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Victimization, Mainstreaming, and the Complexity of Gender in Armed Conflict

Johanna Bond*

* This Article provides comments on a paper by Dina Francesca Haynes, Naomi Cahn & Fionnuala Ní Aoláin, presented at the *Santa Clara Journal of International Law* Symposium, *Emerging Issues in International Humanitarian Law*.

TABLE OF CONTENTS

I. Introduction..... 227

II. The Limits of Gender Mainstreaming 228

III. The Limits of Victim Essentialism 231

IV. Conclusion..... 235

I. Introduction

The authors of *Women in the Post-Conflict Process: Reviewing the Impact of Recent U.N. Actions in Achieving Gender Centrality*¹ have produced a compelling paper that is likely to have a significant impact on the way that scholars and activists conceive of their goals and accomplishments in post-conflict settings. The paper, and the book that forms its foundation,² offer a reconceptualization of the appropriate breadth and focus of transitional justice work. The paper has the potential to change how we approach the process of rebuilding communities torn apart by conflict and to produce real improvement in the lives of women (and men) who feel the impact of those conflicts in their daily lives.

The Haynes, Cahn, and Aoláin paper assesses the extent to which recent U.N. Security Council resolutions have increased opportunities for women to meaningfully participate in post-conflict processes.³ The paper addresses several key themes, including: (1) the importance of a realistic assessment of the impact of U.N. Security Council Resolution (SCR) 1325 and its progeny;⁴ (2) the notion of gender centrality as a more effective and compelling scholarly framework and advocacy strategy than gender mainstreaming;⁵ and (3) the difference between rhetorically valuing women's participation in peace-building processes and actually affording women a meaningful opportunity to participate in peace building, including high-level formal processes. Most importantly in this regard, the paper offers guidance in how to close the gap between rhetorical and actual commitment—namely, through the strategic use of programmatic funding and partnership agreements to ensure that partners implement a broad gender and security agenda.⁶

The last two decades have witnessed significant advances in our recognition and understanding of the brutality with which women are targeted and victimized in armed conflict across the globe. There has been widespread acceptance of the notion that women have a crucial role to play in the aftermath of armed conflict. Within the world of international criminal law, there has been a growing recognition of the need to hold perpetrators accountable for rape and sexual violence in the context of armed conflict.⁷ These

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1. Dina Francesca Haynes, Naomi Cahn & Fionnuala Ní Aoláin, *Women in the Post-Conflict Process: Reviewing the Impact of Recent U.N. Actions in Achieving Gender Centrality*, 11 SANTA CLARA J. INT'L L. 189 (2012) [hereinafter *Women in the Post-Conflict Process*].
 2. FIONNUALA NÍ AOLÁIN, DINA FRANCESCA HAYNES & NAOMI CAHN, ON THE FRONTLINES: GENDER, WAR, AND THE POST-CONFLICT PROCESS (2011) [hereinafter ON THE FRONTLINES].
 3. The paper focuses on the post-conflict period, because, in theory at least, this site provides multiple opportunities for transformation on many different levels: protecting civilians, providing accountability for human rights violations committed during hostilities, reforming local and national laws, reintegrating soldiers, rehabilitating and providing redress for victims, establishing or re-establishing the rule of law, creating human rights institutions and new governance structures, altering cultural attitudes, improving socioeconomic conditions, and transforming gender roles and women's status. *Women in the Post-Conflict Process*, *supra* note 1, at 191.
 4. *Id.* at 196–201 (noting the disparity between “mainstream[ing]” rhetoric and the reality of implementing this goal and asserting that SCR 1325 is focused “too narrowly (and obliquely) on physical security”).
 5. *Id.* at 196 (“[W]omen are present during war,” participating in a number of roles; “[w]omen’s inclusion ought to be a *raison d’être* of international involvement in conflicts and their resolution.”).
 6. *See id.* at 200–01.
 7. *See, e.g.*, Leila Nadya Sadat, *Avoiding the Creation of a Gender Ghetto in International Criminal Law*, 11 INT'L CRIM. L. REV. 655, 658 (2011) (“Responding to the growing awareness of the gendered

developments are the result of years of women's rights advocacy. The U.N. SCRs, on which the authors' paper focuses, are also a product of successful feminist advocacy. The SCRs reflect growing recognition of the central role that women must play in rebuilding communities torn apart by violent conflict.

