

OPINION NOTE

The risks of instrumentalizing the narrative on sexual violence in the DRC: Neglected needs and unintended consequences

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Public understanding of humanitarian emergencies tends to focus on one story and one type of victim.¹ Examples are manifold: amputees in Sierra Leone, victims of kidnapping in Colombia, or victims of chemical weapons in Syria. At times, the aid community, and the media in turn, seizes upon a particular injustice – landmines, female genital mutilation and child soldiers are examples from recent decades – and directs resources and attention its way. Similarly, thematic trends tend to dominate aid discourse, with funding proposals to donors replete with references to the framework *du jour*. In a related phenomenon highlighted by author and aid worker Fiona Terry, “[w]ords are commandeered to give a new

gloss to familiar themes: ‘capacity building’ became ‘empowerment’, which has now become ‘resilience’.”² In the Democratic Republic of the Congo (DRC), the conflict has been largely defined by sexual violence, and raped women are its most prominent victims.

It stands to reason that once one element of a story, and one category of victim, becomes the focus – to the detriment of considering other conflict dynamics and underlying causes – an understanding of what is required to stem the problem becomes more difficult to grasp. As a result, interventions may be limited in value or even create unintended consequences. In the case of the DRC, there is ample evidence that an incomplete comprehension of the conflict overall, and sexual violence in particular, has created a perverse incentive structure.³ Organizations recognize that their programmes are more likely to be funded if their beneficiaries are victims of sexual violence; people in need of assistance may in turn be inclined to adapt their story to such discourse. Over time, aid groups, government officials and people living in local communities have become savvy to the fact that this deeply private and emotional form of violence elicits the strongest response from journalists and donors. Examining a case that was initially seen to epitomize the extremity of the DRC’s sexual violence problem – albeit a severe example – helps to illuminate several problematic tendencies that are visible throughout the aid sector.

For several months in 2010, international media coverage of the DRC was dominated by reporting about an alleged mass rape incident in the remote village of Luvungi, in the country’s volatile eastern region. Not only did the attack make headlines, it also raised the overall profile of the long conflict in the DRC, placing the often overlooked war onto the front pages of newspapers and the feature pages of magazines. The author examined this most prominent case of mass rape reported in the DRC.⁴ This article is based on insights from an array of local contacts and sources present as the incident unfolded, as well as on subsequent research aimed at exploring how entrenched narratives affect responses to violence. The author did not set out to discredit coverage of the Luvungi case or question the severity of the problem of sexual violence in the DRC. On the

1 Maria Eriksson Baaz and Maria Stern, interview by email, 18 December 2012.

2 Fiona Terry, interview by email, 14 October 2014.

3 Several studies attest to this dynamic. See Maria Eriksson Baaz and Maria Stern, *The Complexity of Violence: A Critical Analysis of Sexual Violence in the Democratic Republic of Congo*, Swedish International Development Cooperation Agency, 2010; Human Security Report Project, *Human Security Report 2012: Sexual Violence, Education, and War: Beyond the Mainstream Narrative*, Simon Fraser University, 2012; Séverine Autesserre, “Dangerous Tales: Dominant Narratives on the Congo and Their Unintended Consequences”, *African Affairs*, Vol. 111, No. 443, 2012; Nynke Douma and Dorothea Hilhorst, “Fond de Commerce? Sexual Violence Assistance in the Democratic Republic of Congo”, Disaster Studies Occasional Paper No. 2, Wageningen University, 2012, available at: www.wmm.com/filmcatalog/study/justice_report.pdf (all internet references were accessed in October 2014); Maria Eriksson Baaz and Maria Stern, *Sexual Violence as a Weapon of War? Perceptions, Prescriptions, Problems*, Zed Books, New York, 2013.

4 For the findings of this investigation, see Laura Heaton, “What Happened in Luvungi? On Rape and Truth in Congo”, *Foreign Policy*, March/April 2013, available at: <http://foreignpolicy.com/2013/03/04/what-happened-in-luvungi/>.

contrary, the research aimed to understand the nature of the violence and the discrepancy between, on the one hand, the public narrative about “rape as a weapon of war” in the DRC, and, on the other, the failure to give visibility to and address the domestic sexual violence epidemic. In particular, in this article, the author inquires about the factors that contributed to the distortion of the facts in the Luvungi case and about how the dominant narrative about sexual violence in the DRC influences the funding of programmes and, in turn, factors into the stories that people – from villagers to international aid workers – share about their experiences and needs. Finally, the article questions the impact and adequacy of current responses, and closes with a few reflections on where efforts might be better focused.

