

Women, Peace, and Security and the DRC: Time to Rethink Wartime Sexual Violence as Gender-Based Violence?

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Numerous feminist studies have highlighted the extensive violence and insecurity that women experience during armed conflicts and transitions (Ní Aoláin, Haynes, and Cahn 2011). In conflicts around the world, women are killed, mutilated, tortured, imprisoned, raped, kidnapped, trafficked, sold into slavery, forced into prostitution, displaced, dispossessed, and impoverished. In addition to direct violence, conflicts typically exacerbate structural forms of violence and heighten economic hardship, a phenomenon that is often termed “economic violence” by feminists (Mertus 2003; True 2012). Women, particularly those who have lost their male relatives, are more likely to be dispossessed and stripped of lands and properties. Displacement in particular pushes women deeper into poverty, insecurity, and exploitation (Giles 2013; UNHCR 2014). Conflicts tend to reinforce existing patriarchal structures and exacerbate gender discrimination (Ní Aoláin 2011). Particularly during postconflict transition, women often suffer from exclusion from decision making and experience a backlash

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against their rights (Al-Ali 2005; Aroussi 2015; Pankhurst 2007). While women are involved during conflicts in war and peacemaking efforts and in managing the survival of their communities, they are typically excluded from participating in formal peace negotiations, transitional and future government institutions, and reconstruction programs (Aroussi 2015). The harm of exclusion magnifies women's experiences of gender harm and sustains women's subaltern status in transitional societies. Feminist scholars have also highlighted the continuum of gender harm in which women live in peace, conflict, and postconflict societies and the interconnectedness among the various forms of violence (Cockburn 2004; Enloe 2010; True 2012). Feminists have constantly pointed to the organic link between women's lack of access to decision making and resources such as lands, properties, credit, employment, and education and their vulnerability to violence during conflicts and in so-called peacetime (Aroussi 2015; Ní Aoláin, Haynes, and Cahn 2011; True 2012).

While gender harm in conflicts is extensive, during the past two decades, we have witnessed an unprecedented narrow focus on sexual harm in international law, diplomacy, and policy-making arenas. This has been particularly the case within the United Nations Security Council's agenda on women, peace, and security (WPS). The UN agenda started with the adoption of Resolution 1325 in October 2000. This resolution represented the first instance in which the UN Security Council recognized women beyond the category of victims as political actors and essential partners capable of contributing to the maintenance of international peace and security. The resolution introduced a holistic agenda to address the needs of women in armed conflicts, peace processes, and postconflict reconstruction and to involve and support women's participation in all their peace activities (Aroussi 2015). However, since June 2008, the UN Security Council has adopted a series of new resolutions on women, peace, and security that focus almost exclusively on the issue of sexual violence in armed conflicts. These are Resolutions 1820 (2009), 1888 (2009), 1960 (2010), and 2106 (2013). In this article, I argue that this narrowing of the agenda adopted by Resolution 1325 from women's participation and empowerment to women as victims of conflicts, along with the preoccupation with addressing sexual violence as a weapon of war instead of the myriad gender harms, has had a detrimental impact on countries experiencing or emerging from conflict. In particular, I argue that the emphasis on sexual harm has obscured the extent and multiplicity of women's

suffering and led to the deprioritization of women's other needs during transition.

In this article, I look particularly at the eastern part of the Democratic Republic of the Congo (DRC) to study how the increasing focus on sexual violence has affected women in this region. This article is based on extensive fieldwork conducted during the summers of 2015 and 2016 in the area of South Kivu using in-depth interviews, participant observations, focus groups, and informal discussions with 196 participants, including survivors of sexual violence, members of communities, community and religious leaders, as well as other stakeholders such as government officials, legal and health professionals, staff of international organizations, and members of various local nongovernmental organizations (NGOs). To avoid continually referring to my sources in countless footnotes as "author's confidential interview and field observations," I made the decision to reference only open sources. Hence, this article should be read with the understanding that any information that is not referenced in the text is based on confidential fieldwork materials, interviews, field observations, and informal conversations.

The first section of this article examines the issue of sexual violence and how it has been framed within the agenda on women, peace, and security. In the second section, the article discusses the eastern DRC as a case study. In doing so, the article first examines how the sexual violence frame was used to shape the priorities and contours of international peacebuilding efforts in the DRC. The article then moves on to discuss the relative progress achieved through the international emphasis on the question of sexual harm and to highlight limitations of the sexual frame in driving and shaping the international agenda on the ground. The final section of the article closes with concluding reflections.

SEXUAL VIOLENCE AND THE UN AGENDA ON WOMEN, PEACE, AND SECURITY

During conflicts, the vulnerable civilian population, particularly women and girls, is targeted for sexual violence. While most studies of wartime sexual violence relate to conflicts in which sexual violence was thought to be widespread, crimes of sexual violence are committed in all types of conflicts all around the world (Cohen and Nordås 2014). It is the case, however, that in most of these studies we find a staggering lack of reliable

quantitative data on the extent of this problem during conflicts and in their aftermaths (Cohen and Nordås 2014). Sexual violence has detrimental physical, psychological, economic, and social consequences for the victims, their families, and communities that persist for decades. Survivors are often left suffering from sexual traumas, including irreparable vaginal tearing, fistulas, uterine problems, infertility, as well as other physical injuries sustained during attacks caused by bullets, machetes, and severe beatings. Sexually transmitted infections, including HIV, are also common among rape victims. In many countries where HIV is prevalent, the rate of infection among soldiers and armed militia groups is generally high (Ba et al. 2008). Hence, when troops and armed rebels engage in rape and sexual exploitation of the civilian population, the risk of HIV infection is much greater, particularly when injuries such as vaginal fistulas and trauma are inflicted on the genital area (DeLargy 2013; Supervie, Halima, and Blower 2010).

The psychological and mental health consequences of sexual violence are unfathomable and often intergenerational (WHO 2012). Those family and community members who are made to watch and engage in sexual violence are also at a considerable risk of psychological damage. The social consequences of sexual violence are significant. Victims of rape are commonly disowned by their families, young and unmarried girls are typically considered “spoiled,” and children born out of rape are very often rejected by the community. This is especially true given that the stigma and shame associated with rape in peacetime continues during conflicts, even when sexual violence is widespread.

