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SPECIAL REPORT

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ABOUT THE REPORT

Under the collaborative leadership of the United States Institute of Peace (USIP); the Human Rights Center at the University of California, Berkeley; the Peace Research Institute Oslo (PRIO); and the Stockholm International Peace Research Institute North America (SIPRI North America), this special report is launched to mark the first convening of *The Missing Peace Symposium on Sexual Violence in Conflict and Post-Conflict Settings*. Over the past eighteen months, this core group of organizations along with others have developed a community of practice made up of scholars, policymakers, practitioners, and military and civil society actors to examine the issues of conflict-related sexual violence, to identify gaps in knowledge and reporting, and to explore how to increase the effectiveness of current responses to such violence. This report summarizes ten major misconceptions about wartime sexual violence, highlighting both advances and gaps in our knowledge. Drawing on social science research, it outlines for policymakers the current state of knowledge about wartime sexual violence, details gaps in existing knowledge, and explores the implications of these findings for policymaking.

ABOUT THE AUTHORS

Dara Kay Cohen, an assistant professor of public policy at the Harvard Kennedy School, is completing a book project on wartime rape during recent civil conflicts. Amelia Hoover Green, an assistant professor of political science at Drexel University, is focusing her current book on armed groups' efforts to control *continued on page 2*

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SPECIAL REPORT 323

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CONTENTS

Introduction: Defining the Problem	2
Misconceptions	2
What Do We Still Not Know?	10
Policy Recommendations	11

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Wartime Sexual Violence

Misconceptions, Implications, and Ways Forward

Summary

- Wartime rape is neither ubiquitous nor inevitable. The level of sexual violence differs significantly across countries, conflicts, and particularly armed groups. Some armed groups can and do prohibit sexual violence. Such variation suggests that policy interventions should also be focused on armed groups, and that commanders in effective control of their troops are legally liable for patterns of sexual violence they fail or refuse to prevent.
- Wartime rape is also not specific to certain types of conflicts or to geographic regions. It occurs in ethnic and non-ethnic wars, in Africa and elsewhere.
- State forces are more likely to be reported as perpetrators of sexual violence than rebels. States may also be more susceptible than rebels to naming and shaming campaigns around sexual violence.
- Perpetrators and victims may not be who we expect them to be. During many conflicts, those who perpetrate sexual violence are often not armed actors but civilians. Perpetrators also are not exclusively male, nor are victims exclusively female. Policymakers should not neglect nonstereotypical perpetrators and victims.
- Wartime rape need not be ordered to occur on a massive scale. Wartime rape is often not an intentional strategy of war: it is more frequently tolerated than ordered. Nonetheless, as noted, commanders in effective control of their troops are legally liable for sexual violence perpetrated by those troops.
- Much remains unknown about the patterns and causes of wartime sexual violence. In particular, existing data cannot determine conclusively whether wartime sexual violence on a global level is increasing, decreasing, or holding steady. Policymakers should instead focus on variation at lower levels of aggregation, and especially across armed groups.

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continued from page 1
repertoires of violence against civilians. Both Cohen and Hoover Green were USIP Peace Scholars in 2008–09. Elisabeth Jean Wood, a professor of political science at Yale University, was a USIP Peace Scholar in 1993–94. Her work focuses on political violence, civil war, and social movements. She is completing a book manuscript titled *Wartime Sexual Violence*. The report was written by the authors in their personal capacities, and the views are theirs alone.¹

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Introduction: Defining the Problem

During the civil war in El Salvador, state forces reportedly perpetrated sexual violence very frequently; male political detainees were frequently subjected to sexual torture; women suffered sexual torture and rape in detention, as well as rape and other sexual violence in the context of military incursions.² In sharp contrast, sexual violence by the rebel FMLN was quite rare. Civil war in Sierra Leone, by contrast, featured widespread rape and sexual violence by fighters from many armed groups, both rebel and government.³ Often the violence took the form of gang rape, sexual slavery, or sexual torture.⁴ Conflict in the former Yugoslavia presents yet another example of variation. Here, it appears that rape by Bosnian Serb forces was both widespread and systematic, having been ordered or explicitly tolerated by key military figures and directed at particular ethnic groups.⁵ As the broad differences between these cases suggest, sexual violence during armed conflict is a complex phenomenon, yet it still is often understood through the lens of a few well-known episodes.

Before discussing misconceptions, research findings, and their implications, we need to clarify the phenomena we are considering. Definitions of both *sexual violence* and *conflict-related* differ markedly from study to study, presenting significant obstacles to the accumulation of knowledge about wartime or conflict-related sexual violence. The result is a research area in which definitions—and therefore measurements—may overlap awkwardly, leaving researchers to debate definitional matters rather than empirical observations or causal inferences, and providing no clear direction for policymakers.

For this report, we reviewed research on wartime sexual violence in general, including research on sexual violence that is not perpetrated by armed actors or directly caused by conflict conditions. We do not advocate any particular definition, although we recognize that common definitions could considerably aid our understanding. In practice, however, most of the research reviewed focuses on a limited subset of wartime sexual violence, namely, rape by armed actors.

