion, arson and abduction. In October 2009, 38 out of 88 cases listed were rape. In November the figure was 27 out of 52 cases.

32 See section 4 for a description of the Territorial and Provincial Commissions on the Prevention of Sexual Violence (*Commission Territoriale pour la Lutte contre les Violences Sexuelles* or CTLVS).

33 CTLVS Uvira, 28th June 2010.

34 Walungu key informant, 22nd June 2010. The *Chef de Groupement* gave an even higher figure of 4,000, including only 7 cases of rape of men.

35 Male key informant, Kiwanja, 24th May 2010. Later in the interview he added that she had been raped by four men.

Even churches offer no safe haven: youth in Kigurwe reported that the FNL

‘...would even come into the church and force four or five girls to come out and go and rape them. [Afterwards] we would go and find them nearly dead’.³⁶

Forms of sexual violence range from vaginal through anal to oral sex, as well as rape with sticks, bottles, bayonets and even oranges. As in the example above, it is sometimes linked to killings and related atrocities. In Kaniola it was reported that ‘those who brought war against us took pleasure in cutting a woman open and leaving her to die in full view of everybody’.³⁷ Others were burned with molten plastic. In the case of men, there were numerous accounts (Kinyandonyi, Kigurwe) of them being forced to penetrate holes dug in the ground to the point where their penises were seriously wounded as a result.^{38 39} One group of ex-combatants described how the FDLR tortured two men; in one case they inserted a stick into his penis, in the other a hot knife.⁴⁰ Accounts of people being forced to have sexual intercourse which violated all social norms (sons with mothers, fathers with daughters, brothers with sisters, men with men) also abound in all four sites. In Kaniola, women reported that husbands were traumatised by being forced to provide illumination while their wives were being raped.⁴¹

2.4 Identifying the perpetrators

Despite statistics suggesting an increase in rape perpetrated by civilians, the perpetrators of rape are difficult to pinpoint accurately. The vast majority of respondents believe that perpetrators are primarily armed men, whether from the military (FARDC and associated operational forces such as *Amani Leo*), or the numerous armed groups that are still present in the areas visited (FDLR, Rasta, PARECO, Mai-Mai groups, FNL). The difficulties in identifying who exactly is holding the weapons is not surprising given the multiplicity of armed groups in operation. Small arms proliferate, and disarmament programmes appear unable to prevent the storing of arms by young men, who use them to support their activities as bandits and to intimidate villagers (including coercing girls into having sex).⁴²

Perpetrators frequently wear some kind of military uniform, but which group they belong to is difficult or impossible for the victim to specify. As a result, perpetrators are often described as ‘otherwise unidentified men in arms’ (*des hommes en armes non autrement identifiés*). One respondent described how ‘...even the civilians have imitated that.... Each time that the men have lost interest in society they form a separate group and one of the first things they do is to rape the women and the girls’.⁴³

There is nonetheless a widespread belief that ex-combatants are amongst the apparent “civilian” perpetrators, and that this in turn is a reflection of the failings of reintegration programmes, which neither dealt with the psychological consequences of having been under arms, nor guaranteed economic recovery of the individuals concerned.

In each field site respondents identified one or two notorious cases of rape of men done by women. In Rutshuru in particular, there were accounts of a woman soldier in the FLDR who would use her colleagues to ambush vehicles and then choose a young man from amongst the passengers to

36 Kigurwe youth FGD, 2nd July 2010.

37 Kaniola, 23rd June 2010.

38 This corroborates accounts given to the lead researcher by refugees in Kampala who report having been made to make holes in the sides of banana trees and then penetrate them.

39 Former members of Mudundu 40 describe this as a punishment given to members who had tried to have sex with a woman against the regulations of the group.

40 Walungu ex-combatants’ FGD, 26th June 2010.

41 Kaniola women’s FGD, 24th June 2010.

42 Kinyandonyi youth FGD, 27th May 2010.

43 Walungu, *Président du Comité Local de Développement*, 23rd June 2010.

provide her with sexual services. In one instance in a place called Kibirizi, eight women took two men, who were then forced to have sex with four women each.⁴⁴

While rape of men by men is not highly reported, respondents in all four sites were aware of cases. A doctor working on a programme for survivors in Walungu Territory estimated that men comprised only 2 percent of all the cases he had dealt with,⁴⁵ while the *Chef de Groupement* in Kaniola claimed that only 7 out of 4000 registered cases were men.⁴⁶ In the territory of Rutshuru, however, within two weeks of *Commission Territoriale pour la Lutte contre les Violences Sexuelles* (CTLVS) beginning door-to-door visits in early May in a place called Binza, 13 men had come forward.⁴⁷ This suggests that low numbers are in part a function of non-reporting by victims, which itself is a reflection of entrenched gender norms and the related stigmatisation of victims and the failure of organisations working on sexual violence to make it easier for men to come forward. The youth of Kinyandonyi referred specifically to rape of men by the troops of Ben Jackson and noted that in 2008 there were numerous rapes taking different forms:

‘Men were raped anally and orally, objects were introduced into the anus, men were obliged to “make love” with a hole [in the ground] filled with water, fathers were obliged to “make love” with their daughters or boys with their sisters. All this in order to discourage group work in the fields... there were three cases of men who died as a result of rape’.⁴⁸

One human rights defender working in Goma with survivors of sexual violence observed that of the sixteen male cases she had been involved in, six had subsequently died.⁴⁹ In Walungu, the Administrator argued that rape was primarily directed at women, but that

‘Where men were the victims of atrocities it tended to be things like burning them, cutting their throats and killing them, whereas for the women they went for sex... and humiliation, that is why we can speak of a weapon of war’.

When it came to identifying the male perpetrators in cases of rape of men, many testified to the predominance of military or men in arms, rather than civilians.⁵⁰ Women in Kinyandonyi listed a number of abuses to men without specifying the perpetrators, but when it came to perpetrators of rape done to men, they were very specific in identifying foreign men: ‘anal rape by the FDLR’.⁵¹

When asked if there were gang rapes, the CTLVS in Rutshuru reported that this was indeed the majority of cases. In Walungu, cases of rape by 10 to 15 men were reported, along with sexual slavery lasting for a year or even two, and deliberate impregnation of women who, once nearly due to give birth, were sent back to their families. One respondent who had worked on a programme for survivors noted that ‘when the rapes are done by the military, 3, 4, 5, 6 or 7 of them [the perpetrators] come together, but the opposite is true when it’s a civilian, he always rapes alone’.⁵²

2.5 Rape as a weapon of war

Respondents were united in identifying the post 1994 period as being marked by a quantum leap in the levels of sexual violence. When asked if rape was a weapon of war, ex-combatants in Rutshuru answered emphatically:

44 CTLVS Rutshuru, 24th May 2010.

45 Walungu, 22nd June 2010.

46 Kaniola, *Chef de Groupement*, 23rd June 2010.

47 CTLVS Rutshuru, 24rd May 2010. Such accounts echo those given by some male Congolese refugees who are clients receiving psycho-social support at the Refugee Law Project in Kampala.

48 Kinyandonyi youth FGD, 27th May 2010.

49 Goma, key informant, 5th April 2010.

50 Female NGO key informant, Butembo, 10th May 2010.

51 Kinyandonyi women’s FGD, 26th May 2010.

52 Walungu doctor, 22nd June 2010.

'It is the biggest war! It is better to be killed, because rape kills slowly, it affects all members of the family, it destroys physically and morally, both the person and the family, it brings a lot of anger and vengeance. The war using weapons is over quickly, but rape operates on a psychological level. If I learn that my mother or my sister or my wife has been raped, I will feel paralysed.'⁵³

Respondents made clear distinctions between rape in war and rape at other times, identifying the former as serving specific purposes for the militias which perpetrated it. These purposes included psychological destruction, ensuring the submission of populations, controlling them, exterminating them through disease, effecting reprisals, as well as the general undermining and impoverishment of a society. The Administrator of Walungu, for example, described how rapes committed by Rasta on behalf of the FDLR 'used a sort of terrorism of the population with the intention of imposing silence on them. That is where we can talk of the use of sexual violence as a weapon of war'.⁵⁴ The *Chef de Groupement* in Kaniola explained that the perpetrators did not rape because of sexual need, but 'firstly, to prove to us that they are stronger than us, and secondly, to exterminate the population through transmitting sexually transmitted and incurable infections'.⁵⁵ Another respondent in the same site considered that 'the goal was really to depopulate the Congo... beginning by targeting women because in reality it is women who carry the seeds of a whole society... sexual violence really is a weapon of war'.⁵⁶

When questioned on the physiology of penile rape under situations of war (i.e., how do men get erections in times of extreme danger), the doctor in Walungu explained that he had posed the same question to some of the women survivors he worked with. The women concerned had spent at least one year with armed groups in the forest:

'...these women confirmed to me that it is not possible for a man to be erect in those kinds of situations. There are times when you find a man who wants to penetrate you but he is not erect and it is at that point that he brings in other forms of violence to mistreat an abducted woman by introducing damaging objects, such as a piece of wood, the butt of his rifle, etc. So, physiologically, there are some who are able to abuse sexually and others who couldn't manage; in that situation where you want to commit a sexual rape but you are hearing bullets. The motivation in such cases of violence is perhaps that you want to pass a message of war'.

Another respondent shared the latter view. Talking of an upsurge of violence in 1998, during which many people were also killed, he said:

'the women were raped [for the perpetrators] to impose their authority, because they were inserting their rifles into the vagina of the woman, and when it reached this level people understood that this has got nothing to do with sexual pleasure'.⁵⁷

One respondent described how in Fizi (South Kivu), rape by Rwandan military had been particularly intensive after a number of Rwandan officers had been killed as a result of armed resistance to their arrival.⁵⁸

In Walungu it seemed rape as a dimension of psychological warfare had been very effective in breaking down resistance, at least for a number of years. One respondent described how there had been a pauperisation of the population as a result of the men fleeing to the forests as a result of sexual violence:

53 Rutshuru ex-combatants' FGD, 28th May 2010.

54 Walungu, key informant, 22nd June 2010.

55 Kaniola, *Chef de Groupement*, 23rd June 2010.

56 Walungu *Comité local de développement*, 23rd June 2010.

57 Uvira, TM Key informant, 28th June 2010.

58 Uvira, SOFAD, 28th June 2010.

‘with the sexual violence, a large number began to flee because they found themselves unable to resist when confronted with a weapon, and when they were tied up or killed in order to intimidate the women into yielding easily’.⁵⁹

As well as the flight of many men, the abduction of women put those who remained in further jeopardy:

‘Those of us who live at the administrative headquarters, we depend on the [agricultural] production of those women who are deep inside the territory, so when they are affected [by the violence], we here are also penalised’.⁶⁰

The statistics for the number of households displaced give a stark indication of the extent of the impact: in 2006, a total of 18,787 households were displaced from Kaniola.⁶¹

The psychological impact of rape was drawn out by a respondent in Uvira:

‘When a woman is raped, it is a loss and she needs to be removed from the family... Some children have fled from their family in order to avoid having to look at the face of their mother who was raped in front of them’.⁶²

Women in Kinyandonyi believed that the rape of a man

‘is an incomprehensible act in the community, because it is impossible with a man; this act reduces the man to a useless being, he loses his authority and his personality in the community’.⁶³

And the wider social costs, not just of the rape itself, but of male civilians’ loss of power exacerbated by a context of impunity, become evident from the following statement:

‘you will observe that there are people who seek refuge in drugs, as a way of forgetting the past and especially when the person is in a position of weakness; you see the person who raped your wife passing in front of you and even two years later you are not in a position to take the case to court, you just keep quiet...’.

However not everyone subscribed to the view that rape had been used as a weapon of war. Some respondents drew a clear distinction between rape as a weapon of war and sexual abuse enabled by a context of war and impunity but lacking any discernible strategic military objective. A doctor in Walungu, for example, believed that motivations of perpetrators could be read from the age and social status of the victims. In his experience, older women and women of very low social status tended to be the victims of acts of extreme violence, while with young women

‘...the violence was linked to sexual pleasure.... The third category is of girls under 18... most of those cases are social rapes, that’s to say the perpetrators are either members of the family, of people from the neighbourhood, and the issue is less around consent or lack of it than around their age as minors. That’s the kind of case where the girl says ‘I agreed because he’s my boyfriend’, but from a legal perspective it’s a rape because the girl has not yet attained the age of majority’.⁶⁴

59 Walungu CTLVS, 23rd June 2010.

60 Ibid.

61 Ibid.

62 Uvira, SOFAD, 28th June 2010.

63 Kinyandonyi women’s FGD, 26th May 2010.

64 Walungu doctor, 22nd June 2010.



The above image taken outside a local NGO human rights centre in Walungu offers an important commentary on the range of perpetrators believed to be involved in sexual violence. The appeal to a particular model of masculinity ('A Real Man Doesn't Rape') is followed by a series of images of men in a wide range of occupations – including soldiers, teachers, priests, businessmen, policemen, husbands, farmers and nurses – all being told to STOP.

Margot Wallstrom, UN Special Rapporteur on sexual violence in conflict, has put forward the idea that 'rape is a front line'.⁶⁵ The idea that rape *defines* war in some contexts emerges from the discourse of the respondents in this study. The evidence for the 'weapon of war' thesis is strong in their minds, and they provided much evidence of rape whose nature could only be explained as having a function for the militias in terms of the submission or destruction of populations they sought to subdue and control. This is not just a re-living of past events, but a reflection of present reality as they live it. Indeed, for them, the persistence of sexual violence is itself an indicator – and perhaps *the* indicator – that war is not over in Eastern DRC.

Nevertheless, the 'weapon of war' thesis is open to misinterpretation, in that while rape and other abusive relationships may have strategic uses for militias, there is little evidence that it is performed as a result of deliberate military policy. Moreover, the factors which drive it – and which drive the continuing state of insecurity as well – are broader than the purely military. Section III explores this point further.

⁶⁵ Margret Wallstrom, United Nations Radio, 6th August 2010.

3. The wider context and its impact on the incidence and nature of sexual violence

Drawing on the testimonies of respondents, the research team identified three interrelated clusters of issues which appear to underpin the current context and which provide grounds for people to state that ‘war is not yet over’. In effect, their reason for saying this is that the “transition towards peace and democracy” has brought little change for the majority. Instead it has left them just as impoverished, ignored and unprotected by the authorities as before, and just as frustrated in their aspirations and sense of self. These clusters – around poverty, authority, and identity – are interlinked with violence of all sorts, and especially sexual violence, hence the widespread perception that sexual violence is a key feature of “war”.

3.1 Poverty: conflicts over land, livelihoods and economic opportunity

The first cluster concerns access, use and ownership of that most basic resource, land. These are issues to varying degrees in all four field sites, and have been for decades. Men in Lubero, for example, noted that conflicts began when Kinyarwanda speakers entered into the DRC in order to graze their cattle on the land of the autochthones in 1918, nearly a century ago.⁶⁶ Land ownership is complicated by the 1973 land act (*le code foncier*) which puts all land in state hands – yet at the same time recognises that communally-owned lands are to be administered by traditional leaders (to be regulated by a presidential decree which, however, has never been issued). There is thus what one respondent described as a tension between ‘legality and legitimacy’. The law itself, interpreted in very different ways by different magistrates, becomes a source of land conflicts, caused less by a lack of land than by questionable management mechanisms. Where peasants have to rent land from plantation owners and managers they can easily be kicked off if a higher paying tenant turns up.⁶⁷

Many respondents argue that the Mai-Mai are primarily a response to a perceived/actual threat to land ownership and a failure of the state to protect their interests. Ex-combatants in Walungu, for example, most of whom had been members of a Mai-Mai group known as Mudundu 40, described their objective ‘to keep the population and its goods, to protect the territorial integrity and to combat the foreigners’.⁶⁸ Once such militias are created and have occupied the land they see as their own, they become a law unto themselves given the absence of effective state control.