“Rape as a weapon of war” in the DRC: A superlative case

Six years had passed since negotiations officially ended what has been called “Africa’s world war”⁵ in the DRC, but the country was still in the throes of the continent’s deadliest conflict when then US Secretary of State Hillary Clinton visited in 2009. She was the first American secretary of State, and the most high-profile foreign dignitary, ever to visit the eastern region, and she made a point of travelling there because, as she said, “[w]omen are being turned into weapons of war”.⁶

Nearly one year to the day after Clinton’s visit, information about what would become the largest reported case of mass rape began to emerge from a remote village called Luvungi. Medical workers, who had travelled to the scene of the incident several days after the combatants had retreated, told journalists of a four-day attack by hundreds of combatants that involved “lots of pillaging and the systematic raping of women”.⁷ Most major Western news outlets covered the story of Luvungi, primarily from afar. Reports described gruesome scenes of women being raped in front of their husbands and children; men taking turns violating a woman; and attacks perpetrated against a one-month-old boy and a 110-year-old great-great-grandmother.⁸ The harshest denunciation came down on United Nations (UN) peacekeepers, who had a base 20 kilometres away but allegedly failed to respond during the period when armed rebels occupied the village.⁹ For more than a month, photographers, reporters and increasingly

5 Gérard Prunier, *Africa’s World War: Congo, the Rwandan Genocide, and the Making of a Continental Catastrophe*, Oxford University Press, Oxford, 2008.

6 Jeffrey Gettleman, “Clinton Presses Congo on Minerals”, *New York Times*, 10 August 2009.

7 Michelle Faul, “Some 200 Women Gang-Raped Near Congo UN Base”, Associated Press, 24 August 2010.

8 Michelle Faul, “Congo Leaders: We Begged UN to Protect Civilians”, Associated Press, 1 September 2010.

9 Much of the media reporting about the incident highlighted the shortcomings of the peacekeepers in the headlines and ledes of their stories. See for example, the *New York Times* headline from 3 October 2010: “Mass Rapes in Congo Reveals U.N. Weakness”; see also the opening line of the Associated Press’s 1 September 2010 article: “Congolese community leaders say they begged local U.N. officials and army commanders to protect villagers days before rebels gang-raped scores of people, from a month-old baby boy to a 110-year-old great-great-grandmother.”

high-ranking officials made their way to Luvungi. The French tabloid *Paris Match* published a glossy spread of photographs of sombre survivors, surrounded by children, under the headline, “The Raped Women of Luvungi”.¹⁰

There was immediate debate over how many hundreds of victims had been raped. The American medical aid organization that was the original source of the statistics initially told journalists it had treated 179 women, but the number quickly rose.¹¹ Because of the trauma of the incident, the true number of survivors was likely even higher than reported, experts reasoned; people feared coming forward and admitting to being raped.¹² But none of the published reports had considered an alternate scenario, one that was inconclusive but widely accepted locally according to the author’s investigation: that many fewer people may have been raped during this specific incident and that the mass rape narrative took hold amid the rush of attention and influx of outsiders to the impoverished village. A series of interviews with members of civil society and leaders in the village and surrounding communities, medical personnel, peacekeepers, civilian UN staff and humanitarian workers revealed how and why the public narrative about the attack became distorted.¹³

A Congolese health-care provider near Luvungi provided insights into the source of the numbers from the mass rape account. The health clinic he was working in – the only medical facility in the immediate area – is officially a State-run facility, but financed by the American medical organization instrumental in publicizing the attack. He confirmed that between 30 July and 2 August 2010, rebels from the Mai Mai Sheka group were operating in the area. They destroyed some homes, wantonly looted, and assaulted residents, forcing people to flee to the bush to hide. He said that during the incident and in the days immediately following, he received six patients who reported rape. He administered four post-exposure prophylaxis (PEP) kits to women who arrived at the clinic within the 72-hour window during which rape can be medically confirmed. Notably, two of those women indicated that civilians, not the armed men occupying the village, had raped them.¹⁴ However, most of the approximately 100 patients that the health-care provider saw between 30 July and 6 August needed treatment for maladies common to the region, such as malaria and diarrhoea, and for injuries sustained while fleeing into the forest during the militia occupation.¹⁵ Four days after the end of the attack, an American medical group sent a team and took over the treatment of patients. The health-care provider recalled that patients then began arriving in large numbers, and the organization registered everyone as a victim of rape, even those treated for other ailments. The aid group disputed the health worker’s

10 Author’s translation. See Mariana Grépinet, “Les Femmes Violées de Luvungi”, *Paris Match*, 9 September 2010.

11 M. Faul, above note 7.

12 *Ibid.*

13 For the detailed findings of this investigation see L. Heaton, above note 4; and the ensuing rebuttal by International Medical Corps (IMC), “Our Experience in Luvungi”, *Foreign Policy*, 5 March 2013.

