Rethinking Representations of Sexual and Gender-Based Violence: A Case Study of the Liberian Truth and Reconciliation Commission

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Abstract

Focusing on forced marriage or the 'bush wife phenomenon' as a category of abuse in the Liberian Civil War, this paper seeks to critically assess the Liberian Truth and Reconciliation Commission's analysis of wartime abuses and its representation of sexual and gender-based violence.

Keywords: Liberia, Gender-based Violence

Introduction

The Liberian Civil War, which started as a guerrilla reaction to the autocratic presidency of Samuel Doe and escalated into a prolonged multi-faction conflict, lasted fourteen years between 1989 and 2003, during which period as many as 250,000 people were killed and over one million displaced.[2] The Liberian Truth and Reconciliation Commission was subsequently established to report on gross human rights abuses in the conflict. In addition to the TRC's Consolidated Final Report (CFR), there were also collaborative reports from the Benetech Human Rights Program and the Advocates for Human Rights.[3] Particular attention was given to the prevalence of sexual and gender-based violence in the war. The Commission contended that all wartime factions 'violated, degraded, abused and denigrated, committed sexual and gender-based violence against women including rape, sexual slavery, forced marriages, and other dehumanizing forms of violations' (TRC, 2009, Vol 2, 17). However, the Commission's definition of what constituted sexual and gender-based violence, and who was included and excluded in analysis of abuse, warrants further consideration. The conflation of 'women' with 'gender' in declarations such as the UN Declaration on the Elimination of Violence Against Women (1993) is reflective of widely accepted narrow understandings of gender violence. Although I use the term 'gender-based violence' here as this is the term used by the TRC, we can argue that 'gender-based violence' should be avoided altogether, as it suggests that forms of

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[2] Critics have treated the Liberian conflict from 1989 to 2003 as both a single war and as two separate wars, a first civil war up until 1997 and then a second civil war from 1999-2003. For the purposes of this study I will approach the conflict from a single war perspective. Estimates of deaths during the war range from around 150,000-250,000. See W. Reno, *Warlord Politics and African States.* Boulder: Lynne Rienner, 1999: 79; L. Badger. "Liberia: War and Peace 1989-2007: A Research Guide." *African Research and Documentation* 106 (2008): 45; M. Bastick et al. *Sexual Violence in Armed Conflict: Global Overview and Implications for the Security Sector.* Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2007: 49.

[3] The Benetech Report was a descriptive statistical analysis of statements given to the Commission, whilst the Diaspora report was part of the Diaspora Project – a new approach to transitional justice which involved taking statements from Liberians in Ghana, the UK and the US.

violence exist which are removed from processes of gender/sexual positioning. Some critics have adopted the term 'gender violence' on the premise that all violence is gender-based and with the aim of taking a broader view on what gender violence encompasses (Leach and Humphreys, 107). By examining differences within gender categories we can shed light on patterns of social behaviour between them, but also critique the binary gender categories which dominate rights-based discourses in development (Connell, 2002:2).

Focusing on forced marriage or the 'bush wife phenomenon' as a category of abuse, this paper identifies a number of flaws in the TRC's analysis of wartime abuses and its representation of sexual and gender-based violence. Furthermore, influenced by Foucauldian understandings of power relations, I examine the way in which dominant humanitarian discourses can be seen to have sanctioned discussion of certain types of sexual and gender-based violence and silenced others. James Faubion (1994) has suggested that two guiding principles have directed Foucault's analysis of power: firstly the *productivity of power,* which here can be applied to the way in which scholarly conceptions of gender-based violence have influenced government policy and humanitarian action, and secondly the *constitution of subjectivity through power relations,* relating both to the impact of power relations as helping to form self-awareness and identities, teach and mould conduct, and the potential to silence or repress particular forms of knowledge or discourse. This complex interpretation of power offers not merely a counterbalance of power and resistance, but power as a way of adapting and changing the conduct and attitudes of an individual or population through its productive ability to develop or create certain types of knowledge or social hierarchy (O'Farrell, 2005:99). In particular, I focus on Foucault's discussion of silence as an essential part of discourse, and the notion that silence is not a oppositional space or the limit of discourse but rather 'the other side from which it is separated by a strict boundary, than an element that functions alongside the things said, with them and in relation to them within overall strategies' (Foucault, cited in Jaworski and Coupland, 1999:518).