Consequently, except where we explicitly state otherwise, we use the term *wartime rape* (or, where clarity allows, simply *rape*) to mean rape by armed actors that occurs during a conflict. We use *wartime sexual violence* (or simply *sexual violence*, given the context of this report) to indicate the broader category. In reviewing literature that deals specifically with perpetrators who are not members of armed groups, we state that explicitly. In addition, we use the term *armed group* to refer to any state or nonstate group that is an armed party to a conflict—including state militaries, insurgents, rebels, and militias—and the term *armed actor* to mean a fighter or combatant from any of these groups.

Definitional issues have undoubtedly slowed accumulation of knowledge about the patterns and causes of wartime sexual violence. Nevertheless, significant progress has been made. Research has challenged a number of persistent assumptions about wartime sexual violence, as this discussion makes clear.

Misconceptions

Misconception: Ubiquitous in War

Although conventional wisdom often suggests that wartime rape and sexual violence happens in every armed conflict, recent research shows that patterns vary widely. Variation in the perpetration of sexual violence by armed actors is particularly well documented. Scholars have found, for example, that rape by combatants is widespread in some conflicts but not others, that armed groups even within the same war do not perpetrate sexual violence to the same extent or in the same forms, and that an armed group that refrains from sexual violence at one stage of a war might perpetrate it on a large scale at other times.⁶ In other

words, variation is enormous in the location, timing, and perpetration of wartime rape. Although many armed groups have been reported as perpetrators in recent conflicts, many others effectively prohibit wartime sexual violence even while engaging in other, sometimes very brutal, types of violence.⁷

Two recent studies help illustrate this variation. First, in a new study by the Peace Research Institute Oslo (PRIO) of all forty-eight conflicts in Africa between 1989 and 2009—including both civil conflicts and interstate state wars—and all 236 active, organized armed groups—including armed state organizations, rebel groups, and pro-government militias—64 percent of armed groups were not reported to have engaged in any form of sexual violence.⁸ Second, in a separate study of wartime rape by armed groups, covering all eighty-six major civil wars around the world between 1980 and 2009, eighteen wars had at least one year of massive reported rape, thirty-five of at least one year with numerous reported rapes, eighteen of isolated reports of rape, and fifteen of no reports. Of wars with some reports, 38 percent had asymmetric reports of rape—that is, only one side perpetrated the violence. In sum, it was most common for both states and nonstate actors to perpetrate rape, whereas rape by only armed state actors was less frequent, and rape by only rebel actors relatively rare.⁹ Notably, as we discuss in detail later, armed state actors are more likely than rebel groups to be reported as perpetrating high levels of sexual violence.

Misconception: An African Problem

Recent news coverage would seem to suggest that wartime rape is a uniquely African issue. The Democratic Republic of the Congo (DRC), for example, has been repeatedly called the rape capital of the world, and many recent high-profile cases of widespread wartime rape have occurred in sub-Saharan African countries, including Liberia and Sierra Leone. However, reports of wartime rape are not limited to one geographic region. Indeed, high or very high levels of civil war-related rape were reported in nearly every region of the globe between 1980 and 2009.¹⁰ Although sub-Saharan Africa experienced the most civil conflict during the study period,¹¹ human rights reports from the U.S. State Department indicate that only 36 percent (ten of twenty-eight) of wars in this region showed evidence of the highest level of wartime rape. In eastern Europe, however, State Department data reported the highest level of rape in 44 percent (four of nine) of conflicts during the study period. Thus, on a per-conflict basis, eastern European civil wars were more likely than sub-Saharan African conflicts to feature reports of massive levels of rape.

Global patterns suggest that wartime rape is a serious problem in most regions of the world; in recent years, State Department reports show at least one year with high or very high levels of rape in the majority of war-affected countries. These patterns confirm the scale of the problem and refute the idea that wartime rape is an African problem. They do little, however, to pinpoint the root causes of wartime rape. These are most likely to be identified if we analyze variation at the armed group level, rather than the country or conflict level. Across geographic areas, as noted earlier, many conflicts showed asymmetric levels of rape across groups. This asymmetry implies that the causes of wartime rape—and therefore also effective policy interventions—operate at the level of the armed group, not at the level of the conflict or the country.

Misconception: A Problem of Ethnic War

Nor is rape widespread in every ethnic conflict. In the Israeli-Palestinian conflict, an ethnic one characterized by increasing separation of ethnically defined populations, rape appears to be very rare despite the violation by both parties of other laws of war.¹² Human rights organizations that focus on documenting abuse in this conflict report almost no cases of rape, and believe that they would know if it occurred frequently because they receive reports

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On a per-conflict basis, eastern European civil wars were more likely than sub-Saharan African conflicts to feature reports of massive levels of rape.

of less violent forms of sexual abuse. It could be that the intensive international monitoring of the conflict deters the practice of sexual violence, but neither side appears much deterred from other forms of violence, despite frequent condemnation by international actors.

