

Neglected Bodies in International Law: Sexual Violence Against Boys

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I. INTRODUCTION

This Article investigates how international law interacts with sexual violence against boys through the United Nations Security Council (UNSC) Resolutions on Women, Peace and Security (WPS) and Children and Armed Conflict. While recent years have seen increased attention towards sexual violence against men in the context of armed conflict, there are still considerable research gaps with regards to sexual violence against boys.¹ In recent armed conflicts in Afghanistan, the Democratic Republic of Congo (DRC), Liberia, Sri Lanka and Sudan there has been word of widespread sexual violence against boys.² This Article examines to what extent these events have remained absent from the research agenda of academics, international institutions and Resolutions issued by the UNSC. It further explores in what ways readings of armed conflict and international law that employ a gender perspective should award special attention to boys as a category in their own right, separate from men and in addition to the often employed categories of children and girls. Furthermore, the Article contends that only through specific attention to boys will their experiences of sexual violence during armed conflict and in post-conflict societies be heard.

The first Section of the Article constitutes a discourse analysis of the UNSC Resolutions on WPS and on Children and Armed Conflict. This discourse analysis is merged with a literature review of recent critical feminist writings on the UNSC's discursive interpretations of gender. These discursive interpretations of gender are usually seen to have an impact on international

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¹ UN Office for the Coordination of Humanitarian Affairs (OCHA) – Policy Development and Studies Branch, 'Use of Sexual Violence in Conflict: Identifying Research Priorities to Inform More Effective Interventions' (*Meeting Report*, 26 June 2008) <http://www.peacewomen.org/portal_resources_resource.php?id=1258> accessed 27 February 2013, 5.

² *ibid* 6.

norms surrounding national, transnational and international governmental and non-governmental organizations' practice with regards to sexual violence in armed conflict. The second Section explores whether or not boys remain invisible as survivors of sexual violence in recent armed conflicts. This Section also assesses the possible consequences of overlooking boy survivors of sexual violence, using research on sexual violence in the DRC as a case study. In the last three Sections the Article explores a conceptual understanding of boyhood that is crucial to constituting boys as a valid category within understandings of gender. Particularly, in the third Section, second wave feminists' interpretation of 'doing gender' and gender as performative are employed in relation to childhood studies through the work of Barry Thorne. The fourth Section will explore the emerging field of girlhood studies and try to assess whether the paradigms employed in this field can aid a novel conceptualization of boys' experiences. The last Section will employ an understanding of gender as 'embodiment' and 'lived body experience' as conceptualized by Iris Marion Young to engage in an understanding of boyhood as a separate category, without losing sight of how divergent institutional structures can impact the lived body experience of subjects.

This Article limits a reading of international law to the UNSC Resolutions and there is little exploration of the different armed conflicts and studies on armed conflicts, apart from the DRC and Afghanistan, in which systematic sexual abuse of boys has been noted. Further research could potentially aim at constituting a database of boy survivors of sexual violence in armed conflicts globally. Furthermore, there has been little exploration and in-depth engagement in the Article with questions of military masculinities. Such theoretical insight is nonetheless important for understanding the gendered dynamics that lie at the basis of many instances of sexual violence. As such, this Article aims primarily to constitute an overview of the current situation of studies on boyhood in relation to armed conflict. Moreover, it primarily attempts to constitute an understanding of boys beyond binary understandings of gender.

II. FROM ABSENT BODIES TO AWKWARD PRESENCE

When in 2000 the first gender-sensitive Resolution with regards to armed conflict was issued by the UNSC, many feminists rejoiced. In its operative paragraphs, Resolution 1325 on WPS called on all parties to armed conflicts to adopt measures in order to protect women and girls from sexual violence and other types of gender-based violence.³ The Resolution also urged member-

³ UNSC Res 1325 (31 October 2000) UN Doc S/RES/1325.