Recent critiques of international policy and prosecutions of gender crimes have questioned the complexity of victimhood presented through trials, policy and the apparatus of transitional justice. In relation to International Criminal Court, Kamari Clarke (2009:107) has argued that through its collective texts, images and performances, the Court can be seen to have institutionalised victimhood 'in mediated ways that are also familiarly radicalized as 'African''. As a result, the violation of individuals and communities is both mediated and negated in a way which reduced the status of the victim to a 'specter of suffering, a 'ghost'' (Clarke, 2009:107). The term 'ghost' can be applied not only to the lack of a substantive victim presence in the courtroom but also to the multiple types or forms of abuse which are obscured or silenced by the preoccupation with gendered victimhood. One such 'ghost' identified by Annie Bunting is the specter of the perpetrator/ 'bush husband'. As Bunting (2012:182-183) contends, how does 'thinking about male combatants as survivors/victims (much like child soldiers who committed atrocious crimes) change the gendered analysis of forced marriage?'.

The Commission's Final Report posited that:
While men, women and children all experienced the violence and trauma of the war, women and girls were also targets of gender-based violence. Already vulnerable due to a patriarchal culture and discrimination that existed before the conflict, women were subjected to widespread sexual abuse during and after the fighting (pp. 261).

This description would seem to equate gender-based violence exclusively with violence against women, and synonymise gender-based violence with sexual violence. It also ignores the possibility of gender-based violence being directed towards men and boys. This contradiction is visible throughout the report as a whole. For example in the Report's annexes, Article 12 on Gross Violations of Human Rights notes that when addressing penetration 'the concept of "invasion" is intended to be broad enough to be gender-neutral.' However in Article 14 on Egregious Domestic Crimes rape is identified as an explicitly male offense (pp. 431 and 443). I argue that the representation of sexual and gender-based violence in the TRC's final report and in associated reports reflects wider concerns with how sexual and gender-based violence in conflict situations is debated. The emergence of gender-based violence as a major human rights concern has been framed 'principally with respect to violence against women and girls, particularly sexual violence' (Carpenter, 2006:83). In the case of the Liberian TRC, this has led to a reductionist representation of female victims, an underrepresentation of male victims, and the exclusion of what can be termed 'non-binary gendered violence' suffered by individuals and groups that do not fit neatly into binary gender or heteronormative categories. Research has shown that gay, bisexual and transgendered individuals are frequently targeted as victims of gender-based violence and are particularly vulnerable during conflict (Stemple, 2009). However, the conflict experiences and postwar needs of homosexual and transgender groups were completely ignored by the TRC.

A Question of Definition

'Gender-Based Violence', 'Sexual Violence' and 'Violence against Women' are terms that are frequently used interchangeably in the literature, although sexual violence can be understood as a specific form of gender-based violence. However, these terms are often synonymised, meaning that 'gender-based violence' is often assumed to be 'violence against women'–a simple internet search will show the extent to which these terms are used interchangeably by many organisations. Similarly, interchangeable use of the terms 'gender-based violence' and 'sexual violence' implies that all instances of gender-based violence are predominantly sexual, which is not the case. We must be aware of just how much instances of sexual violence in conflict may vary–in scope, in form, in prevalence, in cause and in consequence (Wood, 2010:124).

Whilst gender theories dominate literature and policymaking on sexual and gender-based violence, post-structuralist feminist theorists have questioned earlier interpretations of violence as fundamentally the result of gender inequalities, highlighted the position of gender as a social construct, and questioned the centrality of gender inequality arguments in explaining instances of sexual violence (Goldstein, 2001:1; Gerecke, 2009:5). The social expectation of the male as aggressor can be argued to result in the 'feminisation of victimisation', where women are rarely seen in a position other than that of the victim. Whilst the dominant perspective of patriarchy that emerged in second wave feminism was a state in which '*all* men have power and *all* women are suppressed' (Skjelsbaek, 1997:12), more recent theorists have pointed to the wide variety of roles played by women during wartime, and stressed that both men and women can be *targeted* victims of sexual violence (Skjelsbaek, 1997; Moser and Clarke, 2001; Mazurana et al., 2002). Such responses to preceding feminist critiques of violence and power can be traced to criticisms of Foucault's early work on power and its failure to sufficiently distinguish between broader power relationships and domination as a particular type of power that is largely stable and