A classic setting for widespread rape during war is ethnic conflict driven by an armed secessionist campaign. However, Sri Lanka's civil war was a case of a secessionist ethnic conflict, and neither side appears to have engaged in sexual violence as a strategy of war, with the possible exception of sexual torture of detainees by state agents.¹³ Members of the state military and police committed some rape against Tamil girls and women during military operations and at checkpoints. It is difficult to evaluate the frequency of such assaults, but it is clear that they occurred less often than in some other ethnic conflicts, such as Bosnia-Herzegovina and Darfur.

In contrast, the secessionist insurgent group, the Liberation Tigers of Tamil Eelam (LTTE), appears to have perpetrated very little rape of civilians, despite its frequent infliction of civilian casualties during reprisal attacks on non-Tamil villages, assassinations of political and military leaders, and bombings of transportation facilities. In particular, the LTTE did not engage in sexual violence during their forced displacement of tens of thousands of Muslims from the Jaffna peninsula in 1990.

Misconception: More Common Among Rebel Groups than State Militaries

Reports of wartime rape often seem to imply that rape is perpetrated primarily by unruly and undisciplined rebel forces. Several recent studies, however, have found that state armed groups are far more likely than rebel groups to be reported as perpetrators of rape and other sexual violence.

The recent PRIO study of African conflicts found that, between 2000 and 2009, armed state actors were more likely to be reported as perpetrators than either rebel groups or pro-government militias. Between 1989 and 1999, state forces and other armed actors were equally likely to be reported as perpetrators. Indeed, of the government actors included in the SVAC-Africa data, 64 percent were reported as perpetrators of sexual violence at some point during the study period, as opposed to 31 percent of rebel groups and 29 percent of militias.

Why do state forces seem more likely to be perpetrators of sexual violence than other types of armed groups? This is an unanswered question in the literature. On the one hand, the pattern is puzzling because states are generally better trained and better resourced than rebel groups, and both factors are believed to reduce the likelihood of sexual exploitation of noncombatants, at least in the case of opportunistic rape. Evidence suggests that states frequently use sexual violence as a tool of torture against detainees as well as during operations against civilians.¹⁴ This is also supported by findings from Jennifer Green, who found that news stories frequently reported that rape by states occurred in the context of interrogations.¹⁵ On the other hand, some rebel groups need to rely on civilian support for food and resources more than state forces and are commonly fighting to become the new leaders of a country, factors that may make some types of rebel groups less likely to take advantage of civilian populations. However, other rebel groups use exploitative violence against civilians for a variety of reasons.¹⁶

Researchers typically have not asked respondents about the sex of their perpetrators, instead assuming that the perpetrators are always male.

Misconception: Perpetrators Always Men

Recent research suggests that female combatants sometimes perpetrate wartime rape and other forms of sexual violence. Why is this evidence only now beginning to emerge? One reason is that researchers typically have not asked respondents about the sex of their perpetrators, instead assuming that the perpetrators are always male. But in cases where researchers have asked these questions of victims, they have uncovered significant, and in

some cases surprisingly numerous, reports of women participating in acts of wartime sexual violence. Recent examples of reports highlighting female perpetrators of sexual violence include the following:

- A population-based survey conducted in 2010 in the eastern DRC found that 41 percent of female sexual violence victims reported that they were victimized by female perpetrators, as did 10 percent of male victims. This study used a wide definition of sexual violence that included psychological violence.¹⁷
- In Haiti, women in armed criminal gangs, paramilitary groups, and self-defense groups are reported to have committed several forms of sexual violence, including gang rape, against other women and members of enemy gangs.¹⁸
- During the 1994 genocide in Rwanda, women were active perpetrators of both killing and sexual violence, including rape.¹⁹ A report from a nongovernmental organization cites examples of women involved in rape, including encouraging and ordering it, and turning over victims to be raped and killed.²⁰
- The prisoner abuse scandal at Abu Ghraib, in which photographs of Iraqi prisoners being sexually abused and humiliated by U.S. soldiers were broadcast by American media outlets, revealed women sexually abusing men during wartime.²¹

One possible reason for these patterns is that female members of armed groups may be subjected to the same pressures as their male peers to perpetrate sexual violence. Women combatants may seek to conform to norms of strength and masculinity within their armed groups, and performing acts of sexual violence is one means of fitting in. Other possible reasons may include the desire to redirect sexual violence against other victims or to humiliate an ethnic opponent or enemy. Yet, while the evidence suggests that female perpetration of wartime sexual violence is significantly more common than had been assumed, the relative frequency of sexual violence by females, males and mixed-sex groups of perpetrators remains unclear for the vast majority of conflicts. Women perpetrators may be emphasized in media accounts, as in the Abu Ghraib scandal, precisely because of the shock factor associated with a relatively rare phenomenon.

Misconception: Given Opportunity, Men Will Rape

Susan Brownmiller, in her seminal 1975 study on rape *Against Our Will*, wrote, “War provides men with the perfect psychologic backdrop to give vent to their contempt for women.”²² This statement ties together two related misconceptions about wartime rape. First, it suggests that perpetration is explained by contempt for women—that is, is an extension or amplification of gender inequalities that predate the conflict. Second, it indicates that most men will rape if given the opportunity. However, neither patriarchy nor opportunity adequately explains the observed variation in wartime rape.