states to pay attention to the particular needs of women and girls in post-conflict settings and urged the Secretary-General to report on the situation of gender-mainstreaming and women and girls in peacekeeping.⁴ While the efforts cited in Resolution 1325 have met with little opposition from feminists,⁵ there is an ever-growing amount of critical literature that questions the particular discursive construction of gender and women present in Resolution 1325. Surprisingly, the Resolution uses both the phrase 'women and children' and 'women and girls' when emphasizing the need of gender perspectives in armed conflict. As such, it has been argued that the Resolution equates women with children, thus highlighting 'recurrent definitions of women as vulnerable individuals'⁶ which in turn 'removes women's agency and maintains them in the subordinated position of victims'.⁷ The Resolution also continuously alternates between the terms 'children' and 'girls'. A detailed discourse analysis revealed that while 'children' are mentioned in the preamble, the operative paragraphs talk solely about women and 'girls'. Boys are mentioned nowhere and men are only referred to in the context of ex-combatants.⁸ In UNSC Resolution 1820 a similar problem is noted.⁹ While the Resolution has been lauded extensively for its 'ground-breaking' recognition of sexual violence as a weapon of war, it alternates between discussing sexual violence against 'civilians', 'women and children' and 'women and girls'. While the operative paragraphs – employing terms such as 'civilian' and 'children' seem to encompass boys and men up to a certain extent, the specific sections that discuss issues of accountability for gender-based violence again limit sexual violence to 'women and girls'.¹⁰ Sandesh Sivakumaran also emphasized this remarkable absence of boys in Resolution 1820, stating that '... when the matter shifts to the more onerous prevention of sexual violence, the objects of protection are exclusively women and girls'.¹¹ This in itself purports problematic consequences for the meanings of gender identities as constructed by the UNSC:

⁴ *ibid.*

⁵ Hilary Charlesworth and Mary Wood "'Mainstreaming Gender" in International Peace and Security: The Case of East Timor' (2001) 26 *Yale Journal of International Law* 313, 313.

⁶ Nadine Puechguirbal, 'Discourses on Gender, Patriarchy and Resolution 1325: A Textual Analysis of UN Documents' (2010) 17 *International Peacekeeping* 172, 172.

⁷ *ibid.*; See also Judy El-Bushra, 'Feminism, Gender, and Women's Peace Activism' (2007) 38 *Development and Change* 131, 135.

⁸ UNSC Res 1325 (n 3).

⁹ UNSC Res 1820 (19 June 2008) UN Doc S/RES/1820.

¹⁰ Sahla Aroussi, 'Women, Peace and Security: Addressing Accountability for Wartime Sexual Violence' (2011) 13 *International Feminist Journal of Politics* 576, 581.

¹¹ Sandesh Sivakumaran, 'Lost in Translation: UN Responses to Sexual Violence against Men and Boys in Situations of Armed Conflict' (2010) 92 *International Review of the Red Cross* 259, 269.

On closer inspection, 'women and girls' are particularly vulnerable to violation (UNSC 2008: Art 3), particularly embodied in a way that their constitutive others ('civilians') are not. This is a construction that echoes the essentialist logics of gender in UNSCR 1325, logics which draw a clear link between sex and security in suggesting that women are 'metaphor[s] for vulnerable/victim in war' (Charlesworth 2008: 358). The discursive constitution of women as subjects of security does not, at first glance, seem to have changed very much.¹²

This essentialist interpretation of gender identity with regards to women can also have detrimental consequences for men. The above discourse does little to challenge the current gendered manner in which international institutions understand 'who is to be secured, characterized by the exclusion of civilian males as subjects of "protection" or as victims of "gender-based violence"'.¹³ While it can be argued that the subsequent UNSC Resolution 1889 became remarkably more inclusive, employing terms such as 'civilian population', 'survivors' and 'women and children', such terms are often gendered in themselves.¹⁴ In effect, the 'construction of innocence and vulnerability according to gender essentialisms'¹⁵ has often left men and adolescent boys outside of the civilian paradigm. For many actors in armed conflict, age and gender are one of the primary ways in which civilian status is assessed.¹⁶ In addition, talking about 'civilians' can also produce gendered outcomes as a large amount of sexual violence, which happens against men and adolescent boys, takes place in situations of detention.¹⁷ With regards to combatants, boys are 'particularly vulnerable to sexual violence when they are conscripted or abducted into armed forces'.¹⁸ Resolution 2106, issued in 2013, seems to have taken the above critiques into account. The Resolution specifically refers to 'men and boys' as potential victims for sexual violence. In addition, it also explicitly asks for the enlistment of boys and men in efforts to prevent violence against women.¹⁹ This certainly is a giant step forward, as the Resolution interrupts the discursive pattern in which boys and men are constructed as perpetrators and women and girls as victims. However, as noted by Chloé Lewis, this does not

¹² Laura J Shepherd, 'Sex, Security and Superhero(in)es: From 1325 to 1820 and Beyond' (2001) 13 *International Feminist Journal of Politics* 504, 507.

¹³ R Charli Carpenter, 'Recognizing Gender-Based Violence Against Civilian Men and Boys in Conflict Situations' (2006) 37 *Security Dialogue* 83, 85.

¹⁴ UNSC Res 1889 (5 October 2009) UN Doc S/RES/1889.