hierarchical. In his first genealogical analyses prior to *Discipline and Punish* Foucault (1975) can be seen to have focused on the productivity of power in terms of struggle, confrontation and oppression. His conception of 'micro-physics of power' which concentrated on the effect of power on the individual body, proved rewarding in developing frameworks to study oppression, however there was little consideration of the 'double character' of power as both subjugation and a form of self-constitution. The influence of structuralism on Foucault's early writing has been highlighted as a factor behind an initial failure to sufficiently explain how power is exercised by individuals, and often portrayed power as a depersonalised, deterministic concept (Hindess, 1996:103; Couzens-Hoy, 1986:10).

It is also important to recognise the legislative impact of the characterisation of wartime sexual violence as an expression of broader gender inequalities, with international courts and tribunals becoming increasingly gender 'sensitive'. The judgement handed down by the International Criminal Tribunal for the former Yugoslavia in 1995 acknowledging systematic rape and sexual enslavement as crimes against humanity was a watershed moment for recognising sexual and gender-based violence against women in wartime. However, Doris Buss has suggested that for many feminists 'rape as a weapon of war' has become a way to articulate the systematic nature of sexual violence against women in wartime, and that a focus on rape in the literature must be approached with caution, as our conception of 'rape as a weapon of war' shapes 'what can be known about sexual violence and gender...and what cannot, the categories of victims legally recognised and those that are not, and the questions pursued, and those foreclosed' (Buss, 2009:145). Certainly a focus on rape and sexual violence more generally has attracted the bulk of recent attention in coverage of conflict abuses – particularly within an African context - which can be seen to detract from other forms of violence and abuse that have been committed on a massive scale (Baaz and Stern, 2010:7).

Human rights reports have become key sources for the documentation of sexual and gender-based violence during wartime, however the circular relationship between scholarly, charity and policy discourse which can frequently be seen to endorse an essentialised image of women as victims in wartime. The delay in the transmission of scholarly ideas into wider government or human rights discourse has meant that many reports or investigations into gender-based violence have derived their theoretical approaches from feminist theorists subsequently criticised for conceptualising wartime sexual violence in essentialist terms. Nicolas Leader (1998:297) has suggested that many organisations currently involved in providing relief for and documenting wartime abuses have brought to their work assumptions shaped by their experience of long-term development work in 1970s and 1980s. Because of this, international human rights approaches to sexual violence over the last few decades can be seen to have focused almost exclusively on women and girls, whilst sexual violence against males in many settings continues to flourish, including during conflict situations (Stemple, 2009:605; Carpenter, 2006:83; Lewis, 2009:1). A 2008 survey of adult survivors of the Liberian war suggested that the disparity between levels of sexual violence for men and women was much closer than many human rights reports would indicate. The study found that 42.3 percent of female former combatants experienced sexual violence at some point in their lifetime, compared with approximately one-third of all male former combatants (Johnson et al, 2008:683).

The TRC relied heavily on reports from organisations such as *Human Rights Watch* for information on sexual and gender-based violence in the conflict to supplement its own research. It is therefore unsurprising that many of the same issues that arise in the TRC's treatment of sexual and gender-based violence can also be seen in the reports it mined for evidence.

Traditionally sexual abuse of men has not been a priority issue amongst researchers and research into gender-based violence has been framed almost exclusively in respect to violence against women. What is surprising is that the definitions of gender-based violence put forward by NGO and charity organisations are often inclusive. For example, *Human Rights Watch* (2002:8) contended that 'gender-based violence is violence directed at an individual, male or female, based on his or her specific gender role in society'. However, this definition was in a report focusing exclusively on women and girls in conflict, and explicitly playing on the notion of a 'war within a war' or a 'war on women' regarding sexual violence. The influence that human rights groups can exert over policy making means that we must give serious thought to the possibility that humanitarian reaction to and coverage of certain abuses not only mitigated forms of sexual and gender-based violence, but also 'inadvertently framed and channelled the violence as well' (Demars, 2000:3).