14 Health-care provider, interview, Walikale territory, DRC, 29 June 2011.

15 *Ibid.* For more details see L. Heaton, above note 4.

account, saying that the number of victims they released to other humanitarian groups and eventually to the public was based on the patients who reported rape and sought medical assistance.¹⁶

The Luvungi case is a compelling illustration not only of why community members might go along with the dominant narrative, but also of how focusing on the most sensational aspect of a conflict does not necessarily lead to benefits for those in need of assistance or for the community at large. The interviews conducted by the author revealed at least two rationales for the community elders to encourage the mass rape narrative and corresponding media attention. The first of these was to avoid having the potentially stigmatizing, singularly focused attention directed at just a small group of women, leaving them isolated. One woman in Luvungi took the occasion when no other residents were nearby to explain that there was an interest among members of the community in supporting the mass rape narrative, because it meant that the women who truly were raped would not be ostracized.¹⁷ Other civil society sources described the same dynamic, attributing this decision to local elders.¹⁸ However, that approach intended to promote community solidarity foundered, and in fact created social strife and conflicts within the community.¹⁹ The community had grown frustrated and hostile when the extensive attention did not lead to the assistance people had expected, and the elders were blamed because they had been the gatekeepers of the story – the people that any outsider would meet with first. “People wanted to kill them”, said one activist, “because they sold us”.²⁰

A second explanation is that the mass rape narrative would potentially attract much-needed funds to the community – the rationale being that the village’s underdevelopment would be apparent to the many visitors, who would respond in turn with assistance. However, in the years since the 2010 attack, the international coverage and ensuing response did little to improve the security of

16 IMC said in a statement that “no revisions were made to patient logs”. The organization explained the increase in the numbers by saying that “many reporting survivors did not come forward for weeks after the attack. ... Up until that point, survivors were simply too frightened to walk the distances required to seek medical attention.” Margaret Aguirre, IMC, statement, 24 June 2013, cited in L. Heaton, above note 4. The group’s Los Angeles-based communications director stated in correspondence with the author: “As a humanitarian, service-focused organization, IMC does not ever attempt to ‘verify’ reports of rape. We reported on the number of people we assisted with medical services who reported being raped. Our policy is to provide assistance that self-reporting survivors seek, without subjecting them to inquiry.” Aguirre later added that IMC “did not discuss internally or distort these figures in any way”.

17 L. Heaton, above note 4, p. 36.

18 As one leader explained, “Once the *gardiens de coutume* [elders] have made that decision, you can’t say anything different.” Civil society leader, interview, Walikale territory, DRC, 27 June 2011. A number of interviews with civil society leaders were conducted in Walikale territory, in April, June and July 2011 and in June 2012.

19 Interviews conducted by the author revealed that six members of the community who had been instrumental in conveying the mass rape narrative following the Luvungi attack in summer 2010 were relocated. Civil society leaders, interviews, Walikale territory, DRC, 14 June 2012; International Committee of the Red Cross, interview, Goma, DRC, 15 June 2012. The author’s further investigation suggests that the relocation is the result of anger expressed by the villagers at those they felt had instrumentalized them.

20 Civil society leader, interview, Walikale territory, DRC, 14 June 2012.

the community and to meet its basic needs. On several occasions after the 2010 attack, and with the support of international legal aid groups, women from the village travelled two hours away to the town of Walikale to provide testimony for a legal case against leaders of the Mai Mai Sheka allegedly responsible for the attack. The engagement of these women left the distinct impression among community members that assistance was on its way, thus fuelling frustration when the proceedings stalled, first due to security risks and then ostensibly because of donor funding shortages.²¹ However, a lawyer familiar with the case indicated that the political controversy surrounding the case and some concerns about the unusual similarities in the victims' testimonies factored into the decision to terminate the process.²² Apart from the insecurity, the assessment of the local health-care provider of conditions at the health clinic was optimistic, if circumscribed. The situation remained fragile, he said: "We never have shortages of PEP kits, even though we sometimes run out of other medicines."²³

Factors fuelling misunderstanding

The DRC is infamous for its high incidence of rape, by both combatants and civilians. Strong attention to sexual violence in any form is vitally needed. But the "rape as a weapon of war" narrative, now more aptly framed as "wartime rape" – that is, rape used by armed actors, be they State or non-State, as part of their military strategy or to demonstrate their power – has gained the most public traction. Several interrelated factors, recognizable in other humanitarian emergencies, contributed to this disproportionate focus on one type of atrocity over other abuses taking place in the eastern DRC's conflict zones.

