

**Forced Marriage/Conjugal Slavery in War**  
**2016-2019 Macro Bibliography**

**Adams, A. (2018). Sexual Slavery: Do We Need This Crime in Addition to Enslavement?. In *Criminal Law Forum* (Vol. 29, No. 2, pp. 279-323). Springer Netherlands.**

Abstract: The article focusses on the crime of sexual slavery in the ICC Statute. It examines the legal definition of enslavement in Article 7 (2) (c) ICC Statute and the Elements of Crimes (EOC) of enslavement and sexual slavery as well as the jurisprudence of the SCSL which was the first to deal with the application of the EOC of sexual slavery to a concrete situation (so-called 'forced marriage' phenomenon). The author questions whether there is a necessity to have two crimes against humanity of enslavement and sexual slavery but on the other hand, no war crime of enslavement. Further, she rejects the interpretation that human trafficking has become part of the definition of slavery/enslavement as the footnote in the EOC seems to suggest. The author argues vigorously that the phenomenon of 'forced marriage' should be prosecuted as sexual slavery and not under the residual offence of inhumane acts as a 'new' international crime.

**Aolian Ni, F., Cahn, N., Haynes, D.F., Valji, N. (2017). *The Oxford Handbook of Gender and Conflict*. Oxford University Press: Oxford.**

Abstract: Traditionally, much of the work studying war and conflict has focused on men. Men commonly appear as soldiers, commanders, casualties, and civilians. Women, by contrast, are invisible as combatants, and, when seen, are typically pictured as victims. The field of war and conflict studies is changing: more recently, scholars of war and conflict have paid increasing notice to men as a gendered category and given sizeable attention to women's multiple roles in conflict and post-conflict settings.

*The Oxford Handbook of Gender and Conflict* focuses on the multidimensionality of gender in conflict, yet it also prioritizes the experience of women, given both the changing nature of war and the historical de-emphasis on women's experiences. Today's wars are not staged encounters involving formal armies, but societal wars that operate at all levels, from house to village to city. Women are necessarily involved at each level. Operating from this basic intellectual foundation, the editors have arranged the volume into seven core sections: the theoretical foundations of the role of gender in violent conflicts; the sources for studying contemporary conflict; the conflicts themselves; the post-conflict process; institutions and actors; the challenges presented by the evolving nature of war; and, finally, a substantial set of case studies from across the globe. Genuinely comprehensive, this Handbook will not only serve as an authoritative overview of this massive topic, it will set the research agenda for years to come.

**Atim, T., Mazurana, D., & Marshak, A. (2018). Women survivors and their children born of wartime sexual violence in northern Uganda. *Disasters*, 42, S61-S78.**

**Abstract:** Girls and women who bear children owing to wartime sexual violence committed by armed actors face challenges in gaining acceptance on return to their families and societies. This study analyses the lives of women survivors and their children born of wartime sexual violence in Uganda. It draws on a population-based survey of 1,844 households in the Acholi and Lango sub-regions of northern Uganda, as well as on in-depth qualitative interviews conducted in 2014 and 2015 with 67 purposefully selected women survivors of wartime sexual violence. The study finds that: stigma is linked to broader gender discriminatory sociocultural norms and practices and changes under different circumstances; women's economic agency is essential to reducing stigma; households with members who suffered war-related sexual violence experienced significantly higher rates of violence post conflict than did other households; and the passage of time is less of a determining factor in their acceptance and reintegration than previously thought.

**Bartels, S. A., Michael, S., Roupetz, S., Garbern, S., Kilzar, L., Bergquist, H., ... & Bunting, A. (2018). Making sense of child, early and forced marriage among Syrian refugee girls: a mixed methods study in Lebanon. *BMJ global health*, 3(1).**

**Abstract: Introduction** The Syrian conflict has resulted in over 2.3 million child refugees in the Middle East and the prevalence of early marriage has reportedly increased among displaced Syrian families. This study explores the underlying factors contributing to child marriage among Syrian refugees in Lebanon with the goal of informing community-based strategies to address the issue.