Forced Marriage as a Category of Abuse

Abuses grouped under the banner of forced marriage range from kidnap and rape to domestic servitude and have been described as the 'bush wife' phenomenon and sexual slavery. These different terms and their uses can signal different levels of proof against those charged with such crimes or for those who seek reparation for their exploitation (Bunting, 166) As a result, forced marriage has been used to describe a broad range of overlapping practices and abuses. Both scholarly and legislative definitions of slavery have struggled to establish a clear division between slavery and related practices such as forced, early or servile marriage. A coherent legislative approach to servile marriage did not emerge until the United Nations 1956 *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices.* The Convention's identification of servile marriage as a practise 'analogous to slavery' paved the way to a more expansive conception of slavery and also established a broad ruling on servile marriage which has resulted in terms such as forced marriage, servile marriage and early marriage often being used interchangeably (Allain, 2008: 248). When in doubt, legislation has opted for an umbrella definition

> covering marriage as slavery, arranged marriage, traditional marriage, marriage for reasons of custom, expediency or perceived respectability, child marriage, early marriage, fictitious, bogus or shame marriage, marriage of convenience, unconsummated marriage, putative marriage, marriage to acquire nationality and undesirable marriage (Gill and Anitha, 2011:5).

Distinctions between different forms of abuse labelled as 'forced marriage' remain unclear, as do contextual factors such as the difference between conflict and non-conflict situations. Uncertainty over how to differentiate between affiliated categories has meant that scholars often present sexual abuse as the dominant factor in the experience of forced marriage. Regardless of the context within which women are bound as a 'wife' to a fighter or militia member, they are invariably described as 'sex slaves' or 'forced wives' (Schroven, 2008:76). The 2007 prosecution by the Special Court of Sierra Leone against the crime of forced marriage was a ground-breaking judgement. However, the court's decision to subsume forced marriage within the category of other inhumane acts, and the equation of forced marriage with sexual slavery arguably 'reduces a

gender-based crime containing both sexual and non-sexual aspects to a sexual crime, and therefore misrecognises the harms considered' (Oosterveld, 2009:75).

The problem of reducing forced marriage to a predominantly sexual crime is that it both restricts the role of women to that of victims of sexual abuse and underestimates the other functions of forced marriage. In the case of rape there is often a clearly defined victim and perpetrator, however this becomes less obvious with more complex and long-term forms of abuse such as forced marriage. In both the TRC final report and the Diaspora Project report forced marriage as a category of abuse is not effectively defined, and is presented only in relation to other abuses. For example, the TRC final report reports that all factions 'committed sexual and gender-based violations...including rape of all forms, sexual slavery, forced marriages, and other dehumanizing forms of violations' (pp.17). It is not clear whether in this context forced marriage is presented as a form of sexual slavery, or whether sexual slavery is a form of forced marriage, or whether the two abuses are completely separate. Furthermore whilst the emphasis on forced marriage in the TRC final report is explicitly linked to rape and sexual slavery, in the Diaspora Project report forced marriage is aligned with early marriage and other 'social and cultural patterns that harm women' such as genital mutilation.