Popular narratives

To encapsulate a conflict for a mass audience, journalists and humanitarian actors tend to hone in on characteristics that are particularly riveting or emotional. The dynamic is neither surprising nor difficult to understand. It is easier for international actors to find consensus when passing judgement on a feature of an emergency that is unequivocally "wrong", or even "evil". A foreign government is more likely to circumvent diplomatic challenges or avoid being critiqued as hypocritical if the atrocity it condemns is seen as abnormal or seems unfathomable in its own domestic context.

To better ensure that a story stands out among other news events of the day, or to move concerned spectators to take action, the narrative should also be captivating but not overwhelming; it must illuminate a problem that is devastating but not insurmountable. Certainly, this is best illustrated by the

21 Elders, group interview, Luvungi village, DRC, 28 June 2011.

22 Lawyer, American Bar Association Rule of Law Initiative, interview, Goma, DRC, 1 July 2011.

23 Health-care provider, interview, Walikale territory, DRC, 29 June 2011.

widespread framing of rape as a “weapon of war”, as best explained by scholars Maria Eriksson Baaz and Maria Stern: “When remarked on at all, throughout history wartime rape has been seen as an unfortunate and unavoidable aspect of warring. Labelling it a ‘weapon of war’ allows for seeing it as preventable, and as an important area for much-needed proactive security measures and victim services.”²⁴

Furthermore, there is a tendency in foreign reporting – some might argue especially in Western coverage of Africa – to highlight stories that are aligned with preconceived ideas of a place. A front-page *New York Times* headline for the story about the 2010 militia attack on Luvungi illustrates the point: “Mass Rapes in Congo Reveals U.N. Weakness”, the newspaper stated.²⁵ That synopsis draws on clear expectations or stereotypes about how protracted Congolese wars play out. According to the established public narrative about the conflict, a reader expects to hear that combatants have raped women *en masse* and presumes that UN peacekeepers feebly stood by.

The notoriety of the issue in the case of the DRC is also illustrative of the way in which personal attention from prominent figures can entrench singularly focused narratives (and is evidence of the success of the advocacy efforts). Among the most influential in the case of the eastern DRC are former US Secretary of State Hillary Clinton, American playwright Eve Ensler, and Margot Wallström, the former UN Special Representative of the Secretary-General on Sexual Violence in Conflict, who famously dubbed the DRC the “rape capital of the world”.²⁶ On her 2009 visit to the capital, Kinshasa, Secretary Clinton travelled to the war-torn east for a day. She visited the HEAL Africa Hospital, where surgeons perform reconstructive surgery for patients suffering from fistula; met with rape survivors in a refugee camp on the outskirts of the provincial capital, Goma; and announced new US funding to fight sexual violence.²⁷

Funding priorities

Even some of those who acknowledge the potential distorting effects of advocacy dismiss them; if the overly simplified narrative draws much-needed funding that can be used to help women, why not emphasize one particularly alarming aspect of the violence? Wartime rape is “graphic and revolting, and the extra violent element makes it sellable”, one aid worker said.²⁸ One argument goes a step further to contend that some circumstances justify prioritizing fact as secondary to galvanizing attention. Furthermore, as the aid worker said, “[h]umanitarian funding must be connected to conflict, so to get the money to do anything you have to show how it connects”. This highlights an important criteria delineating

24 Maria Eriksson Baaz and Maria Stern, interview by email, 18 December 2012.

25 Jeffrey Gettleman, “Mass Rapes in Congo Reveals U.N. Weakness”, *New York Times*, 3 October 2010.

26 “UN Official Calls DR Congo ‘Rape Capital of the World’”, BBC, 28 April 2010, available at: <http://news.bbc.co.uk/2/hi/africa/8650112.stm>.

27 ■■■.

28 International aid worker, interview, Goma, DRC, 15 June 2012.

the divide between “humanitarian” and “development” funding: humanitarian assistance is by definition related to an emergency, whether man-made conflict or natural disaster. Thus, the need to connect rape to the conflict is precisely why the terminology “rape as a weapon of war” is widely – and often wrongly – used.