Another part of the complex of land issues is the widespread fear of what will happen when and if the currently displaced return to their areas of origin, which many see as posing the likelihood of renewed conflicts. Ongoing insecurity has caused large influxes into urban areas. The population of Lubero, for example, was 35,332 prior to 1996, but in 2009 was estimated to have risen to over 53,000, a 10 percent increase from the previous year.⁶⁹

As in any other conflict context, some are believed to be profiting from ongoing hostilities and insecurity.⁷⁰

66 Lubero men’s focus group discussion, 18th May 2010. It should be noted that there is evidence of Kinyarwanda speakers settling in the area before this date.

67 Kinyandonyi men’s FGD, 25th May 2010. The youth described how the average cost for renting land from the manager of a plantation was \$20, as well as one day of work in the manager’s fields and one sack of produce upon harvesting.

68 Walungu ex-combatants’ FGD, 26rd June 2010. Mudundu 40 is the name of a plant which it is claimed is capable of healing 40 different sicknesses.

69 According to the Cité Lubero administrator’s 2009 *Annual Report*.

70 Lubero men’s focus group discussion, 18th May 2010.



An expensive house under construction in a poor part of town, Butembo

Indeed, Butembo town, which is renowned for the export of gold, diamonds and wood as well as the import of various goods for local consumption, has been propelled by the war from a small commercial node to a major centre of activities. Whereas prior to the war there were twelve businessmen known as the 'twelve dinosaurs' who controlled all major business activities in the territory and town, the numbers of entrepreneurs has rocketed. Their primary investment is in land:

'There is a big trend... for big business men to buy large landholdings using illicit procedures or acting against customary law. That's how they get large holdings. And the first thing they do is to chase away the population which they found on the ground.'⁷¹

Evidence of newly accumulated wealth can be seen in the construction of private homes in otherwise poor areas of town. Some believe that there are politicians who fund particular armed groups because they hope that a continued state of war will delay or prevent the next round of elections. One respondent felt that:

'The Mai-Mai, the PARECO, are also supported by big leaders. Otherwise how do you explain that a militia out there in the forest manages to get munitions if he doesn't have some support somewhere? Perhaps it is in their interest. For example, they leave the forest to go and pillage. Where do those goods end up?'⁷²

Indeed, the former members of Mudundu 40 described how planes loaded with munitions for them would come from Kinshasa and deposit them at Kilembwe and Nzovu.⁷³

Suspicion about who has benefited from the wars abounds and also falls upon some NGOs believed to have "commercialised" some of the most negative aspects of the situation, including the issue of sexual violence. In a public demonstration held in Lubero in 2009, for example, one of the placards read 'Bread without Peace is useless; Humanitarians should leave and operate under other skies, not in Lubero'.⁷⁴ In Kaniola the men argued that the NGOs 'enrich themselves on the back of the population'.⁷⁵ One respondent in Uvira argued that 'the primary resource is

71 Key informant, Butembo, 17th May 2010.

72 Key informant, Kinyandonyi, 27th May 2010.

73 Walungu ex-combatants' FGD, 26th June 2010.

74 Administrator Cité Lubero (2009). *Annual Report*. 10. This did lead to the temporary evacuation of a number of NGOs (FGDs, Lubero).

75 Kaniola men's FGD, 23rd June 2010.

women who are raped in order to ensure continued arms sales; there are many networks of men at national and international levels who order rape for their own ends'.⁷⁶

For many respondents, poverty and unemployment were key factors in ongoing war, and they argued that the war would be over when poverty and unemployment came to an end. Poverty can indeed be seen as one of the drivers of sexual violence, as well as a consequence of it. While statistics do not state the socio-economic status of survivors of sexual violence, anecdotal evidence from key informants suggests that the prevalence is higher amongst the already impoverished. This seems unsurprising given that it is the poor who have to continue going to their fields or engaging in petty business activities, both of which increase their exposure to the risk of sexual violence. The stigmatisation of survivors of sexual violence is also likely to push them still further into poverty. Many women will be rejected and thrown entirely onto their own resources if their husbands discover that they have been raped. One NGO worker described how 'women rape victims engage in prostitution, they enslave other women, and they steal from other people's fields at night in order to survive'.⁷⁷ Certainly refugee survivors of sexual violence who end up in Kampala are frequently reduced to prostitution as the only survival option; many will go to great lengths to hide the fact of having been raped, both to avoid stigmatisation in general, but also to protect their existing marriages or future marriageability.

As well as the profound and self-reinforcing vicious circle between acts of sexual violence and the poverty of the victims, sexual violence also has a knock-on effect on a broader deepening of poverty in the community. As a result of ongoing violence and displacement, one respondent noted how

'the whole population that was in the interior is now concentrated here in Kiwanja and in the township of Rutshuru. They left the periphery and abandoned their fields, but in the meantime they were the ones who were feeding the townships and even the town of Goma. As a result *everybody* is now living from day to day'.⁷⁸

Figure 1: Indicating the major economic factors in ongoing war in eastern DRC



⁷⁶ Uvira, FADI, 28th June 2010.

⁷⁷ Ibid.

⁷⁸ Male key informant, Kiwanja, 24th May 2010.

3.2 Authority: 'Everyone wants to be the only one eating'⁷⁹

3.2.1 State

The problem of weak and corrupt authority structures is an omnipresent theme and widely seen as one of the indicators that war is not yet over.

Back in the 1980s, at a time when state officials were already not being paid, a Mobutu slogan had become widespread, '*Chacun pour soi, Dieu pour tous!*' (Each for himself, God for all!).⁸⁰ Thirty years later the 2009 Lubero *Annual Report* offers an insight into the many challenges that continue to face anyone attempting to administer in such a context, ranging from lack of basic equipment, through officials who simply abscond due to non-payment of salaries, to reliance on NGOs to provide basic services. Basic administrative tasks such as registration of births, deaths and marriages, are often not performed in villages.⁸¹

With regard to sexual violence, one respondent linked it directly to the weakness of the state:

'in addition, that [sexual violence] is done to throw a challenge to the government which is supposed to protect people, it is a way of saying to people that you don't have a government'.⁸²

Elections were barely mentioned in focus group discussions and, where they were, perceptions were negative. As focus group participants in Kinyandonyi observed,

'in the 2006 elections we were asked to vote "yes" in order to bring about change, but since then we don't see any change at all. Also, the deputies who were elected, since they left [to go to parliament] have never come back to the villages because they are ashamed of the false promises they made'.

The youth of Kinyandonyi noted wryly that

'they [the voters] said "yes" without knowing what they were saying yes to. Actually the population is disappointed, because the problems of rape, pillaging and killings continue, the elections haven't changed the life of the population'.

Similarly in Kaniola, the youth noted that 'the elections made no difference to the difficulties in the area'.⁸³ The women of Kigurwe observed dryly that 'the members of parliament are paid a lot of money, but the teachers and soldiers have nothing'.⁸⁴ Ex-combatants of Rutshuru argued that 'the politicians and military commanders are the ones who profit from this situation of war in order to have their positions, not the citizens. Citizens need peace before they can live better'.

Within the military there are also divisions, with armed groups forming and re-forming in different combinations according to the opportunities of the moment. For example, *Amani Leo* was itself seen as a reformulation of two earlier military operations (Kimia I & II), and described as 'soldiers of the FARDC in a fusion with CNDP and PARECO. The latter each have their own commander despite the fusion, and those who command *Amani Leo* are not the same as those who command the FARDC'.⁸⁵

79 Sange, key informant, 28th June 2010.

80 Kinyandonyi men's FGD, 25th May 2010.

81 Rutshuru, key informant interview, 23rd May 2010.

82 Walungu, key informant, 23rd June 2010.

83 Kaniola youth FGD, 25th June 2010.

84 Kigurwe women's FGD, 1st July 2010.

85 Walungu, CTLVS, 23rd June 2010.

Lack of authority and growing poverty can both be seen as underlying and linked causes of ongoing war, and both are also intertwined when it comes to enabling sexual violence. The way in which this context of widespread and acute impoverishment couples with and promotes the impunity and corruption which in turn are among the enablers of sexual violence is easily discernible. While the law should be a means for victims to access justice, in such a context it often becomes a means for those close to the victims to access economic resources. One doctor in Walungu, talking of his work on a programme for survivors, estimated that 25 percent of claims of sexual violence he had seen were false. In addition to the scenario where ‘someone wants to harm you so he accuses you of rape’, he described situations where someone wants to use the accusation of rape to leverage money from the “perpetrator”, ‘like in the case where a woman hands her daughter over to an adult man and then you can see that there are two sides to the rape, the adult who rapes the girl and the parent who sells the daughter as if she were a merchandise’.⁸⁶ The men in Kigurwe also described how ‘women are starting to profit from the term rape in order to avoid paying their debts’.⁸⁷

Another respondent, asked about the forms of sexual violence in Sange, responded that ‘there are many forms; where someone plays with a child who is not yet eighteen years old, beating of students, Sexually Transmitted [school] Marks – and there are a lot of people who, when they lack enough to eat at home, send their child to have sex with someone and then say that their daughter has been raped’.⁸⁸

A Walungu respondent noted that:

‘today some cases of sexual violence are authorised by the parents... they are no longer capable of taking charge of their children and that’s why when it comes to the application of the law, many parents prefer an informal settlement (*arrangement à l’amiable*)... because a cow is really a source of wealth, so when there are those kinds of crimes it is a cause of joy for the family of the victim because it is an occasion which allows them to get a cow quickly.... In other words the problem of sexual violence doesn’t bother the parents any longer, particularly where they are called to receive presents... today the question of rape and sexual violence is a problem which simply requires the restoration of the authority of the state’.⁸⁹

3.2.2 Militarisation

In Kinyonyi (Walungu) people described how, prior to the mid 1990s, they rarely saw a soldier, whereas

‘... nowadays we live with them in the same houses, and in some places you’ll even find they are more numerous than the inhabitants, than the civilians... if you find that kind of over-militarisation in a place, that means that the war is not yet over’.⁹⁰

The dispersal of military amongst the civilian population is in part a reflection of the lack of infrastructure such as barracks for state armed forces, but also of the fluid nature of non-state military involvement, in particular of militias and Mai-Mai groupings. What people are clear about, however, is the linkage between military presence and raised levels of sexual violence. Kinyandonyi respondents, for example, noted how Ugandan soldiers in the late 1990s gave \$100 to girls for sex, which accelerated the spread of HIV⁹¹ and also how in 1996 ‘Laurent Désiré Kabila entered the country with mercenaries who had no women and who therefore committed rapes’.⁹² In Kinyandonyi the women reported how in Ngwenda,

86 Walungu hospital, 22nd June 2010.

87 Kigurwe men’s FGD, 29th June 2010.

88 Sange, *Chef de Cité*, 28th June 2010.

89 Walungu key informant 22nd June 2010. The phenomenon whereby a law designed to protect can at times unintentionally create opportunities for the very crime it is supposed to prevent is not unique to DRC. In northern Uganda, laws on defilement were/are frequently used as a means of extracting funds from young men who had engaged in consensual sex with girls under the age of 18.

90 Walungu, *Comite local de développement*, 23rd June 2010.

91 Lubero men’s FGD, 18th May 2010.

92 Kinyandonyi men’s focus group, 25th May 2010.

'the soldiers of the FARDC started to rape instead of protecting the civilian population; impunity for rape and sexual violence is growing despite the promulgation of the law of 2006'.⁹³

Such are the levels of frustration with the extent of militarisation that in Lubero one of the placards in a demonstration organised by local civil society organisations on 30th October 2009 read 'FARDC soldiers must not live amongst the population in the civilian population in the township and villages of Lubero', and another claimed that Lubero could be made secure within 72 hours if only the military could be removed.⁹⁴

3.2.3 Impunity

As noted above, one of the key factors in conflict is the existence of parallel authority structures. While all of them exercise power in one way or another, none of them exercises the full range of powers expected of a modern state, nor does the state enjoy the monopoly on violence which is supposedly a characteristic of a state of law and order. The challenge when it comes to applying justice to perpetrators of sexual violence is huge and relates directly to the problems of militarisation discussed above. The Administrator of Walungu, for example, argued that, in addition to the challenges of trying to coordinate 35 different state structures without having even a proper office, police and military personnel being dispersed throughout the population rather than concentrated in barracks, the lack of centralised weapons depots and the lack of qualifications of state employees, 'anybody seeking to implement the 2006 law has to evaluate his own means of protecting himself, because if the person you are supposed to arrest has greater means than you, what are you going to do?'... Furthermore, 'a colonel or a captain cannot be judged at territorial level'. So, 'if a colonel committed this crime at this level, who could arrest him?'⁹⁵ The climate of impunity is not helped by the fact that military and non-state armed groups, when not competing are often inter-dependent, particularly given the process of *brassage* whereby numerous former insurgents were incorporated into the FARDC.⁹⁶ In short, the modern authorities are weak (and a visible target of armed groups), the identity of the state's armed forces is ambiguous, and its agents of justice are widely perceived as corruptible.

Traditional leaders have been undermined and displaced and have opportunities to exploit the lack of state authority for their own ends. Other authority figures also act with impunity, particularly the two institutions most closely involved in the socialisation of the population. Some teachers are involved in sexual relations with pupils, resulting in the phenomenon of "*les PST – Points Sexuellement Transmis*" (Sexually Transmitted Marks).⁹⁷ Church figures were also mentioned in several sites visited. In one, a catechist found responsible for the rape of five teenage boys was merely moved out of the parish for a few months, before being brought back. One key government informant noted that 'the place where there is a lot of indiscipline is the Catholic Church'.⁹⁸ Despite being amongst the actors with the greatest capacity to influence the community, the churches are reluctant to engage in the topic of sexual violence; as one key informant in Rutshuru said, when asked whether the priests said anything on the topic during Sunday sermons, 'Nothing; the priests don't want to get involved in that'.⁹⁹

The cracks between these multiple structures and systems, as well as the implication of their own actors in the abuses in question, also create fertile ground for corruption and impunity, whether of actors from those authority structures or of the individual civilians whom those structures cannot or will not properly hold to account.

93 Kinyandonyi women's FGD, 26rd May 2010.

94 Administrator of Cité Lubero, *Annual Report 2009*, p.10.

95 Walungu, 23rd June 2010.

96 For example, General Kumba Tango Fort, Colonels Rugai and Mungura, formerly RCD Goma and now commanders of the FARDC infantry, 14th and 15th Brigades FARDC, respectively.

97 This is a darkly humorous play on the term '*MST – Maladies Sexuellement Transmises*' [STI – Sexually Transmitted Infections].

98 Walungu, 22nd June 2010.

99 Rutshuru, key informant, 23rd May 2010.

Corruption is seen to be rampant. As the Administrator of Walungu territory described,

‘many of the problems in the general population are linked to dissatisfaction with the justice process which encourages people to commit so many crimes related to rape and sexual violence. If there were exemplary sanctions it would educate the population, but if the judges are corrupt, that can’t really resolve the problem’.¹⁰⁰

In some cases it is not clear whether the problem is corruption or the inability of the court to prosecute in the absence of the victim. Plaintiffs often cannot afford the costs associated with appearing in court, far from home, and when they fail to appear, the perpetrator is often freed, which is then interpreted as evidence of corruption.