We must question the use of such categories or the application of labels such as 'bush wife' at all. Anita Schroven has drawn attention to what she calls the 'bush wife complex' – that is to say, the institutionalisation of 'bush wife' as a category of abuse. In relation to research in Sierra Leone, Schroven (2008:97) noted that whilst 'forced wives', 'bush wives' or 'sex slaves' have been described by human rights organisations, charities and NGO's, this is not a label commonly used by the women themselves and further research would suggest that women and female child soldiers associated with armed groups more commonly identified their wartime role in terms of military or domestic capabilities as opposed to in a sexual capacity. Research by Susan McKay and Dyan Mazurana (2002:6) between 1990 and 2000 into the role of girls in paramilitary and armed opposition forces has suggested that over 40 percent of female child combatants associated with armed groups identified their key role as that of a 'fighter' within the organisation, compared to 28 percent identifying 'sexual services' as a key role. Other roles identified included Porters (25%), Spies (21%) and Camp Followers (18%). A key consideration here is that almost all girls performed multiple roles at different points during conflict, and that whilst being coerced or forced into sexual relationships or exploitation was a prominent feature for many, it should not be used as an overarching label. The TRC argued that girls associated with armed forces during the conflict suffered particularly badly, with around three quarters of all Liberian girls associated with the armed forces having experienced some form of sexual violence. Female child combatants lived a life of dependency, 'entirely at the mercy of the soldier's whims' (TRC Vol 3:II, 50). However, the experiences of female combatants in armed forces should be viewed within the individual context of the force or group they are affiliated with (particularly in such fragmentary and multi-faction conflict as the Liberian Civil War) and the multiple roles they play (Mazurana et al., 2002:97).

Whilst the TRC does note that 'staying with a physically and sexually abusive commander or soldier seemed for many girls to have been a better option than falling prey to other armed groups' the assertion that all women or girls in forced marriage relationships were completely at the mercy of their 'husband' ignores the way they negotiated such relationships and the degree of agency involved in these decisions. Furthermore, by distinguishing between the experiences of sexual slavery or forced marriage for women and girls, but frequently conflating the distinction between boys and men, the nuances of how such relationships were

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negotiated are lost in the face of collective male abuse (TRC Vol 3:II, 52). It is unlikely that a forced marriage or 'bush wife' style relationship between two child combatants, or a female child combatant and an adult male commander, or a male child combatant and a woman, were experienced or negotiated in the same way.

The stories of rape and sexual abuse that are prevalent throughout much humanitarian discourse on Liberia often tells little about the extent to which women attempted to control their own experience of abuse (Coulter, 2009:130). In the case of Liberia, Mats Utas has examined the 'complexity of women's strategies, roles and options' within conflict situations and in relation to gender-based violence. Utas (2005:403) suggests that agency and victimhood are not necessarily in opposition to each other, and examines the role of victimcy as a 'form of self-representation by which *agency* may be effectively exercised'. Particularly within more complex forms of sexual and gender-based abuse, we can see different ways in which the abused can exert some level of control over their own experience of abuse. The possibility that forced marriage relationships could be a form of 'tactic agency' to help manipulate or control the experience of conflict has serious ramifications for how we understand gender-based violence during conflict.

Whilst research on the Liberian conflict follows the pattern established through other literature on women in war by focusing on female losses, it is also true that war may bring gains (Fuest, 2008:201). In the same way that personal financial concerns have been argued by Reno and others to have been a driving force behind the conflict, many female combatants can be seen to have taken up arms for economic reasons – a factor largely ignored by the TRC. Irma Specht (2006:11) suggests that for some Liberian women, the primary motive for taking up arms was economic, deriving from poverty 'but also the wish for material luxury items such as make-up'. The TRC noted in passing that economic motives may have been coupled with a desire for protection as factors that led to the formation of some relationships, however by emphasising the position of women and particularly girls as commodities that could be 'acquired, used and abused, and ultimately disposed of at will' (TRC Vol 3:II, 51), the productive economic value and importance attached to forced marriages was concealed. Liberian women were often able to move more freely than their male compatriots between areas of militia control. As local trade became increasingly dominated by women, male fighters may have sought to coerce women into relationships to reap the rewards of their labour. Nicholai Lidow suggests that many women formed relationships with NPFL fighters, 'which allowed them to travel more safely and pay fewer taxes than their competitors' (Lidow, 2011: 217).

One final consideration is the nature of the link between gender-based violence, forced marriage and conscription during the Liberian conflict. These relationships were largely presented by the TRC as an end in themselves; that is to say, as a final outcome of and evidence for gender-based violence. However, Specht highlights the relationship between abuse and conscription among female Liberians. Female combatants interviewed by Specht (2006:11) gave two clear motives for taking up arms, firstly to protect themselves and others from violence, particularly sexual violence, and secondly to avenge such violence. This reveals a much deeper relationship between gender-based violence, forced marriage and conflict participation then has been presented in the TRC, where gender-based violence and forced marriage are seen solely in terms of their evidence as abuse. The suggestion that some women may have entered into relationships with combatants not just as a 'lesser of two evils' scenario but also as a route to establish themselves as part of fighting factions suggests a direct link between gender-based violence and female participation in the Liberian conflict which has previously been underexplored, and is particularly salient to the Liberian conflict which the TRC estimated to

have produced the highest number of female perpetrators in comparison to any other civil conflict (TRC Vol 2, 44-45).