Sexual violence also has profound economic consequences, condemning its victims to a life of poverty and increased vulnerability. The economic aspect of sexual violence is complex but often overlooked. Pillage, extortion, and dispossession are frequently committed alongside rape. Expensive medical treatments required for victims of rape typically result in a spiral of debt. When victims are rejected by their spouses and communities and unmarried girls are no longer considered worthy of marriage by suitors, they generally lose all forms of actual or potential financial support. All of these factors compound poverty and lead to the destitution of victims and their families.

Sexual violence has undoubtedly been one of the key issues on the UN agenda on women, peace, and security from its inception. Resolution 1325 (para. 10, 11) recognizes that women are targeted for sexual violence and requires member states and all those involved in peace activities to protect women from sexual violence and to prosecute those responsible for crimes

of sexual violence against women and girls. Resolution 1325 was initially widely celebrated by feminists and women's activists because of its potential for transforming unequal gender relationships in transitional societies and increasing women's equal participation and full involvement, particularly in leadership positions in national, regional, and international institutions and in future governance and transitional institutions. The underlying aim of Resolution 1325 was not simply to protect women during armed conflicts but also to promote gender equality and women's empowerment during peace processes and postconflict reconstruction (Aroussi 2015; Otto 2009).

However, the years that followed the adoption of Resolution 1325 saw a greater focus on the issue of sexual violence in armed conflict and further pressure on the Security Council to address it in earnest in subsequent resolutions on WPS. In four out of the seven new resolutions on WPS, sexual violence figured as the most, if not the only, priority for the council and member states.¹ In particular, the issue of sexual violence in these new resolutions was reframed primarily as a peace and security concern requiring an international security response rather than as a gender equality issue. For instance, in Resolutions 1820 (para. 1) and 1888 (para. 1), the Security Council acknowledged that sexual violence in armed conflict, when used strategically "to humiliate, dominate, instill fear in, disperse and/or forcibly relocate civilian members of a community or ethnic group," represents a threat to international peace and security and expressed its readiness and intention to take measures against the perpetrators, including the imposition of sanctions and authorization of the use of force (Resolution 1820, para. 1, 5). The Security Council in the new resolutions on WPS also established a listing mechanism to name those parties to armed conflicts that are credibly suspected of committing acts of sexual violence and to impose targeted sanctions against them (Resolution 1888, para 27; Resolution 1960, para 3, 4, 7, 18).

By flexing its muscles to pursue and punish the perpetrators, the Security Council reinvigorated and reinvented the agenda on WPS as hard-core peace and security (Aroussi 2015). While the reframing of sexual violence as a peace and security concern may have resulted in member states taking more beefy actions against the perpetrators, it created a false distinction between sexual violence committed as a weapon of war and

1. The seven additional resolutions on WPS are 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013) and 2242 (2015).

everyday sexual and gender-based violence during conflicts and transitions (Grewal 2010). The framing of sexual violence as a peace and security issue and as a strategy of warfare obscures the fact that gender inequality remains the root cause and a consequence of sexual violence both during war and in peacetime. The reframing of sexual violence as a peace and security concern and the increasing focus on sexual harm have also had the effect of prioritizing certain harms and certain victims in the context of humanitarian emergencies. For instance, Resolution 1820, in paragraph 3, calls for “the evacuation of women and children under imminent threat of sexual violence to safety,” but it does not equally require the evacuation of women and children under imminent threat of other forms of violence or the evacuation of men facing the same threat of sexual violence.

In the new resolutions on WPS, we have also witnessed an increasing emphasis on criminal accountability and justice for wartime sexual violence. This came at a time of growing emphasis at the global level on criminal prosecution and major developments in international criminal law in terms of norms and practices of accountability for crimes against international law in the International Criminal Court and other international tribunals and special courts (Halley 2008; Mouthaan 2011; Ní Aoláin 2012). The new resolutions on WPS confirm and reiterate concepts of justice developed by international law in terms of the prohibition on amnesty and the need for prosecution of crimes of sexual violence that amount to crimes against international law (Resolution 1820, para 4; Resolution 1888, para 6, 7, 8, 21). Admittedly, the new resolutions, particularly Resolutions 1888 and 2106, take into consideration the needs of victims of sexual violence and innovatively call for the adoption of “holistic responses” to victims of sexual violence (Resolution 1888, para. 8). For instance, Resolution 1888 (para. 12, 13, 17) requires the provision of legal assistance and access to comprehensive health care for survivors of sexual violence that includes sexual and reproductive health and psychosocial and psychological support. Resolution 2106 (para. 19, 20) emphasizes the need to ensure that survivors of sexual violence receive redress for their suffering, including reparations, economic and social reintegration, livelihood support, and other multisectoral services.

While the UN resolutions on women, peace, and security have come a long way in terms of justice and accountability for sexual violence, they remain significantly limited in their responses to women survivors and severely detached from the reality and lived experiences of women in

conflict and postconflict societies. In dealing with justice for sexual violence, the resolutions reproduce international law's hierarchical distinction between victims of sexual violence as a targeted strategy during war and other victims of sexual and nonsexual violence (Aroussi 2015; Grewal 2010). This hierarchy of harm is evident in the call in the resolutions on WPS for criminal accountability for crimes of sexual violence of international character (i.e., acts of sexual violence that amount to war crimes, crimes against humanity, and genocide) but also in the call for the adoption of a "holistic approach" to victims of sexual violence, particularly as a weapon of war, rather than for women victims of armed conflicts without distinction. The increasing focus on sexual violence within and outside the agenda on women, peace, and security and its rebranding as a global peace and security concern and a foreign policy priority inevitably have implications for women in conflicts and transitional societies such as the Democratic Republic of the Congo, where services are scarce and the list of competing priorities for donor funds and programming are immense.