**Methods** In July–August 2016, trained interviewers collected self-interpreted stories in Lebanon using Cognitive Edge's SenseMaker, a mixed-method data collection tool. Participants included married and unmarried Syrian girls, Syrian parents as well as married and unmarried men. Each participant shared a story about the experiences of Syrian girls and then interpreted the story by plotting their perspectives on a variety of questions. Patterns in the responses were analysed in SPSS and the accompanying qualitative narratives were reviewed to facilitate interpretation of the quantitative results.

**Results** 1422 self-interpreted stories from 1346 unique participants were collected with 40% of shared stories focused on (n=332) or mentioning (n=245) child marriage. Quantitative data summarised the different perspectives of female and male participants. Syrian girls and mothers were more likely to share stories about protection/security and/or education and were more likely to report that girls were overprotected. Male participants were more likely to share stories about financial security as well as sexual exploitation of girls and more often reported that girls were not protected enough. Despite these gendered perspectives, many of the shared narratives highlighted similar themes of financial hardship, lack of educational opportunities and safety concerns around sexual and gender-based violence (SGBV).

**Conclusions** A complex myriad of factors contribute to early marriage including poverty, lack of educational opportunities and concerns about SGBV. Sexual exploitation under the guise of marriage is a reality for some Syrian girls. Gender-specific strategies to address child marriage might be more effective in reducing this harmful practice.

**Baumeister, H. (2018). *Sexualised Crimes, Armed Conflict and the Law: The International Criminal Court and the Definitions of Rape and Forced Marriage*. London: Routledge.**

Abstract: From ancient to modern times, sexualised war violence against women was tolerated if not encouraged as a means of reward, propaganda, humiliation, and terror. This was and is in defiance of international laws that have criminalised acts of sexualised war violence since the 18th century. *Ad hoc* international tribunals have addressed especially war rape since the 15th century. The International Criminal Court (ICC), however, is the first independent, permanent, international criminal court that recognises not only war rape but also sexual slavery and other sexualised crimes as crimes against humanity, war crimes, and acts of genocide in its statute and supporting documents.

This book explores how the ICC definitions of rape and forced marriage came about, and addresses the ongoing challenge of how to define war rape and forced marriage in times of armed conflict in a way that adequately reflects women's experiences, as well as the nature of the crimes. In addition to deepening the understanding of the ICC negotiations of war rape and forced marriage, and of the crimes themselves, this volume highlights relevant factors that need to be considered when criminalising acts of sexualised war violence under international law.

*Sexualised Crimes, Armed Conflict and the Law* draws on feminist and constructivist theories and offers a comprehensive theoretical and empirical examination of the definition of rape and forced marriage. It presents the latest state of knowledge on the topic and will be of interest to researchers, academics, policymakers, officials and intergovernmental organisations, and students in the fields of post-conflict law and justice, international law, human rights law, international relations, gender studies, politics, and criminology.

**Boesten, J., Henry, M. (guest eds.) (2018). Special Issue: Revisiting Methods and Approaches in Researching Sexual Violence in Conflict. *Social Politics: International Studies in Gender, State, and Society*. 25 (4).**

Abstract: This collection of papers debates how methodological choices affect what we can know about wartime sexual violence, and how this knowledge might influence policy making. These questions are examined from different disciplinary perspectives and cases by reflecting on methodology in terms of epistemology, ontology, and axiology. Considering not only the surge in global policy initiatives and media attention on sexual violence in conflict, but likewise, the continued interests from researchers globally, it is essential to revisit debates around methodologies and the effects this has on those who are the subject of the research and interventions.