Finding the 'Ghosts'

The TRC commissioned the Benetech Human Rights Program to develop a process of data collection and analysis for statements given to the Commission. To distinguish between abuses suffered, Benetech developed a controlled vocabulary to code violations as 'countable units'. This approach was intended to offset the difficulties of distinguishing different abuses from each other

> what distinguishes "rape" from "sexual abuse"? The two categories must be defined so clearly that the people doing the coding apply the definitions in a standard way. That is, the definition must be so clear that if the same narrative statement is assigned to all of the coding staff, they would classify it in precisely the same way. We refer to these definitions as the controlled vocabulary (pp. 87)

The Commissions 'controlled vocabulary' contained twenty-three different violation types. At first the coding team was comprised of just three data coders and a coding supervisor, however this was eventually increased to sixteen in May 2008. Over one in ten of the violations coded were disputed between the coding team (TRC, 88). Although it is exceptionally unlikely that all of the disputed violations were wrong, this still potentially meant thousands of violations may have been incorrectly coded. This does not account for non-disputed data, for which there must also have been errors. The Commission endeavoured to monitor the 'inter-rater reliability' of different coders to see whether they produced the same quantitative output, however a reliance on such a small number of data coders to process such a large number of statements must have resulted in coder bias, particularly in the first several months of the analysis process when only three data coders were working.

The TRC emphasised that women bore a disproportionate amount of suffering during the war, noting that above 70 percent of all sexual based violations reported were against women (pp. 45). Of course, the other side of this figure is that around 30 percent of sexual based abuses were committed against children and men. However, much discussion of sexual and gender-based violence identified only women or girls as victims. For example, the coded vocabulary defined sexual slavery as the 'non-consensual keeping of a woman as a sexual slave and/or domestic servant…often known as a 'bush wife'. This definition explicitly ignores the possibility of a man being kept in sexual slavery, yet a small number of statements given to the TRC testify to male victims in this category of abuse (Cibelli et al., 2009:14 and 60). It would appear incongruous for the TRC to emphasise the youthful demographic of Liberia's population with more than half the population 18 years old or younger, estimate that children constituted up to one fifth of armed combatants and were considered central to faction logistics and combat efforts, and to stress that perpetrators specifically targeted children for gross human rights violations, including 'rape and other forms of sexual violence including sexual slavery and gang rape, forced marriage, and torture', whilst simultaneously ignoring the potential for boys to be victims of sexual violence by asserting that

> Armed groups systematically committed crimes of sexual violence, including rape, gang rape, and sexual slavery, and forced marriage against girls, some ten years of age or younger. Liberian girls suffered immeasurable physical and psychological pain and trauma from the widespread sexual violence and rape that was widespread and systematically committed during the war. (TRC Vol 2, 271 and 315-316).