Nonetheless,

‘There are also cases where the perpetrator pays something and he comes back.’¹⁰¹ At that point everyone is in difficulties; the victim, the accompanying NGO, the victim’s family. So there are even families which have been obliged to flee, to leave the place because the returned perpetrator has a weapon.’¹⁰²

As this demonstrates, the risks of reprisals for those who seek to challenge the impunity of perpetrators of sexual violence are high, especially for victims themselves. As a respondent in Walungu observed:

‘what put the brakes on pressing charges is the fact that even when people are denouncing someone, when the perpetrator is arrested, some days later he is set free and when he comes back he becomes aggressive towards the person who denounced him; as a result people have lost the courage to press charges’.¹⁰³

Advocates for survivors are also at risk. Asked what the NGOs, customary chiefs and churches were doing in response to the issue of sexual violence, one local development actor described how ‘they have always wanted to take action... but all those who wanted to raise their heads [above the parapet] have been victimised...’. He gave the example of a curate of Kaniola who, after highlighting rapes by *Amani Leo* and *Kimia II*, was forced to leave the parish for three months until those he had accused had been rotated out of Kaniola. He also described how a particular traditional leader was at risk of being killed:

‘because he is struggling, he is speaking out, saying out loud what the others say under their breath, the misdeeds of our valiant soldiers who are engaging in ignoble acts...’¹⁰⁴

The failings of the justice system, and the dangers of challenging impunity, encourage the resort to what are known as “*arrangements à l’amiable*”, i.e. informal settlements outside the jurisdiction of any court. These do at least allow some co-existence; while it is difficult for any victim to be obliged to see his or her perpetrator walking around, in a situation of acute poverty and difficulties accessing land for subsistence, it may be better than being forced to flee for fear of reprisals. Overall, as one youth group succinctly put it, ‘One wants to apply the law to the poor, but the rich and the authorities manage to avoid it’.¹⁰⁵

100 Walungu, 22nd June 2010.

101 CTLVS Kiwanja, 24th May 2010.

102 Ibid.

103 Walungu, 22nd June 2010.

104 Walungu, 23rd June 2010.

105 Kigurwe youth FGD, 2nd July 2010.

While informal out-of-court settlements serve a practical function of enabling some kind of non-lethal co-existence, they do not deal with the grievances and need for justice of the victims. That much is evident from the many proposals made in the FGDs on how to deal with the question of sexual violence. There was widespread agreement that perpetrators should be punished 'because rape can destroy a whole community', and because of the belief that 'If impunity continues it will be difficult to end the rapes'.

Beyond this shared starting point, however, views on how to proceed varied considerably. Some argued simply for the 'promotion of real and fair justice', including 'judging the perpetrator', 'establishing the facts of a case before punishment' and, 'in the case of civilians, punish according to the law'. One group specified that there should be 'good justice *and* good administration of justice', a clear recognition that however good a law is, it is only as good as the way it is administered. Many groups echoed those who insisted that 'The authorities should respect the 25 years [as provided for in the current law on sexual violence]', noting bitterly that 'at the moment it is as if the 25 years have become 25 minutes'. Some thought that 'the rapist should be imprisoned so he doesn't come back', and accordingly that 'the Perpetrator should be sentenced to life'. One group instead called for the rapist to 'first of all be arrested' and then 'made to pay the damages according to the crime'.

There were, however, quite a number of suggestions for more extreme measures to be taken. Some advocated 'removing the sex organ of the rapist', many more saw it as a 'tooth for a tooth – kill the rapist', and that 'any rapist who is identified without any doubt should be killed'. One group wanted perpetrators burned, and another insisted that the solution would be to 'punish and kill the rapists *publicly*'. A further dimension was added by the group which argued that 'A rapist should be made an example of and killed in front of everybody – *by the authorities*'. The emphasis on the responsibility of the state offers a clear indicator of how central the failings of the state in regard to punishment are. This frustration was directly articulated by yet another group which, when it said 'Kill the rapists *because the state does nothing and people have reached their wits end*', was effectively advocating mob justice.

As in any such situation of (justifiably) raised emotion, it is useful to try and break down the problem into more manageable pieces. As one key informant explained, it is important to distinguish between the kinds of sexual crimes that families were happy to resolve through traditional mechanisms, and those such as rape with pieces of wood etc. that go beyond the purview of traditional mechanisms. He further felt that many cases should be dealt with by peace tribunals¹⁰⁶ (often perceived as incorporating both customary and formal law). He also noted that the situation is not entirely bleak, as more than 10 soldiers belonging to Kimia II and to *Amani Leo* had been arrested for cases of sexual violence, suggesting that even under difficult circumstances it *is* possible to pursue justice.¹⁰⁷

The various trainings provided by both local and international NGOs have helped people to understand the definition of rape as used in the law and to a certain extent this appears to have provoked an increase in the number of cases reported (though often retroactively). The CTLVS in Uvira, for example, reported that with the passing of the 2006 law young people became more aware and that whereas before the war women would not denounce the perpetrator, now they would.¹⁰⁸

106 *Tribunaux de Paix* are courts which apply modern, state law outside provincial capitals; they are empowered to judge minor and family-related conflicts.

107 Walungu key informant 22nd June 2010.

108 CTLVS Uvira, 28th June 2010.

3.3 Other sources of authority

Other sources of authority have suffered varying degrees of compromise. Churches, for example, appear to be losing their authority. One respondent in Butembo described how the state was beginning to establish its authority bit by bit, by contrast with the past when ‘the church took the place of the state. It is only nowadays that the separation is beginning to take place’. He went on to describe how, in the past,

‘the church, if you wanted to assert yourself, they would just call Kinshasa because they knew that when such and such a minister was still a rebel we did him a favour, so they just made a call’.¹⁰⁹

Traditional leaders have often been displaced to town for their own security, or have moved to town to seek political advancement:

‘as a result, follow-up on sexual violence these days is left in the hands of NGOs who run seminars and trainings, but who unfortunately don’t have the power of coercion with which to apply the law severely.’¹¹⁰

One respondent also argued that traditional leaders themselves might see the attempt to get survivors of sexual violence to go through formal court systems as a further threat to their role as mediators of disputes.¹¹¹

NGOs were frequently appreciated only insofar as they brought very tangible benefits – and consulted with the community. One NGO which had brought slabs for building latrines in Kinyandonyi came in for a scathing attack:

‘the NGO decided on that action without any agreement with the population about its needs. That’s why the activity failed; it’s like taking a pig to a Muslim, is it something he really wants? Also, these NGOs don’t recruit their staff locally, even for positions which village people could fill’.¹¹²

On the other hand, in the fight to deal with the phenomenon of sexual violence, in particular support to access to justice and health care, the NGOs were crucial. In the view of one doctor, ‘if tomorrow these NGOs left and the state did not take these matters in hand – which I strongly doubt anyway – then the situation would only get worse’.¹¹³

MONUC was derided by ex-combatants: ‘it does nothing concrete, the troops simply go along the main roads, you never hear of them doing patrols in the villages’.¹¹⁴ On the other hand, the presence of internally displaced persons camps around MONUC bases (e.g. in Rutshuru) indicates that people somehow made MONUC’s presence work for them, even if not optimally.

109 Butembo, key informant, 17th May 2010.

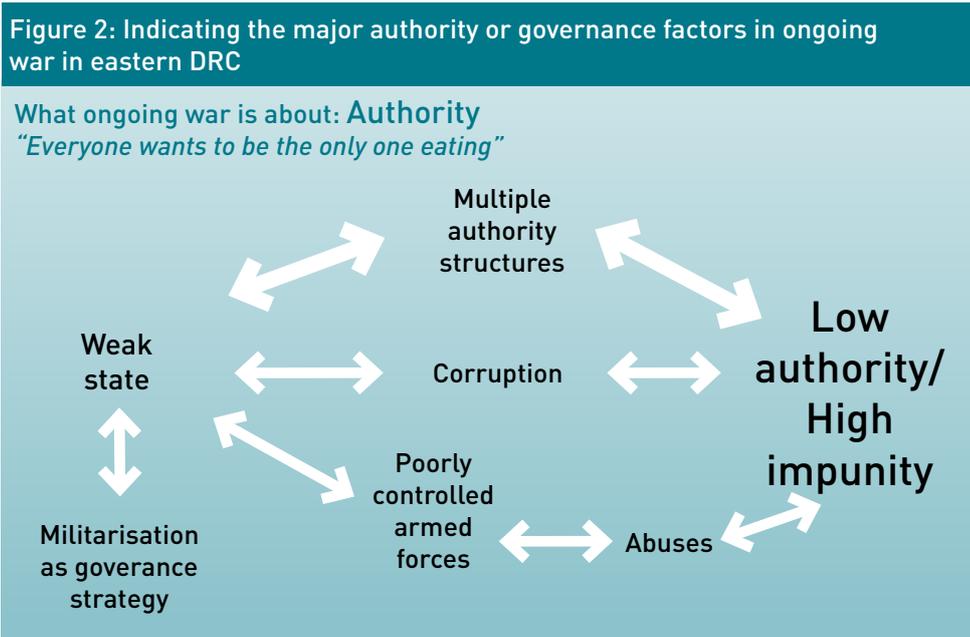
110 Key informant, Walungu, 22nd June 2010.

111 Ibid.

112 Ibid.

113 Ibid.

114 Rutshuru ex-combatants’ FGD, 28th May 2010.



3.4 Identity: the fight to retain or recover a sense of self

“Culture” and “custom” are words and concepts which feature heavily in discussions in Eastern DRC – as in many other places which have suffered the ravages of colonialism and post-colonial conflicts. Two of the main ways in which these are given meaning and actualised is through ethnic and gender identities.

3.4.1 What’s in a name?

Asked first to brainstorm the different sources of identity available to them, and then to prioritise them individually, eleven out of fifteen focus groups came down strongly on name as the key identifier.

While this initially gives the impression that ethnicity is not central, upon further discussion, it emerged that the name is so central precisely because it is an ethnic referent, as well as identifying the gender, position in the family and, perhaps less accurately, place of origin, mother tongue and sometimes even circumstances of birth.¹¹⁵ A poignant example of the latter is the name given to some children born of rape: ‘*ça arrive*’ (It happens).¹¹⁶

Names are so important as a mechanism for encoding ethnicity that in Kigurwe the youth described changing their names according to whom they were talking to or encountered on the road. The women also recounted how people had been killed because of their names and that many had changed their own or their children’s names. A key informant in Rutshuru described how he himself did not always use his real name (which indicated that he was a Nande) because if he did some people he works with would clam up immediately. The people of Kinyandonyi described the scene in 1997, as people were returning from refuge in Uganda and elsewhere. AFDL soldiers on the hunt for FDLR soldiers singled out anyone who was Nyabwisha (Hutu), and ‘those who were [Hutu] were taken to a military camp and assassinated by the Tutsi soldiers in the AFDL. One group of Banyabwisha, the Magrivi, came together to revenge itself for the massacres of which they had been victims during this period’.¹¹⁷

115 Kaniola men’s FGD, 23rd June 2010.

116 Kigurwe youth FGD, 2nd July 2010.

117 Kinyandonyi women’s FGD, 26th May 2010.

Of the groups that did not place name (and by implication ethnicity) above other identities, one was the adult men of Lubero. Twenty-eight of the 30 men in the discussion claimed that their nationality was their primary identity. This suggests two possible explanations. Firstly, large parts of Lubero are mono-ethnic, but border on Uganda. Secondly, the composition of that particular group was more “elite” than of any subsequent group. They themselves pointed to the fact that deliberate differentiation and discrimination by colonialists between the Hema and Lendu starting back in the 1920s had eventually led to war breaking out between the two groups many decades later.¹¹⁸ The youth of Kinyandonyi also saw their occupation as a more important identifier than their name (18 as opposed to 3). Asked why occupation was so key, they answered that ‘*Mtu ni Kazi*’ (A person is his work), ‘it keeps you busy’, ‘it identifies you’, ‘the Bible advises us to work’. The women of Kinyandonyi emphasised civil status, arguing that

‘civil status is in top position because women are proud to be married and to have children.¹¹⁹ Nationality comes second... and the name comes last..... for a woman her name disappears when she has given birth as she is called by the name of her child’.¹²⁰

Of the 22 youth in the Kigurwe FGD, none saw ethnicity as important, while 16 saw nationality as key.

Although ethnicity had been a source of conflict in some areas for many decades, in others it had become far more central in recent years. In Kinyandonyi, for example, the women argued that tensions between Nande and Hutu had worsened after the 2006 elections – perhaps in part because the militias ‘obliged the population to vote very well, that is to say, for Joseph Kabila, and... it was forbidden to vote for members of RCD Goma’.¹²¹

While ethnicity is an important reservoir of cultural identity, it is also dangerous terrain. Where it is embodied in traditional authority figures and structures it co-exists uneasily with the state structures and it gives shape to, and even creates, social groups who can then be mobilised to enter into conflict with one another. It is thus one of the richest sources of a sense of self in community with others and yet, simultaneously, can pose one of the greatest threats of harm to physical self from others. Awareness of these tensions between the benefits and costs of ethnicity were apparent in our explorations of the relative importance of different identities but it seems the benefits continue to outweigh the cost; even if names are changed temporarily to create the appearance of a shift in ethnicity, the change is to an alternative name which suggests an alternative ethnicity, rather than one which takes the individual outside an ethnic framework. Although there were quite a number of respondents who saw their nationality as crucial, there were no respondents who suggested that nationality could override ethnicity to the point where it ceases to have importance.

3.4.2 Changing power relations: ‘The men have become the women!’¹²²

In each focus group, participants were asked to identify the major characteristics of men and women. In general the responses were evidently of ideal types or norms. Men are supposed to meet basic criteria of physical wholeness and strength and to be able to build and protect their own home, to procreate and then take responsibility for the clothing, feeding, education and security of the family. A man is supposed to have a vision of the future, to be authoritative, both a decision-maker and a giver of advice to others.

118 Lubero men’s focus group discussion, 18th May 2010.

119 See the Rejusco report, which emphasises the need for women to marry in order to be seen as ‘honorable’. Exceptions exist however where a woman takes on a role of particular benefit to the family (bringing up children, going out to work, for example) in which case she may be treated much as an honorary man (p.60).

120 Kinyandonyi women’s FGD, 26th May 2010.

121 Ibid.

122 Lubero, youth FGD, 20th May 2010.

A key informant in Walungu described how 'already at a very early age we had it inculcated into us that we must be the ones in charge, always the bosses, and, well, we think of ourselves like that...'. He described how you would not find anybody aged 17 or 18 who did not know how to build a house, because 'they know that a man must build and tomorrow or the day after must receive a woman in his place'. Furthermore,

'he is inculcated with the mind-set that he must always be superior to the woman, and when he goes to get engaged he knows that woman has no say in the matter. Once in the marriage he knows that he is the one who must dominate and take decisions; even if the woman produces it is he who must control everything and so the women are completely disregarded...'.¹²³

However, focus group participants also described men as 'thinking animals', 'intolerant', 'show-offs', and 'unfaithful' (the latter being demonstrated by their wish to have children by different women, and their failure to accept their wives if the latter have been raped).