THE DEMOCRATIC REPUBLIC OF THE CONGO

In 1996–97, Laurent Kabila's attempt to depose the dictator Mobutu Sese Seko led to a full-blown civil war that lasted from 1998 to 2003. The war was complex, involving deep-rooted tensions at both the macro and micro levels and major strife over ethnicity and access to lands and resources that went back to the time when the Belgian colonizers in the 1930s moved the Hutu populations from Rwanda to the Kivus area (Autesserre 2010, 2). After the Rwandan genocide, the situation in the eastern DRC was exacerbated when more than two million Rwandan Hutus arrived in the Kivus as refugees. Soon the war took on a regional dimension, and the spillover from the conflict drew in up to 14 different foreign armies, destabilizing many countries in the Great Lakes region (Zongwe 2013). The Sun City peace agreement reached in 2002 failed to quell the babbling tension in the eastern region, an area that is extremely rich in natural resources and minerals. Following the elections in 2006, the conflict continued in the eastern DRC between the government forces and various rebel factions, particularly the Congrès National pour la Défense du Peuple (National Congress for the Defense of the People) and, later, the March 23 Movement (M23). In 2013, a military operation by the United Nations Organization Stabilization Mission in the

Democratic Republic of the Congo (MONUSCO) gave the government the upper hand over the M23. The defeat of the M23 in November 2013 forced the rebels to surrender and engage in the Kampala negotiations, which culminated in the adoption of a new peace agreement in December 2013.²

The long wars in the DRC were brutal, generating an unprecedented level of suffering and leading to the slaughter of millions of innocent people and widespread abuse of civilians. In the eastern region, 81% of the population had to flee, with internal displacement reaching 2,658,000 in January 2015 (UNHCR 2015). Life there has deteriorated significantly, and the population remains at the mercy of humanitarian aid. In 2014, the DRC ranked 186th out of 187 countries in terms of its Human Development Index (UNDP 2014). The state in the DRC, as Lemarchand (2010, 125) points out, is “in essence non-existent.” Infrastructure and services in the east are absent. Roads and transport networks are severely lacking; most have been destroyed by the conflicts, making travel in the vast and inaccessible territory of the Congo very difficult and out of reach financially for most of the population.

The health facilities in the country have also suffered significantly from lack of investment, and much of the existing health infrastructure has been destroyed or debilitated by deliberate, repeated attacks from the various belligerent factions (Ba 2011). According to World Health Organization, expenditures on health in the DRC are only 3.5% of total gross domestic product; the figure is much lower in the eastern part of the country (WHO 2015). Most state employees in the east, including teachers, nurses and doctors, police, and security and justice services, are very poorly paid or not paid at all. Public institutions are not allocated adequate funding to carry on their day-to-day activities. All of this has meant that the cost of accessing basic services such as education, health, and formal justice has to be borne by the users of these services. The country also suffers from widespread corruption, ranking 154th out of 175 countries globally in terms of the level of corruption (Transparency International 2014).

Women’s experiences of the continuous conflict in the eastern DRC have been marked by psychological trauma, threat to life, loss of loved ones, extreme brutality, dispossession, displacement, financial hardship, and lack of access to basic services. Women bear acute caring and

2. The Outcome Document from the Conclusion of the Kampala Dialogue between the Government of the Democratic Republic of the Congo and the M23, signed on December 12, 2013.

childbearing responsibilities in the eastern DRC. They are the ones who work the fields, sell the crops in the market, and ensure the survival of their families. With forced displacement and pauperization, women have lost access to precious lands and resources and have become reliant on humanitarian aid provided by international and local organizations. Many women are forced to work in the informal economy, particularly cross-border trade, as a way of survival, which leaves them vulnerable to systematic abuse and harassment at the border, including corruption and payment of illegal taxes (Titeca and Kimanuka 2012).

The conflicts in the DRC have had a significant impact on women's health. For instance, the DRC has one of the highest fertility rates globally and limited access to reproductive health (Kidman, Palermo, and Bertrand 2015). As mentioned earlier, health facilities in the region lack basic supplies and usually require patients to purchase the materials needed for medical intervention, such as soap, gloves, razor blades, and sheets to ensure a clean delivery of a child (Ba 2011). As a result, the country ranks fifth globally in terms of maternal mortality, which accounts for half of all female deaths between the ages of 15 and 49 (Ba 2011; WHO 2014, 2015). These figures are at the national level, but in the east of the country, the situation is much worse because of the limited health infrastructure and investment.

Sexual violence has been a defining feature of conflicts in the DRC since the beginning of the Congo global war (Autesserre 2012). Sexual violence in the DRC has been committed by all armed groups, including government forces, as a way to intimidate and punish communities for their real or perceived collaboration with opposing armed factions (Meger 2010). Often, sexual violence by armed perpetrators is committed alongside looting (Bartels et al. 2013). Many victims are repeatedly attacked and subjected to sexual violence and loss of their loved ones before they finally decide to leave their homes and lands (Autesserre 2010, 2). Yet sexual violence in the DRC is not only perpetrated by armed groups but also is widely committed by civilians as a crime of opportunity (Meger 2010) and within families, including by intimate partners (Peterman, Palermo, and Bredenkamp 2011). The continuous conflicts in the DRC have also exacerbated prostitution and underage sexual exploitation. Women and young girls are pushed into the sex trade because of limited economic opportunities and rejection by their communities and stigma in cases of victims of rape (Notar 2006). As a result, illegal brothels have flourished in the eastern DRC, and street prostitution is rife.

While sexual violence is widespread in the DRC, attitudes toward rape and rape victims remain very stigmatizing. The ideas that rape is the worst fate for women and that rape victims are unmarriageable are widely adhered to; the situation is worse for unmarried victims of rape, including children, who become seen as worthless. During the course of this research in South Kivu, victims of rape were very frequently described as worthless, damaged, or destroyed, with no future or prospects, by their own parents and communities.