There is no doubt that SCR 1325⁸ has ushered in some positive change. The adoption of SCR 1325 in 2000 was a major step forward in recognizing the important role that women play in peace and security.⁹ Its impact, however, has been limited. As the authors point out, the positive impact of SCR 1325 comes in a couple of different (admittedly slightly impoverished) forms: (1) norm development at the national level as states establish National Action Plans under SCR 1325 and, correspondingly, as institutional actors use the SCRs as organizational tools at national and sub-national levels;¹⁰ and (2) invigorated focus on gender that is incentivized through potential partnerships with the U.N. and donor agencies.¹¹ Despite its rhetorical commitment and these modest gains in national norm setting, however, the potential of 1325 remains largely unrealized.

My comments will focus on what I consider to be two of the paper's most important contributions (although there are many from which to choose): (1) gender centrality as a compelling alternative to gender mainstreaming; and (2) the authors' skepticism toward defining women's experiences in armed conflict almost exclusively in terms of victimhood.

II. The Limits of Gender Mainstreaming

Gender mainstreaming is one of the core values animating SCR 1325.¹² There is significant value in facilitating women's access to power, allowing women to influence priorities for peace building, justice, and economic stability. In post-conflict situations, access to power includes women's access to informal *and formal* structures of peace building—quite literally a seat at the table.¹³ There are, however, some limits to gender mainstreaming. This is particularly true when gender mainstreaming is understood in its most reductionist form—

nature of atrocity crimes and the fact that women and girls are often targeted[,] . . . gender crimes were specifically included in the [International Criminal Court] Statute”).

8. S.C. Res. 1325, U.N. Doc. S/RES/1325 (Oct. 31, 2000).

9. See Carol Cohn et al., *Women, Peace and Security: Resolution 1325*, 6 INT'L FEMINIST J. POL'Y 130, 130 (2004) (“SC 1325 is highly significant because it is the *first* time the Security Council has devoted an entire session to debating women's experiences in conflict and post-conflict situations.”).

10. See *Women in the Post-Conflict Process*, *supra* note 1, at 206 (“NAPs may serve as norm-setting mechanisms” for the national level).

11. See *id.* at 201 (describing how the Security Council's commitment to women extends “not only to U.N. agencies and the domestic governments that formally receive them, but to all international organizations contributing funds to or receiving funds for post-conflict reconstruction activities”).

12. See Amy Barrow, *UN Security Council Resolutions 1325 and 1820: Constructing Gender in Armed Conflict and International Humanitarian Law*, 92 INT'L. REV. RED CROSS 221, 229 (2010) (“Rather than marginalizing women's experiences, [SCR 1325] appears to bring gender-specific concerns within mainstream peace and security policy considerations.”).

13. See UNIFEM, *WOMEN'S PARTICIPATION IN PEACE NEGOTIATIONS: CONNECTIONS BETWEEN PRESENCE AND INFLUENCE 1* (2010) [hereinafter UNIFEM REPORT], available at http://www.unifem.org/attachments/products/0302_WomensParticipationInPeaceNegotiations_en.pdf (discussing the positive role women can play in the peace process and arguing that more should be done to increase women's participation).

when it becomes a headcount of women.¹⁴ The 2010 U.N. Security Council Report cites the progress in Timor Leste as an example of successful mainstreaming in the implementation of SCR 1325.¹⁵ As Gina Heathcote observes, however,

[T]he ‘measure’ of the success of Security Council initiatives on gender in Timor Leste through UNMIT revolves around a headcount of women in police, military and decision-making structures that, though it might be an element of feminist demands for increased participation under Resolution 1325, undermines larger feminist understandings of the cultural construction of gender and its pervasiveness as a social discourse.¹⁶