The ideal woman is supposed to be fecund, married, able to ensure the cleanliness of her environment, feeding of children, to both work (mainly in the fields) and manage the family, to be a companion/first advisor/prime minister to her husband, who helps him to manage the household (as well as to be complementary to the husband in sexual relations) and is an asset in social relations because she is always smiling, welcoming, simple, sociable and patient. She should know how to approach her husband by preparing bathing water for him, washing him, and 'always be ready for sexual relations'. Ideas which did not appear to be tied to marriage in particular, included that woman is 'a creature who gives sexual pleasure', 'a beautiful creation who relaxes the man', the 'joy of society', the 'rose of life', 'flower of the house' and 'social crown'. As well as being respectful, self-respectful and obedient, a woman is supposed to be *submissive*. As the women of Kaniola said, for a Shi woman 'submission is her most important characteristic'.¹²⁴

Youth in Kigurwe observed that families do not consider girls important, and that 'even when children are counted, they don't bother counting the girls'. In sum, as one (male) key informant observed, 'Women in Kaniola are human beings who are there first and foremost to satisfy'. He went on to outline how this happens:

'With regards to women's situation, it starts when they are girls; she grows up in this context, she gets married and she knows that she must go to her husband to make children, and also that she must be totally submissive, she cannot say "no" to whatever her husband says; that's the situation we find women in here in our place. Apart from the housework it is submission, total obedience towards the husband, and nothing else'.¹²⁵

In his opinion this model still applied to at least 60 percent of households, the other 40 percent having benefited from membership in various associations and training activities. A woman key informant in Rutshuru argued that 'Even though she [any woman] is working more, she remains a woman' and she remembered overhearing two men who, when talking about the (female) deputy to the Territory's Chief Administrative Officer, said 'even if she's a boss, she's still a woman'.¹²⁶

It is also important to note the extent to which norms about women's subordinate role as helpmate of their husbands were influenced by Church teachings; several of the words or phrases used to describe women were clearly based on biblical teachings, not least that women were 'created after men', and 'out of the rib of man'.

123 Walungu, *Comité local de développement*, 23rd June 2010.

124 The Rejusco report makes it clear that this is a feature of all Eastern DRC communities.

125 Walungu, *comite de développement Local*, 23rd June 2010.

126 Rutshuru, key informant Interview, 23rd May 2010.

While training on “gender” was having some impact on shifting power relations, a far more potent factor was the war itself, as suggested by participants’ responses to the question of whether ideals of masculinity and femininity, and indeed gender relations themselves, had changed.

Youth in Kigurwe felt that while women were supposed to be subservient, this was no longer the case thanks to cinema and civilisation. They believed that these changes had started before the war but had been accentuated by it. Youth in Lubero said that as a result of emancipation, where the woman earns more than the man there is inversion of roles, startlingly captured in their statement that *‘les hommes sont devenus les femmes’* (the men have become the women).

The changing position of women was described by a respondent in Kaniola:

‘previously, Shi custom disregarded women; a woman was considered a thing, to bring children into the world, breast feed them, and satisfy the sexual pleasure of her husband. But since the war, women have seen their rights restored with the law which has come to protect them and give consideration to them; people have begun to show more solidarity, more compassion towards the suffering of women, and I find that positive. The negative side has been the destruction of the person’s humanity through rape, killing, stealing all her goods’.

3.4.3 The loss of power by men

The same respondent went on to capture the reality of lost male power in the following statement:

You know, a poor man has no friends; previously you had more than ten cows and your wife had a big field, but at the moment you have nothing thanks to the pillaging, and now the wife takes care of everything. These days in Kaniola women are fighting for themselves, she works in the fields of someone for 1,000 Francs, and with that she buys the food and brings it home to feed and keep the family alive. As for the men, they have fled, in a kind of rural exodus, to Idjwi, to Walikale, to Burhinyi, to work in the mines, for fear of being killed by the assailants. We survive thanks to the sacrifices of women’.¹²⁷

The following describes the changing power between some men and women:

‘there are some men who have denigrated [disempowered] themselves by not wanting to work. For example, you get a man who has been away for three years and he comes back poor only to find that his wife has already built a house, maybe out of mud but with iron sheets on the roof and so she will consider herself superior and the man is now obliged to kneel down to her. The woman remains validated and there is a Shi expression *‘zuk’oly’* (wake up and eat), which is used to show that you [the man] are doing nothing but coming to eat. This case is particularly common amongst women who do small business activities and have an income a bit above that of their husbands’.¹²⁸

In Nande, the term for a man who had lost power and taken the subservient position in the home was *Kalume tunda muliro*.

It is a change the war has accelerated dramatically since ‘the women started to do everything because they could access even the insecure areas while doing business which at the same time exposed them to rape; the men were fleeing from death’.¹²⁹

The problem was summarised by a respondent in Uvira who argued that,

¹²⁷ Kaniola, *Chef de Groupement*, 23rd June 2010.

¹²⁸ Walungu, CTLVS, 23rd June 2010.

¹²⁹ *Ibid.*

'some men lost their sense of worth as a result of the country's economic and political crisis; it is now the woman who gives the food rations and does everything to meet the needs of the family. When the children ask for something from their father, he has nothing, so their wives say 'they are just there to eat'. The women start taking the decisions and the men have to put up with it. They take refuge in alcohol'.¹³⁰

The men in the Kinyandonyi FGD said that perhaps 10 percent of men had become like women in their own homes. This was said to be a result of the war and was explained as follows:

- Women have more economic power than men; they are better at trade than men and that makes them think they can replace men.
- Men provide nothing for the survival of the family, not even a sachet of salt and that's why the woman thinks that he has become a woman.
- He can still give advice on land conflicts, but he no longer has the right to speak before his wife. He is '*Kalume Tunda Muliro*' in his own home, but remains a man and useful in the broader society.
- He does housework and may lack the time to go visit his friends.
- Man is becoming like a child.
- It is necessary to distinguish between the man who helps his wife out of love and a desire to look after his family, and the one who has been put under heel by the wife. 'The latter becomes like a child and in that case, to give something in the household, he has first to ask for permission from his wife (for example to use the bicycle). In his behaviour, he gives himself to alcohol, he gets drunk to hide his cares and he has no joy because the wife controls even how he dresses.
- This situation creates frustrations because the wife refuses to have sexual relations not taking the needs of the man into account.¹³¹

The men of Kigurwe argued that 'the man has no one to plead his case if he is accused of rape, he is abandoned to take care of himself even if there is no proof he did it, he is just taken to the central prison. The law has come for women against men'.¹³²

The women of Kigurwe agreed that there were 'men who had become like women' because, they said, 'there are women who are not submissive'. However, they also noted that 'there are women who respect their husbands despite their inability to fulfil their responsibilities', and equally that 'there are women who are very severe and oblige their husbands to submit to them, even though the man remains responsible in his behaviour'.¹³³

Women in Kaniola reported considerable changes in gender relations and roles. Whereas before the war men travelled a lot, now they stayed home with their wives because the insecurity did not allow them to travel. Because of this, 'there is no work for men any longer'. While the focus group participants believed that Shi women were 'amongst the most submissive in the whole world', and that 'submissiveness was their primary characteristic', they also said that women were no longer ashamed and that some husbands were agreeing to stay with their wives, even if the wife had been raped. Women were taking on more and more responsibility and learning to

¹³⁰ Uvira, SOFAD, 28th June 2010.

¹³¹ Kinyandonyi men's FGD, 25th May 2010.

¹³² Kigurwe men's FGD, 29th June 2010.

¹³³ Kigurwe women's FGD, 1st July 2010.

do small business activities, while men were beginning to do work in the fields, which they never did before the war.¹³⁴

In Kinyandonyi, the women described how before the war women were submissive, obedient and faithful to their husband, but that as a result of the war there was poor management of the family possessions, cooking was being done by men and children, women had abandoned the home, were no longer submissive and had become a source of division in other homes. They argued that women ‘were making love to their husbands *simply to fulfil the formalities*, but preferred other men’, and they noted that there was a term *kapiringa* which was variously used for a woman and an alcoholic or unfaithful woman, or for ‘a woman who is unfaithful in order to look for money to guarantee her children’s school fees or to develop her business activities’. Businesswomen, in particular, were believed to ‘no longer respect their husbands, and because they want more money they let themselves be taken by men wherever they go to do business’. Equally there was a term for ‘men who have lost the respect of their family and the community as a consequence of their acts. You can tell he is a man only because he can impregnate his wife, but then he doesn’t do anything else’. Such a man is known as *Kambetu* because he associates with others of his kind but doesn’t participate in proper decision-making fora. Other typical behaviours of *Kambetu* include selling his wife’s agricultural produce in her absence, chasing after teenage girls and drinking in response to the loss of decision-making power.¹³⁵

The youth of Kinyandonyi had mixed views about the extent to which ‘the men have become the women’. Three girls thought they had, because there were men collecting water as a result of their wives playing psychological games with them, and there were also men who started drinking first thing in the morning while doing nothing for the household. They also suggested that ‘the men who take drugs and drink and commit violence’ were an indicator of changing roles. The majority thought there had been some shift in male-female relations, as indicated by men helping out if their wives fell sick, or helping with the child care after completing work in the fields. But they also argued that ‘women are using fetishes [magic] to dominate their husbands’.¹³⁶

The response of youth in Kaniola is noteworthy, as they argue that it is ‘the authorities [who] have turned the men into women because they abandoned them when confronted with weapons’.¹³⁷ If the state by its omissions has contributed to the emasculation of its male citizens, this provides them with further grounds for a retreat towards cultural frameworks which re-validate them as men.

It is also striking how men’s focus group discussions occasionally gave a glimpse of an underlying fear of women, expressed in descriptions of women as ‘deceitful’, ‘malignant’, ‘ungrateful’, ‘traitors’, ‘hiding their thoughts’, ‘politicians’, or ‘opaque and two-faced’.¹³⁸

3.4.4 Perceived threat of “globalisation”

Some respondents attributed sexual violence to the breakdown of norms. The Administrator of Walungu, for example, described a largely unemployed population, exposed to violence and armed groups for over a decade, whose young people had been members of armed groups and ‘whose morals have been broken, along with all the laws of the country, whether national or international’... As a result, he argued,

‘a sort of anarchy has come into play in our villages. And what you also see is that those armed groups don’t operate alone, they have collaborators from amongst the civilian population...

134 Kaniola women’s FGD, 24th June 2010.

135 Kinyandonyi women’s FGD, 26th May 2010.

136 Kinyandonyi youth FGD, 27th May 2010.

137 Kaniola youth FGD, 25th June 2010.

138 It is also interesting to note that the FGD where this tendency was most pronounced was also the most elite-dominated of all fifteen focus groups, with a high proportion of well educated men in positions of power and influence.

which means that this explosion has now reached all social categories as a result of poverty and there is a sort of contagion of the population. That's why nowadays the phenomenon of sexual violence affects even the schools and the churches'.¹³⁹

It is clear that where there is such a sense of anarchy, appeals to "culture" and "custom" are a key resource for people struggling to recover a threatened sense of self. What also emerges from the fieldwork is that in many people's minds culture and custom are counterposed to what are generally seen as the negative workings of "*la mondialisation*" (globalisation) and "*le modernisme*" (modernity).¹⁴⁰ The culture-globalisation and custom-modernity oppositions can thus be seen as an extension of the legitimacy-legality opposition highlighted above in relation to land management systems: culture and custom (of which traditional land systems are a core part) are regarded as having legitimacy, while anything non-customary is not. Even where the external intervention could arguably be seen as promoting legality (e.g. external support to the development of the 2006 law on sexual violence), the fact that it is a reflection of a concern with rights and gender equity – both of which are often regarded as impositions of an external or "global" order, as opposed to indigenous concerns of the "customary" – severely jeopardises its likelihood of being perceived as legitimate.

One key informant, himself involved in providing training on gender, described the situation as follows:

'I have talked to you about trainings on gender and custom because in this place it is the man who dominates. The various religions also sustain that view. Apart from that, the woman has also grown up being educated to be submissive. So right from the start she is being raped without even knowing it. When you sensitise men about that, they attack us by saying that we are trying to turn their women against them'.¹⁴¹

Other examples of globalisation being used as an explanation for some of the perceived ills in society include video films, which are seen as teaching young people how to engage in dangerous and non-customary sexual activities, western style clothing, which is seen as sexually provocative, and the whole discourse of "gender" and, within that, "equality". A key informant in Kinyandonyi, asked what the change in dress was based on, said 'we don't know. We hear talk about globalisation... does that mean a bad change in clothing? There are girls who like to dress half-naked'.¹⁴² Asked what the local authorities were doing to combat sexual violence and in response to the changing dress code of young women, one respondent described how

'for the clothing, the *Chef de Groupement* warns them even on the streets, he sensitises them by telling them that this dishonours you and there is a risk that you won't get a fiancé, but unfortunately, modernity is in full swing, it is imposing itself on our young people. It's the same thing with the cinema. The *Mwami* (traditional chief)... has given formal instructions for the culprit [showing videos to minors] to be sent away definitively.... We are going to approach civilisation or modernity while at the same time respecting our culture and our tradition.'¹⁴³

139 Key informant, Walungu, 22nd June 2010.

140 This perception is well captured in an article entitled 'DRC: Globalisation, War, and the Struggle for Freedom' by Wamba dia Wamba, formerly leader of RCD-KML, who wrote in *Pambazuka News* 145, 26th February 2004, pp.137-140 [accessed at http://www.pambazuka.org/en/publications/africanvoices_chap06.pdf, 9th September 2010]: 'Since the unexpected arrival of the Portuguese traveller Diego Cao at the mouth of the Congo river in 1482, the peoples of the area that became the Congo have had their lives determined more and more by processes which have started far away and over which they have had less and less control.'... 'Suffering and modernisation would become almost two faces of the same coin marking their lives'. He identifies three phases, the second of which '... is the historical formation and transformations of anticolonial (in the broad sense, including anti-Atlantic slavery struggles for life) 'mass' movements into more and more organised struggles for the recovering of land, bodies, psyches (selves) and cultures'... 'Thirdly, the 'external domination' in Africa (or forced or willing incorporation of Africa in the outside originating processes) is what is often thought of as globalisation'.

141 Kiwanja, key informant interview, 24th May 2010.

142 Kinyandonyi, key informant, 27th May 2010.

143 Kaniola *Chef de Groupement*, 23rd June 2010.



In Kigurwe, the women blamed modernity, specifically watching films, for changing the mind-set of young women, explaining that ‘... they imitate what they see on the films’.¹⁴⁴ Asked their views on globalisation, the youth in Kigurwe had varied responses. On the one hand there was the view that ‘if there is sexual violence at present, it is because the girls walk around almost naked and some men can’t resist that’, but on the other, they said, ‘a positive

dimension is that the girls are now more beautiful because they are well dressed’. In Kinyandonyi, when asked what violence men were exposed to, one of the forms listed by the youth was ‘*Biper avec les mini-jupes*’, which literally means ‘being beeped by mini-skirts’, i.e. being sent a non-verbal signal, just as when someone calls a mobile phone but rings off before the other person picks up.

Both the mini-skirt used to send the non-verbal message, and the metaphor of the mobile phone, which is clear from the term ‘beeping’, are examples of modernity and globalisation. The connections are graphically made on the various cabins selling airtime for mobile phones (see the image above). Even the youth at times recommended that

‘when young people go into town or outside the country, they should not blindly copy the external values, nor should they blindly copy modernism, because they then bring it home to our territory’.¹⁴⁵

Asked for her views on why some women rape men, a counsellor in Butembo said:

‘Personally I think it is because of depraved morality, because this is an anomaly within our culture. Because here in Africa, in our place, in general it is not the woman who is supposed to chat up the man. On the contrary, it is the man who is supposed to court the woman. But currently that is changing. It is because of globalisation, perhaps, I don’t know’.¹⁴⁶

In many places, however, the evidence of globalised culture – or perhaps, more accurately, Americanised culture – and its connections with new norms of beauty were widely visible. The following picture of gangsta-rap bling on a barber-shop in Kiwanja is emblematic in this regard, linking models of culture and beauty together with the messages ‘Best Life’ and ‘Vision to Follow’, in that shrine to our sense of self and identity, the place we get our hair done.