THE SEXUAL VIOLENCE FRAME IN THE DRC

While sexual violence is undeniably a major issue in the DRC, it is neither the only priority for women nor a new or unprecedented phenomenon in the Congo. In fact, as Autesserre (2012, 215) points out, sexual violence existed at higher levels and in an equally brutal manner during the first wars of the Congo from 1994 and 2003. What has changed since then is the international attention to paid to sexual violence in the international media and in policy-making forums, particularly since the adoption of Resolution 1820 in 2008 and Resolution 1888 in 2009. During the open debates that preceded the adoption of these two resolutions, presided over by the United States, the DRC was cited as the most prominent example of countries where sexual violence as a weapon of war is widespread, and this argument was used as a justification for why the international community should take a stand on this issue.³

Attention to rape in the Congo has further increased following the high-profile visits by Hillary Clinton and Margot Wallström to the eastern Congo in 2009 and 2010, respectively, where they focused on the issue of sexual violence (Autesserre 2012, 215). During her official visit to the region to investigate an incident of mass rape by rebel fighters, Wallström, then the UN Special Representative on Sexual Violence in Conflict, labeled the Congo the “rape capital of the world” (BBC News 2010). This label, which many of my Congolese participants found simplistic, highly stigmatizing, and offensive, has since been used by journalists, advocates, aid workers, policy makers, and scholars to describe the Congo. The

3. See for instance, UN Security Council, “Open Debate.” Meeting 5916 and Resumption 1, June 19, 2008, http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.5916 and [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.5916\(Resumption1\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.5916(Resumption1)) (accessed December 13, 2015); and UN Security Council, “Open Debate,” Women, Peace and Security Council Meeting 6195, September 30, 2009, http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.6195 (accessed December 13, 2015).

focus on the Congo as the locus of sexual violence has continued ever since and was sustained by celebrities' visits to the area, such as Angelina Jolie, Jill Biden, Michael Cobbler, and Charlize Theron. The sexual violence frame for the Congo is evident in the mainstream Western media attention to this country: stories about the Congo only make it into the headlines when rape is involved. This increased attention to rape in the Congo, as Autesserre (2012, 215) has pointed out, has "entrenched sexual violence as the frame to use when thinking about the Congo." Framing is significantly important in drawing the boundaries of international intervention in aid-driven economies. Framing not only affects what issue gets noticed and what falls through the cracks but also has an impact on how and which issues get addressed in peacebuilding strategies. This is particularly so given that international peacebuilding practices are largely driven by the propensity for uncomplicated narratives and simple solutions (Autesserre 2010, 2012).

In the case of the Congo, the simple narrative of rape as a weapon of war and ending impunity as the way to combat it has been predominant in the analyses, reports, policies, and programs on the Congo. While this framing of sexual violence has been a catalyst for galvanizing international efforts to address the issue on the ground, it has arguably restricted the scope of intervention to the frame, with limited results.

In 2013, the issue of sexual violence as a weapon of war was instrumental in the deployment of international military support to defeat the M23 by MONUSCO. The UN Security Council in Resolutions 2053 (2012) and 2098 (2013) created and mobilized a specialized "intervention brigade" of 19,815 troops to support the government forces and defeat the M23. In these resolutions, we see direct citation of the UN resolutions on women, peace, and security and of the issue of sexual violence as the justifications for this military operation. In addition to military mobilization, various international funders such as the European Union, Belgium, Sweden, and Canada have financed several mobile court hearings in various areas of the territory and provided technical and logistical support to help improve prosecutions of crimes of sexual violence, particularly by state actors.

Various international funders have also been involved in funding health services, including psychosocial support for victims of sexual violence, particularly through the Panzi Hospital in South Kivu. As a result, the quality of medical and psychosocial care has noticeably improved for victims who are able to access the Panzi hospital for treatment. For instance, at Panzi, to accommodate a greater number of victims of sexual

violence, staffing increased from 3 to 10 for social assistants. The number of doctors dealing with sexual violence also increased to seven, including three permanent doctors and one medical legal doctor. A new large-scale project funded by the World Bank is also currently under way in the eastern DRC to provide access to medical care and psychosocial support for victims of sexual violence in health centers in the territories of Walungu, Kamituga, Plaine de la Ruzizi, and Minova. The emphasis on ending impunity for sexual violence has also led to the proliferation of legal clinics to advise and refer victims of sexual violence to health and legal services in various areas in South Kivu, particularly in the territories of Uvira, Walungu, Kalehe, and Mwenga.

The sexual violence frame has also influenced the government to take a number of actions that give the impression of serious engagement in the fight against sexual violence. These include the prosecution during 2013 and 2014 of 196 members of the national defense forces and national police and other state agents of sexual violence, including several high-ranking officers such as General Jérôme Kakwavu and Lieutenant Colonel Bedi Mobuli Engangela (UN Secretary General 2014, 2015). In July 2013, the prosecutor general of the armed forces issued 13 international arrest warrants and extradition requests for war crimes and crimes against humanity, including sexual violence, against alleged members of the M23, including President Jean-Marie Runiga and Brigadier General Bosco Ntaganda (UN Secretary General 2014). In 2014, the DRC government also ordered the payment of reparations to 30 survivors of the 2003 mass rape in Songo Mboyo, Equateur Province, assigning a value of US\$5,000 for rape, \$200 for looted property, and an additional \$5,000 when the rape resulted in the loss of life (MONUSCO 2014; UN Secretary General 2015). Other measures worth noting include the appointment of Jeanine Mabunda as the Presidential Adviser on Sexual Violence and Child Recruitment in the DRC to provide leadership and coherence on the issue of sexual violence (UN Secretary General 2015, 7) and the creation of focal points for coordinating actions on combatting impunity for sexual violence within the ministries of justice and gender and health.

THE LIMITATIONS OF THE SEXUAL VIOLENCE FRAME

Despite all the progress discussed here, the focus on sexual violence did not really deliver in the case of the eastern DRC. The framing of sexual

violence as a weapon of war and the emphasis on ending impunity mainly resulted in militaristic and legalistic strategies that did not adequately address the problem of sexual harm, let alone the broader gender harm that women experience in the eastern DRC. Responses to the rape crisis in the Congo were largely focused on military strategies to defeat and weaken the various armed groups as well as strategies to bring some of those responsible to justice. While the military operation by MONUSCO led to the defeat of the M23, various other small armed groups remain active, particularly around the mines, frequently terrorizing the neighboring population, including through the use of sexual violence. In fact, since 2013, there has been a resurgence of violence by splinter armed groups and even an increase in the number of rapes by 13% over the previous year (UN Secretary General 2014, 8). From January to September 2014, the United Nations Population Fund recorded 11,769 cases of sexual and gender-based violence in the eastern provinces of North Kivu, South Kivu, Orientale, Katanga, and Maniema (UN Secretary General 2015, 7). The UN Secretary General in the annex of his 2014 report on conflict-related sexual violence, as required by Resolution 1960, named a total of 12 armed groups operating in the region that are credibly suspected of committing rape on a large scale, in addition to the national army and the national police forces (UN Secretary General 2014, 32).