Gender mainstreaming, particularly in its most reductionist forms, moves us from a concern about *gender* (in a social constructionist sense) and the institutional structures that support gender subordination, to a concern about sex (in a biological essentialist sense) and the “women’s perspective.”¹⁷ It leaves unexamined the primary sites of feminist concern: the structures that support substantive gender inequalities and the cultural norms that diminish the value and contribution of women’s voices—even when they are at the table.¹⁸ This is why the authors’ alternative lens—that of gender centrality—is an important, compelling contribution. Although the authors recognize the significant value of getting women to the table, the work of gender centrality does not start or stop there.¹⁹

In their book, *On the Frontlines*, the authors note that “[u]nlike what we conceptualize as a *gender-central* approach in which the equal rights and social and economic advancement of women are paramount, gender mainstreaming lacks both a clear critique of the gender status quo and a clear articulation of the substance and modalities of gender reform.”²⁰ I share the authors’ skepticism of the transformative potential of gender mainstreaming.²¹ In the book and in their paper, they provide an alternative conception and, importantly, an alternative vocabulary for talking and thinking about real, robust gains in the achievement of

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14. See *id.* (assessing statistics on the participation of women in the peace process and concluding that it is “clear that at the peace table . . . women are conspicuously underrepresented”).
 15. See Gina Heathcote, *Feminist Politics and the Use of Force: Theorising Feminist Action and Security Council Resolution 1325*, 7 SOCIO-LEGAL REV. 23, 33 (2011) (citing SECURITY COUNCIL REPORT, CROSS CUTTING REPORT NO. 2, ON WOMEN, PEACE AND SECURITY 17 (Oct. 1, 2010)).
 16. *Id.*
 17. See Hilary Charlesworth, *Not Waving but Drowning: Gender Mainstreaming and Human Rights in the United Nations*, 18 HARV. HUM. RTS. J. 1 (2005) (defining and giving a history of “gender mainstreaming” and discussing its role in international human rights efforts).
 18. See UNIFEM REPORT, *supra* note 13, at 8 (using the Liberia peace talks of 2003 as an example of when women, though given a role with observer status, still “advocated for peace rather than demanding specific provisions on gender justice, which they feared would derail the process.”).
 19. See ON THE FRONTLINES, *supra* note 2, at 61 (arguing that gender centrality “is a necessary expansion: ensuring that gender matters can make a concrete difference by providing greater local ownership and more effective and efficient service delivery, and if well done, can actually result in taking the real concerns of women and men into consideration in the development of security post-conflict”).
 20. *Id.* at 14.
 21. See *id.* at 13 (“[G]ender mainstreaming serves to cloak a more problematic approach of avoiding a systematic engagement with the causes and structures of women’s inequality. . . . [I]t perpetrates unnecessary gender stereotypes by intense concentration on women as victims . . . rather than on asking uncomfortable questions about the root causes of discrimination and exclusion.”).

substantive equality in the context of peace building, rather than the enervated, box-checking approach that gender mainstreaming often inspires.²²

In addition to its failure to challenge the structural aspects of gender subordination in the context of armed conflict, gender mainstreaming falls short in another important way. By focusing exclusively on gender, gender mainstreaming often leads to missed opportunities to address intersectional discrimination. Intersectionality theory recognizes that women experience discrimination in different, often mutually reinforcing and intersecting ways.²³ Women within a particular minority ethnic or religious group, for example, may experience discrimination on the basis of both gender and ethnicity or religion. Their experiences of discrimination are qualitatively different from the discrimination experienced by women in the dominant ethnic or religious group.²⁴ As I have argued elsewhere, the strategy of gender mainstreaming de-emphasizes the ways in which multiple forms of discrimination may be simultaneously affecting women,²⁵ particularly when gender mainstreaming is understood in its overly bureaucratized, “head-counting” version.

Because a gender mainstreaming strategy focuses on integrating a gender-based analysis into all aspects of an institution’s work, it excludes an important analytical focal point. Within many institutions, such as the U.N., the exclusive focus on gender mainstreaming largely ignores the work of encouraging gender-based units within the institution to engage in systematic intersectional analysis. Gender mainstreaming fails to actively encourage gender-focused institutions or sub-units within an institution to explore the impact of other systems of oppression, such as discrimination based on race, ethnicity, class, religion, sexual orientation, age, disability, or rural status, which operate simultaneously and in mutually reinforcing ways with gender subordination.