144 Kigurwe women’s FGD, 1st July 2010.

145 Kaniola youth FGD, 25th June 2010.

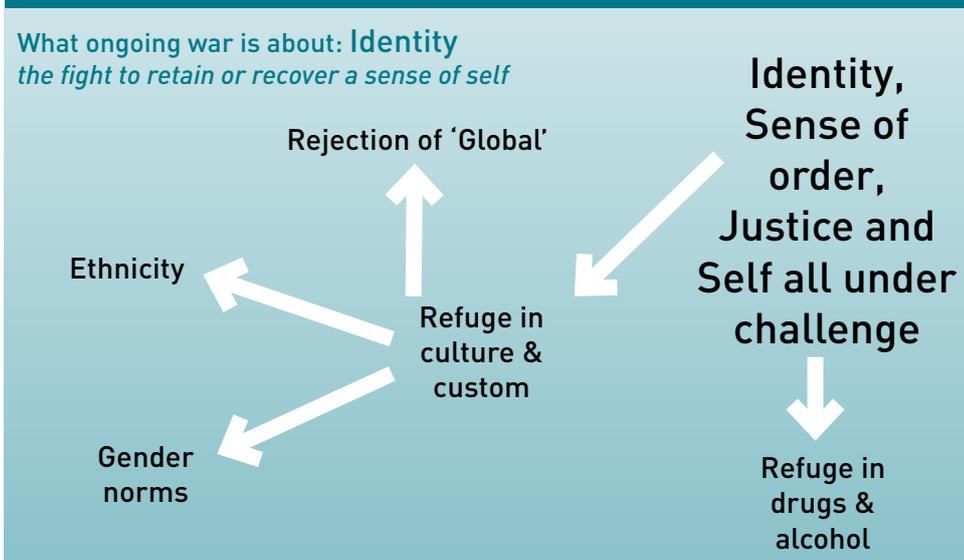
146 Butembo, woman key informant, 10th May 2010.



Barber shop in Kiwanja centre, Rutshuru territory

In a popular eating place in Kiwanja centre, a poster of Alicia Keys, one of the top-selling American musicians of her time, is placed alongside an exhortation to 'Stop Rape!' and the message that 'Every Woman is Worthy of Your Respect'. This too is evocative of the way in which new cultural models are juxtaposed in people's minds with both success and violence.

Figure 3: indicating the major identity factors in ongoing war in Eastern DRC



4. Societal responses to ongoing war

While the “authorisation” of sexual violence noted above is undoubtedly in part a response to acute poverty, this is only part of the picture. Sexual violence is also enabled and/or catalysed to a degree by existing social norms of gender, sex, sexuality and marriage, all of which can be read from responses to questions about what men and women were supposed to be like, as well as questions about how participants would respond to the rape of someone close to them, how marriage had changed, and how young people gained access to sex education.

4.1 Traditions of violence?

The question of how certain remembered traditions, even if not practised any longer, relate to current realities of sexual violence is a challenging one. In Lubero, for example, respondents described how, in the past, a rapist in the community would be considered a pariah and expelled from the community to fend for himself in the bush. Paradoxically, however, the pariah’s return to the communal fold was then dependent upon the rape of *another* woman from his own community: that done, the rapist could return but the woman he had raped in order to cleanse himself of his pariah status would in turn be obliged to leave the community – for good.

While the above example appeared to be specifically a Nande custom, another practice, that of marriage by force, was widely described. Viewed through the eyes of the 2006 law this definitely constitutes sexual violence, but previously was considered acceptable:

‘that [practice of sexual violence] in the old days was according to custom in that in the days of our grandparents some men married their wives by force and that was not seen as rape because it was said that the man who has taken his wife by force is giving proof of his authority, of his capacity as a man, is proving that he loves her, and at that point, according to custom, he was taxed a dowry of four or five goats’.¹⁴⁷

In such instances, what appears to have been important in the past was that – unlike rape as a weapon of war where the intention is to have a negative impact not just on the individual but on their social context – in marriage by force any potentially negative *social* impact of such violence was nullified by the active agreement of the families to “normalise” the situation through the dowry payment. The feelings of the woman targeted for forced marriage appear not to have been of any concern.

What is important about such historic patterns when analysing contemporary violence is the need to understand whether this disregard of the woman carries over into the modern day, and if so, to what extent. Even if the practices have changed somewhat, can echoes of the historical perspective still be traced in contemporary norms of gender, sex, sexuality and marriage?¹⁴⁸

4.2 Norms of sex and marriage

It is very difficult to discuss norms relating to sex without discussing norms relating to marriage. In this regard, the frequent mention of ‘early marriages’ (as opposed to marriage by force), which

¹⁴⁷ Kaniola, *Chef de Groupement*, 23rd June 2010.

¹⁴⁸ The Rejusco report (p.63) suggests that some level of violence in sexual relations is considered not only normal, but even desirable, since a woman who is a willing sexual partner may be described as not ‘honorable’.

now would be considered – in the eyes of the law – underage and therefore a form of sexual violence, is key. It is easy to forget that, traditionally, *early* marriages were generally also *arranged* marriages, and were in fact the norm. In Kinande, for example, the word *Mukulira*, describes

‘the young girl who has already been promised to a boy and who is taken to the boy’s family to be trained by her future mother-in-law, right up to the moment of marriage. This would take place following her first period, when she would be given to her fiancé to consummate the marriage. The girl would be aged 12-14, and the boy 14-15’.¹⁴⁹

The most striking example of arranged marriage, traditionally, was the practice of “marrying a pregnancy”; if a woman was pregnant, the parents of another family would negotiate a dowry payment for the as yet unborn child. In Kigurwe, women described how marriage used to be organised by the parents

‘even when the girl was still a foetus; the girl didn’t choose but the marriage was strong, whereas currently, with “democracy”, women move from one home to another without even returning the dowry that was paid’.¹⁵⁰

This idealised vision of arranged marriage as intrinsically beneficial was, however, disputed by youth in Kigurwe when they described how, before the war,

‘marriage was between families. The parents obliged the girl to marry a young man from a particular family. Some young people even started to immigrate to South Africa as a result of that [i.e. to avoid such arranged marriages]...’.¹⁵¹

Although the practice of arranged marriages is no longer prevalent, the influence of family expectations on the choice of marriage partner continues. It seems probable that, even as there is a gradual shift towards more Western notions of marriage between two consenting adults based on some kind of ideal of “love” between the two persons, there is also an important legacy carried over from the practice of arranged marriage. If marriage was traditionally understood as being between two families in which the personal wishes of the two persons concerned are either not the issue at all or are far less of a priority than the social and economic merits of linking two families, this is likely to still impact on individual expectations of the emotional and relational content and expectations of marriage.

Understandings and expectations of the nature of sexual relations between men and women were not directly explored in the FGDs, but some clues nonetheless emerged in the course of discussions. Sex was generally seen as something both men and women should be able to expect but the nature of that sex was not specified or qualified. In the women’s FGD in Kigurwe, for example, participants were presented with a scenario in which a man had been raped and was subsequently unable to have sexual relations with his wife. Asked how they would respond if they were the wife, their answers included, ‘I would look for someone else to have sex with in secret, but after getting sterilised’, ‘I would have myself sterilised’ (again so that she could have sex outside the marriage without falling pregnant), ‘I would leave him in order to re-marry’. They observed that ‘it is difficult for a woman to go without sex; the man would have to get himself some treatment’.¹⁵²

Where sex is thus imagined and discursively framed more in terms of conjugal rights and duties than in terms of mutual attraction and satisfaction and where that emotional distancing goes hand-in-hand with discourses about women being there to help men meet their needs, again it

149 Kinyandonyi women’s FGD, 26th May 2010.

150 Kigurwe women’s FGD, 1st July 2010.

151 Kigurwe youth FGD, 2nd July 2010.

152 Kigurwe women’s FGD, 1st July 2010.

seems probable that the psychological barriers to taking a woman regardless of her wishes are lowered, and that a greater space for sexual violence is thereby created.

4.3 Norms of (hetero) sexuality

When coming to norms of sexuality, there are three dominant features. The first, whose inspiration is certainly in part a Christian one, is a norm of heterosexuality which casts any non-heterosexual sex into the realm of the “unnatural”. Linked to this is the idea that any non-heterosexual sex is something only done by foreigners. Notwithstanding the claim of homosexuality as a foreign practice, there is evidence of homosexual activity having been acknowledged in traditional society, though in terms of very particular and unequal male-male power and economic relations, as in the case of *ntazi*, a Shi term used to denote the young men that (in tradition) a chief or king might use for sexual purposes.¹⁵³ The practice of commanders using young men in this kind of fashion was regarded as a contemporary expression of such relations. A further explanation or interpretation of non-heterosexual sex is that it is used as a form of magic (*fétiche*) in order to attract good luck, wealth or other benefits. Homosexual intercourse is thus understood to be motivated by the same forces as are believed to drive sex with a minor: asked why a man of 40 would rape a girl of 10, one doctor argued:

‘in my view he’s not looking for pleasure because you find that this man of 40 is married and he knows many places where he can find prostitutes and so I tend to agree with those who think that it’s about witchcraft and practices linked with magic and satanic powers’.¹⁵⁴

Those who initiate homosexual activity are thus believed to be people who already have some power and need to sustain it. Any young men who consent to it are believed to do so purely for economic reasons. In short, the possibility of consensual same sex relations between two persons of a similar socio-economic (or military) status is neither conceived nor entertained.¹⁵⁵

4.4 Norms of marriage

Given the array of gender, sex and sexuality norms described, the norm of marriage remains of primary importance. There are shifts away from arranged marriage to more Western models of an agreement in which the two individuals concerned have some say and degree of control. Nevertheless, marriage continues to serve the broader social functions of enabling access to social adulthood and recognition, as the married person is automatically assumed to be responsible – despite the increasing numbers of men and women who in reality fail to meet the grade. It can also plausibly be a convenient cover for a range of other possibly at times more meaningful emotional and sexual involvements, all of which largely remain invisible – or certainly are discounted and therefore less threatening to the individual’s *social* wellbeing – by virtue of that person’s status as a married person.¹⁵⁶

Yet marriage has become more difficult than in the past. For men, the bride-wealth payments have in some cases changed or been monetised, and the capacity to provide some of the basic pre-requisites of a stable home (land and shelter) have become more difficult both as a result of reduced availability of land, the increased cost of land and reduced income due to unemployment, as well

153 It is interesting to note that in the late 1885, the king of the Baganda, in what is now Uganda, put to death more than forty young men who, having been converted to Christianity, refused his sexual advances. They became known as the Ugandan Christian martyrs.

154 Walungu key informant, 22nd June 2010.

155 It is noteworthy that when same sex activity was mentioned at all, it was only between men. A participant in the Kaniola youth group was the only one to bring up the example of a young woman s described as facing difficulties because she had sought to marry her girlfriend, an indication that while same sex attraction between women surely exists, it is even more fully hidden from view than that between men.

156 These range from the recognised practice of having a mistress or ‘*deuxième bureau*’ (second office) to very hidden same sex relations.

as looting. In some places the cattle that formed the basis of bride-wealth have all gone,¹⁵⁷ while in others, such as Kigurwe, cash crops are not being produced: 'Nowadays the parents are incapable of paying bride-price because there is no more cotton production'.¹⁵⁸ One respondent described how, as a result of such dynamics, 'the young men who are poor take wives without paying dowry. Others, because they lack money, entrust themselves to economically powerful women and become their husbands'.¹⁵⁹ The Administrator of Walungu talked of the challenges of marriage for the poor, 'because here for the Shi, you need cows to marry, so if you are poor, what are you going to do?'¹⁶⁰

For women, setting 18 as the age for lawful sexual relations and marriage has narrowed the window of opportunity considerably. Given that "traditionally" women were regarded as marriageable shortly after onset of puberty and given that at the height of war young people established "marriages" at an early age, the fact that women who had not married by the age of 20 were considered "old maids" was not a major issue. Now, however, while the age of legal marriage has gone up, the age at which a woman is considered an "old maid" whose chances of a successful marriage decrease dramatically with each passing year, has not. With the exception of young women who are able to pursue their studies further than was traditionally the case, the age by which a young woman is expected to be married still hovers around twenty. Coupled with a demographic disequilibrium that reduces the availability of men relative to women, the window of opportunity has become very small indeed.

4.5 Stigmatisation of survivors: '*If someone lives without honour she/he dies on a daily basis*'

It is not easy to assess the extent to which stigmatisation of survivors of sexual violence encourages the silencing of the violence and thus the impunity of the perpetrators contributing to the continuation of sexual violence. Interventions to raise awareness of the medical imperatives attendant to rape and to reduce the stigma attached to survivors of sexual violence are having some impact and visibly influenced the way in which people answered questions about how they thought they should respond to someone else being raped. Most focus group participants were very aware, for example, that survivors should be given post-exposure prophylaxis within 72 hours, that if a partner had been raped while in captivity she or he should be tested for HIV before resuming marital relations, and that the survivor ought not to be stigmatised.

Even when participants were presented with hypothetical scenarios to discuss, it was difficult to read from their replies how the respondents would actually feel about knowing that a partner or immediate family member had been raped, and whether or not they would, in reality, stigmatise a known survivor of sexual violence. Presented with a hypothetical scenario in which their husband had been made into the *Ntazi* of a Rasta commander, women in Kaniola claimed that they would 'try to find out what had happened and how it had affected the husband', 'comfort him with kisses', 'take him as he was because he did not want it – whether he lost his masculine power or not'. They repeated that they would respond in this manner because 'a Shi woman is [supposed to be] submissive, patient and tolerant'.¹⁶¹

Responses to the question 'is it worse to be shot or to be raped?', however, suggest that there is a long way to go before stigma is truly overcome. Women in Kaniola said:

- 'It would be better to kill me than to rape me'.
- 'With rape, the person is already dead on the inside; it would be better to be killed with the Kalashnikov'.

¹⁵⁷ In Kaniola, for example, the *Chef de Groupement* claimed that 45,000 head of cattle had been raided.

¹⁵⁸ Kigurwe youth FGD, 2nd July 2010.

¹⁵⁹ Uvira, SOFAD, 28th June 2010.

¹⁶⁰ Walungu, 22nd June 2010.

¹⁶¹ Kaniola women's FGD, 24th June 2010.