The focus on rape as a weapon of war in the DRC has obscured the fact that sexual violence in the DRC is not just a military strategy but an everyday reality that women and children, as well as men, have been enduring for decades. For instance, in his 2015 report, the UN Secretary General (2015, 8) noted that almost 70% of cases of sexual violence in the DRC continue to be committed by rebels, with the remaining 30% of cases committed by government forces. However, what the UN Secretary General failed to consider is the large-scale nature of sexual violence committed in the Congo by civilians, including demobilized members of armed groups because of the failure of DDR (disarmament, demobilization, and reintegration) and SSR (security sector reform) processes (Baaz and Eriksson Stern 2013), as well as by intimate partners (Peterman, Palermo, and Bredenkamp 2011). Research on sexual and gender-based violence in the DRC suggests that the greatest threat of violence to women is from an intimate partner, with approximately 35% of women reporting intimate partner sexual violence, making it the most pervasive form of violence against women (Kidman, Palermo, and Bertrand 2015; Peterman, Palermo, and Bredenkamp 2011; Tlapek

2015). The prioritization of combating rape as a military strategy has also meant that the extensive sexual exploitation and harassment of women and children in the DRC in schools, streets, the workplace, and illegal brothels remains unaddressed. Rape in the DRC today is a social phenomenon rather than a simple military or conflict-related issue. To address this social phenomenon, a much larger intervention focused on empowering women and eradicating gender inequality is sorely needed.

The focus on ending impunity and on prosecutions has also failed to deliver in the case of the DRC. The widespread nature of sexual violence in the region and the lack of infrastructure, judicial and criminal justice capacity, and political will to end impunity have meant that most crimes of sexual violence in the DRC are never prosecuted or punished. Many of the participants who are working in this area have criticized the Congolese government's unwillingness to provide essential funding to institutions such as the police and the criminal justice machinery to enable them to carry on their day-to-day work. The police force, including the specialized Sexual Violence Unit, lack the manpower, resources, funding, and technical and logistical expertise to cope with the extent of sexual violence cases in the vast region of South Kivu. To work effectively, the police force requires funding to conduct investigations that is not provided by the government. Insecurity, difficult terrain, and the lack of road networks and transportation infrastructure make it difficult for the police and the Sexual Violence Unit to travel to areas where there have been reports of serious incidences of widespread rape. The prison system is also dysfunctional and underfunded. Prison breaks are frequent because of the lack of secure facilities and the inadequate provision of food and sanitary conditions in the state prisons (MONUSCO 2014). Many participants in the research pointed out that apprehended perpetrators awaiting trial are often set free for lack of resources, and those convicted almost never fully serve their sentences. Corruption is also rife in prisons and in the criminal justice system generally. The level of corruption has led to an absence of trust in the fairness of the system and discouraged the population from using it. The state is currently unwilling to combat corruption within the criminal justice system, given that many of the corrupt judges and magistrates are not suspended even following evidence of corruption and malpractice.

As mentioned earlier, the cost of pursuing justice often reverts back to the victims. A leading member of the civil society explained,

Even in cases where legal aid is provided, costs for transport and accommodation of the victim and her legal representative to the tribunal where the trial is taking place, administrative fee to lodge the case, cost of collecting medical and forensic evidence and even the cost of printing the defence report have to be covered by the victim or a supporting NGO.

Participants in the research also repeatedly mentioned that the issue of reparations in the DRC remains unresolved, not only because of destitution or the lack of state funds but also because of the cost associated with the process. To claim reparations ordered by courts, victims reportedly have to travel to Kinshasa and pay for a legal representative and administrative fees, costs that go beyond the awarded value of the reparations. Hence, the awarding of reparations by the state in the case of the DRC remains meaningless.

The efforts by the Congolese government to address the issue of impunity for sexual violence have remained largely cosmetic. For instance, while the Congolese government is currently attempting to coordinate efforts by actors on the ground on ending impunity for sexual violence in the region, it is unwilling to contribute funds across the ministries to this project. The presidential appointment of Jeanine Mabunda as the Special Representative on Sexual Violence in Kinshasa, more than 1,500 miles away from the eastern region, where sexual violence is widespread, has been unsurprisingly ineffective on the ground. Prosecution by the government military courts rarely targets the high-ranking Congolese army officers who continue to enjoy impunity (MONUSCO 2014). There has been almost no effort to prosecute members of the armed groups because of the lack of state authority in the remote areas where these groups usually operate. The fact that most perpetrators, whether civilians or military, are at large makes victims reluctant to come forward for fear of retaliation by the perpetrators (MONUSCO 2014).

The situation of victims in terms of access to justice has been made worse by the recent decision by the government to abolish the traditional justice system with immediate effect in 2013 and to establish instead eight peace tribunals in the vast and inaccessible territory of the South Kivu.⁴ These

4. The decision to establish the peace tribunals goes back to 1968 and 1982, laws 68-248 and 82-020, respectively. The peace tribunals, according to legal officials interviewed in this study, were meant to coexist with customary justice. However, the decision to abolish the customary courts came on April 11, 2013, with law 03-011B. The idea was to have eight peace tribunals in Shabunda, Idjwi, Fizi, Mwenga, Kalehe, Uvira, Walungu, and Kabare. The peace tribunals have only been recently but not yet fully established in the eastern DRC.

tribunals have no competence over criminal matters such as sexual violence and are not fully established yet. All of this has meant that justice has become even more removed from the victims.