A 2012 report published by Wageningen University examined how funding is allocated to address a range of challenges in the DRC: reform and training of its army and police, development of its judicial system, and large-scale internal displacement.²⁹ Researchers Nynke Douma and Dorothea Hilhorst compiled budgetary statistics from several multi-donor trust funds between 2010 and 2011 and found a disproportionate focus on sexual violence compared to nearly all other sectors. “[T]he sexual violence budget is nearly double the size of the budget for all security sector reform activities (SSR trust fund), and just under half the size of the entire peace building trust fund, which are arguably two themes geared towards prevention of sexual violence”, Douma and Hilhorst wrote.³⁰ Funding for internally displaced people – of which there were an estimated 1.4 million in the eastern DRC during the period of these budgets – was less than half of the funding for sexual violence.

The challenge and sensitivity of “verification”

If even one case of rape by a combatant took place during the course of the 2010 attack in Luvungi, the incident might be described as emblematic of “rape as a weapon of war” as it is understood in mainstream discourse. Regardless of the tally of victims, attention is warranted and assistance imperative. But the numbers do matter in this case, because they impact our understanding of how the event transpired and, therefore, who was affected and in need of assistance.

As with other entrenched narratives about conflict, though, expressing a dissenting view about emotional events or doubt about a victim’s story comes with a host of risks, including being criticized as out of touch, insensitive or chauvinistic – all the more so with sexual violence, and particularly if the person asking follow-up questions is male. Rather than risk censure, narratives may be taken in stride and misgivings left unspoken.

In the case of Luvungi, with all the visitors – including UN officials from New York – asking to meet the victims of sexual violence, the population quickly understood what was required to receive attention, and potentially aid. A civilian staff member of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) with intimate knowledge of the initial investigation carried out by MONUSCO’s civilian team in Luvungi provided this insight:

It was at that time – and I guess it still is – very difficult to confirm rape cases, and the reason is simple: apart from the testimony of the victims you have

29 N. Douma and D. Hilhorst, above note 3.

30 *Ibid.*, p. 37.

nothing. So we were talking to a lot of people [who were] telling us that they were victims of rape. What I'm expressing now is very personal and I guess the result of having worked for several years in eastern DRC investigating cases of rape. [Even before starting the investigation over this case, I expected] that a lot of people were going to tell us that they had been raped, because medical help comes easily to victims of rape, and aid, and support. So I thought that the villagers... if they didn't say that they had been affected by rape in one way or another, [then] they would be left out of the response to what had happened, if any response was sent.³¹

The source's observation emphasizes the difficulty of verifying details amid competing local needs and complicated contexts in which an outsider may not be fully versed, and how these challenges play into distortion and misguided responses. The civilian staff member added that the extraordinary international attention to the incident and subsequent lack of meaningful follow-up had detrimental ramifications for the community; further, the exclusive focus on one element of the attack rendered all other suffering invisible:

I remember when I came back to Luvungi some months later we met very difficult people, to put it diplomatically. We met very frustrated people, particularly the men, who felt that they had been left out. Which was true actually – the entire focus was on women victims of sexual violence, and no one really took care of the trauma of the attack itself.³²

Unintended consequences?

The public concern for a particularly emotional aspect of the conflict may compel policy-makers to dedicate attention and donors to direct resources to responding to sexual violence in the eastern DRC. But the impact of those interventions is difficult to measure at best, and at worst generates new detrimental dynamics.

An assessment by a former MONUSCO adviser was stark: "For any overarching strategy on sexual violence no baseline was established, so we have no clue how sexual violence looked five years ago compared to today." Donors have turned to statistics, like the number of rape survivors provided with medical treatment or the number of convictions in rape cases, to attempt to capture the results of their interventions, which is of limited value when not contextualized.³³ "There are a lot of failures in how money is spent, but it is not a question of the money not being necessary; it is about how you invest it, how you control your investments, and how you monitor" the impact of the programmes, the adviser said.³⁴

31 UN civilian staff member, interview by phone, 7 January 2013.

32 *Ibid.*

33 Former MONUSCO adviser on sexual violence, interview by phone, 18 December 2012.

34 *Ibid.*

Between 2006 and 2010, specialists Maria Eriksson Baaz and Maria Stern conducted a study on the factors contributing to sexual violence in the DRC, funded by the Swedish International Development Cooperation Agency (SIDA).³⁵ They explained: “Engaging in the rape issue became a lucrative source of attention, good will, and resources for a range of actors, not the least donors and both national and international NGOs. This is reflected in the exponential upsurge in NGOs working on the issue.”³⁶ Researchers Douma and Hilhorst sought to quantify this trend. Until 2002, a small number of mostly Congolese human rights groups worked to raise awareness about sexual violence as a war crime in the DRC; in South Kivu province, for instance, they numbered less than ten. In contrast, Douma and Hilhorst wrote, “[a]ssistance to sexual violence survivors has in recent years mushroomed to incorporate an estimated 300–400 Congolese and international professional organizations and community-based organizations in North and South Kivu”. Many groups have no history or established expertise in sexual violence work.³⁷