Within the context of formal post-conflict processes, it is not sufficient to simply get women to the table, although this is an important step. Intersectionality theory requires that we also ask, “which women are sitting around the table?” Do they represent only women privileged on the basis of race, ethnicity, religion, or some other critical identity category? To the extent that they consider women’s needs at all, do negotiated agreements adequately consider the outcomes for different groups of women or do they treat women as an essentialized, uniform category? Unlike gender mainstreaming, an intersectional framework facilitates this more nuanced, differentiated analysis.

Gender centrality is a compelling alternative to gender mainstreaming. It avoids the tendency of gender mainstreaming strategies to devolve into a process of counting women in order to comply with a gender mainstreaming directive. Gender centrality facilitates a deeper structural analysis designed to combat the underlying causes of gender subordination.

22. *See id.* at 12 (questioning whether common gender mainstreaming strategies—which “suggest much action”—are transferable and “actually positively affect[] women’s lives in conflict and post-conflict settings”).

23. *See generally* Kimberle Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color*, 43 STAN. L. REV. 1241 (1991).

24. *See generally* Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581 (1990).

25. Johanna E. Bond, *International Intersectionality: A Theoretical and Pragmatic Exploration of Women’s International Human Rights Violations*, 52 EMORY L.J. 71 (2003).

Because it requires a more penetrating and far-reaching analysis than gender mainstreaming, gender centrality also comes closer to achieving a better understanding of the intersection of multiple forms of discrimination in women's lives.

III. The Limits of Victim Essentialism

Another significant contribution of the paper is its treatment of women as complex legal subjects, who have agency and exercise that agency in a number of ways. Women exercise agency, at times, in furtherance of women's rights and peace and, at times, in furtherance of violence and human rights violations. In the context of armed conflict, women are often defined—not as actors in the peace-building process—but one-dimensionally as victims of sexual assault in armed conflict.²⁶ To varying degrees, the SCRs perpetuate this reductionist view of women, with 1325 and 1889²⁷ taking a slightly broader view of women's participation in peace building.²⁸ In contrast, SCR 1820 readily employs gender stereotypes that depict women almost exclusively as victims of sexual violence in need of protection.

In many ways, this is a good news/bad news story. Women suffer extremely high, indeed, tragic levels of sexual assault. The U.N. has heard the clarion call to systematically and meaningfully address the needs of victims of sexual assault in armed conflict.²⁹ That is the good news. In some cases, however, this urgent mandate has led to a narrow conception of women's experiences in conflict and post-conflict periods.³⁰ This is, of course, the bad news. This narrow conception ignores several facets of gender identity, including that men are victims of sexual assault (albeit in smaller numbers),³¹ that women are soldiers,³² and play a variety of other roles, including as strategists and participants in peace building.³³ The

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26. See Felicity Hill, *How and When has Security Council Resolution 1325 (2000) on Women, Peace and Security Impacted Negotiations outside the Security Council?*, 23 (2005) (unpublished master thesis, Uppsala Univ. Programme of Int'l Studies), available at <http://un1325.de/data/felicity-hill-thesis.pdf> (noting how all speakers in the first Open Debate in the Security Council on Women, Peace and Security "demonstrated a greater understanding of women as victims of violence rather than agents in peace-building").
 27. S.C. Res. 1889, U.N. Doc. S/RES/1889 (Oct. 5, 2009).
 28. See *Women in the Post-Conflict Process*, *supra* note 1, at 200 (characterizing SCR 1889 as "unique" because it "extends the emphasis on women to all post-conflict phases and processes"). See also Dianne Otto, *Power and Danger: Feminist Engagement with International Law Through the UN Security Council*, 32 AUSTL. FEMINIST L.J. 97, 101 (2010) (describing SCR 1325).
 29. See, e.g., Otto, *supra* note 28 (noting how feminist anti-war advocates and other women's peace and human rights nongovernmental organizations lobbied the Security Council to promote Resolution 1325).
 30. See Heathcote, *supra* note 15, at 31 (acknowledging that post-1325 resolutions represent progress but stating that they "do little to challenge the military masculinities that feminist scholarship challenges, neither do they effectively shift beyond the image of the women in conflict as predominantly under threat of sexual harm").
 31. See Fionnuala Ní Aoláin, Naomi Cahn & Dina Haynes, *Masculinities and Child Soldiers in Post-Conflict Societies*, in MASCULINITIES AND THE LAW: A MULTIDIMENSIONAL APPROACH (Frank Rudy Cooper & Ann C. McGinley eds., 2012) (emphasizing that men can also be victimized).
 32. See ON THE FRONTLINES, *supra* note 2, at 42–43 (describing the negative effects of "complex social assumptions that underplay the active roles of women in the military apparatus of the state, or . . . within nonstate structures in conflicted societies").
 33. See Sumie Nakaya, *Women and Gender Equality in Peace Processes: From Women at the Negotiating Table to Postwar Structural Reforms in Guatemala and Somalia*, 9 GLOBAL