In their efforts to enhance access to justice, international actors have funded several mobile courts in various territories of South Kivu. However, often these actors found themselves working in unchartered territory where every step of ensuring victims' access to justice needed to be thought of and funded. This usually goes beyond what funders and programmers have planned and budgeted for, and often mistakes are made that can have detrimental results on the outcome. For instance, one of the international participants working in this area argued,

Budgets and programmes planned in the Western world do not really fit the reality on the ground in the DRC. Funders may go to all the trouble of organising a mobile court hearing but they would not get a copy of the judgements if they do not remember or plan to pay for a court stenographer to travel, write, type and print a copy of the judgments something that you would assume will be automatically and freely available as part of the national justice machinery.

At the same time, the large influx of international actors willing to fund mobile courts has brought with it the usual problems associated with donor-led justice, particularly economic opportunism, competition over funding, duplication of programs, and a complete lack of coordination. It has also led to a situation in which Congolese actors will not participate in training, hearings, and workshops without financial inducements. The significant amount of money provided by donors for the treatment of each case of sexual violence has also created a false sense of progress because of the increase in the number of prosecuted cases, although there has been no change in attitudes within the criminal justice system and behaviors within society in relation to gender-based and sexual violence.

The sexual violence frame in the DRC in donor-led justice initiatives and peacebuilding programs has also resulted in a hierarchy of harm, with rape as a weapon of war being the ultimate and most urgent priority. This is highly problematic in a country where access to services, including health and justice, is at a premium for most of the population. To enhance access to health care and justice, donors have been involved in funding free health care and legal aid services for victims of sexual violence who identify themselves as such to access these treatments free of charge. In this gendered paradigm, victims of rape, particularly by

armed actors, have better chances of getting medical treatments and benefiting from legal aid and access to justice than victims of other crimes. A multiple-level hierarchy operates here between militarized and nonmilitarized sexual harm, sexual and nonsexualized harm, as well as between male and female victims of violence.

The prioritization of sexual violence in mobile court trials, according to many participants, has created a sense of frustration on the ground and within communities where there are intractable conflicts over lands and resources, cases of violent murders and dispossession, and no recourse to justice or conflict resolution mechanisms to resolve these issues. In such a case, the prioritization by certain donors of sexual violence cases through mobile courts has created a sense of frustration on the ground, as people feel that their priorities are not being addressed. In a similar way, the provision of free health care treatments and other services to victims of sexual violence, as many participants argued, is also problematic. In a country where most of the population is living below the breadline and access to health care is at a premium, the provision of free medical treatments to rape-related sexual injuries but not for other health conditions creates a hierarchy between patients based on sexual and nonsexual violations rather than on health emergencies and needs. The condition to identify oneself as a victim of rape to benefit from services is also problematic, as many women, as well as men, do not wish to disclose the details of what happened to them and may be discouraged from seeking treatment in the first place.

Despite all the efforts and donor expenditures, the vastness of the territory in South Kivu and the absence of infrastructure have meant that survivors are often unable to reach medical facilities such as Panzi for medical treatments and psychosocial assistance. The endemic nature of rape in the DRC has also meant that the vast majority of victims will not have access to Western-led initiatives of transitional justice (MONUSCO 2014). In the absence of a neutral and functioning constabulary, police force, prison system, and judiciary and in the absence of state authority and institutions, it is very difficult to see how justice as prosecution can be delivered and the rule of law upheld in the eastern DRC (Lemarchand 2010, 125).

While the international community celebrates the small number of prosecutions achieved through mobile and military courts, there is a failure to question the very same paradigms used to devise strategies on the ground and their relevance to the local context. While the need for justice for victims of human rights violations is extremely important,

what this entails in practice is far from a one-size approach in the form of prosecution and punishment. Feminist scholars of transitional justice have long pointed to the lack of relevance of forms and concepts of justice used in the West to local communities in conflict-ridden societies. In the eastern DRC, local trust in formal justice is minimal at best, if not nonexistent. In many rural areas, people are solely reliant on traditional justice mechanisms, partly because of the unavailability of criminal justice machinery near them but also because of the associated cost, time-consuming nature of the process, and the corrupt reputation of the system. This has meant that many victims are reluctant or not interested in pursuing justice in courts and tribunals. More importantly, even in the most perfect scenario of achieving a conviction and holding the person responsible behind bars, this may not be the kind of justice that victims want. As previously mentioned, sexual violence is often motivated and accompanied by looting. Sexual violence very frequently leads to pauperization. Conflicts have also inevitably resulted in the shrinking of the economy and development and subsistence opportunities. Yet the economic aspect of justice is often overlooked and deprioritized by donors and actors involved in designing peacebuilding and conflict-related responses. Many of the participants interviewed in this research in the area of South Kivu who have had experience of sexual and gender-based violence, including multiple attacks, expressed an unwillingness to pursue claims through the formal criminal justice system against their perpetrators and expressed skepticism of the ability of the current system to deliver justice. Instead, they made it clear that their priorities centered on access to lands and microcredit, skills for subsistence, housing, and schooling for their children.

For instance, in a typical response, one of the survivors, in answer to a question about the kind of justice that she wanted, stated,

I have 13 children but only the eldest of them went to school, my biggest worries are my younger children who have no future or place in the society. We cannot end the problem of rape but if there is a way to send my children to school or if I can get a small capital to start a business or buy a small land to cultivate and take care of my children I will feel better and I will be able to lead a normal life. What happened to me is not important anymore. My biggest concerns are my children. If I die tomorrow my children will have nothing left but the stigma of being children of the wife of the Interahamwe. But if they have schooling they will have a better life.

Another survivor also stated,

I do not want prosecutions and I do not want to respond to evil by evil. When the Christian preachers visited me in the hospital, they spoke to me about forgiveness towards our enemies in order to have peace in my heart and to live in harmony with God. Since then, I have forgiven my perpetrators. I remain grateful to the lord for the fact that I am still alive, because if I have died, nobody will be there to look after my children. My problems today are purely economic. I have seven children and we live in absolute poverty. My children feel deep resentment because they cannot go to school like other children due to poverty. I want my children to go to school so that they can look after themselves in the future and I want to be able to have a job or a herd of cattle to earn a living in order to help my family survive and to educate my children.