Many analysts presume that patterns of wartime rape and other forms of sexual violence are amplifications of patterns of peacetime rape. Indeed, this is often the case: marital and opportunistic rape and sexual violence may become more frequent as community and family networks weaken as a result of the violence and displacement of war. Militaristic norms may in some settings strengthen patriarchal social practices that support rape and other forms of sexual violence.

However, the frequency of wartime rape does not correlate with the relative strength of prewar patriarchy in a linear fashion.²³ Moreover, the cases of sustained asymmetry mentioned—where one party to a war engages in frequent rape but its opponent does not—suggest that broadly shared cultural beliefs such as patriarchy cannot explain the variation in rape by armed groups in settings where those groups share the same or similar patriarchal culture.

Neither patriarchy nor opportunity adequately explains the observed variation in wartime rape.

Nonetheless, patriarchy is arguably a necessary condition for the occurrence of widespread rape—it is hard to imagine widespread rape not only of girls and women but of “enemy” boys and men without the underlying justification provided by patriarchal social norms for sexual violence against supposed inferiors.²⁴ It is not a sufficient condition, however, given that many armed groups do not engage in frequent rape despite their origins in societies with strong patriarchal norms.

Just as patriarchy fails to explain variation in wartime rape at the armed group level, theories of opportunism—predicated on the myth of uncontrollable male sexual desire—fail to explain patterns of perpetration at the individual level. Most men, given the opportunity, do not rape; even during the chaos of war, close contact with civilians is often unaccompanied by rape.²⁵

Some military leaders have argued that the rape of noncombatants is a substitute for consensual sex. Japanese commanders, for example, are said to have instituted the “comfort women” system of military brothels after the widespread rape of civilians in Nanjing. More recently, officials in the DRC have argued that widespread rape occurs because fighters are unable to pay sex workers. These arguments, however, cannot explain the incidence of wartime rape: widespread rape occurs on the part of some groups in which fighters have regular access to sex workers or to sexual slaves, implying that sexual desire is not the key motivator.²⁶

Sexual desire alone also does not explain the extreme brutality of rape, the incidence of rape with objects, sexual torture and mutilation, or the high frequency of gang rape during war. These characteristics of wartime rape emphasize the extent to which, as feminist scholars have long argued, rape is an expression of dominance and power, rather than sexual desire.²⁷ Even in peacetime, some convicted rapists express feelings of “anger, hate, control and domination,” rather than sexual desire per se.²⁸ In short, wartime rape cannot be adequately explained by patriarchy, or by the combination of sexual desire and opportunity.

Misconception: Always Perpetrated by Combatants

Like any discussion of conflict-related sexual violence, conclusions about perpetration patterns depend heavily on the definition of *conflict-related sexual violence*. In this section, we are careful to delineate differences between rape and the broader category of sexual violence, as well as between wartime and conflict-related sexual violence, and between intimate partner violence and violence by armed actors. Cross-national studies of wartime sexual violence generally limit their focus to rape perpetrated by armed actors.²⁹ Media accounts, too, generally feature rape by fighters. However, in population-based investigations of wartime sexual violence, many victims report that the perpetrator was an intimate partner, acquaintance, or other noncombatant.³⁰

The proportion of rape victims identifying noncombatants as perpetrators varies considerably. Amber Peterman, Tia Palermo, and Caryn Bredenkamp, analyzing data from the DRC, found that the reported rate of intimate partner rape was 1.8 times the overall rate of reported rape.³¹ By contrast, Kirsten Johnson and her co-authors reported that a majority of victims in the DRC who identified their perpetrators reported that the perpetrators were armed actors; only a quarter of sexual violence victims reported that their perpetrators were not combatants.³² A number of studies from other conflicts also consider perpetrator identity. Lynn Amowitz and her co-authors found that, among internally displaced women who reported experiencing sexual violence during the conflict in Sierra Leone, approximately 60 percent stated that soldiers perpetrated the violence.³³ In Colombia, an Oxfam/Casa de la Mujer survey estimated that, of women in conflicted municipalities who reported being raped, about 45 percent named a fam-

In population-based investigations of wartime sexual violence, many victims report that the perpetrator was an intimate partner, acquaintance, or other noncombatant.

ily member as perpetrator, and about 22 percent reported that the perpetrator was an armed actor.³⁴

Findings comparing combatant and noncombatant perpetration of rape and the broader category of sexual violence draw both scholarly and policy attention to the issue of intimate partner sexual violence during conflict. However, these findings also raise the issue of whether and to what extent intimate partner or acquaintance sexual violence is directly conflict related, as opposed to simply occurring during conflict. Sexual violence by armed actors and sexual violence by intimate partners may be distinct phenomena to be considered separately, differing in their profiles of violence (for example, brutal gang rape versus less violent, though equally nonconsensual, marital rape) and in victims' perceptions. However, to the extent that conflict conditions increase the likelihood of intimate partner sexual violence, such violence is clearly conflict related.