authors of the paper, and others like Dianne Otto, have raised concern about the exclusive focus on women as victims of sexual assault in the context of armed conflict.³⁴

There are a number of problems with this one-dimensional approach to women's identity in the context of armed conflict. This oversimplification creates a form of essentialism that equates women's experience of armed conflict with sexual assault.³⁵ When women are defined solely as victims, women's experience is valued as long as it correlates with the experience of victimhood. Women may, therefore, be invited to weigh in on matters concerning women's physical safety but little else. The focus on victimization acts as a constraint on discourse.

Victim essentialism limits women's discursive space in several ways. First, when women are defined exclusively, or even primarily, as victims of sexual violence, they are perceived as lacking agency. As non-agentic members of the community, they are unable to actively participate in reimagining or rebuilding the community. Second, when women are equated with sexualized victims, they are often consulted on matters related to sexual violence. The terrain of sexual violence represents the discursive territory that women are allowed to occupy.

In the limited context of sexual violence, women *are* often consulted (although, as the authors point out, they are not always asked the *right* questions).³⁶ The parameters of consultation, however, are limited by this narrow conception of women as victims. Indeed, the Secretary General's 2009 report on the implementation of SCR 1325 states that "women continue to be considered as victims and not as key partners in addressing and resolving situations of armed conflict."³⁷ Because women are reduced to their experiences of victimization, this obviates the need to consult and defer on the broader issues related to peace building.³⁸

In its report, *From Resolution to Reality: Lessons Learned from Afghanistan, Nepal and Uganda on Women's Participation in Peacebuilding and Post-Conflict Governance*, CARE

GOVERNANCE 459 (2003) (discussing women's participation in the peace process through two case studies: Guatemala and Somalia).

34. See Otto, *supra* note 28, at 117 ("The Security Council could have remained faithful to the more liberating representations of women it embraced in R1325 by crediting women with agency in the face of sexual violence and questioning the inevitability of their powerlessness.").
35. For a general definition of "essentialism," see Heathcote, *supra* note 15, at 37 (defining "essentialism" as "referring to the central question in feminist thinking on how to engage and develop a project on 'women' without reducing understanding of human diversity and difference"). Heathcote uses the term "victim essentialism" resulting from the prevalence of reference to women as requiring protection from sexual violence. *Id.* at 38.
36. See *Women in the Post-Conflict Process*, *supra* note 1, at 193–94 (describing how the framing of a question can affect the response).
37. U.N. Secretary-General, *Women and Peace and Security: Rep. of the Secretary General*, ¶ 68, U.N. Doc. S/2009/465 (Sept. 16, 2009).
38. See Fionnuala Ní Aoláin, *Women, Security, and the Patriarchy of Internationalized Transitional Justice*, 31 HUM. RTS. Q. 1055, 1066 (2009) (discussing how post-conflict focus on physical security, "often conflating physical security with narrowly defined sexual security for women," can have "decisively negative implications for women . . . [which] affects broader understandings of what issues are open for negotiation, mediation, and reform purposes, and what kinds of institutional reforms ought to follow").