Another participant told me,

In terms of justice, I don't want prosecution; vengeance will not solve our problems. But we currently live in a house too small for us that we can hardly fit in it. We have also lost our land and wealth because we had to move and it would be really important for us if we could have a piece of land that we can cultivate for survival and business. My father is too old now to look after us.

These findings resonate with the views of participants from civil society organizations, who insisted that economic remedies and development-oriented strategies that benefit and empower women to overcome victimization and vulnerability in general are needed in the DRC. Yet donors' responses remain focused on sexual violence, on criminal prosecution, and on the victims rather than more broadly on their families and communities.

The prioritization of rape in the DRC in international programming has also inadvertently increased the stigma surrounding it. The increased attention to rape has elevated the status of rape above all other crimes as the worst fate for women and amplified the stigma attached to it and, as a consequence, increased its power to destroy its victims. Such power does not come from the physical act itself but rather from the symbolism and value that society and the international community attach to women's sexuality and the female body. In South Kivu, despite all the awareness campaigns organized by various organizations, men remain less likely to accept and support raped wives or girlfriends than in the case of a sister, mother, or daughter, and the stigma surrounding victims remains significantly high (Kelly et al. 2012). The idea that raped

women and girls are “destroyed” or “worthless” remains strikingly rife among survivors and their families. Many civil society activists who participated in this study pointed out that segregating rape from other crimes is not helpful for the country to recover from the legacy of the conflicts and to address the issue of sexual violence. Instead, they insisted on the need for solutions that target whole communities and, in turn, benefit victims of sexual violence as members of these communities without segregating them.

Women’s activists and civil society organizations in the eastern DRC have condemned the current focus of the international community on victimization at the expense of gender empowerment and women’s leadership. The sexual violence frame in the DRC has inevitably led to the overrepresentation of Congolese women as victims of rape rather than as agents of change, and hence interventions are largely focused on addressing women’s needs as victims of sexual violence rather than on empowering Congolese women and increasing their level of participation at the regional, national, and international levels. The beneficiaries of these programs are limited to those few fortunate victims rather than Congolese women and the population in general. Women’s participation in decision making and representation within political institutions, while included in the Sun City peace agreement and in the 2006 Constitution, remain marginalized. The government not only did not display any intention to implement the equality provision of the 2006 constitution but also resisted civil society activists’ campaigns on this issue. The international community has failed to put pressure on the government to push for women’s participation and to support women’s leadership on the ground. In particular, there was a feeling among civil society participants that the situation of women in the DRC would be much better if the international community made a similar investment in the issue of political participation and put similar pressure on the government to address it as it did in relation to sexual violence. For instance, a women’s activist stated,

If women today will have access to decision making we may find a different solution to sexual violence. This why we say that participation is what interest women and the Congolese population today. But the government today resists the implementation of 1325. The commitments to women’s equal representation in Sun City and after in the 2006 constitution remain ink on paper. The international community is not supporting this issue as they should. Donors are not looking for durable solutions aimed at

increasing gender equality and women's participation but are more interested in women as victims.

Finally, many of the participants in this study complained that sexual violence in the eastern DRC has become a business opportunity and a source of income to many because of donors' interest in funding services for victims. In this regard, one civil society leader stated,

What happened with the attention to sexual violence in the Congo is like fire-brigade intervention by donors who mobilised the funds for sexual violence in the DRC. But when donors bring funding for sexual violence everybody engages in sexual violence related activities because they know that is where the money is but not because they want to resolve the issue or help the population.

In fact, in the area of South Kivu, there was an influx of international NGOs as well as an increase in the number of local NGOs to work on this particular issue. Some international NGOs have even shifted their interests from development or climate-related issues to dealing with issues of sexual violence, in part because of the availability of funding opportunities in this area. The increasing focus on sexual violence, according to many civil society activists, has increased the stigmatization of victims and led to competition over numbers and victim registration and counting, which was not beneficial for the survivors and their communities. A director of a women's NGO in South Kivu lamented,

We are witnessing today a competition over victims and donors funds by NGOs mainly to mobilise donor's funds quickly. There is an emphasis on counting victims and even an appropriation of victims: "These are my victims" they would say. This approach has dehumanised women and increased their stigmatisation. It is not normal for an international NGO to come to a village and say I came to register victims of sexual violence. Do they really think that it is a pleasure to have experienced sexual violence? And who is not a victim of sexual violence or is not affected by sexual violence today because these were public acts of sexual violence. Everybody is a victim of sexual violence. Their focus should be on assisting communities and the victims live within the community.

The focus of international NGOs on sexual violence and the competition over funds created by donors' interest in sexual violence, according to many civil society activists, has only led to short-term programs and a narrow scope of interventions that did not deliver in the end.

CONCLUDING THOUGHTS

I started this article by arguing that the increasing attention to sexual violence within the UN agenda on WPS, particularly since the adoption of Resolution 1820, has deprioritized women's other concerns and detracted from the broader aim of women's empowerment espoused by Resolution 1325. Regrettably, since 2008, the UN agenda on WPS has increasingly privileged a narrow vision of security focused on physical and sexual security instead of a broader gender security perspective that encompasses social, economic, political, legal, physical, and sexual security (Aroussi 2015). Sexual security, within the agenda, has been prioritized above other concerns that may have higher importance for women and that are perhaps more tightly linked to achieving "women's real security" (Ní Aoláin, Haynes, and Cahn 2012, 199).

Looking at the eastern DRC as a case study, I have argued in this article that the implications of this international obsession with women's sexual security, at the expense of a broader interest in gender security, has had detrimental consequences in terms of interventions by the international community in the field. In particular, the framing of rape as a weapon of war rather than as a form of gender-based violence that is rooted in gender inequality has limited international responses to militaristic and legalistic strategies that are incapable of eradicating sexual violence and empowering women to move beyond their sanctioned role as victims. Sexual violence, particularly in the case of the eastern Congo, is not only a weapon of war but also an extensive social harm that goes beyond the artificial distinction between war and peace. Social harm necessarily requires social forms of intervention based on broader social transformation strategies aimed at combating gender inequality and violence against women and buttressing prosocial behaviors. Legal responses, on the other hand, typically narrow the lens of intervention to the perpetrators, taking attention away from the social norms and behaviors and the structures of inequalities and marginalization that allowed for violence and human rights abuses to be committed and sustained in the first place and, as a result, limiting the potential for social repair. Importantly, legal responses treat rape as a single event in the life of survivors, with no consideration of the lifetime economic, health, and social consequences of sexual violence. As Weinstein notes, "when legal professionals and the human rights community translate social suffering into a tort or crime ... lost in translation are the issues of distributive justice — the social, economic and cultural rights concerns" (2014, 175).