The Commission can be seen to have adopted an 'all roads lead to abuse' approach to discussion of forced marriage or sexual slavery–for the Commission evidence for and experiences of abuses suffered were paramount over the way in which such relationships formed. As Bunting (2012:182) contends, male combatants may have been forced to 'take a wife' as part of faction initiation or an assault on a civilian population. Furthermore, by equating the term 'bush wife' with sexual slavery, the TRC framed sexual slavery as an abuse suffered explicitly by women. However, the term 'bush wife' has been applied to male victims elsewhere, and may well have been the case in Liberia (Gettleman, 2009:A1; Dassié, 2009: 6-8). The label of 'bush wife' in this context is important as it indicates not just evidence of abuse towards men, but also the underlying social prejudices which create the conditions for such abuses to be silenced. In endorsing a heteronormative male narrative of conflict–which Adam Jones (2006:451) has defined as 'culturally hegemonic heterosexuality' – the TRC excludes the potential for non-heterosexual forced marriage relationships. Indeed, discussion of the unique vulnerabilities and experiences of homosexual victims was completely avoided by the TRC. In its preliminary findings and determinations, victims were divided into categories of 'women', 'children' and 'other vulnerable groups'; however there is no discussion of the category 'other vulnerable groups' (TRC, Vol 1, 43-46). In the consolidated final report the TRC asserted that 'special considerations have been made to accommodate women, children, the elderly, handicap and other vulnerable groups', but continued to silence nonheterosexual and transgender communities, despite explicit statements to the Commission identifying homosexuality as a reason for murder and other abuses. One such victim was entertainer Tecumseh Roberts - 'Liberia's own Michael Jackson'–who rebel leader Prince Johnson testified to have been killed as a direct result of his sexuality (McCauley, 2013; Horton, 2012; TRC Vol 2, 67). This can be set within broader discriminatory practices against homosexual, transsexual and transgender groups within Liberia which has been endorsed from the top down. In its 2012 country report on human rights practices, the U.S Bureau of Democracy, Human Rights and Labor argued that Liberian culture is strongly opposed to homosexuality, and that law enforcement officers and agencies had both refused to investigate allegations of homophobic abuse and harassed individuals believed to be LGBT (Country Report, pp.23). President Johnon Sirleaf has drawn criticism from African gay rights activists after defending the criminalisation of homosexual acts under Liberian law, and the backlash to gay rights campaigning from groups such as the Movement for the Defence of Gays and Lesbians in Liberia and the publication of LGBT 'hit lists' points to institutionalised homophobic practices (Cham, 2012; Paye-Layleh, 2012; Ford and Allen, 2012).

The Commission noted that sexual and gender-based violence against women was significantly underreported to the TRC 'through its formal processes for reasons of insecurity, stigma, etc.' (TRC Vol 2, 19). This is equally, and in many cases more true of sexual violence directed against men, meaning that it is likely to be 'less documented and even more difficult to speak about' (Hayner, 2011:85). In the appendices of the final report the TRC noted that 'to date there is no quantitative study on the prevalence of such sexual violence against men' as had been

identified against women and girls during the conflict. However, the report also acknowledged that the percentage of men as victims of sexual violence as shown by the TRC depended heavily on the definition of sexual violence put forward by the Commission, and that when this definition was extended to include 'undressing, humiliation, molestation and sexual servitude' men have appeared as a much more significant category of victims (pp. 40). Furthermore, the Commission recognised that rehabilitation programmes that do not address the needs of men who have suffered from sexual violence risk 'failing a critically vulnerable group' and suggested that post-conflict rehabilitation programs will need to adapt their approach to account for male victims of sexual violence, in particular ex-combatants.

> This neglect has serious implications for women as unaddressed physical, mental and psychological problems of men impact directly on their family lives, relationships, personal wellbeing and ability to recover from their own experiences of the war. There are escalating reports of substance abuse, suicidal ideation, homicidal ideation and domestic violence (TRC Vol 3:I, 52).

This startling omission is confined to the report's appendices, and the report gives no reason for choosing not to examine sexual violence against men more closely within the Liberian Civil War. In addition, the report, whilst criticising the failure of previous rehabilitation programmes to address the gender-specific needs of men regarding sexual violence, follows exactly the same route in its final determinants and recommendations of ignoring the significance and long-term impact of sexual violence against men during conflict.

The boundaries established between the violations in the TRC's 'controlled vocabulary' raise several concerns, particularly regarding sexual abuses within the conflict. Whilst the proportion of women suffering sexual violence reported by the TRC is much higher than that of men, the definition of sexual violence given by the TRC focuses on rape, multiple rape, gang rape and sexual slavery. The number of victims of sexual abuse is much more even, with relatively more male than female victims. This is justified in the TRC final report by the assertion that sexual abuse included stripping the victim naked which was a tactic 'employed by many perpetrator groups as a means of humiliating the victim'. The definition of sexual abuse used by the TRC was abuse of 'a definite sexual and/or humiliating nature...namely, a victim is stripped naked or suffers genital touching not sufficient to be considered as rape' (Cibelli et al., 2009:15 and 60.)