**Bukuluki, P., Ddumba-Nyanzi, I., Kisuule, J. D., Schei, B., & Sundby, J. (2017). Negotiating Restorative and Retributive Justice in Access to Justice for Survivors of Sexual and Gender Based Violence in Post-conflict Northern Uganda. In *Child Abuse and Neglect in Uganda* (pp. 201-225). Springer International Publishing.**

Abstract: This paper is based on research carried out in Northern Uganda on the negotiation between retributive and restorative justice in conflict transformation. The findings show that in the daily lives of survivors of sexual and gender based violence (SGBV) in post-conflict northern Uganda, retributive and restorative justice systems are not used as mutually exclusive mechanisms for seeking justice. Rather, they are constantly negotiated. Children and other stakeholders in post-conflict settings pragmatically choose to apply aspects of each justice system to serve their own goals. In the real life experience of these survivors and their families, the two systems are interconnected and interdependent. Their boundaries, therefore, seem to be porous; “places of meeting and exchange rather than walls of protection against each other”(Jordan J, Hartling L, New developments in relational-cultural theory. In: Ballou M, Brown L(eds) Rethinking mental health and disorder. Guilford Press, New York, 2002: 8). In the daily lives of children and their caretakers in post-conflict settings, it is a fallacy to imagine that retributive and restorative justice systems are working independent of each other. In other words, when each system operates independent of the other, it becomes incomplete as an explanatory model for justice in the context of the survivors and their families. This chapter demonstrates how people, especially survivors of SGBV and their families in Northern Uganda, negotiate between retributive and restorative justice in an effort to access justice. This chapter further explores whether an ingenious hybrid of retributive and restorative justice can creatively contribute to the achievement of justice for the survivors and their families. It also explores the extent to which the process of negotiating between the two justice systems may create space for impunity. The chapter concludes that although nurturing a hybrid justice system creates opportunities for participation and ownership of processes and outcomes by the victims/survivors and perpetrators of atrocities and their families, care must be taken to ensure that the best interests of the survivors and their rights are not compromised.

**Bunting, Annie (2018). Gender politics and geopolitics of international criminal law in Uganda. *Global Discourse* 8.3: 422-437.**

Abstract: This paper explores the views of victim survivors – both men and women – on the current prosecution of Dominic Ongwen at the International Criminal Court (ICC) for crimes against humanity, including the crime of forced marriage. This case will be used as the central story around which the potential and limitations of international criminal law for gender justice will be explored. The Ongwen case has blurred the lines between victims and perpetrators of child soldiering and has generated much debate within and outside the continent. It has resuscitated the contestation and controversies surrounding the ICC regime in Uganda and Africa more broadly. The reflections I share in this paper come out of a collaborative research project I direct called ‘Conjugal Slavery in War: Partnerships for the study of enslavement, marriage and masculinities’ (CSiW 2015-2020). While Uganda and the Ongwen case will be central to this paper, our research project includes partners working with survivors of conflicts in the Democratic Republic of Congo, Liberia, Sierra Leone, Rwanda and northern Nigeria. We collected well over 250 interviews with women who were abducted for forced marriage. Using

interview data from Uganda, as well as court records, this paper explores in-depth the geopolitics and gender politics of prosecuting conjugal slavery as an international crime.

**Bunting, A., Lawrance, B. N., & Roberts, R. L.(eds.) (2016). *Marriage by force?: Contestation over consent and coercion in Africa*. Ohio University Press.**

Abstract: With forced marriage, as with so many human rights issues, the sensationalized hides the mundane, and oversimplified popular discourses miss the range of experiences. In sub-Saharan Africa, the relationship between coercion and consent in marriage is a complex one that has changed over time and place, rendering impossible any single interpretation or explanation. The legal experts, anthropologists, historians, and development workers contributing to *Marriage by Force?* focus on the role that marriage plays in the mobilization of labor, the accumulation of wealth, and domination versus dependency. They also address the crucial slippage between marriages and other forms of gendered violence, bondage, slavery, and servile status.