Spivak (1988) interrogated “the unquestioned muting of the subaltern women” and the need to rethink the position of the Western elites in their attempts to define and respond to third-world women’s problems. Spivak (1994) pointed out that the subaltern can be neither heard nor read. Perhaps if scholars, practitioners, and donors start listening to those affected women and give them the space and the opportunity to speak in their own language about their issues and priorities, then we would become more effective in designing responses to their suffering. Only by doing so are we able to confront our own blind spots in theory and practice and move beyond simplistic framing, analysis, and solutions.

During my fieldwork, I made a promise to the participants in my research, and particularly to survivors of sexual violence and their communities, to reflect their priorities and concerns in my writing so that perhaps this would eventually influence policies in this area. While the donors and international actors remain fixated on funding and delivering justice as prosecution, justice for many of the survivors in the eastern DRC is typically framed in terms of economic remedies and development. In this research, survivors often viewed access to basic amenities such as free access to education, health care, housing, land, and economic resources and employment as the kind of justice that they want and rightly deserve. This economic aspect of justice is central to the survivors’ perception of what justice is. This is not surprising when remembering the interconnectedness between crimes of sexual violence and economic deprivation and when considering the life burden of sexual violence on survivors. However, this by no means implies that survivors who wish to prosecute the perpetrators of sexual violence should have no support to access the formal retributive justice system, but simply that the prosecution of offenders should not be prioritized above other remedies that feel like justice to the victims. Fundamentally, the concept of justice needs to be broadly defined to include social-, economic-, and development-oriented remedies that support and empower survivors and their communities. Equally important is the issue of improving women’s access to decision making, leadership, and empowerment in the DRC. Women’s participation is in itself a remedy for gender injustice and is essential to achieving justice. As Fraser (2010) points out, no claim for justice can ever exist without representation.

The discrepancy between the needs and priorities of victims on the ground and donor-led transitional justice programs is not unique to the DRC and has been observed by many transitional justice scholars elsewhere (Gready 2010; Jeffrey and Jakala 2015; McEvoy and

McGregor 2008; Ni Aoláin 2011). In particular, scholars have criticized the Eurocentric nature of transitional justice norms and mechanisms and interrogated their universal application to the African context (Vandeginste and Sriram 2011; Weinstein 2014). Looking at Sierra Leone, Nkansah (2014, 117) compared transitional justice mechanisms there to a “justice spaceship” phenomenon as an alien body with no relevance or link to the local context. The meaning and methods of justice are socially constructed, and local perceptions and expectation of justice cannot be set aside in favor of foreign concepts and frameworks of transitional justice.

Going back to the UN agenda on WPS and drawing from the eastern DRC case study, I argue that the agenda has to move beyond the one-dimensional concern with wartime rape to reclaim the priorities originally set by Resolution 1325 and particularly the aim of increasing women’s participation, addressing the various priorities of women in all peacemaking and peacebuilding activities and achieving gender empowerment. While in the last two years, there have been attempts within the agenda on women, peace, and security to refocus the interest on women’s participation and to steer international efforts toward gender empowerment and women’s rights, including through the adoption of Resolution 2242 in 2015, it remains to be seen whether and how these efforts would be translated into peacebuilding practices and programs on the ground.

Currently, the UN agenda on WPS continues to suffer from a limited understanding of gender as sex and biology. Feminist scholars such as Otto (2009) and Aroussi (2011, 2015) have previously criticized the focus on women instead of gender within the UN agenda on WPS. In doing so, the agenda clearly reduced women to sex and their issues to sexual violence, leaving the structures that produce and sustain violence against women and girls untouched. While in recent years there have been attempts to include male victims of sexual violence in programming, gender is not simply the sum of women and men but is rather interrelational and structural. Sexual violence, whether committed against male or female victims, is rooted in beliefs and attitudes surrounding femininities and masculinities and is essentially about dominance, power, and control. The reduction of gender to women and girls has meant that responses to sexual violence are limited to treating the symptoms of violence against women rather than its root causes. In order to address the problem of sexual violence, the agenda needs to rethink its approach and refocus its attention on gender as a power structure and a relational category.

The WPS agenda must also move beyond the selective and constricted focus on sexual harm and victims of rape to address gender harm against women and girls. Sexual harm, albeit horrific, remains only one of various other harms that women and girls experience in armed conflicts. The agenda must neither pick and choose between women's concerns nor promote a hierarchy of victims based on sexual violations. Instead, the agenda must refocus on addressing women's different vulnerabilities.

Equally significant, the issue of sexual violence within the agenda on WPS must be reframed as gender-based violence, acknowledging the intrinsic link between gender inequality and violence against women in war and peace. The agenda on WPS must contribute to combating unequal gender relationships and dismantling the structures that reproduce and maintain gender inequality and violence against women in conflict and postconflict societies in the first place. The aim of the UN Security Council resolutions to end sexual violence in conflict is unlikely to be achieved as long as the agenda remains disconnected from the larger transnational feminist struggle for gender equality. Finally, instead of the current narrow focus on sexual security, the agenda on WPS ought to redefine women's security in broader terms and refocus international efforts on empowering women. Gender security can only be achieved when women's social, economic, political, and legal security is adequately fulfilled. To fulfil the promise of gender justice, the agenda on WPS must move beyond the strictures of international law to draw on transformative redistribution, recognition, and representation remedies for women, as conceptualized by Fraser (2010). This would necessarily mean that interventions should not be aimed at only victims of sexual violence but at gender transformation within the society at large.

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