Misconception: Victims Always Female

Despite the common image of the female victim, awareness is increasing that men may also suffer sexual violence, including rape and sexual torture, during wartime. Little systematic data on male victims have been gathered, however. Even excellent surveys focused on sexual violence, such as the 2002 Physicians for Human Rights study in Sierra Leone, interviewed only female heads of household and did not report male victimization. In our fieldwork interviews, the issue of male rape victims was rarely broached, and mostly in the form of rumors, not self-identification; this was in marked contrast to female victims, who self-identified as rape victims in some contexts.

Survey data on the wartime sexual violence against men in general are poor; the only two studies known to the authors that ask both about the sex of the perpetrator and the sex of the victim (rather than assuming male perpetrators and female victims in the survey instrument) are the Sierra Leone Human Rights Violations Survey³⁵ and the survey used in the 2010 article by Johnson and co-authors on the DRC.³⁶ The dearth of systematic data on male victimization demonstrates that pervasive gendered expectations about women's and men's roles during wartime prevent researchers and policymakers alike from robustly analyzing questions of wartime sexual violence.³⁷ However, the problem is not limited to wartime violence; a *New York Times* article in January 2012 highlighted similar issues with studying the sexual assault of men in the United States.³⁸

Few studies have focused on the issue of sexual violence against men during wartime. Sandesh Sivakumaran documents the various forms of sexual violence, including rape, forced sterilization, forced nudity, forced masturbation, and genital mutilation; he hypothesizes that power, dominance, and emasculation play important roles in targeting men for such abuses.³⁹ Eric Carlson writes that blunt genital trauma against men is common during wartime.⁴⁰ Finally, in survey data from DRC, Johnson and her colleagues found that 23 percent of men reported experiencing some form of sexual violence.⁴¹ These scholars have documented the many forms the violence may take, but we still do not know a great deal about the causes of sexual violence against men, and why men may be targeted in some contexts but not others.

The misconception that women are the only victims of sexual violence comes with an equally incorrect corollary: that sexual violence is the main form of violence suffered by women in wartime. It is clear that the types of violence directed against women vary from conflict to conflict. Measurement is difficult: direct comparisons of the incidence of multiple forms of violence are rare, and—because reporting rates vary across both victim populations and types of violence—estimates of relative incidence may not be fully reliable. However, it is clear that sexual violence, though often portrayed as the predominant form of violence wielded against women, is far from the only, and frequently not the most numerous, type of violence that women report they have suffered.

Survey investigations in eastern DRC found that sexual violations against women were reported in approximately 30 percent of households, property violations such as theft and destruction in 24 percent, and nonsexual physical violence in 17 percent.⁴² Among female former combatants in Liberia, approximately as many ex-combatant women reported experiencing abduction as reported sexual violence, about 40 percent in both cases.⁴³ Similarly, in qualitative human rights reporting focused on sexual violence, it is often clear that sexual violence was just one among many crimes suffered by women, who frequently reported their experiences of sexual violence in the context of physical injury, forced displacement, abduction, detention, or property crimes.⁴⁴

Of course, the relative prevalence of sexual violence is far from the only measure of relative severity or predominance we might consider. For example, some women may view sexual violence as more damaging or traumatic than other forms of violence, others as less so. Unfortunately, we know little about the relative prevalence of multiple forms of violence against women—and still less about women’s individual experiences of multiple forms of violence—even though these are both highly relevant for policymakers.

Misconception: Incidence Increasing, Decreasing, Steady

We do not have enough data to determine whether the incidence of wartime rape is increasing, decreasing, or holding steady. In fact, we lack reliable basic data on the incidence and prevalence of rape in most conflict settings, a problem that frequently leads to mistaken overgeneralization. Because the differences in rape reporting across victim types remain unknown and underinvestigated, even systematic data on rape likely underrepresents some types of victims and overrepresents others.⁴⁵ Unfortunately, this lack of data has not prevented heated, and necessarily inconclusive, debates on the question of global trends.⁴⁶

Data on wartime rape during civil wars between 1980 and 2010, drawn from State Department monitoring of human rights violations, show a generally upward trend, both in the average yearly level of wartime rape (figure 1) and in the proportion of civil wars experiencing high levels of wartime rape (figure 2), but a slight downward one after approximately 2005.⁴⁷

It is entirely possible that these trends signify increases in reporting, rather than true increases in rape, as argued in the 2012 Human Security Report.⁴⁸ However, the authors moved beyond discussing potential reporting issues, instead asserting that wartime rape had likely declined.⁴⁹ This assertion is not supported by any direct measurement. Claims of declining wartime rape are based largely on the assumption that wartime rape is strongly correlated with the overall level of lethal violence, the general intensity of conflict, the overall number of yearly conflicts, or some combination of these.⁵⁰

Although it is possible that this assumption is broadly correct, significant evidence also suggests otherwise. For example, some highly lethal groups (the majority of Sendero Luminoso subgroups in Perú, as well as rebels in El Salvador and Sri Lanka), purposefully and effectively limited their combatants’ use of sexual violence. By contrast, the International Criminal Court’s Office of the Prosecutor has investigated abuses during a 2003–04 rebellion in the Central African Republic “in which allegations of sexual crimes far outnumber alleged killings.”⁵¹

Armed group repertoires of violence may also change over time. During the civil war in El Salvador, reported lethal violence by government forces decreased significantly as the war progressed, though reported nonlethal violence—including rape and torture—did not.⁵² In sum, lethal violence is a questionable proxy for sexual violence and should not be used to make arguments about global trends.