¹⁵ R Charli Carpenter, *Innocent Women and Children: Gender, Norms and the Protection of Civilians* (Ashgate 2006) 3.

¹⁶ *ibid* 2-3.

¹⁷ Sivakumaran (n 11) 270.

¹⁸ *ibid*; this is also the case for girls.

¹⁹ UNSC Res 2106 (24 June 2013) UN Doc S/RES/2106.

necessarily signal 'a concrete shift in understandings of conflict-related sexual violence'.²⁰ The UNSC Resolutions on WPS as a whole – notwithstanding Resolution 2106 – have led many critics to comment that within the UN context, gender identity is little reflected upon.²¹ 'Gender' has become conflated with 'women',²² and there is a consequent failure to investigate, 'analyse or influence male gender identities and patterns of behaviour'.²³ Additionally, gender in the WPS Resolutions falls prey to heteronormativity and essentialism. There is little mention of women and of girls as perpetrators and as encouragers of violence and war.²⁴ Moreover, men's experience of war is highly simplified, their resistance to war and violence silenced.²⁵

Nevertheless, recent years have seen increased attention being paid to sexual violence against boys in armed conflict. The website of the UN Office of the Special Representative of the Secretary General for Children and Armed Conflict mentions six grave violations against children common to armed conflict and refers to sexual violence as one of them.²⁶ Sexual violence against boys gets a particular mention in this rubric, highlighting the increased saliency of the topic and the urgency of the matter.²⁷ The UNSC Resolutions on Children and Armed Conflict also reflect a broader approach with regards to sexual violence than the WPS Resolutions. Sexual violence and abuse of 'children' during armed conflict is mentioned in UNSC Resolutions 1261, 1998, 2068, 2143.²⁸ However, Resolutions 1314, 1379, 1460, 1539 and 1612 refer to sexual violence against 'women and children', and further specify that such violence is 'mostly committed against girls'.²⁹ They also refer to policies for the

²⁰ Chloé Lewis, 'Systemic Silencing: Addressing Sexual Violence Against Men and Boys in Armed Conflict and Its Aftermath' in Gina Heathcote and Dianne Otto (eds), *Rethinking Peacekeeping, Gender Equality and Collective Security* (Palgrave Basingstoke 2004).

²¹ Shepherd (n 12) 509.

²² El-Bushra (n 7) 141; Carol Cohn, Sheri Gibbings and Helen Kinsella, 'Women, Peace and Security' (2004) 6 *International Feminist Journal of Politics* 130, 136.

²³ Charlesworth and Wood (n 5) 316.

²⁴ El-Bushra (n 7) 135; Laura Sjoberg and Caron E Gentry, *Mothers, Monsters, Whores: Women's Violence in Global Politics* (Zed Books 2007).

²⁵ El-Bushra (n 7) 136.

²⁶ UN Office of the Special Representative of the Secretary-General for Children and Armed Conflict, 'Sexual Violence' (*Children and Armed Conflict*)

<<http://childrenandarmedconflict.un.org/effects-of-conflict/six-grave-violations/sexual-violence/>> accessed 11 April 2014.

²⁷ *ibid.*

²⁸ UNSC Res 1261 (25 August 1999) UN Doc S/RES/1261; UNSC Res 1998 (12 July 2011) UN Doc S/RES/1998; UNSC Res 2068 (19 September 2012) UN Doc S/RES/2068; UNSC Res 2143 (7 March 2014) UN Doc S/RES/2143.

²⁹ UNSC Res 1314 (11 August 2000) UN Doc S/RES/1314; UNSC Res 1379 (20 November 2001) UN Doc S/RES/1379; UNSC Res 1460 (30 January 2003) UN Doc S/RES/1460; UNSC

survivors of sexual violence in the context of girls' 'special needs'.³⁰ As mentioned by Sivakumaran, one of the reasons why there is so little consideration for instances of sexual violence against boys is that they hardly fit into any of these existing categories employed, both in the WPS and in the Children and Armed Conflict Resolutions.