Expectations and pressure from donors pose important ethical questions in particular for doctors and medical aid groups; the causes of certain health issues may be conflated and therefore misunderstood by the wider public. For example, in the eastern DRC, since much of the attention on sexual violence has focused on the brutality of tactics employed by armed groups, fistula – a debilitating, stigmatized and sometimes life-threatening condition in which the tissue between a woman’s vagina and anus is torn – has come to be seen in the DRC context as almost exclusively the result of rape.³⁸ However, the statistics compiled by hospitals demonstrate a different reality. For instance, of the 350 fistula operations conducted at South Kivu province’s Panzi Hospital in 2011, one had a direct, reported link with rape.³⁹ For the same time period, HEAL Africa in North Kivu province reported that less than 3% of its fistula operations are linked to sexual violence.⁴⁰ The two hospitals are the only facilities equipped to perform reconstructive surgery in the region.

Fistula is caused by trauma, but more common – and found throughout the developing world – is obstetric fistula, which is caused by complications in childbirth where medical care is lacking or inadequate. For funding purposes, the causes of fistula are often conflated.⁴¹ Rather than turn away a woman who needs fistula treatment and cannot afford to pay, the case can be classified as the result

35 M. Eriksson Baaz and M. Stern, *The Complexity of Violence*, above note 3.

36 Maria Eriksson Baaz and Maria Stern, interview by email, 18 December 2012.

37 N. Douma and D. Hilhorst, above note 3, p. 9.

38 Medical care providers and NGO staff members, interviews, 2011, 2012, 2013.

39 Shame and the emotional trauma of rape still undoubtedly influence how and whether women report attacks, and living with a fistula is socially stigmatizing, regardless of the origin. Therefore, the true cause of a patient’s fistula can be difficult to ascertain – and is beside the point for the health providers treating these women.

40 N. Douma and D. Hilhorst, above note 3, p. 44.

41 Medical professional at HEAL Africa hospital, interview, 16 June 2012; Panzi Hospital researcher, interview by phone, 9 January 2013.

of rape if available funds are earmarked for rape survivors.⁴² To avoid forcing those sorts of pragmatic calculations, some donors do not differentiate between whether the patient has a fistula caused by rape or by childbirth; in either case the surgery is free.⁴³

In addition to the health sector, the judicial assistance sector in the DRC received a major boost in funding to address the dysfunctional nature of the system that, combined with a long history of blatant impunity, is seen as contributing to the scale of sexual violence. But also in this realm, the focus on sexual violence over all other crimes committed in the DRC – killings, torture, forced recruitment, forced labour, etc. – has led to circumstances in which “allegations of rape become a survival strategy”.⁴⁴ Donors have funded trials through a system of mobile courts that prosecute sexual violence crimes almost exclusively. In the absence of a judicial system with the resources and capacity to effectively try cases, legal proceedings related to sexual violence have come to be seen as a forum for settling personal scores or neutralizing a competitor. With public opinion skewed strongly against those charged of rape, accusations and the threat of trial have become an extortion and bargaining strategy.⁴⁵

Drawing on the insights of two Congolese lawyers, Douma and Hilhorst’s research also delves into this topic by producing an analysis of forty sexual violence case files from six jurisdictions in South Kivu. This review, supplemented by interviews, led them to conclude that “[u]nder pressure to combat impunity, ... an increasing number of suspects are (sometimes innocently) convicted on the basis of flawed proof”.⁴⁶ While the team did not seek to determine whether suspects were indeed guilty of the crime for which they were accused, they assessed whether the convictions had the necessary legal backing to be valid. Of the nineteen convictions, they found that half did not. “It is remarkable from our case studies that cases that result in release are much better argued by the judges than the cases that result in conviction”, they wrote, noting that some of their interviewees indicated that judges feel pressure to defend why they decided to release a suspect. As one interviewee stated: “If a presumed perpetrator of sexual violence is found not-guilty by the court, the media reports on such cases with disgust and incomprehension, influencing public opinion to believe that all suspected perpetrators should be convicted no matter what.”⁴⁷

One of the main criticisms of NGO support to legal proceedings around incidents of sexual violence is that while assistance is provided to the alleged victim, it is rarely within an NGO’s mandate to help with the defence of suspects. This inequity generates a system that creates new injustice: in an effort to address

42 Medical professional at HEAL Africa hospital, interview, 16 June 2012; Panzi Hospital researcher, interview by phone, 9 January 2013.