Overall, given the difficulty and uncertainty associated with measuring global trends in wartime rape and other forms of sexual violence, we suggest instead that analysts and

Because the differences in rape reporting across victim types remain unknown and underinvestigated, even systematic data on rape likely underrepresents some types of victims and overrepresents others.

Figure 1. Reported Wartime Rape Level

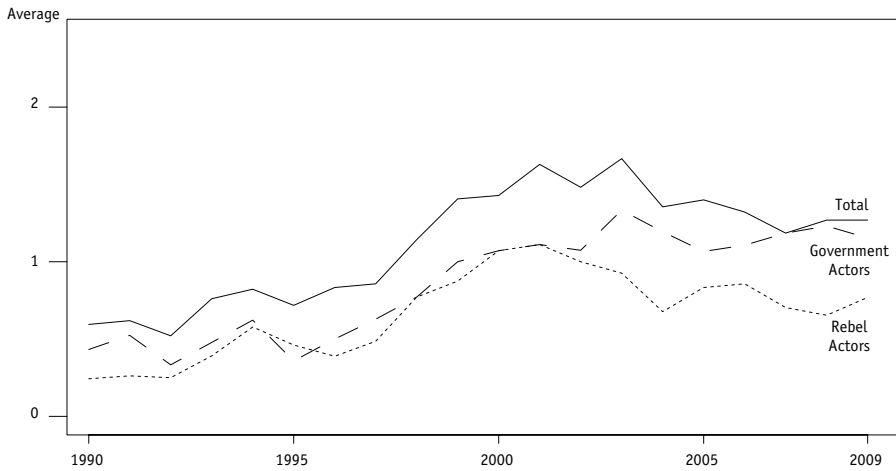


Figure 2. Conflicts with Reported Wartime Rape



policy-makers focus on variation at lower levels of aggregation. Trends over time in local and national levels of sexual violence are somewhat simpler to measure and have much greater bearing on policy needs and assessment. Even if it were true that wartime rape is declining on a global scale, there is mounting evidence that it is increasing in some conflicts; for example, the *Women Under Siege Project* is currently documenting reports of rape and other forms of sexual violence in the on-going civil war in Syria.

Misconception: Rape at High Prevalence a Strategy of War

When wartime rape occurs frequently, it is often denounced as a strategy, tool, or weapon of war. However, its frequency is a distinct concept from whether it is used strategically. For example, rape may be infrequent yet clearly a strategy, as when state forces, although holding very few political prisoners, engage in rape as a form of torture against all detainees. Or rape may be frequent yet clearly not a strategy, as in sexual assault by U.S. servicemen against their male and female colleagues: rape is not ordered, yet it is frequently reported.

When *strategic* is used as a synonym for *massive*, it confuses the frequency with the purpose of violence. Moreover, the existence of a strategy is sometimes inferred, rather than

Analysts should consider the pattern of sexual violence without conflating its form, frequency, and targeting with its intent.

demonstrated, from its consequences. When widespread rape is followed by social disruption, for example, commentators may label the consequence—social disruption—as the purpose of the violence without supporting evidence of the perpetrating group’s intentions.⁵³

Thus strategic rape is most usefully understood to be rape purposefully adopted by commanders (at any level) in pursuit of group objectives—that is, it is ordered, even if not explicitly (as when total war is adopted). Common forms of strategic rape are rape carried out during some but not all campaigns of ethnic cleansing and rape as sexual torture of prisoners. In contrast, opportunistic rape is rape carried out for private reasons, such as sexual gratification or personal revenge, rather than in pursuit of group objectives. In light of these definitions, it is likely that the pattern of rape by many groups that engage in frequent rape is neither strategic (that is, ordered) nor opportunistic.

Rape that is not ordered but is tolerated (effectively tolerated—there may be isolated attempts to punish perpetrators) by commanders is best understood as a *practice*.⁵⁴ In these settings, combatants often participate for social reasons, such as a desire to conform to the behavior of others in the unit. Commanders tolerate rape by their combatants because effective prohibition may entail disciplining otherwise-capable troops, expending scarce resources on a behavioral infraction that the commander does not see as serious, or withholding what combatants may understand to be appropriate spoils of war.⁵⁵

Analysts should consider the pattern of sexual violence by an armed group carefully, without conflating its form, frequency, and targeting, on the one hand, with its intent—whether it represents strategy, opportunism or a practice—on the other. These concepts are distinct and often have distinct policy implications.

What Do We Still Not Know?

As these responses to common misconceptions suggest, understandings of wartime rape and other forms of sexual violence have improved with time. Certain key questions remain unanswered, however.