Only by examining variations in practices from a multitude of perspectives can we properly contextualize the problem and its consequences. And while early and forced marriages have been on the human rights agenda for decades, there is today an unprecedented level of international attention to the issue, thus making the coherent, multifaceted approach of *Marriage by Force?* even more necessary.

**Bunting, A., & Ikhimiukor, I. K. (2018). The Expressive Nature of Law: What We Learn from Conjugal Slavery to Forced Marriage in International Criminal Law. *International Criminal Law Review*, 18(2), 331-353.**

Abstract: The March 2016 Confirmation of Charges Decision of the Pre-Trial Chamber of the International Criminal Court in *Prosecutor v. Dominic Ongwen* characterized the practice of forced conjugal association as the crime against humanity of ‘other inhumane acts’. This decision of the Pre-Trial Chamber comes amidst an unsettled jurisprudence on the legal characterization of the practice of forced conjugal association. The unsettled nature of the jurisprudence has led to inconsistencies in the legal characterization of forced conjugal association as either forced marriage as an ‘other inhumane act’ or sexual slavery, a variant of the general rubric of slavery. Accordingly, this article analyses the expressive effects of the labelling by contemporary international criminal courts and tribunals of forced conjugal association as either forced marriage as an ‘other inhumane act’ or slavery.

**Bunting, A., & Quirk, J. (eds.). (2017). *Contemporary Slavery: Popular Rhetoric and Political Practice*. UBC Press.**

Abstract: Contemporary slavery has emerged as a source of fascination and a spur to political mobilization. This volume brings together experts to carefully explore how the language of slavery has been invoked to support a series of government interventions, activist projects, legal instruments, and rhetorical and visual performances. However well-intentioned these interventions might be, they remain subject to a host of limitations and complications. Recent efforts to combat slavery are too often sensationalist, self-serving, and superficial; and end up

failing the test of speaking truth to power. Bringing about lasting change will require direct challenges to dominant political and economic interests.

**Buss, D. (2016). International Criminal Courts. In Steans, J., Tepe-Balfrage, D.(eds.) *Handbook on Gender and World Politics* (pp.162-170). Edward Elger Publishing.**

**Czelusniak, T.; Andersen, E. (2017) *Forced Marriage As a Crime Against Humanity*. PluriCourts Research Paper No. 17-02.**

Abstract: Forced Marriage is one of the newest crimes against humanity adjudicated at international criminal tribunals. This thesis shall discuss the evolution of this new crime, asking: Has international jurisprudence come to a point of recognition of forced marriage as a separate crime against humanity and if so, is it viable?

**Deibler, S. (2017). *Rape by Any Other Name: Mapping the Feminist Legal Discourse Regarding Rape in Conflict Onto Transitional Justice in Cambodia*. *American University International Law Review*, 32, (2).**

Abstract: The Extraordinary Chambers in the Court of Cambodia (ECCC), set up to prosecute crimes of the Khmer Rouge, has held that only rape in the context of forced marriage comes within the court's jurisdiction, leaving the victims of all other instances of rape committed by Khmer Rouge forces without redress. Through the ECCC's jurisprudence, women who suffered sexual violence under the Khmer Rouge have been dichotomized into two groups: women raped inside of forced marriages, and women raped outside of this context. This paper argues that this narrow construction of rape within the Court's jurisdiction results, in part, from the problematic and highly politicized constructions of rape in international law in recent decades. Framed through the Cambodian case law and drawing on analysis of international jurisprudence, such as that of the ICTY and ICTR, this paper explores how feminist approaches to prosecuting rape in conflict have led to unintended consequences in international law. Despite progress being made so that rape can finally be recognized as a crime against humanity in and of itself, international tribunals often still choose to prosecute rape as another offence: as torture, as genocide, as sexual slavery – not rape qua rape. This necessitates further exploration of the role of gender within rape, and within international law, which this paper undertakes by analyzing existing divergent theories on the harms of rape. This paper argues for a revised conceptualization of rape: reconciliation between rape qua rape and rape as constitutive of crimes such as torture and genocide.