43 Panzi Hospital researcher, interview by phone, 9 January 2013.

44 M. Eriksson Baaz and M. Stern, *The Complexity of Violence*, above note 3, p. 13.

45 David Bodeli Dombi, interview, Goma, DRC, 16 June 2012; civil society leaders, interview, Goma, DRC, 2012; Maria Eriksson Baaz and Maria Stern, interview by email, 18 December 2012.

46 N. Douma and D. Hilhorst, above note 3, p. 11.

47 *Ibid.*, p. 59.

impunity, the system produces a bias against suspects.⁴⁸ The American Bar Association (ABA) is one of the biggest international actors working in this sector in the eastern DRC. The ABA's Rule of Law Initiative (ROLI) provides the lawyers for the victim but does not directly provide the lawyer for the accused, as providing both would be seen as creating a conflict of interest.⁴⁹ The group advocates for the accused to have competent representation, though in practice, ensuring a capable defence team is difficult. Charles-Guy Mackongo, head of mission for ABA ROLI in Goma, has said: "The unfortunate reality in the DRC is that the national public defender's system that should have been implemented by bar associations with the state funds has collapse[d]. Thus representation for the accused and for prisoners is not guaranteed."⁵⁰

It has been further suggested that this dominant discourse about wartime rape may incite armed actors to use sexual violence (as a threat or in practice) as a bargaining tool.⁵¹ The vicious rationale is that to suggest or prove one has the military capability to perpetrate mass sexual violence is to assert one's relevancy as an armed actor. In a setting like the DRC, where several dozen factions of armed groups operate, distinguishing oneself as notorious and a particular threat increases the likelihood of being included at a negotiating table and, once there, the weight of one's demands. Columbia University scholar Séverine Autesserre has posited that elevating the notoriety of rape over other crimes may encourage less powerful armed groups to see it as a tactic. "During my research I heard concern about seeing more sexual violence because armed groups are threatening or using sexual violence as a way to be noticed, to show that they have spoiler potential and should be taken seriously."⁵²

Broadening and deepening the framing of the problem of sexual violence

The need for large amounts of funding to support people who have survived sexual violence is irrefutable. The criticism lies in the almost exclusive focus of the programmes on the attendant results of the violence, which may be cynically inflated, while ignoring the dynamics underlying it. In particular, a key fact obscured by the emphasis on "rape as a weapon of war" in the DRC is that civilians make up a large segment of the perpetrators. A study released in 2011 by the *American Journal of Public Health* put the percentage of women in the provinces of North and South Kivu in the eastern conflict zone who reported intimate partner sexual violence at 19–20%, using data from 2007. More recently, HEAL Africa reported on a distressing trend: "Civilians have become the main

48 *Ibid.*, p. 60.

49 Charles-Guy Mackongo, interview by email, 22 January 2013.

50 *Ibid.*

51 Séverine Autesserre, above note 3, p. 16.

52 Séverine Autesserre, interview by phone, 24 October 2014.

perpetrators of sexual violence”, a 2012 hospital report stated, noting that more than half of the patients treated at the facility that year were violated by civilians.⁵³

The Guardian's coverage of the HEAL Africa report also provides an example of how some media present statistics in a way that perpetuates a pre-determined narrative about the DRC, of rebels and soldiers systematically or opportunistically raping civilians – even when the information from which the news story draws does not fit the picture. *The Guardian* reported:

The number of women and children raped in the Democratic Republic of the Congo has risen dramatically because of a surge in rebel militia activity, according to a local health organisation report. Heal Africa, which runs a hospital for rape victims in the eastern city of Goma, said it had registered 2,517 cases in the first half of this year.⁵⁴

In fact, the HEAL Africa report linked to in the news article mentions the M23 rebellion just once and focuses instead on the role of civilians as the primary perpetrators of sexual violence.