The line drawn here between sexual violence and sexual abuse is uncomfortably blurred, with the power of distinction between both categories lying in the hands of the Commission. The focus on rape and sexual slavery as forms of sexual violence does not consider other forms of gender-based violence, often directed at men. For example, it is unclear where violent sexual acts committed outside of the TRC's remit for sexual violence, such as the castration of nearly one hundred men in Lofa County by rebel forces, would appear on its list of violation types (pp.255). Whilst the multidisciplinary approach to the study of sexual and gender-based violence has developed a vibrant field for debate, but has also created problems. Eric Carlson (2006:18) notes that truth commissions 'cannot afford to assume that their investigator, from varied backgrounds in law enforcement, medicine and human rights, share the same conception of sexual assault or understand its finer points'. A focus on rape as the dominant form of sexual violence in wartime detracts from a wide variety of gender-specific sexual abuses. Furthermore, the onus is on the explicit statement of a rape in declaring an instance of rape. Here we would do well to remember that absence of evidence is not evidence of absence - the failure of a statement to explicitly state

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that a rape has occurred does not rule out the possibility that one has taken place. This becomes more significant when we consider the overwhelming dominance of female victims in categories of sexual violence, but the slight lean towards male victims in the category of sexual abuse.

Conclusion

Through focusing on forced marriage as just one category of abuse we can see how complex the factors influencing the prevalence of sexual and gender-based violence may be, and the problems created through poorly defined parameters of abuse. The frequent reduction of forced marriage to a predominantly sexual crime and the emphasis of sexual abuse in characterising relationships defined as 'bush wife' or sexual slavery does not fully consider other aspects of a complex relationship. The theoretical concerns posed in this paper can be seen to have an important impact when we move towards their political or legislative application. The multiplicity of the label forced marriage, and the way it has been used interchangeably with terms such as 'sexual slavery' and 'bush wife' greatly influenced the work of the TRC. Potential problems in the way human rights organisations have framed sexual and gender-based violence can also be seen to have been absorbed into the TRC's analysis of wartime abuses and subsequently its findings and recommendations. Academic uncertainty can be seen to have a direct effect on fieldwork and data collection, which in turn influenced the Commission's findings and recommendations.

It is clear that although gender-based violence as a term has frequently been used to focus exclusively on women and girls in the literature it should be equally applied to men and boys, and that more attention should be given to nonheterosexual victims and groups that do fit neatly within binary gender categories. Whilst women and girls suffered disproportionate levels of sexual violence during the Liberian conflict, it is also true that men and boys were victims of sexual violence and other forms of gender-based violence. However, whilst the TRC put forward extensive recommendations regarding the wellbeing and rehabilitation of female victims of sexual and gender-based violence, considerations of comparative male abuses are notable only by their silence. Similarly, there was no consideration of how the experiences of LGBT groups – already a critically vulnerable community within Liberia – were affected by the conflict. Regarding both these concerns, literature on the topic remains sparse and numbers of victims remains unclear. As Sivakumaran (2007:254) contends, 'we know it exists but we do not know to what extent'.

Just as we may question why gender-based violence (specific to women) has become such a major human rights issue over the past few decades, and who or what are the major factors driving this concern, so too must we ask why sexual and gender-based violence directed towards other groups and communities continues to be an underreported subject. Sexual and gender-based violence remains a major concern in postwar war Liberia, with commentators pointing to a continuing 'war on women' (Chandler, 2001:31). However, as is the case in wartime, scholars addressing the persistence of gender-based violence in the postwar environment have often failed to consider the significance of sexual and gender-based violence directed against men and boys in the conflict and its long-term ramifications. As the final report of the TRC acknowledged, sexual abuse of men in wartime may have serious future implications for women. The connection between a failure to recognise sexual and gender-based violence against men in wartime, and continuing patterns of gender-based violence towards women in peacetime, is one that requires further study. Furthermore, it is not enough to highlight the degree

to which sexual and gender-based violence may vary in scope, form, cause and consequence – we must also critique the binary gender categories that frame our understanding of these abuses and the experiences of individual and group survivors this obscures.

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