**DiGeorgio-Lutz, J., & Gosbee, D. (Eds.). (2016). *Women and Genocide: Gendered Experience of Violence, Survival, and Resistance*. Canadian Scholars' Press.**

Abstract: This edited collection looks at genocide from a gendered perspective and underscores the importance of isolating women's lives as a central, yet often overlooked, component to understanding genocidal experiences. The contributors revisit genocides of the 20th and 21st centuries, from Armenia in 1915 to Guharat in 2002, to investigate the ways in which women's experiences across genocides are comparable and yet profoundly different. Using sources such as narratives, testimonies, memoirs, and literature, the authors bring to light the understudied

experiences of women during and after these events--from their day-to-day survival to sexual violence, and how they dealt with the trauma post-genocide. The chapters are all united under a consistent methodological framework, allowing for comparisons across genocides.

**Durbach, A., Chappell, L., Williams, S. (guest eds.) (2017). Special Issue: Transformative Reparations for Sexual Violence Post-Conflict: Prospects and Problems. *The International Journal of Human Rights*, 21 (9).**

Abstract (excerpt from forward): This special issue brings together experts on international criminal law, reparations, transitional justice and gender justice to continue the exploration of the meaning, realisation and viability of transformative reparations for victims of sexual violence in post-conflict contexts. In particular, it considers various approaches to the design and implementation of reparations via criminal justice and analogous institutions – such as domestic courts, truth and reconciliation commissions and women’s hearings – in different contexts and evaluates their capacity to erode the recurrence of sexual violence against women post-conflict. The situations examined in this collection range from international and hybrid criminal justice tribunals, such as the ICC, the Extraordinary African Chambers, the International Tribunal for the former Yugoslavia (ICTY) and the Special Court for Sierra Leone, to more informal ad hoc mechanisms such as women’s hearings within a state-sponsored structure such as the South African Truth and Reconciliation Commission, or external initiatives, such as the Tokyo Tribunal or the Guatemalan Court of Conscience. Additionally, in settings where crimes of gender-based violence may be obscured and under-reported and where impunity is prevalent, such as in Northern Ireland and Sri Lanka, the transformative component of reparations may simply be confined to giving visibility to the pervasive and enduring harm of sexual violence and acknowledging its perpetration as conflict-related. Additionally, these forms of reparative measures may ultimately emerge via non-judicial initiatives to bolster women’s economic, social and political rights, contributing, perhaps incrementally but collectively, to the broader goal of gender equality, and potentially to the reduction of violence against women

**Elander, M. (2016). Prosecuting the Khmer Rouge Marriages. *Australian Feminist Law Journal*, 42(1), 163–175.**

Abstract: At the Extraordinary Chambers in the Courts of Cambodia (ECCC), the trial against the two surviving leaders of the Khmer Rouge charged in Case 002 is about to deal with the ‘regulation of marriage’. This is the name given by the ECCC to the Khmer Rouge-instigated marriages also known as ‘red weddings’ or ‘forced marriage’. In this symbolically laden case, the charges relating to the marriages stand as the only alleged crime of sexual and gender-based violence after no charges were brought for the many rapes committed in security centres and work cooperatives. As such, the charges have been described as ‘the Court’s best last chance to contribute to the ever-evolving body of law aimed at better responding to perpetually neglected sexual and other gender-based crimes in times of conflict and atrocity’. In this article, I examine the ways in which the marriages so far have appeared at the ECCC. One aim in writing this is to simply bring to attention what is about to unfold at trial. But in reading the representations of the

marriages, the difficulties in prosecuting gender-based harms also come into view. Thus, the charges relating to the 'regulation of marriage' raise a question about the limits of symbolic value in any one trial.