Many of these questions remain unanswered at least in part because of definitional or methodological differences among researchers. Moreover, although quality measurement of conflict-related sexual violence is and should be a high priority, the ethical quandaries involved in asking highly sensitive questions of extremely vulnerable populations are well documented and should be seriously considered.⁵⁶ Even when theoretical definitions of wartime sexual violence are similar, measurement may differ. For example, Michele Leiby found that the Peruvian Truth and Reconciliation Commission (TRC) often coded men’s experiences of sexual torture as torture, but women’s as sexual violence. She analyzed a sample of the original victim and witness testimonies and found that 22 percent of the victims of sexual violence were men, and that the majority of sexual violations against men took the form of sexual humiliation or sexual mutilation. By contrast, the TRC’s official finding was that men made up only 2 percent of sexual violence victims.⁵⁷

In addition, sexual violence research is often beset by selection bias: incorrect inferences that occur when researchers unintentionally select their subjects of study from nonsystematic or *convenience* samples.⁵⁸ For example, extremely valuable research on sexual violence during war often draws on hospital records or testimonies given to human rights organizations.⁵⁹ Yet hospital records typically include only rape victims who are severely injured and have the resources to travel to a hospital. Similarly, police or human rights organization records include only those victims who actively seek redress, who may be more educated or otherwise demographically distinct from the population as a whole. It is inappropriate to generalize from these types of data to an entire population. This is why population-based studies, including carefully constructed household surveys, are especially important.

In general, although sexual violence in conflict is an active research area, accumulation of knowledge has been slow and difficult. Researchers have not agreed on either definitions of sexual violence in general, definitions of specific acts of sexual violence, or practical implementations of those definitions. To some extent, this is a function of varying understandings across local contexts: a definition of sexual violence that holds meaning in one context may not in another. Definitional and measurement issues must be more systematically addressed if we are to continue our progress toward a full understanding of wartime sexual violence.

Moreover, a number of substantive areas remain understudied. On a purely descriptive level, for most conflicts it is unclear how many incidents of rape or sexual violence have occurred. We have broad, categorical measurements (such as very little, some, massive) for some conflicts, and survey-based estimates for a few others, but most numerical statements about the number of victims of sexual violence in conflict are highly educated guesses.⁶⁰ The variation in rates of rape and sexual violence across time, space, victim characteristics, perpetrator characteristics, and other key dimensions also remains unclear. Without this information, researchers do not have the analytical power to answer certain key causal questions with confidence.

Many of these unanswered causal questions concern armed group characteristics. As emphasized earlier, a significant body of evidence connects variation in armed group institutions to variation in sexual violence by armed actors. Cohen's research demonstrates a connection between abduction into fighting forces and rape by fighters.⁶¹ Wood's work on sexual violence as a practice emphasizes the importance of group dynamics in both spurring and limiting sexual violence.⁶² Hoover Green's analyses suggest that armed group institutions underlie variation in repertoires of violence against civilians, including sexual violence.⁶³ However, the connections between armed group institutions and patterns of violence, including sexual violence, have not yet been fully specified.

Despite methodological difficulties and gaps in our knowledge, however, real progress is being made, both in terms of the evidence base and in terms of the research methods. Systematically sampled surveys in conflict and postconflict areas are increasingly common. In addition, researchers have begun to focus on interviews with combatants and perpetrators in their investigations, an important analytical move because it offers the possibility of understanding the causes and contexts of wartime sexual violence from the perspective of those who may actually have committed it.⁶⁴

Just as well-substantiated research findings carry implications for policymakers, knowing more about the gaps in the knowledge base can help policymakers avoid the pitfalls associated with incomplete data, and highlight areas where greater efforts are needed. For example, understanding that no solid evidence underlies claims about global trends in wartime rape implies that policymakers ought to focus on local variation in the perpetration of sexual violence, rather than on global trends, as they consider how to allocate resources. Similarly, problems with nonrepresentative samples and unknown reporting patterns imply that policymakers should consider carefully which cases of sexual violence remain invisible in existing data when they assess mitigation and reparation needs. The lack of systematic research on victims' subjective experiences, wants, and needs likewise implies the need for careful collaboration and consultation. Overall, we argue, appreciating the blind spots in our knowledge of the problem can improve efforts toward solutions.

Policy Recommendations

Despite the gaps in our knowledge about wartime sexual violence, what we do know has important implications for policy. Policy interventions that draw on careful analysis of knowns and unknowns are likely to be significantly more effective than those based on the

A significant body of evidence connects variation in armed group institutions to variation in sexual violence by armed actors.

misconceptions analyzed here. Here we draw out the policy implications of current scholarship on rape and other forms of wartime sexual violence, implications beyond the obvious fact ending war will end wartime rape—an important, but currently impractical, policy prescription.

The high level of variation in sexual violence across conflicts and armed organizations implies that sexual violence in wartime is far from inevitable—and therefore that policy interventions can be effective at preventing or mitigating it. Moreover, the most important variation observed occurs at the armed group level. That many armed groups effectively limit their perpetration of rape demonstrates that commanders can build institutions to prevent rape and other forms of sexual violence if they choose to do so. This often-neglected fact defeats the argument that wartime rape is inevitable, providing an empirical foundation for accountability efforts aimed at commanders whose combatants commit sexual violence. It also implies that monitoring and intervention efforts focused on armed groups and group dynamics may prove particularly effective. Scholars and policymakers should invest in the study of armed groups that do not engage in rape as well as those that do.