By their very language, the rubric of 'sexual violence against women', or 'sexual violence against women and girls', rules out consideration of boy victims. Even the category of 'sexual violence against women and children' is not a natural fit, as the interchange between 'women and children' and 'women and girls' has often led to children being taken as shorthand for girls. In any event, it is not clear that 'women and children', read as including boys, should be the appropriate categorization ... and if boys are sometimes subjected to sexual violence in situations of armed conflict because they are men-in-waiting, that would suggest that they should be grouped with sexual violence against men, or treated as a separate category in their own right.³¹

III. BOYS BEING OVERLOOKED

So far, girls have indeed been established as the category most likely to suffer from sexual violence during armed conflict. Nevertheless, the lack of data on sexual violence against boys can conceal equally systematic occurrences of sexual violence against boys. It is by no means clear how many boys are affected by sexual violence during different armed conflicts.³² While societal stigma can shame boys into keeping silent, international institutions might overlook boys and NGOs may consequently fail to address their needs.³³ Sexual violence against men and boys is not only widely under-reported, but also widely under-researched. Empirical studies that purport to look at sexual violence against children in conflict regions are often solely conducted amongst women and girls, thus carrying a gender-bias within the studies' designs.

In the DRC, for example, the Eastern region has seen a large instance of sexual violence. In the context of the 2009 conflict and post-conflict situation, most

Res 1539 (22 April 2004) UN Doc S/RES/1539; UNSC Res 1612 (26 July 2005) UN Doc S/RES/1612.

³⁰ *ibid.*

³¹ Sivakumaran (n 11) 269-70.

³² OCHA (n 1) 4; existing data on sexual violence against boys and men tends to be largely anecdotal.

³³ El-Bushra (n 7) 144.

studies and reports published work with narrow definitions of sexual violence and were consequently only administered to women, thus excluding male victims.³⁴ Even more, studies that purport to research sexual violence against 'children' do not include boys within their quantitative research design.³⁵ Such research methodologies clearly depart from the assumption that women and girls are the primary subjects of sexual violence in conflict settings, and that the amount of sexual violence against men and boys is negligible. Most evidence of sexual violence taking place against men and boys in the DRC is anecdotal and only gets mentioned as a side note or small subchapter in reports that are primarily concerned with women and girls.³⁶ This in turn has led to the prioritization of women and girls in humanitarian programming in relation to conflict-related sexual violence, as they are perceived to be 'the most affected by the violence afflicted upon them. There is no time to look into the needs of vulnerable men'.³⁷

Nonetheless, a study by Kirsten Johnson pointed out that 15.2% of adult men experienced sexual violence related to armed conflict in the Eastern DRC, while 29.5% of women reported having been subjected to conflict-related sexual violence.³⁸ Sexual violence here includes being subjected to molestation, forced undressing, being stripped of clothing, raped, gang raped, being forced into marriage, being abducted and/or submitted to sexual slavery and being forced to perform sexual acts with another civilian.³⁹ This study indicates a surprisingly high amount of male victims, thus calling to question research that

³⁴ Kirsten Johnson et al, 'Association of Sexual Violence and Human Rights Violations with Physical and Mental Health in Territories of the Eastern Democratic Republic of the Congo' (2010) 304 *Journal of the American Medical Association* 553, 553; Birthe Steiner et al, 'Sexual Violence in the Protracted Conflict of DRC: Programming for Rape Survivors in South Kivu' (2009) 3 *Conflict and Health*.

³⁵ Brett Nelson et al, 'Impact of Sexual Violence on Children in the Eastern Democratic Republic of Congo' (2011) 27(4) *Medicine Conflict and Survival* 211.

³⁶ See for example Human Rights Watch (HRW), 'You Will be Punished: Attacks on Civilians in Eastern Congo' (*Report*, December 2009) <<http://www.hrw.org/reports/2009/12/13/you-will-be-punished>> accessed 19 April 2014, 92-92, 107-08.

³⁸ Johnson (n 34).

³⁷ Serena Cruz and Rosan Smits, 'Increasing Security in DR Congo: Gender-Responsive Strategies for Combating Sexual Violence' (*Clingendael Conflict Research Unit (CRU) Policy Brief #17*, June 2011)

<http://www.clingendael.nl/sites/default/files/20110531_cru_policybrief_rsmit.pdf> accessed 18 April 2014, 3 (quoting an interview with UN Official in January 2011); Desiree Lwambo,

'"Before the War, I was a Man": Men and Masculinities in Eastern Congo' (*HEAL Africa Study*, 2011)

<<http://www.heal africa.org/wp-content/uploads/2011/10/men-and-masculinities-in-eastern-dr-congo.pdf>> accessed 18 April 2014, 6.

³⁸ Johnson (n 34).

