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## Community rejection following sexual assault as 'forced migration'

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**When women are banished from their communities following sexual assault, this rejection should be considered an act of forced migration by the administrators of truth commission reparations programmes.**

Since the mid 1990s, in the Democratic Republic of Congo (DRC) rape and other forms of sexual assault have become common weapons of war as well as commonplace acts by non-combatants. The brutality with which these acts are performed often kills or severely disables for life. A survey of sexually assaulted women conducted in DRC by the Harvard Humanitarian Initiative found that approximately one in fifteen (6%) were subsequently rejected by their communities. However, 34% did not respond to the question of rejection by their communities, making it possible that instances of community rejection may be even more common than this survey indicates.<sup>1</sup>

In DRC, as more widely too, the victimised woman is often seen as unclean, diseased and contaminated by the enemy, even more so if she is impregnated by her rapist; women who become pregnant as a result of rape are five times more likely to be rejected by their communities than women who do not become pregnant. Frequently these women have physical disabilities resulting from the brutal rapes which cause the women to be viewed as 'damaged goods'.<sup>2</sup> As a result, women are sometimes rejected by their spouses, family and/or their communities as a perceived safeguard against disease and because they have a lowered societal or marital value.

It is also well documented that rape when utilised as an act of war is not intended to be a private crime committed against an individual person. The woman's body is a symbolic representation of the male(s) under whose authority she resides and "thus perpetrators see women's bodies as part of the spoils of conquest, goods to be damaged

or seized, and territory to be occupied".<sup>3</sup> At the same time, the woman is shamed for not being able to defend her purity/virtue/honour. When rape victims remain in their home communities, they are living reminders of the village men's inability to protect them.

These rejected survivors and their 'children of rape' are often consigned to a life without the social and economic support of their spouses, families and/or communities, and frequently without basic health care, job skills or a permanent place to live.

### Community rejection as forced displacement?

The Commission for Reception, Truth and Reconciliation in Timor-Leste defined forced displacement simply as "a situation where people leave the place where they live either under some form of compulsion or because they themselves have decided that circumstances are such that it would be dangerous not to move." The Liberian Truth and Reconciliation Commission defined it as an act in which "the perpetrator deported or forcibly transferred or displaced, without grounds permitted under international law, one or more persons to another State or location, by expulsion or other coercive acts. Such person or persons were lawfully present in the area from which they were so deported or transferred." Sexually assaulted women such as those in eastern DRC are forced to leave their communities after being sexually assaulted during a period of conflict; the act is one which is imposed upon them and results in their removal from the community. Additionally, the truth commissions cited made no stipulations regarding the distance a person must be displaced from their home in order to be labelled a 'displaced person'; any

woman who has left her community – or even been banished to its margins – could meet the above definitions. If a similar definition for ‘forced displacement’ were utilised by future truth commissions in the DRC or elsewhere, banished women would be within their right to report themselves to the truth commission as victims of forced displacement.

This recognition of community rejection as forced displacement should be made for four main reasons. First, transitional justice mechanisms such as truth commissions and reparations policies most often fail to distinguish between and account for the differences between men’s and women’s experience of conflict. Historically, these post-conflict mechanisms have instead considered and accepted the daily experiences of men in conflict as accurate representations of the experiences of both men and women. This has often meant that women have been the least heard and the last to receive reparations for their experiences. Any means by which women’s experiences and needs could be better addressed during the reparation process would be a positive step.

Second, the same societal attitude that leads to the rejection of assaulted women makes it difficult for women to come forward and share their experiences with a truth commission or reparations committee, and there is a clear historical under-representation of women reporting sexual violence. The ability to register sexual assault victims rejected by their communities under the category of ‘forced displacement’ in addition to or in place of the category of ‘sexual assault’ could significantly increase the number of women willing to come forward as witnesses at a truth commission and to collect the reparations for which they qualify.

Third, this additional and more gender-neutral term could increase the accessibility of reparations benefits for victimised women as well as the amount or type of reparations for which they qualify. Reparative benefits have been largely correlative to the violations

suffered, meaning, for example, that in addition to monetary benefits, sexual assault victims were most often recommended therapy and physical health care. Women in many of the countries that have hosted truth commissions, such as Sierra Leone and Timor-Leste, do not or rarely have a legal title to land and were consequently disadvantaged in the formal restitution process. Since reparation for forced migrants has generally focused on the victims’ need of housing and restitution of property, the inclusion of banished women with the wider population of displaced victims could increase their chances of accessing reparative housing or property benefits and be a positive step towards societal gender equality.

Finally, prioritising bodily harm over other abuses can create a distorted account of women’s experiences during conflict. Even those truth commissions which have tended to be more aware of women’s and gender issues have largely equated gendered victimisation with sexual violence, presenting only a partial truth and in so doing reinforcing societal inequalities. Recognising community banishment following sexual assault as a form of forced displacement in reparations programmes is essential not only for the individual woman who will benefit from her increased access to reparations but also for society in general.

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1. Harvard Humanitarian Initiative ‘Characterizing Sexual Violence in the Democratic Republic of the Congo; Profiles of Violence, Community Responses, and Implications for the Protection of Women’ Open Society Institute <http://tinyurl.com/HHI-SexualViolenceinDRC>
2. See Jessica Keralis ‘Beyond the silence: sexual violence in eastern DRC’ in *Forced Migration Review* 36 and other articles in that issue [www.fmreview.org/DRCongo/keralis.htm](http://www.fmreview.org/DRCongo/keralis.htm) See also *Forced Migration Review* 27 ‘Sexual violence: weapon of war, impediment to peace’ [www.fmreview.org/sexualviolence](http://www.fmreview.org/sexualviolence)
3. InterPares ‘Women’s Struggles For Justice: A Roundtable on Confronting Sexual Violence in Armed Conflict’, February 2009 <http://tinyurl.com/InterPares-SVinArmedConflict>