However, general explanations for the observed patterns of rape and other forms of wartime sexual violence are unlikely to emerge. On a global scale, rape is not statistically associated with many common explanations—ethnic wars, secessionist wars, genocides, and gender inequality, for example.⁶⁵ However, in some wars, these factors are important to understanding the context and patterns of sexual violence. For policymakers, this means a lack of general solutions to the problem of wartime rape: mitigation strategies will depend on the dynamics of each case. Yet additional, important policy implications follow from what has been well established in the literature.

Within many conflicts, armed groups engage in markedly different levels of rape. This asymmetry across groups within the same conflict indicates that a society's culture or entrenched patriarchal norms are not a direct cause of rape; as argued, patriarchy is a necessary but not sufficient condition for high levels of rape. So scholars and policymakers should focus on the institutions (command-and-control as well as training institutions), policies, and organizational culture of the armed group.

A repeated finding is that state forces are more often reported to perpetrate rape than insurgent actors. This finding may strengthen efforts to hold states accountable for violations by their representatives or within their borders. Research shows that states can be effectively named and shamed,⁶⁶ and recent international campaigns have aimed to do just that.

The form of wartime sexual violence—rape, sexual torture, sexual slavery, forced abortion, and so on—varies considerably. Two important implications follow. First, the root cause of rape is different from the root cause of forced pregnancy, for example—so policymakers should analyze the form and not only the frequency of sexual violence to design sound policy and to make inferences about the causes of the violence. Second, survivors of different forms of sexual violence may have different wants and needs; policymakers should pay closer attention to these variations as well.

The identities of perpetrators and victims may also not match stereotypical expectations. Research has documented that the victims of wartime sexual violence in many settings include men and boys, and that women are sometimes perpetrators. Moreover, a large proportion of perpetrators of rape during conflict are not armed actors but civilians. Policymakers should not neglect perpetrators and victims who do not happen to conform to common expectations.

Rape may be frequent without having been ordered. Indeed, one study finds that this was the case with the RUF in Sierra Leone—rape was widespread, but evidence that it was ordered is limited.⁶⁷ In such cases, it may be useful to think of rape as a “practice,” in which

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commanders tolerate rape when the perceived cost of prohibition is higher than perceived cost of later consequences.⁶⁸ Raising the costs of allowing troops to rape—through prosecution of commanders, for example—should result in better discipline of combatants who engage in rape as a practice or opportunistically, and should limit the adoption of rape as a strategy.

Rape also, and significantly, need not have been an explicit strategy for commanders to be legally responsible: in the case of rape as a practice, for example, if a commander knew or should have known that his combatants were engaging in it, and the commander had effective control of those troops, then he is accountable for those crimes under international law. Prosecutors should strengthen efforts to prosecute based on evidence of whether commanders knew or should have known about the violence and of their effective command.⁶⁹ The renewed emphasis on prosecution of sexual crimes by the new prosecutor of the International Criminal Court is a welcome development, and states that have not joined the Court should do so as one way of sharpening accountability for such crimes, as well as for others.⁷⁰

Although open questions do remain, enough is known to propose certain early warning indicators, though this list clearly does not encompass all situations in which sexual violence is observed. Groups that recruit by abduction are more likely to commit rape, and especially gang rape; some ethnic cleansing campaigns (as opposed to ethnic conflicts more generally) may be more likely to feature rape; and groups that detain prisoners may be more likely to engage in sexual mutilation and rape, particularly if they engage in other forms of torture.

Finally, significant gaps in our knowledge and understanding of wartime sexual violence remain. Direct on-the-ground engagement and service provision rightly take precedence, but further policy-relevant research is needed to identify settings in which wartime sexual violence is most likely, and to identify strategies to mitigate sexual violence when it does occur. However, our analysis allows us to go beyond simply arguing that more research is needed. We propose investing in research areas that are promising but underdeveloped, such as how and why groups that do not use sexual violence adopt and maintain their institutions; which types of formal and informal armed group institutions promote sexual violence as a practice; the conditions under which commanders (at lower as well as high levels) adopt rape as a strategy; and why many commanders believe the cost of prohibiting sexual violence is high.

Rape is not an unavoidable collateral damage of war. Its victims—women and men of all ages—were not brought down by crossfire or an errant missile; they were intentionally violated. As Neil Mitchell emphasizes, “Rape is not done by mistake.”⁷¹ The wide variation in wartime rape across armed groups demonstrates that these groups can, and often do, prohibit sexual violence. This in turn creates an opportunity to push for greater accountability. Closing gaps in our knowledge of variation can take us still further: better understandings will allow scholars, activists, and policymakers to draw stronger conclusions and to take bolder actions in their work against rape and other forms of wartime sexual violence.

Rape need not have been an explicit strategy for commanders to be legally responsible.

Notes

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