³⁹ *ibid* 555.

takes little effort to incorporate or gather such data. The costs hereof for male survivors can be significant. As mentioned by Megan Rybarzyck the insufficient attention to the occurrence of sexual violence against men in the DRC has detrimental consequences for the allocation of aid in the form of primary care and essential medical supplies, which may be different from those required by women.⁴⁰ The constant underestimation of sexual violence against men can have further negative consequences for male survivors' long-term physical, mental, economic and social needs, as a study by Mervyn Christian documented.⁴¹ The fact that sexual violence is often defined as a women's issue can thus prove counterproductive for male survivors and for the further understanding of cycles of gendered violence within the DRC.⁴² It should be noted that the research design of the above studies on male survivors included only adult males. In fact, to date, there is no study of conflict-related sexual violence in the DRC that exclusively looks at male survivors of armed conflict who are under eighteen years of age. Studies often indicate that girl children are a majority among children surviving sexual violence.⁴³

The fact that no attention is given to boys as a category in and of themselves within studies can lead to a limited understanding of the needs of boy survivors of sexual violence. As established before, this can lead to negative consequences for wider support available to boy survivors of sexual violence.⁴⁴ Moreover, this can also result in a limited understanding of the root causes of sexual and gendered violence against boys and a consequent failure to prevent such sexual violence from taking place.⁴⁵ Indeed, the argument of this Article is that boys should be considered as a category in their own right, and not only as 'children' – which in this context often reads as girls only – or merely as 'men-in-waiting'. So far, the Author has found no academic or other research that focused solely on the sexual violence experienced by boys in armed conflict. Articles often consider both men and boys, and fail to do justice to the

⁴⁰ M Rybarzyck et al, 'Evaluation of Medical Supplies Essential for the Care of Survivors of Sex- and Gender-based Violence in Post-Conflict Eastern Democratic Republic of Congo' (2011) 27 *Medicine, Conflict and Survival* 91, 107.

⁴¹ Mervyn Christian and others, 'Sexual and Gender Based Violence against Men in the Democratic Republic of Congo: Effects on Survivors, their Families and the Community' (2011) 27 *Medicine, Conflict and Justice* 227, 236-40.

⁴² Séverine Autesserre, 'Dangerous Tales: Dominant Narratives on the Congo and their Unintended Consequences' (2012) 111 *African Affairs* 202, 216-17; Lwambo (n 37) 5.

⁴³ See for example HRW, 'Soldiers Who Rape, Commanders Who Condone: Sexual Violence and Military Reform in the Democratic Republic of Congo' (*Report*, July 2009) <<http://www.hrw.org/reports/2009/07/16/soldiers-who-rape-commanders-who-condone-0>> accessed 19 April 2014, 13-15.

⁴⁴ Autesserre (n 42) 216-17.

⁴⁵ Lewis (n 20).

divergent ways in which men and boys can become subject to sexual violence. In effect, the specific nature of adult oppression of children is little considered when masculinity in itself is generalised and when 'men and boys' becomes a catch phrase in itself instead of two distinct categories. It fails to show the diversity present within masculinities, as it offers little insight into the specific intersectionalities of masculinity and age.

IV. BOYS ARE NOT JUST 'MEN-IN-WAITING'

As Barrie Thorne stated in 1987, '... feminists' re-visioning of women may provide leads for similar re-visioning of children'.⁴⁶ Just as gender-theorists and feminists emphasize the social and cultural construction of gender and the dualism of womanhood and manhood, we can also perceive of an age-based dualism of 'adults and children' as socially – rather than biologically – constructed.⁴⁷ Judith Butler argues that gender performativity entails the presence of a 'tacit collective agreement to perform, produce, and sustain discrete and polar genders'.⁴⁸ These genders are in turn fully constructed and in no way inherently related to male or female bodies.⁴⁹ The understanding of gender as performed can also inform an understanding of childhood as performed, its meanings produced and reproduced by society. Utilizing such concepts with regards to childhood entails that meanings of childhood are not fixed and can vary throughout time and place.⁵⁰ Additionally, this performative understanding of children also increases the understanding of how the specific experiences of childhood in any given time and place also depend 'upon the intersectionality of gender, class, race, religious affiliation, disability status, location in international imperial hierarchies, and relation to forces of globalization'.⁵¹ As Thorne notes, however, the specific meanings of childhood are rarely constructed through the voices of children, as

... whatever the conception of children, adults do the defining. Currently, adults use children to define themselves, in an ideological process of dominance and self-definition analogous to the way in

⁴⁶ Barrie Thorne, 'Revisioning Women and Social Change: Where Are the Children?' (1987) 1 *Gender and Society* 85, 94.

⁴⁷ *ibid* 95-96; Jo Boyden and Joanna de Berry, 'Introduction' in Jo Boyden and Joanna de Berry (eds), *Children and Youth on the Front Line: Ethnography, Armed Conflict and Displacement* (Berghahn Books 2004) xx-xxi.