- ‘The shame of rape is worse than dying; how will your children and your husband react?’
- ‘The sickness [AIDS arising out of rape] could kill me’.
- ‘Everyone is afraid when facing death and you can treat a raped woman psychologically – but some of them still go mad later on, that’s why it’s better to die’.¹⁶²

Although a few respondents argued that rape was preferable to being shot because the survivor could have recourse to medical treatment, the vast majority – along with the women of Kaniola – felt that it would be preferable to be shot and die rather than to have to live a slow death in which social ostracism would be aggravated by the likelihood of having been infected with HIV. One key informant noted that ‘what we have always said is that if someone lives without honour she or he dies on a daily basis’.¹⁶³

Opinions differed as to whether the shame of victims was greater for a man or for a woman. Related to norms of women being available for sex, as well as norms of heterosexuality, the rape of women – with the exception of Lubero, where it was felt that the rape of women was more shameful because the vagina was sacred whereas the anus was not – was widely seen as more “natural” and therefore somehow less of a problem than the rape of men. A member of the CTLVS in Kiwanja, for example, argued that

‘men are ashamed, they tell themselves that people are going to mock them, [ask] why they didn’t defend themselves, they feel more destabilised than the women’.¹⁶⁴

A psychologist working with survivors in Butembo similarly felt that

‘that act takes away all his power, all his respect. It is easy for a woman to identify herself as a survivor of sexual violence, but for a man it is not easy’.¹⁶⁵

One NGO worker argued that ‘here, when a man is raped, it is the death of the whole community, because the strength of the family is lost’.¹⁶⁶ The men of Kigurwe felt that rape of men was worse, that it was like trying to get water to flow upwards,¹⁶⁷ and the youth of Kinyandonyi argued that the shame of rape was worse for men ‘because biologically there is no orifice which was created for that purpose’.¹⁶⁸ One man argued that ‘when it’s a man, people see that it’s serious, when it’s a woman, they’re a bit negligent...’.¹⁶⁹

Even if rape of women is seen as “kind of usual” and more “natural” than rape of men, the “normalisation” of sexual violence should not be taken to mean that survivors are no longer stigmatised: the stigma remains serious, though teachings on marriage by the Christian churches have in some cases attenuated this; in response to a question about how he would react if his wife were raped, one respondent answered that

‘we are called, if we are Christians, we must understand that nothing other than death can separate us from our wives, and whatever happens to her, it is as though she had fallen sick, it is not a reason for a husband to leave her’.¹⁷⁰

162 Kaniola women’s FGD, 24th June 2010.

163 Walungu, *Comité local de développement*, 23rd June 2010.

164 CTLVS Kiwanja, 24th May 2010.

165 ADDF, Butembo, April 2010.

166 Uvira, FADI, 28th June 2010.

167 Kigurwe men’s FGD, 29th June 2010.

168 Kinyandonyi youth FGD, 27th May 2010.

169 Kinyandonyi key informant, 27th May 2010.

170 Walungu, *Comité local de développement*, 23rd June 2010.

Notwithstanding such Christian teachings on marriage and NGO teachings on “gender”, there is little incentive for a younger man to stay with a raped woman – especially if she has been infected with HIV. The demographic disequilibrium between men and women, compounded by the fact that women who remain unmarried, even if they have not been raped, also risk being stigmatised, makes it easy for a young man to find another wife. At the same time, the same demographic disequilibrium was seen by the women in Kinyandonyi as a factor in changing gender relations, in particular the abandonment of fidelity and submission by women; ‘there are less men than women. So there are some women who want to take men who don’t belong to them’.¹⁷¹

4.6 Sex education – ‘L’éducation diffuse’

The nexus between norms of sex, sexuality and marriage, which on the one hand has elements promoting sex and on the other those constraining it, is further complicated by the question of sex education and the taboos on discussing sex outside very particular frameworks. When asked ‘who provides sex education?’ the responses suggested that there is very little by way of sex education in any of the communities visited. Traditionally it was the role of senior family members (aunts, uncles, grand-parents) to provide sex education to their nephews, nieces and grandchildren. This practice has largely died out, or at least is less structured than in the past. In part this reflects the strain put on extended family structures by patterns of displacement which leave fewer senior family members available. The problem for parents is that,

‘you know, for a Shi child to approach his father or mother directly to talk about sexuality is not easy; if women themselves don’t have the courage to tell their husbands when they feel like making love – it’s always the husband who initiates sex – then how are they going to teach their daughters? Equally the fathers don’t do it for their sons’.¹⁷²

The women in Kigurwe explained that even the eldest amongst them had not experienced *Kuluza*, the traditional system of sex education.¹⁷³ On the other hand, it was felt that conditions of displacement, in which children often ended up sharing one room with their parents and thus might be exposed to their parents’ sexual activity, ‘contributed to making sexual relations banal, because parents were doing it in full view of the children’.¹⁷⁴

Although in some schools a minimum of sex education is apparently provided as part of ‘life education’, this is not common and is largely irrelevant to the significant numbers of adolescents who are out of school.

The church plays an ambiguous role in sex education. Although it provides pre-marriage guidance – and in some places (such as Walungu) will not marry people who have not first undergone HIV testing – it is resolutely silent on sex and sexuality outside that framework, despite the fact that a large proportion of all sexual interactions, both consensual and non-consensual, are taking place outside marriage. As one activist pointed out:

‘when it comes to using local community radio stations there is an obstacle, because when you want to raise awareness you have to see the head of the radio station since these are religious radios, Christian, so, well... in the Church, sex is a taboo subject, even though it’s not exactly something surreal, it’s a reality which needs to be tackled’.¹⁷⁵

171 Kinyandonyi women’s FGD, 26th May 2010.

172 Walungu, CTLVS, 23rd June 2010.

173 Kaniola women’s FGD, 24th June 2010.

174 Kinyandonyi men’s FGD, 25th May 2010.

175 Female NGO key informant, Butembo, 10th May 2010.

Another described how the churches act

‘like the customary authorities. Here those who are known as Protestants are people who can barely read and write, they haven’t gone to school, all they can do is coordinate the activities of the church. The churches have contributed to increasing the cases of sexual violence’.

Q: ‘Could you explain why the churches have contributed to increasing cases of sexual violence?’

A: ‘As a result of the beliefs that flow from the interpretation of biblical passages. For example, ‘let the woman be quiet, let her be submissive to her husband...’. ‘There are men who take advantage of such things’.¹⁷⁶

It became apparent that the churches play a dual and simultaneous role of regulator of sexuality and perpetrator of sexual abuses:

Q: ‘You have said that the church leaders are themselves also raping, so how are they going to provide sensitisation?’

A: ‘... they can do sensitisation because the fact that they themselves may be bad shouldn’t mean that they can’t educate others to be good. There is an adage which says you should listen to what I say and not follow what I do’.¹⁷⁷

The youth in Kinyandonyi were quick to point out that ‘while the church prepares people for marriage, the youth who are not going for a religious wedding don’t have anywhere to refer to for sex education’. When asked if this was something they would be interested in getting, the response was resoundingly affirmative. They added that were interested in discussing issues such as ‘what is the problem with sex before marriage?’, ‘how do you protect yourself when necessary, and particularly when you are forced to have sex?’, and ‘where does the sperm come from?’ ‘Does the woman ejaculate too? How does the women’s cycle function?’¹⁷⁸

NGOs talk about gender, as well as sexual violence, but not about consensual sex. Health centres which boast PEP kits but have no condoms¹⁷⁹ are symbolic of this vacuum. NGOs also do nothing to contribute to a more open consideration of sexual violence against men, or of women as perpetrators. Of the numerous wall paintings (notably in Goma and Kiwanja) depicting perpetrators of sexual violence being arrested and thrown into prison, not a single one shows a male victim, an act of male-on-male sexual violence, or a female perpetrator.

Given the limited sex education offered by families, schools and churches, it necessarily comes from a range of non-official sources: children are believed to learn about sex through what is described as ‘l’éducation diffuse’, which essentially boils down to picking up information from discussions with peers, as well as through visits to town and watching pornographic video clips. The latter are watched in video halls but also disseminated through mobile phones. The women in Kigurwe felt that ‘the children are more savvy than us, they can even give us information’, and that, when it came to films, ‘what the children see they want to put into practice’.¹⁸⁰ In Kinyandonyi, women believed that boys were learning about sex through NGO sensitisations on the rape of women.¹⁸¹

176 CTLVS Kiwanja, 24th May 2010.

177 Walungu, key informant, 25th June 2010.

178 Kinyandonyi youth FGD, 27th May 2010.

179 Rural Development Officer, Lubero.

180 Kaniola women’s FGD, 24th June 2010.

181 Kinyandonyi, women’s FGD, 26th May 2010.

To try and understand what kind of sex young people were learning through video films, the team sent a local friend to Sange market, specifically to see what kind of film he could purchase. He returned with a mobile phone memory card which had two short pornographic clips on it. One featured a woman providing oral sex to two men and the other featured a woman being penetrated from behind. When we asked the youth group in Kigurwe what they thought of such sexual acts, they reacted by stating that such acts were the domain of white people and prostitutes and that they themselves would not engage in such acts.

When asked how they knew that such acts were not for them (as stated above, all the FGDs claimed that traditional mechanisms of passing on knowledge about sex through senior family members had fallen into disuse), they reported that they had after all learned something from their elders. One respondent remembered that 'my parents liked to say that a girl who took a man who did not belong to her, that man would burn her and she could die. And the same was told to the boys'.¹⁸²

Overall, a restricted discussion about sex and sexuality also results in dangerous levels of ignorance, and these in turn are at times causally linked to sexual violence. There are men who believe that by sleeping with a virgin they can be cured of HIV, and there are others

'who believe that they can regain their youth if they sleep with a young girl. So, these little questions show you the kind of false information which is spread around and which in some cases can push some men to rape'.¹⁸³

Ignorance also means that responses to sexual violence are ill informed. Concerning the rape of men, the coordinator of the Rutshuru CTLVS pointed out, 'the men think that their (medical) condition is less serious because it was done anally. We have to sensitise them that it is worse than the normal way'.¹⁸⁴ Linked to this, the lack of discussion about sexuality in general, and non-heterosexual sexualities in particular, also means that rape of men is seen as coterminous with homosexuality of perpetrator and victim alike, and its non-consensual nature is not discussed.

4.7 Dehumanisation of perpetrators

Respondents found it difficult to identify motives behind sexual violence and they put forward a wide range of opinions. The view that rape is primarily about demonstrating power and domination, and that it has the humiliation of men and women as well as destruction of communities as its key purposes, is frequently echoed in the responses about what motivates sexual violence. It is a view that fits comfortably within a context in which the non-reproductive dimensions of sex and sexuality do not get much of an airing and in which even non-violent sex is framed primarily in instrumental terms, as a vehicle for power and humiliation, as well as money. Certainly, the victims' experience is one of disempowerment and humiliation. For perpetrators pursuing psychological warfare, humiliation is obviously a desirable outcome of the instrumental use of sexual violence.

However, it is less evident to what extent this explanation suffices for ongoing sexual violence in a situation where lines of command are very diffuse. There is little understanding of what directs the perpetrator himself (let alone herself, such is the astonishment that a woman could even be a perpetrator when the essence of woman is to be submissive), or what s/he is thinking or feeling at the time the violations are committed.

¹⁸² Male CBO key informant, Kinyandonyi, 27th May 2010.

¹⁸³ Walungu doctor key informant, 22nd June 2010.

¹⁸⁴ This finding corroborates those of a discussion with women refugees in Kampala held in 2009. The women also indicated that some of their husbands were demanding anal sex in the mistaken belief that it carried no risk of HIV transmission.

Theories ranged widely. One explanation given by some observers, and apparently by some perpetrators themselves, is that rape is simply an expression of pent-up sexual need. Others see it as an expression of trauma:

‘Following the war there is a social crisis. People are traumatised. A traumatised man is capable of anything, he is not normal. He can also imitate what the soldiers were doing and show his virility. Through rape he wants to destroy another man’s home’.¹⁸⁵

A woman counsellor described how ‘the victims say that the men just want to destroy them, that everything done against them is to bring them down’.¹⁸⁶

For some, different motives are ascribed to different categories of perpetrators. An administrator for example described ‘foreign armed groups’ as using terror as a tactic, while he considered that the national army was motivated by bitterness ‘because they can no longer find a way forward’.¹⁸⁷ At the same time, he saw local ex-combatants being motivated by frustration:

‘the malcontents, those who are embittered, the demobilised who were enrolled and to whom too many promises were made, and who now see that those who enrolled them have been given high-up positions while they have lost their futures... they are a time-bomb for the community...’

A quotation from Walungu bears repeating here:

‘we have observed how even the civilians have imitated – even the young people who are *désespérés* (feel hopeless) have imitated – that phenomenon of sexual violence to the point where the women become like a target... Each time that the men have lost interest in society they form a separate group and one of the first things they do is to rape the women and the girls’.¹⁸⁸

The choice of the word ‘*désespéré*’ (feeling hopeless) and the phrase ‘men [who] have lost interest in society’ are suggestive of a very particular frame of mind arising from the broader context.

Often it is clear that respondents are baffled. Asked what he thought motivated men to rape, one local government official responded,

‘often you will find that it is a man who perhaps already has two wives, but he rapes a third. We think that it is because of impunity that this continues. One can say that it is for reasons of pleasure only’.¹⁸⁹

Men from Kigurwe explained rape by civilians as being motivated by the search for sexual pleasure by men who were incapable of actually saying this.¹⁹⁰ Others thought ex-combatants had become used to having a woman in every military operation and were carrying this expectation into their civilian life.

The pleasure argument, however, is weak when it comes to explaining the use of objects to rape. As one doctor argued, it is the failure to get sexually aroused which may explain the recourse to other instruments such as sticks, bottles and bayonets. It remains difficult to say with any conviction what motivates perpetrators, or to understand the erotics of violent sex.

185 ADDF, Butembo, April 2010.

186 Kiwanja, key informant, 24th May 2010.

187 Walungu, 22nd June 2010.

188 Walungu, *Président du Comité local de développement*, 23rd June 2010.

189 Kinyandonyi, key informant, 25th May 2010.

190 Kigurwe men’s FGD, 29th June 2010.

It is interesting to note that one of the reasons why women rape victims are stigmatised is that they are suspected of having initiated the sex, and thereby considered as not conforming to respectable norms – just as a male victim is stigmatised because he is suspected of having “wanted it” and therefore becomes suspect as a possible homosexual. These question marks over the victim’s involvement in/relationship to the sexual violence can also be seen as an extension of the lack of understanding of what drives the perpetrators. It is also an example of a phenomenon sometimes described as ‘just world thinking’, in which the observer is so discomfited by what they see (in this case the violence against the victim) that they refuse to acknowledge it and impose an interpretation which is more consonant with their belief system (in this situation, that the apparent perpetrators would not wish to harm in this way, and that the victims should be able to defend themselves).

In the absence of plausible explanations of what is driving the perpetrator of sexual violence, people resort to explanations such as ‘the Devil pushes them’, or resort to blaming films for having taught people abusive practices.¹⁹¹ Overall, such explanations fail to recognise the capacity for violence as a fundamentally human capacity and thereby also lead to the dehumanisation of the perpetrators.

191 Kigurwe men’s FGD, 29th June 2010.

5. Operating in the twilight zone

5.1 Problems of targeting in a statistical vacuum

When considering respondents' comments on NGOs' activities, together with their replies to questions about how they should – in principle at least – respond if someone has been a victim of rape, it seems clear that NGOs have been strong on raising awareness about stigma, women's rights, definitions of rape and the basic parameters of the law. However, it is also evident that NGOs are operating in something of a statistical and conceptual vacuum.

Existing statistics are weak in two key regards. Firstly, the overall numbers are very questionable as they reflect a complex mixture of under- and over-reporting, the major reasons for which are as follows:

- *Under-reporting* by women because of the stigma attached to being seen as a victim of rape, and the likelihood that it will ruin their chances of marriage if they are still single.¹⁹² Given that marriage is the norm for everybody, this is key. Many married women survivors also remain silent because they fear their husband will abandon them should he find out.
- *Under-reporting* by men because the stigma is possibly even greater than for women, and they are likely to be doubly stigmatised both by the fact of having been raped despite the fact that gender norms propose that men are not vulnerable in this manner, and by the fact that, such is the silence and resultant confusion around sexuality, that even if they are a victim of rape by another man they are likely to be considered as a homosexual.
- *Under-reporting* by men because the vast majority of interventions around SGBV are structured in terms of women and children as the only victims, making it difficult for men to access the services, either because they do not see themselves as eligible, or because specific access mechanisms for them are not in place.
- *Under-reporting* by men who have been raped by women, as there is a risk that the woman will reverse the accusation.¹⁹³
- *Under-reporting* by victims in more remote areas caused by the simple logistics of getting to a place where the case can be recorded.
- *Under-reporting* by victims fearing reprisals from perpetrators who they fear will be able to corrupt any attempts to take them to court.
- *Over-reporting* of those survivors who do present to service providers, as they will often move from one provider to another, and each provider records her or him as a new case.¹⁹⁴ There is no systematic mechanism for establishing whether someone has already been recorded by another institution.
- *Over-reporting* as a result of false claims made by people trying to use accusations as a way of leveraging financial benefit from the accused.