**Frerks, G. (2016). *Between Agency and Subjugation: Female LTTE Combatants in the Sri Lankan Conflict and Post-War Situation*. In Frerks, G., Annelou, Y (eds.) (2016) *Gender and Conflict: Embodiments, Discourses and Symbolic Practices*. Routledge New York, NY.**

**Grewal, K. (2019). *Using War to Shift Peacetime Norms: The Example of Forced Marriage in Sierra Leone*. In *Rethinking Transitional Gender Justice* (pp. 77-95). Palgrave Macmillan, Cham.**

Abstract: In this chapter, I explore the interaction between institutions of international criminal justice and local women's rights struggles in post-conflict societies. Using the example of the forced marriage prosecutions by the Special Court for Sierra Leone (SCSL), I demonstrate the failure of international institutions to provide 'gender justice' through their reinforcement of conservative, patriarchal social and cultural norms. At the same time, I point to ways in which some women in Sierra Leone have made strategic and somewhat subversive use of the SCSL's judgments to support their own social and political claims. This points to a potential for international law to contribute to struggles for social change beyond the confines of institutional settings and elite actors' interventions. I therefore conclude by urging for continued critique of international institutions to deconstruct their colonial, racist and sexist tendencies. However, I argue we must also pay attention to the ways in which subaltern groups and individuals may make use of the discursive and symbolic power of international law. This is necessary to respond to the epistemic and actual exclusion these groups have traditionally faced. It may also provide us with new possibilities for strategic, productive and creative engagement with international institutions.

**Grey, R. (2019). *Prosecuting Sexual and Gender-Based Crimes at the International Criminal Court: Practice, Progress and Potential* (Vol. 143). Cambridge University Press.**

Abstract: The 1998 Rome Statute, the treaty establishing the International Criminal Court (ICC), includes a longer list of gender-based crimes than any previous instrument of international criminal law. The Statute's twentieth anniversary provides an opportunity to examine how successful the ICC has been in prosecuting those crimes, what challenges it has faced, and how its caselaw on these crimes might develop in future. Taking up that opportunity, this book analyses the ICC's practice in prosecuting gender-based crimes across all cases for war crimes, crimes against humanity and genocide in the ICC up until mid-2018. This analysis is based on a detailed examination of court records and original interviews with prosecutors and gender experts at the Court. This book covers topics of emerging interest to practitioners in this field, including wartime sexual violence against men and boys, persecution on the grounds of gender and sexual orientation, and sexual violence against 'child soldiers'.



**Hedlund, A. (2018). “We Are Not Part of Their War”: Hutu Women’s Experiences of Rebel Life in the Eastern DRC Conflict. In *A Gendered Lens for Genocide Prevention* (pp. 111-132). Palgrave Macmillan, London.**

Abstract: This chapter explores the role of women in *The Democratic Forces for the Liberation of Rwanda* (FDLR), an armed group currently active in the Eastern DRC conflicts. The FDLR is a group that consists of mostly Rwandan Hutus and is one of the largest military forces active in the eastern DRC. Some of the hardliners of the FDLR can be linked to the orchestration of the genocide in Rwanda in 1994. The majority of the group’s current members are today refugees or post-genocide recruits drawn from the Congo. While human rights reports and the current literature on the FDLR have focused on the group’s military activities, including its leadership structure, warfare methods and political ideologies, this chapter is offering a gendered analysis of the FDLR, focusing on how the “civilian” refugee women who move about with the rebels experience their life conditions in the rebel movement. Building on anthropological fieldwork and qualitative data collected in a rebel camp in the Congo forest, this chapter analyzes the diverse roles women hold in the group depending on individual history, background, age, ethnicity and how they were recruited to the group. By including women’s voices into the analysis of the FDLR it will show that some women are victims under FDLRs’ control and have traumatic memories and experiences of forced recruitment and violence, whereas other women are active participants in mobilizing violence and share the group’s military, ideological and political goals to return to their home country, Rwanda. Looking at gender roles in the FDLR, I argue, is essential for understanding how the FDLR are organized from the inside. While offering a critical view on gender roles in the FDLR the chapter will help to provide a better understanding of the Rwandan genocide, and its aftermath. The chapter aims to provide policymakers and organizations working to prevent violence and genocide with a better understanding of how gender and societal roles are lived and acted out inside an armed group in contexts of ongoing violence. Only in this way can we find strategies to prevent atrocities and mass violence in the future.