⁴⁸ Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (Routledge 1990) 179.

⁴⁹ *ibid* 60.

⁵⁰ See for example David F Lancey (ed), *The Anthropology of Childhood: Cherubs, Chattel, Changelings* (CUP 2008).

⁵¹ Heidi Morrison, 'Introduction to Part Two' in Heidi Morrison (ed), *The Global History of Childhood Reader* (Routledge 2012) 115.

which men have defined women and colonialists have defined those they colonized, as 'the other' (DeBeauvoir 1953; Fanon 1967). Adult power over children, including the power of definition, constitutes the usually unspoken context within which modern studies of socialization and child development take shape.⁵²

When exactly children become gendered or socialized into the adult gendered system is a contested question. Most anthropological research into childhood has focused exactly on such explorations, by focusing on rites of passage for boys and girls and on the learning of gender roles.⁵³ However, these questions themselves already purport an adult-centred ontology, understanding children as only receivers of and not as contributors to adult culture.⁵⁴ While

Adults are understood by their present actions and experiences in the world; children are understood more by their becoming, as adults-in-the-making. Socialization frameworks are deeply teleological, referring children's present lives to their presumed adult futures. They also assume an ontology, a division between the supposedly completed nature of the adult and the incomplete child (Jenks 1982).⁵⁵

This 'adult ideological viewpoint'⁵⁶ has specific consequences for understandings of girlhood and boyhood. A commonplace understanding of 'girlhood' and 'boyhood' focuses on both the age as the gender-to-be of a child, yet what it means – exactly – to be a boy or a girl is little explored.⁵⁷ As such, the adult-oriented context in which children are understood is especially prevalent when investigating intersections between childhood and gender. Such intersectional investigations often fail to take the simple premise into account that the identity and subjectivity of children exist of more than intersecting

⁵² Thorne (n 46) 93.

⁵³ Jo Boyden, 'Anthropology Under Fire: Ethics, Researchers and Children in War' in Jo Boyden and Joanna de Berry (eds), *Children and Youth on the Front Line – Ethnography, Armed Conflict and Displacement* (Berghahn Books 2004) 255.

⁵⁴ *ibid.*

⁵⁵ Thorne (n 46) 92-93.

⁵⁶ Matthew Speier, 'The Adult Ideological Viewpoint in Studies of Childhood' in Arlene Skolnick (ed), *Rethinking Childhood: Perspectives on Development and Society* (Little, Brown and Company 1976) (using this term).

⁵⁷ Jackie Kirk, Claudia Mitchell and Jacqueline Reid-Walsh, 'Towards Political Agency for Girls: Mapping the Discourses of Girlhood Globally' in Jennifer Helgren and Colleen A Vasconcellos (eds), *Girlhood: A Global History* (Rutgers University Press 2010) 14; Frances Gateward and Murray Pomerance, 'Introduction' in Murray Pomerance and Frances Gateward (eds), *Where the Boys Are: Cinemas of Masculinity and Youth* (Wayne State University Press 2005) 1.

categories. Such limited understanding can be seen in the understanding which the UNSC Resolutions put forward of boys' experience of sexual violence. There, boys are only considered as young-men-in-the-making, being discursively structured together and behind adult men in Resolution 2106. This Article argues that the specific ways in which children may experience armed conflict and sexual violence are not necessarily limited to their experience of age and masculinity. It can exist of a complex dialogue between these categories that far transcends the exact intersection of these categories. Take for example the practice of *Bacha bazi* – 'Dancing Boys' – in Afghanistan, where warlords and influential men employ – often under exploitative circumstances – boys between the ages of twelve and eighteen to dance for them and lend them sexual favours. These boys are required to wear feminine attire and dress and move in a feminine manner, and are often handpicked for their slender bodies.⁵⁸ These boys are often led into the profession with false promises. Few of them predict that they will have to lend sexual favours to men, sometimes getting passed around after parties to the highest bidder for a night.⁵⁹ Many of the boys who try to escape this cycle of abuse find their lives in danger.⁶⁰ Not only Afghan warlords have engaged in the exploitation of these boys; but staff from private military contractor Dyncorp has also been accused of, if not participating then at least condoning, the *Bacha bazi* practice.⁶¹ It is clear that such instances of sexual violence can be little understood without an explicit attention to the specific meanings attached to boyhood in different societies at divergent moments in time. Investigations of boyhood thus need to incorporate how boys' bodies are discursively structured and infused with meaning in comparison to – but also beyond comparison to – the discursive meanings attached to the dominant heteronormative male body.