International examines the impact of SCR 1325 over the last decade.³⁹ The report quotes an official at the Juba Peace Secretariat, who states: “In spite of their differences the women were consistent and persistent with *their* issues. They talked as victims and demanded the rights of abducted women to be protected.”⁴⁰ I worry about the limited discursive space that women have been allowed. This official of the Juba Peace Secretariat referred to issues related to women’s abduction (and implicitly sexual assault) as “their issues.” According to this official, women talked “as victims” and demanded “protection.” Whether or not the women *talked* as victims, they were certainly *heard* “as victims.” This is but one example; I suspect that it is replicated many times over in areas of conflict and peace building.

There is an implicit notion that women have limited expertise—tragically an expertise born of widespread sexual violence—but that any meaningful contributions (and therefore, consultations) will be limited to that experience of sexual assault.⁴¹ In this narrative of woman as victim, women do not, as a result, have the ability to weigh in on their most urgent needs if those needs fall outside of the parameters of sexual violence. This limited discursive space has harmful consequences for women when at least some of their most pressing needs are never heard and therefore never met.

The exclusive focus on sexual violence also de-emphasizes other critical concerns among women, such as socio-economic needs.⁴² The authors note that although some of the women who were raped “felt profoundly stigmatized by the sexual violence” done to many of them, “they prioritized [the] ‘return to their villages, to regain their livelihoods and the daily routines that gave their lives dignity and purpose.’”⁴³ When institutional actors consult women about their most pressing concerns and women report concerns other than those related to sexual violence, those concerns are not always heard. Women’s articulated “immediate priorities [such as] ‘food insecurity,’ or returning home”⁴⁴ fall outside of the discursive space carved out for women in the larger dialogue concerning peace-building and post-conflict processes.

Financial incentives are powerful tools. In the post-conflict process, donor agencies have considerable influence over the work that happens on the ground. Donors have focused on

39. CARE INTERNATIONAL, FROM RESOLUTION TO REALITY: LESSONS LEARNED FROM AFGHANISTAN, NEPAL AND UGANDA ON WOMEN’S PARTICIPATION IN PEACEBUILDING AND POST-CONFLICT GOVERNANCE (2010).

40. *Id.* at 24 (emphasis added).

41. See Pamela Scully, *Vulnerable Women: A Critical Reflection on Human Rights Discourse and Sexual Violence*, 23 EMORY INT’L L. REV. 113, 119–20 (2009) (arguing that language labeling women as vulnerable and requiring sexual protection can undermine the goal of inclusion in the peace process—“How do vulnerable women who need protection morph into the strong leaders who will help shape new terrains of liberty and security?”).

42. See Aoláin, *supra* note 38, at 1075 (noting the relationship between disarmament and security includes sexual security for women, but that a “broader concept of gender security . . . may be advanced when disarmament is entwined with economic distribution and political representation” and noting with disappointment that any attention given to this issue is “specialized” rather than a mainstream practice).

43. *Women in the Post-Conflict Process*, *supra* note 1, at 209 (citing PHYSICIANS FOR HUMAN RIGHTS, NOWHERE TO TURN: FAILURE TO PROTECT, SUPPORT AND ASSURE JUSTICE FOR DARFURI WOMEN, at iii (2009)).

44. *Id.* at 210.

sexual violence programs, sometimes at the expense of other worthy programs that would more directly respond to women's articulated, pressing needs—such as food and resettlement.⁴⁵ Although the authors speculate about possible causes of this donor myopia,⁴⁶ it is difficult to determine why projects aimed at combating sexual violence have so completely overshadowed projects designed to meet women's other basic needs. This is yet another dimension of the good news/bad news story. Donor attention to the problem of sexual violence in armed conflict represents a hard-fought victory for women's human rights advocates. The price, however, cannot be donor blindness to the wide array of critical needs among women in areas affected by armed conflict.