192 Walungu key informant, 22nd June 2010.

193 This explanation was given by participants in the Kigurwe men's FGD, 29th June 2010.

194 Walungu doctor, 22nd June 2010.

- *Late reporting of cases* where a survivor presents her/himself to a service provider and is recorded as a new case, though in fact the incident may have happened months or years earlier. Effective awareness-raising is likely to cause this phenomenon, particularly if linked with an offer of medical or psychosocial assistance to victims who previously have not presented themselves. An increase in cases recorded may thus reflect a rise in reporting rather than a rise in new incidents.

Overall, though, it seems likely that the factors tending to favour *under*-reporting – particularly by men – are likely to outweigh those resulting in over-reporting.

Even where reporting does occur, the resultant statistics are highly problematic. Following the implementation of the DRC Government-led National Strategy,¹⁹⁵ the SGBV clusters at national and provincial levels¹⁹⁶ have adopted their own set of indicators based on a range of reporting forms for psycho-social, medical and legal aspects of SGBV created by the United Nations Population Fund (UNFPA) under previous coordination arrangements.¹⁹⁷ However, the use of these forms varies considerably in practice.¹⁹⁸ Some implementing partners interpret a “new” incident as one in which an attack took place that week and the victim received services while, for others, a “new” incident would be one that took place that month.¹⁹⁹ Others record all cases where the victim is already in the system as “old”, even if the incident itself had not previously been reported.²⁰⁰ Some local NGOs, having created detailed systems for recording SGBV incidents, reported that international actors ignored their data when collating global figures.²⁰¹

These data problems are compounded by inadequate coordination among actors. For example, an UNOCHA official reported that in drawing up the Humanitarian Action Plan for Eastern DRC, only UNICEF and UNOCHA contributed data to enable future planning, despite the Plan being intended both to reflect the experience of all relevant humanitarian actors and to set the agenda for their future work. UNFPA is now responsible for collecting and representing data, but the data itself comes from a wide range of local partners.²⁰² This means that at times the UNFPA may be basing its analysis on 200 reports, and at other times on 400.²⁰³ The tendency of some major actors to only occasionally provide their data was also blamed for confusing the resulting information.

While some organisations emphasised that these programmes were open to all, most reported that they had no programmes designed specifically to address the impact of SGBV on men.²⁰⁴ Where such projects exist, they are generally aimed at encouraging men to take leadership on SGBV issues and at training male activists.²⁰⁵

It was difficult to discover to what extent SGBV incidents involve male survivors or what form such violence might take in the context of ongoing conflict. Some suggested that reports of male

195 République Démocratique du Congo, Ministère du Genre, de la Famille et de l'Enfant (2009). *Stratégie Nationale de Lutte Contre Les Violences Basées sur le Genre (SNVBG)* [National strategy to fight against gender-based violence], Kinshasa.

196 The system is complex, but the relevant agencies and clusters are UNCHR (Protection); UNICEF (Multi-Sectoral Assistance); UNFPA (Data and Mapping); OHCHR (Anti-Impunity) and MONUC (Security Sector Reform) at the National Level and UNFPA (Data and Mapping); OHCHR (Anti-Impunity); UNICEF (Multi-Sectoral Assistance) and UNHCR (Protection) at the Provincial Level. All are ultimately subordinate to the *Equipe Technique Violences Sexuelles*, incorporating several Ministries of the DRC Government, and also to the STAREC Committee (Stabilisation and reconstruction programme for former armed conflict zones) and the Administrative Council of the Stabilisation Fund.

197 Interview with UNFPA official, Goma, May 2010.

198 Ibid.

199 Interview with UNICEF official, Goma, May 2010.

200 Interview with Alpha Ujuvi representative, Goma, May 2010.

201 Interview with Adèle Safi Kagarabi, COFAS/CPLVS, Bukavu, June 2010.

202 Interview with UNOCHA, UNFPA, Goma, May 2010.

203 Interview with UN official, Goma, May 2010.

204 None of the organisations interviewed reported running any programmes dealing specifically with men either as survivors or as perpetrators.

205 Interview with Christine Deschryver, Bukavu, May 2010. See <http://drc.vday.org/> for details on the 'City of Joy'.

rape and male survivors were increasing,²⁰⁶ and that male survivors may have accounted for as many as 9 percent of registered SGBV cases reported by UNFPA in 2009.²⁰⁷ UNFPA itself stated that the number of men accessing SGBV-related services was very small – only 10 men did so in the Kivus in 2007, rising to 124 in 2008 and 178 in 2009. This compared to 12,755 women accessing services in 2008 and 15,108 in 2009.²⁰⁸ Others reported that they had never encountered male victims of SGBV in any of their programmes²⁰⁹ or reported proportions below 3 percent.²¹⁰

Respondents from organisations involved in providing medical care tended to have a firmer grasp of the incidence of SGBV among men and a greater understanding of the ways in which men were victims of SGBV. Several agencies reported that male victims were more reluctant in coming forward than female victims and often only presented for medical treatment when they feared that they might have contracted HIV or other sexually-transmitted diseases.²¹¹ It was agreed by all respondents that male survivors were an under-addressed aspect of existing programmes and that more work should be done on this issue. Most cited lack of funding or access difficulties as the primary reasons for why such interventions have not yet taken place. There was also criticism of existing gender sensitisation programmes and the simplistic approach of some NGOs: ‘It’s hard to tell someone who is fighting the FDLR to quit their job for a week of gender training’.²¹²

5.2 Lack of understanding of who the perpetrators are and what drives them

As well as providing a very poor picture of who the victims are, the statistics are very weak when it comes to accurately identifying the perpetrators. This is an inevitable symptom of a number of factors:

- In a context of multiple armed groups, their uniforms – if they are wearing them – are likely to all look the same, particularly under cover of darkness.
- The language spoken can at times provide an indication of where the perpetrator comes from, but only broadly.
- The distinction between military and civilian is very blurred. In addition to those who have been formally demobilised, many more have either deserted or chosen auto-reintegration. Furthermore, guns have at times been obtained from military groups, especially by disaffected youth, and there are also instances of disaffected local people at collaborating with foreign armed groups.

The difficulties of survivors providing an accurate picture of the perpetrator and the correspondingly weak statistics on perpetrators make it difficult to have confidence about ostensible shifts in the patterns of sexual violence, particularly the claimed shift from military to civilian perpetrators.

While the lack of clarity on absolute numbers poses problems in terms of determining the real scale of need, even if only for interventions to help survivors, the lack of clarity on the perpetrators is problematic for those seeking to intervene to address the causes of sexual violence. Furthermore, the lack of understanding of what is going on psychologically for the individual perpetrator (as opposed to the “rational choice” by military commanders of sexual violence as a weapon of war),

206 IRC, COOPI, Goma May 2010.

207 Alpha Ujuvi, Goma May 2010.

208 Figures provided by UNFPA official, Goma May 2010.

209 Save the Children, Goma May 2010.

210 Interview with Joseph Ciza, Heal Africa, Goma May 2010.

211 MONUC Anti-Impunity and Human Rights official, Goma May 2010; Adèle Safi Kagarabi, COFAS/CPLVS, Bukavu June 2010; *Femme Plus*, Goma May 2010; UNOCHA official, Goma May 2010.

212 EU official, Goma May 2010.

makes preventive work extremely difficult and effective interventions with possible or actual perpetrators virtually impossible.

Intervener agencies have varying attitudes towards explanations that posit rape as a weapon of war. For some, both 'weapon of war' and 'rape capital of the world' were too strong to describe the varied context of Eastern DRC. Instead, rape could be seen as 'a weapon of power...a way to terrorise civilian populations' or 'a weapon of control – a way to stop people accessing their fields, of stopping people from giving information to the FLDR'.²¹³ Alternatively, it was argued that conflict had created a tendency within communities to make a fetish around the violation of vulnerable women.²¹⁴

Others felt that 'weapon of war' was the perfect description of what was occurring,²¹⁵ and in particular that it has a specific economic cause linked to an interpretation of "the war" in the DRC as being essentially an economic war. For many local NGOs and some international observers, SGBV could be firmly linked to the arrival of Rwandan troops in the DRC following the 1994 genocide, beginning a process which spread extreme SGBV to a degree that had not previously been known.²¹⁶ But for those working with troops from the FARDC the link with war was much less forceful and more related to the suffering of soldiers themselves, whether because of an absence of training, significant gaps in pay, or weak leadership: the guys say 'I haven't been paid, I'm here six months, I'm hungry, I tell you, the first girl I see, I'll rape her'.²¹⁷

Despite or perhaps because of this range of interpretations, most stressed that their organisations lacked any particular view on causes or patterns of SGBV. As one respondent suggested, many were caught in a particular mode of thinking: 'do we all know what we mean by SGBV? I don't think that we do... [but] we still want to conceptualise it as a weapon of war, and [to believe that] if the bad guys go away, so will rape'.²¹⁸

5.3 Lack of legitimacy

The way in which the "other" is seen as a threat to a sense of self and identity and the extent to which the global "other" is opposed to the supposedly beneficial workings of culture and custom, is discussed in section III above. Although in all the FGDs there is recognition of the important role that civil society and international actors, particularly NGOs, are playing in dealing with the immediate symptoms of sexual violence, underlying this there is considerably more ambiguity about where these actors sit in the legitimacy-legality opposition. Those trying to provide education on gender matters are vulnerable to attack when held up against existing norms, as demonstrated by the following statement:

'there have been failures in the "gender" approach quite simply because the leaders of gender were sometimes divorced women or women living alone and so they have nothing useful to say to self-respecting married women in their homes'.²¹⁹

Even when they are promoting legality, as in work to popularise the provisions of the 2006 law on sexual violence, do they do this in a manner which is perceived as legitimate?

213 MONUC Anti-Impunity and Human Rights official, Goma, May 2010.

214 Adèle Safi Kagarabi, COFAS/CPLVS, Bukavu, June 2010.

215 Alpha Ujuvi, Goma, May 2010.

216 This view was held by *Femme Plus*, as well as by an official responsible for DDR with MONUC who had been present in Rwanda at the time of the genocide. Goma, May 2010.

217 EU official. A MONUC official also stressed the role of frustration in the FARDC: '150,000 soldiers. What do you do? You can't all fight the war, you can't all be fed'. Goma, May 2010.

218 Official from an international humanitarian agency, Goma, May 2010.

219 Butembo, key informant, 17th May 2010.

This question was vividly brought into focus by numerous discussions about the use of huge signs and wall paintings to instruct the local population. These were generally seen not just as culturally inappropriate, but many respondents argued that, given that the signs were often imposed into a context in which a significant proportion of the population are illiterate, they were as likely to become part of sex education (*l'éducation diffuse*), and thereby to normalise extreme violence in sexual relations, as they were to instruct observers in the finer points of the law.



Poster exhorting the population: 'Let's take up the struggle against sexual violence', photographed on the road between Rutshuru and Kinyandonyi.²²⁰

In short, civil society actors working on gender issues, particularly international NGOs, have some way to go before they can be sure that the population regards them as having legitimacy, not just legality.

5.4 The 'Territorial Commissions for the Fight against Sexual Violence'

A structure which may have potential for overcoming some of these disadvantages is the network of provincial and territorial commissions. Provincial commissions exist in North and South Kivu, overseen by the Planning, Gender, the Family and Children, Social Affairs, Health and Justice Ministries. Territorial commissions are subdivisions of these following the division of provinces into territories and represent an attempt at decentralisation in order to ensure proximity to communities and survivors. Within both provincial and territorial commissions there are five thematic commissions: psycho-social support, legal support, health, economic support and data mapping. The chairs of the thematic commissions form the core of the territorial and provincial commissions and come together to make decisions. The provincial commissions are charged with the responsibility of mobilising resources for the work of the structure as a whole. Members of the commissions at all levels include both state bodies and non-governmental entities.

²²⁰ It is interesting to note that in this image, as in the majority of others, the perpetrator is represented as a civilian, despite the fact that the majority of victims describe their aggressors as military, even if they are unable to identify from which group. It is not difficult to see how, for an illiterate observer, this image could be taken as a depiction of group sex, rather than sexual violence.

6. Discussion and conclusions

This report started out by posing four questions:

Firstly, why do levels of sexual violence remain high even when the war is ostensibly over? If sexual violence was being deliberately deployed as part of a broader military strategy, should it not come to an end together with the end of the war?

Secondly, has the 'rape as a weapon of war' argument been over-stated? With the benefit of hindsight, was this model not an oversimplification of what was going on?

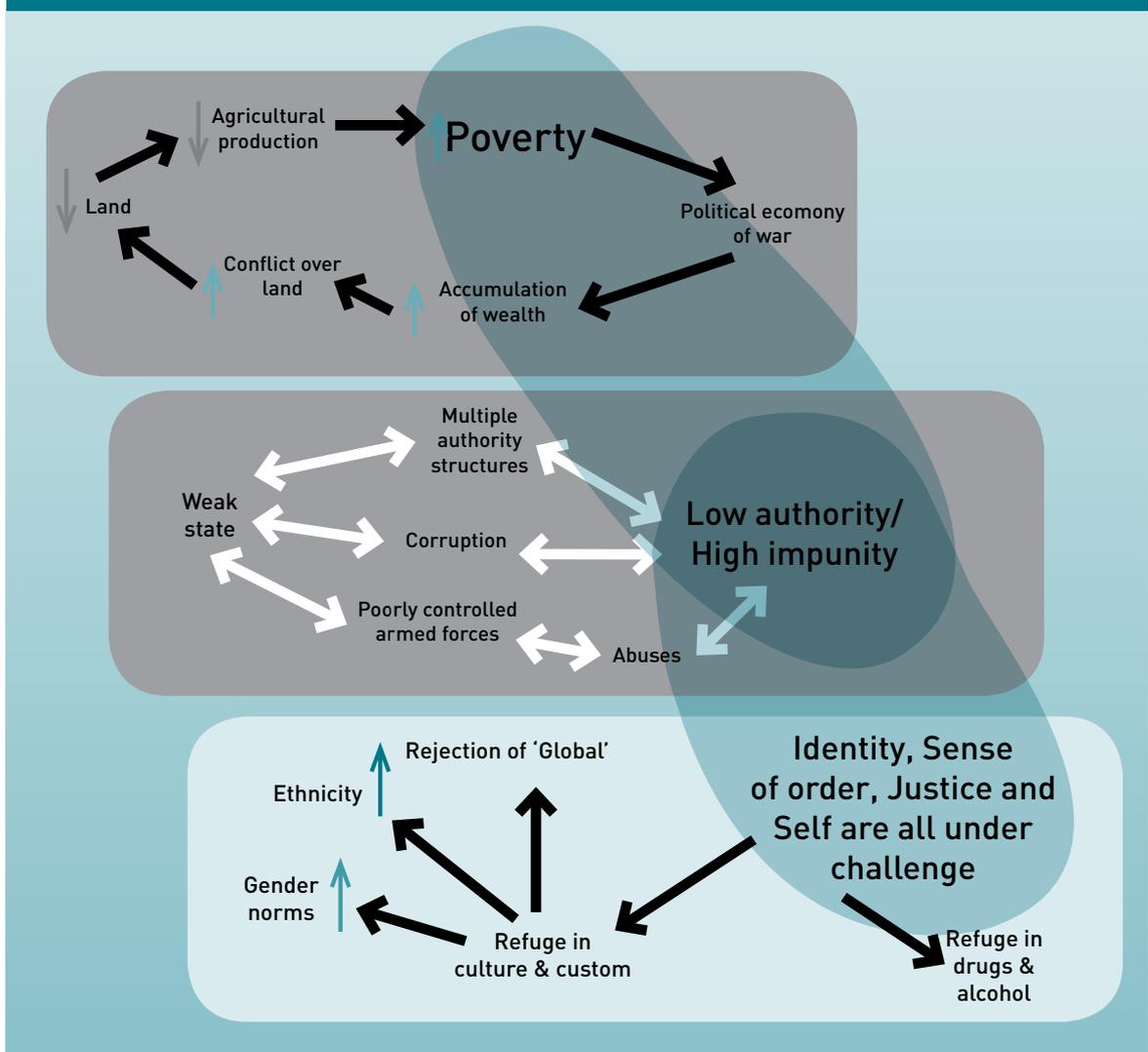
Thirdly, and related to the second question, was the 'rape as a weapon of war' argument blinding us to other factors underpinning sexual violence in these conflict contexts? For example, could it be that certain "cultural" or indeed political specificities in the region provided alternative or additional explanations?