V. 'I AM A BOY'⁶²

Such a conceptualization of boys can only be achieved by viewing boys'

⁵⁸ Najibullah Quraishi, 'The Dancing Boys of Afghanistan' (Clover Films 2010).

⁵⁹ *ibid.*

⁶⁰ *ibid.*

⁶¹ Assistant AMB Mussomeli and MOI Minister Atmar, 'Kunduz Dyncorp Problem Transport for Presidential Candidates and other Topics' (*Meeting Cable*, 23 June 2009) <https://wikileaks.org/plusd/cables/09KABUL1651_a.html> accessed 20 April 2014; Jon Boone, 'Foreign contractors hired Afghan "dancing boys"', WikiLeaks cable reveals' (*The Guardian*, 2 December 2010) <<http://www.theguardian.com/world/2010/dec/02/foreign-contractors-hired-dancing-boys>> accessed 19 April 2014.

⁶² See Rebecca Barry, 'I Am a Girl' (Testify Media Pty Ltd. 2013) (proving a timely intervention in the study of girlhood by awarding girls the chance to speak for themselves and contributing their experiences); See also Hannah McCann, 'Girls, Girlhood and Feminism' (*Binary This*, 11 October 2013) <<http://binarythis.com/2013/10/11/girls-girlhood-and-feminism/>> accessed 3 April 2014.

identities as constituted by more than 'the sum of different structural categories' intersecting 'parts'.⁶³ As such, this Article calls for an establishment of boyhood studies, investigating and conceptualizing the experiences of boys and boys' experiences of gender. Recent years have seen a surge in attention to girls as a special group within gender studies.⁶⁴ The emerging literature around the 'girl child' has followed feminists' efforts to emphasize the worldwide oppression and inequality prevalent among women, concluding that girls – as female – suffer from similar discrimination. This literature is based on the premise that '[w]hen the woman is unequal to the man, the girl is unequal to the boy as well'.⁶⁵ The emerging literature on the 'girl child' focuses mostly on empirical issues from which girls suffer in the developing world, stating that they face both age- and gender-based discrimination and are as such worst off.⁶⁶ While the 'girl child' is premised upon both the female status and the age of a person, the empirical literature on girl children is vague with regards to these constructs: it is unclear whether a biological interpretation of sex or a sociological interpretation of gender lie at its basis.⁶⁷ Additionally, this body of literature often constructs girls around a 'deficits-based conceptualization',⁶⁸ ignoring or devaluing their skills and strengths.⁶⁹ Such understandings of girls and girlhood are problematic as they fail to perceive of girls as active agents.⁷⁰ Consequently – even within feminist writings – girls are often only considered as 'women-in-the-making', and not as a category in their own right.⁷¹ This trend is also visible in the UNSC Resolutions on WPS, where girls are only referred to in relation to, and after, women. This discursive structure invites little research and engagement with the specific experiences of girlhood, and reduces girls together with women to a status of passive victimhood. It is important to thus warn the incumbent research on sexual violence against men and boys to take these critiques of girlhood studies into account and seek a conceptualization of boys that does not limit boys' agency and subjectivity. Such a conceptualization would have to understand gender as

⁶³ Ange-Marie Hancock, 'Intersectionality as a Normative and Empirical Paradigm' (2007) 3 *Politics & Gender* 248, 251.

⁶⁴ Kirk, Mitchell and Reid-Walsh (n 57) 14.

⁶⁵ Neera K Sohoni, *The Burden of Girlhood: A Global Inquiry into the Status of Girls* (Third Party Publishing Company 1995) vii.

⁶⁶ *ibid* 1-2.

⁶⁷ Kristin M Ferguson and Gretchen Heidemann, 'The Girl Child: A Review of the Empirical Literature' (2009) 24 *Affilia* 165, 178.

⁶⁸ *ibid* 179.

⁶⁹ *ibid*.

⁷⁰ *ibid* 183; Kirk, Mitchell and Reid-Walsh (n 57) 14.

⁷¹ McCann (n 62).

not just theorizing social structures, but also as theorizing subjects.⁷² This is not to deny that during warfare there are larger gender dynamics at play, and that a structural account of gender ‘offers a way of understanding inequality of opportunity, oppression and domination, that does not seek individualized perpetrators but rather considers most actors complicit in its production, to a greater or lesser degree’.⁷³ It is merely to say that our specific understanding of boys can be much aided by looking at their being-in-the-world as subjects, interacting with and through gendered social structures.