“As long as you don’t take into account the civilian side of sexual violence, our interventions will only focus on part of the problem”, said the former adviser at MONUSCO, whose portfolio focused on sexual violence. “In the DRC you don’t see many organizations that are even open to having any new debate on sexual violence. You see that many organizations mainly exist because there is funding and they will adapt their activities to whatever they can get funds for.” She said that high-ranking UN officials privately acknowledged the complex causes of sexual violence in the DRC but had been reticent to expand the focus of programmes or even highlight the civilian nature of violence in reports, arguing that the issue stirred up political sensitivities.⁵⁵

An underlying challenge plaguing efforts to combat sexual violence, or virtually any other humanitarian need, is that resources – even for a relatively well-funded issue such as ending wartime rape – are limited, creating a practical imperative to define who a project will serve. As the authors of the *Human Security Report 2012*, which focused on mainstream narratives about sexual violence and war, wrote:

Peacekeepers lack the resources to tackle conflict-related sexual violence effectively, let alone the more pervasive problem of wartime domestic sexual violence. And ... because domestic sexual violence is a persistent and endemic problem, it is difficult to characterize it as an emergency issue requiring humanitarian assistance.⁵⁶

53 “North Kivu, Sexual Violence Targets Children”, HEAL Africa Press Dossier, 2012, available at: www.healafrika.org/wp-content/uploads/2012/09/sexual-violence-targets-children-2012.pdf.

54 “Congo Rape Numbers Rise Dramatically”, *The Guardian*, 19 October 2012, available at: www.theguardian.com/world/2012/oct/19/congo-rape-number-rise-rebels.

55 Former MONUSCO adviser on sexual violence, interview by phone, 18 December 2012.

56 *Human Security Report 2012*, above note 3, p. 52.

They recommended supplementary research to understand why many war-affected countries have low or negligible levels of reported sexual violence, suggesting that the findings could reveal valuable insights to inform prevention programmes.⁵⁷ Further investigation might also examine how chronic insecurity and/or extended periods of conflict correlate with an increased prevalence of domestic sexual violence in the DRC. Understanding that link, should it exist, may open up occasions for assisting additional beneficiaries under a “humanitarian” categorization, without subjecting them to the ethical quandary of having to adhere to a rigid narrative in order to be eligible for services.

Amid the focus on responding to cases already committed and survivors already violated, little attention is paid to the root causes of sexual violence, most sensitively the undercurrents not directly linked to the DRC’s long war. Pinpointing issues of masculinity or engrained gender dynamics is fraught with challenges, as evidenced by the few international sources willing to be quoted on the record, out of both personal and professional concerns. Congolese police commissioner David Bodeli Dombi showed no such reservations. “We can’t just work with the victims and the perpetrators. We have to work with our children, to educate and sensitize”, he said, explaining that lack of education and the disempowerment of women were at the foundation of the DRC’s high rate of sexual and gender-based violence. “We’re forgetting a huge section of victims because we’re not doing much to address domestic violence”, he noted, adding that those gender relations are “the heart of the problem”.⁵⁸

To illustrate, Bodeli Dombi showed a hit Ugandan music video he had saved on a DVD. The pop song opens with a scene of three young men in a field, grazing cattle. Three young women, conservatively dressed in long skirts, come along the road laughing and talking until they are startled by the men, who chase them, splitting up, each in pursuit of a woman. One woman, played by Ugandan pop star Lady Mariam, is tackled to the ground; the scene fades as one of the men climbs on top of her. The next scene opens with Lady Mariam walking down the same road, alone this time, wearing a strapless dress and high-heeled shoes. The young man meets her and chivalrously lifts the wire fence to lead her away. She sings and dances for him. In the end they get married. “A music video like this would cause an outrage” in other parts of the world, Bodeli Dombi said. In contrast, it is a popular song and video in the eastern DRC and regularly plays on television. With these gender undercurrents as a backdrop, the commercialization of sexual violence is now “based in our extreme poverty”, Bodeli Dombi explained. The concept of lying about rape “seems impossible from an Occidental perspective”, he said, but the stigma associated with rape has faded because people understand that tapping into the resources available is a straightforward calculation when options are limited.⁵⁹

57 *Ibid.*, p. 7.

58 David Bodeli Dombi, interview, Goma, DRC, 16 June 2012.

59 *Ibid.*

Conclusion

The concentration of coverage of the DRC's conflict on the stories of survivors of sexual violence, predominantly wartime rape, has proven a powerful narrative for a range of actors, most of whom are likely well intentioned. There is value in publicizing and focusing on a particularly unjust or egregious issue in humanitarian crises, because resources are finite and attention spans are limited. The rationale, followed to its aspirational conclusion, holds that the startling, provocative story can be the entry point for further engagement that could lead to broader change. But more consideration needs to be devoted to potential adverse effects directly produced by interventions – particularly those driven by the emotional reaction, focusing on victims, and not a broader political analysis of why such disturbing atrocities occur in the first place.