Fourthly, could it be that the 'weapon of war' argument retains its validity and that what are mistaken are official framings of when a situation does or does not constitute a 'war'?

The response to these questions suggested by the evidence is that the answer is intimately bound up in an understanding of what is "war" and what is "the war" in Eastern DRC. Therefore before coming back to these questions we must first explore the nature of "war" and "the war" and the place of sexual violence within the complex nexus of factors that perpetuate the current state of heightened insecurity that many people describe as war.

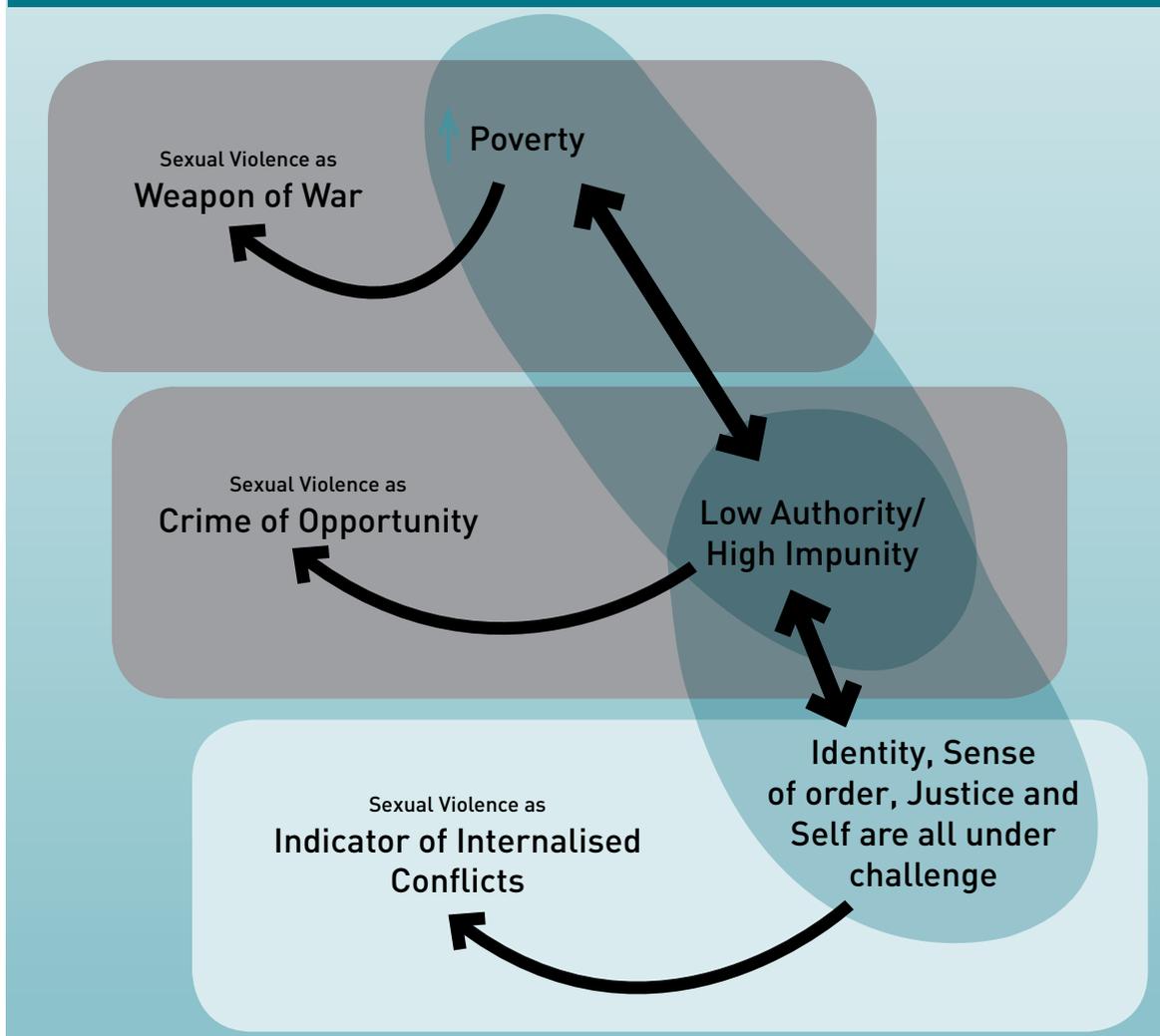
Contrary to the official position that the war is over, as indicated by peace agreements and the holding of democratic elections, community perceptions are that the war is not yet over. In many respects sexual violence emerges as one of the primary indicators of this. The findings suggest that this ongoing war hinges around three major issues: poverty, low authority/high impunity, and a struggle over identity. Each of these three issues has its own accompanying dynamics, as indicated in Figures 2, 3 and 4 above, and each of them intersects with and influences the other, as depicted in Figure 5 below.

Figure 4: Showing the three major conflict dynamics and how they intersect



Each of these three interlinked conflict dynamics is associated with somewhat different explanations for ongoing sexual violence. In a situation of extreme poverty, sexual violence continues to be used as a weapon of war in the sense that decisions are taken to use it as a tactic to achieve particular objectives, notably as a means of clearing people off land completely, or of reducing them to submission. The situation of extreme poverty, now aggravated by displacement, when coupled with low levels of effective authority and high levels of impunity for those with some power, undoubtedly creates numerous situations of which perpetrators can take advantage. Such acts of sexual violence which are enabled by a context of poverty coupled with impunity, but which are not motivated by particular military objectives, are perhaps best described as crimes of opportunity rather than weapons of war. As mentioned above, rape is sometimes regarded as the “default behaviour” of armed men. This nonetheless begs the question of why people (including but not limited to armed men) are seeking such opportunities. The third conflict dynamic, namely that around identities under challenge, suggests a more compelling explanation of *why* perpetrators do what they do, namely as an indicator of unresolved internalised conflicts.

Figure 5: The relationship between key conflict dynamics and three major explanations for ongoing sexual violence



As Figure 6 suggests, there are several forces behind the continuation of sexual violence. While the symptoms and impacts on victims of sexual violence are broadly speaking the same, the motivations of perpetrators are not. On the one hand it becomes necessary to distinguish these different motivations, on the other it is equally necessary to recognise that there are connections between them. The failure to deal with rape when used as a weapon of war is one of the most notable dimensions of the climate of impunity which enables crimes of opportunity and it is these crimes of opportunity, as much as the sexual violence as a weapon of war, that contribute to a context in which people's sense of order, justice and self are all under severe challenge. This context is then internalised and becomes part of their psychological landscape. It seems plausible, from a psychological perspective, that for some people who are struggling to resolve the contradictions of the predicaments created by their situation, sexual violence becomes the externalised expression of these internalised conflicts.

Interventions in SGBV to date have generally failed to deal with the psychological dimensions of sexual violence, tending instead to target and treat the most visible symptoms (women and children). While interventions around impunity, such as the promotion of the 2006 law on sexual violence, tackle one of the linkages in the chain of causes of sexual violence, they are essentially working on the assumption that sexual violence is merely a crime of opportunity and thus continue to dodge the question of why the perpetrators are even seeking such opportunities. Even if some

sexual violence is best understood as a simple crime of opportunity, legal impunity is only one of the enabling factors and it is clear that little has been done to address other enabling factors within the way society and authority systems operate in and have responded to a situation of ongoing conflict.²²¹

The above discussion suggests that the ‘rape as a weapon of war’ argument, while still valid in some instances of sexual violence, nonetheless has limitations as an explanation for patterns of sexual violence as a whole. The majority of instances of sexual violence have not been explicitly called for by those responsible for military strategy. Even where soldiers have been ordered to rape, those with command responsibility will rarely if ever be brought to trial, neither will the implementers or perpetrators of their strategy. It is possible that some commanders, working on the view that rape is a default behaviour of armed men and therefore does not require commands from on high or authorisation but merely the creation of suitable conditions and a failure to punish the perpetrators, will have deliberately created such conditions, but to prove this as an intentional act would be exceptionally difficult in a court of law.

It seems safe to say that where it is not evidently being used as a weapon of war as conventionally understood, it is an individual expression of socio-economic and political malaise in the society. The analysis suggests that, rather than reading sexual violence simply as a consequence of impunity, we need to understand sexual violence as one, if not *the* indicator of ongoing, unresolved social and political conflicts, especially where those are technologically simple yet psychologically complex.

In all four sites, men, women and youth agreed that according to their culture, women are supposed to be “*soumise*” or subservient (see above). When combined with the fact that women are widely regarded by men as existing to provide an outlet for sexual needs but not to initiate sexual activity, these norms all *lower the psychological barriers* to raping women, whether as a weapon of war or as an opportunistic crime or as an expression of the perpetrator’s own internal conflicts. Other dimensions of the gender identities of both women and men, on the other hand, can in some respects be seen to *raise the psychological incentives* to rape both women and men, in line with the ‘rape as a weapon of war’ argument. The fact that women are regarded as the pillars of the household and are undoubtedly the backbone of the agricultural economy, makes their destruction strategically self-evident. Equally, the fact that men are so invested in their own superiority means that, when violated, they were perceived as having further to fall, such that in a sense the rape of a man makes a still stronger statement about the change in power relations than when an already subordinate woman is further debased by her aggressor(s).

221 Addressing these dynamics is not easy; as one respondent noted, ‘there is custom which blocks things even more, because it hasn’t changed. We have sometimes been the protectors of culture, especially as local chiefs... when you want to wake people up, to revolutionise society, you attract all the rage of your colleagues, of all the leaders, especially the customary ones; that’s why things are blocked and can’t really take off’. (Walungu, *Comité local de développement*, 23rd June 2010).

7 Recommendations

7.1 Addressing the causes of sexual violence

Our analysis above suggests that sexual violence in war needs to be addressed from three perspectives: as a weapon of war, as a crime of opportunity, and as an outward expression of internal conflict.

- **Sexual violence as a weapon of war:**

- The military context in which rape continues to be deployed as a weapon of war must be addressed. It is imperative to address the situation of foreign armed groups from Rwanda, Burundi and Uganda, and seek effective political solutions to regional geopolitical blockages. In that sense, it would be useful to commission a high-level study focused on the obstacles to the repatriation of armed groups. It is equally imperative (and a closely related issue) to bring to an end the free-for-all exercised by Congolese armed groups and the Congolese national army, and the use of excessive militarisation as a strategy for “demobilising” ex-combatants from non-state groups. These geopolitical questions lie beyond the scope of this report to address in detail; however it is clear that hard political decisions are required inside DRC and in neighbouring countries if the security of the region is to be achieved.

- The military dimension is not the only aspect of the continuation of war. Until issues of economic opportunity and governance are addressed, people will continue to feel and behave as though *‘the war is not yet over’*. A number of measures are required to enhance and regulate the management of economic resources. The links between sexual violence and the economy are complex and need further elaboration through research. Economic progress needs to go hand in hand with improvements in governance and accountability, so that people feel their priorities are being listened to by those in authority, if they are to gain the benefits of the “peace dividend”.

- **Sexual violence as a crime of opportunity**

- Interventions need strengthening in relation to law and order through institutional reform programs, strengthening of civilian policing and judicial systems, demobilisation and effective reintegration of ex-combatants, and professionalisation of the military. As one respondent said, ‘...today the question of rape and sexual violence is a problem which simply requires the restoration of the authority of the state’.²²² As the DRC moves towards considering transitional justice processes, sexual violence should be taken as a core issue.

- State and non-state institutions having a potential leadership role in regulating behaviour and influencing values should be expected to and assisted in playing this role to the full. Community mechanisms for dealing with those guilty of offences may be promising provided they can be reinstated and overhauled for present-day conditions. Those seeking to tackle impunity need to do more work with community leaders, the churches and the army to win greater recognition of the culpability of people within their own ranks, as well as getting them to acknowledge their own involvement in sexual violence, in generating a culture where sexual violence becomes acceptable and in sustaining extreme forms of patriarchy and accompanying impunity.

²²² Walungu key informant, 22nd June 2010.

- **Sexual violence as an outward expression of internal conflict**
- Gender ideologies and identities (masculinities and femininities), as well as sex and sexualities, require much more work, including how they intersect with other identities, notably ethnic and national. Such work will need to draw out the differences between generations, but to then also explore the extent to which these differences can be reconciled.
- At a community level, the relative importance of different sources of identity requires further exploration. It was notable that youth were visibly more interested in their livelihoods and professions as a source of identity, as opposed to ethnicity and location. This suggests there is value in further exploration.
- Sex education should form part of a broader debate about sex, sexuality, sexual attitudes and behaviours, and the psychological dimensions of intimate relationships.

7.2 Improving the provision of services

- A unified and sophisticated system for the documentation of sexual violence should be established, including establishing a consistent set of indicators, attempting to find proxy indicators for different categories of perpetrators, identifying the socio-economic status of survivors to allow better mapping of vulnerabilities and putting in place mechanisms to minimise double counting of victims. It would be appropriate for UNOCHA to organise a consultation process to develop a comprehensive statistical framework and then to provide the necessary training in data collection and compilation.
- The range of support and services to survivors needs to be broadened, both in terms of target beneficiaries and of content. Beneficiaries should include children and men, particularly ex-combatants. Content should include the psycho-social domain and mental health issues, integrating with legal and economic support. Interventions with ex-combatants need to integrate discussions of sexuality and marriage.
- More work needs to be done to enable survivors to come forward, particularly men. Such work to enable male victims to come forward requires very particular strategies. It is equally important to recognise that amongst the perpetrators there are also those who are themselves victims of violence and services should be established for them as a means of breaking the cycle of violence.

7.3 Moving the policy environment forward

- The Territorial and Provincial Commissions on the Fight against Sexual Violence is a co-ordination structure which has been instrumental in deepening knowledge of the phenomenon and building effective strategies to combat it. The effectiveness of the commissions depends in part on the participation and support of agencies working against sexual violence and resources should be made available to enable it to function consistently in all territories.
- An impact assessment of existing SGBV intervention patterns should be conducted. The findings of this research suggest that actors involved need to step out of a women's rights framework and into a more holistic gender framework which explores and influences the mutual interactions between masculinities and femininities.
- There needs to be more recognition that perpetrators are themselves often victims, as in the case of soldiers who are given the choice of rape or be killed. In other words, there is

often a degree of victimhood even amongst the ostensible perpetrators. If this nuance could be built into programming it would enable more perpetrators to come forward which, if corresponding psycho-social interventions were established, would be in their interests as well as in the broader interest of gaining real insights into what is happening at a personal level in situations of sexual violence in conflict.

- Finally, it is difficult to find evidence from this research to support the official framing of the situation of Eastern DRC as “post-conflict”, given that so many respondents clearly described elements of “war” that persist into the present, with sexual violence as a key indicator. This suggests that governments and the international community should recognise the fundamental problems of governance, statehood and regional geopolitics facing the country that remain unsolved and which, if unaddressed, could lead to renewed violence.

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