VI. BOYS’ LIVED BODY EXPERIENCES

Paying attention to boys’ actual experiences – awarding them full subjectivity and identity – might best be achieved by following an interpretation of gender that incorporates Iris Marion Young’s theory of embodiment. Young seeks to create an understanding of the lived body experience of women and girls within the context of existential phenomenology without moving away from the social criticism present in the work of Butler, Foucault and Bourdieu.⁷⁴ This Article argues that Young’s specific theory of embodiment and lived body experience can provide a better theoretical model according to which boys can be understood as subjects in their own right, and as subjects that warrant specific legal and academic attention.

According to Young, in order to transcend the dichotomy between sex and gender – which reconstitutes a heteronormative understanding of reality – one should understand the subject as both crucially embodied and as unconditionally being-in-the-world.⁷⁵ Consequently, when we talk about the subject we do not talk about an abstract being, disconnected from a body. The body as a subject, however, is also by no means disconnected from the world around or from the discursive meanings which society constitutes upon the subject as a body. As Young posits, on the one hand ‘... there is no situation ... without embodied location and interaction’ and on the other hand ‘... the body as lived is always layered with social and historical meaning and is not some primitive matter prior to underlying economic and political relations or cultural meanings’.⁷⁶ The exact manner in which the body is constituted within the world, as subject but sometimes also as mere object, is crucial to understanding power inequalities and oppression. As Stephen Whitehead further elaborates on

⁷² Iris Marion Young, *On Female Body Experience: “Throwing Like a Girl” and other Essays* (OUP 2005) 21.

⁷³ *ibid.*

⁷⁴ *ibid.* 8.

⁷⁵ *ibid.*

⁷⁶ *ibid.* 7.

Young's theory, despite a man's 'existential status as "[s]ubject", the male body has other potential inscriptions, many of which render it precarious and serve to position it as "[o]ther".⁷⁷ As such, age, race and sexuality can constitute diverging masculine bodies that are then objectified and understood as other. While these meanings can indeed influence the body experience and body comportment of the boy, they are in no way fixed. The boy's body is always already inscribed with meaning, as embodiment is not to be separated from a being-in-the-world. The boy can experience his being-in-the-world through the meanings which patriarchal adult culture inscribes upon him, yet these meanings do not constitute the identity of the subject. Most important to his identity is the centrality of present meaning and present subjectivity for the lived body experience. The being-in-the-world of boys' bodies can entail their lived body experiences being influenced by a status of men-in-waiting, yet their body experience also constitutes many other intersecting identities which together inform their subjectivity as boys. While past, present and future can express and award significances to the body, the boy's ultimate lived experience cannot be reduced to a single one of them. To fully understand boys as a category in their own right thus entails a full appreciation to boys' present lived body experience – which exists of so much more than the possible men-to-be-status with which it is often inscribed.

This is not to deny that sexual violence against boys can be understood through an investigation of masculinity, and military masculinities in general. Most research that has understood sexual violence in conflict within a wider gender dynamic has indeed mentioned that 'the cultural glorification of the power of armed force, and the social construction of masculinities and femininities ... support a militarized state'⁷⁸ and support sexual violence as a tool of humiliating and intimidating – sometimes through feminization – of the enemy. In a way, this is more of an attempt to move beyond heteronormative interpretations of gender where power is understood as feminine/masculine. The boy – but also the girl and the child in general – are often posited in between binary interpretations of gender. Falling not within either dominant notion of masculinity and femininity, they challenge a hegemonic 'heterosexual matrix' that functions around binary notions of a stable male/stable female dichotomy.⁷⁹ To fully pay attention to boys' body experiences, gender has to be understood as something that is fluid, its meanings never fixed.

⁷⁷ Stephen M Whitehead, *Men and Masculinities: Key Themes and New Directions* (Polity Press 2002) 194.

⁷⁸ Carol Cohn, *Women and Wars: Contested Histories, Uncertain Futures* (Polity Press 2013) 21.

⁷⁹ Butler (n 48).

VII. CONCLUSION

The discursive construction of gender present in the UNSC Resolutions on WPS and on Children and Armed Conflict operates around a dichotomous and heteronormative interpretation of gender. This interpretation of gender can have detrimental consequences for those who constitute a challenge to such binary interpretations of gender. Boys who survive sexual violence are as such often overlooked in international law. This Article contends that this practice is due to a limited understanding of the adult-centred ontologies on which knowledge functions. This is also valid with regards to gender. Boys are too often considered as men-in-waiting, thus captured in a constant flux of becoming where they are always yet to receive their full value in society. In order to fully appreciate the subjectivity of boys – as being in the present moment – the boys' lived body experience must be considered.

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