The focus on women as victims also leaves little room for men who are victims of sexual violence in armed conflict. Victim essentialism constructs victimhood in feminine terms; it equates womanhood with sexual victimization. It also leaves little room for female perpetrators of sexual violence. Male victims and female perpetrators fall outside of gender stereotyped roles. Although not situated in a post-conflict setting, the example of prisoner abuse at Abu Ghraib is, nevertheless, illustrative.⁴⁷

The sexual abuse of male Iraqi prisoners by U.S. service members at Abu Ghraib was designed to feminize and humiliate the detainees. Sexual victimization is culturally coded as female.⁴⁸ In this case, the abuse, which included sexual abuse, the forced wearing of women's underwear, and forced and simulated same-sex sexual contact, was intended to feminize, or emasculate the enemy.⁴⁹ Feminization of the enemy reinforces social hierarchies by equating masculinity and heterosexuality with superiority and the ability to inflict abuse. The abuse thus reinforced social hierarchies based on gender, ethnicity, and heterosexuality.⁵⁰

Some of the most high-profile perpetrators of the Abu Ghraib abuse were women. Lynndie England, Sabrina Harmon, and Megan Ambuhl represented a conceptual disconnect in the national narrative.⁵¹ Women were supposed to be victims—not perpetrators—of sexual abuse. The media coverage suggests that the nation struggled to make sense of the notion of women as perpetrators.⁵² Because these female perpetrators did not fit their prescribed gender roles, they were construed as deviants within the national narrative.

The female perpetrators of the Abu Ghraib abuse as well as the high-profile prosecutions of female perpetrators at the International Criminal Tribunals for the former Yugoslavia (ICTY) and for Rwanda (ICTR)⁵³ underscore the notion that women exercise agency in the

45. *Id.*

46. *Id.* at 209–10.

47. See Johanna Bond, *A Decade after Abu Ghraib: Lessons in "Softening Up" the Enemy and Sex-Based Humiliation*, 31 LAW & INEQ. (forthcoming 2013) (discussing the gendered dynamics of the Abu Ghraib abuse scandal).

48. *Id.* (manuscript at 11).

49. *Id.* (manuscript at 12).

50. *Id.* (manuscript at 17–18).

51. See *id.* (manuscript at 21–26) (discussing the women prosecuted for abuses at Abu Ghraib).

52. *Id.* (manuscript at 24–25).

53. See Kelly D. Askin, *The Quest for Post-Conflict Gender Justice*, 41 COLUM. J. TRANSNAT'L L. 509, 520 (2003).

commission of sexual violence in armed conflict, although in smaller numbers than men.⁵⁴ As Kelly Askin notes, “women are increasingly recognized as actors, enablers, and even perpetrators, instead of simply as victims, of wartime violence.”⁵⁵ The exclusive focus on women as victims of sexual violence undermines women’s agency and fails to fully capture women’s participation in times of conflict.⁵⁶

IV. Conclusion

Among other important contributions, the authors’ paper challenges the *exclusive* focus on women as victims of sexual violence in armed conflict, simultaneously recognizing that women face tragic levels of gender-based violence, both during and post-conflict—and that the experience of sexual victimization does not reflect the complexity of women’s identity or the range of potential contributions to the peace-building process.⁵⁷

The paper explores the untapped potential of SCR 1325 and its progeny. In so doing, it offers us a framework in the form of gender centrality through which to measure real gains in substantive equality rather than formal equality. It also offers a more nuanced understanding of women’s experience and expertise in armed conflict and peace building. Finally, the paper offers insight into closing the gap between the potential of the SCRs and the reality on the ground, namely using funding (and, relatedly, partnering relationships) to incentivize national organizing around and implementation of these critical resolutions.⁵⁸

55. See, e.g., Mark A. Drumbl, “*She Makes Me Ashamed to Be a Woman*”: *The Genocide Conviction of Pauline Nyiramasuhuko*, 2011, 34 MICH. J. INT’L L. (forthcoming 2013).

55. Askin, *supra* note 53, at 513.

56. Bond, *supra* note 47 (manuscript at 29).

57. *Women in the Post-Conflict Process*, *supra* note 1, at 207–08 (“we do not endorse the insertion of women into government positions . . . in the absence of other measures promoting women’s political, social, and economic capital . . .”).

58. See *id.* at 215–16 (“Wherever the U.N. operates, so do multiple other international and regional actors, committed . . . to working as part of (or partner to, or in concert with, or as recipients of) U.N. field operations. . . . The U.N. field operations *are* mandated to implement [the Security Council resolutions], and as a consequence, other international actors and donors also adopt and implement the principles articulated within them.”).