**Houge, A. B., & Lohne, K. (2017). End Impunity! Reducing Conflict-Related Sexual Violence to a Problem of Law. *Law & Society Review*, 51(4), 755–789.**

Abstract: Whilst sexual violence has been an offence associated both with war- and peacetime throughout history, its rise to the tables where international peace and security are negotiated, represents a significant shift. This article continues the scholarly conversation about conflict-related sexual violence and its emergence as a “hot topic” on academic, political, and activist agendas. Specifically, we ask how and why criminal law constitutes the ultimately meaningful response to such violence. Building on frame analysis, we address how the fight against conflict-related sexual violence has become the fight against impunity. We examine what imageries of victims and perpetrators, causes and consequences key actors within interstate diplomacy and human rights advocacy evoke to drive this development. We argue that these narratives shape the political discourse on conflict-related sexual violence, which may in turn influence the perceived political maneuverability in the face of such harms.

**Hutchinson, A., Waterhouse, P., March-McDonald, J., Neal, S., & Ingham, R. (2016). Understanding Early Marriage and Transactional Sex In the Context of Armed Conflict: Protection at a Price. *International Perspectives on Sexual and Reproductive Health*.**

Abstract: In summary, it is clear that conflict can break down protective factors that might have been put into place to protect young women's sexual and reproductive health, but also that one cannot assume that factors considered risky or protective in "normal" times will remain so in the context of conflict. However, there is little evidence documenting how young women in conflict-affected regions successfully negotiate their sexual and reproductive health without putting themselves at risk of poor sexual outcomes. Not enough is known about the difficult choices young women make when there are no safe options, or what might buffer the impact of the risks they take. Further research is needed on the protective factors that might alter the trajectory of risk exposure to poor sexual and reproductive health outcomes for young women affected by conflict.<sup>42</sup> Such research should examine the trade-offs made by young women, their families and communities that affect sexual and reproductive health, as well as the price of protection. Work in these areas may aid in the development of better postconflict interventions that could support millions of young women around the world who have been put in a position where few, if any, "safe" sexual and reproductive health practices are possible. The role of postconflict care in mediating, buffering and reducing the longer term impact of exposure to such risks is therefore critical, although it is not clear whether empirically informed strategies for such an approach exist.

**Kennedy, E. J. (2017). Women and Genocide: Ending Impunity for Sexual Violence. In R. E. Anderson (Ed.), *Alleviating World Suffering: The Challenge of Negative Quality of Life* (pp. 319–334). Cham: Springer International Publishing.**

Abstract: Women and girls are the heart of a culture and a society and hence are targeted and victimized during genocides and mass atrocities. Such strikes provoke fear and intimidation; prevent the possibility of retaliation; break up families; destroy communities; and change the ethnic identity of subsequent generations. This chapter explores epidemics of violence against women during some of the major genocides of the twentieth century, including the Armenian genocide during World War I; the Ravensbruck women's concentration camp during the Holocaust; the 'rape camps' in Bosnia in the 1990s war; the rape of more than 500,000 Rwandan women during the 1994 genocide; and sexual slavery of Yazidi women and girls in Syria and Iraq by ISIS. This investigation examines prosecutions for these crimes as part of a profound legal shift towards ending impunity for perpetrators of violence against women and girls. This change is influenced, in part, by the increased numbers of women prosecutors and judges in national and international tribunals, an increased attention to 'gender justice' on a global scale, and clarity of the penalties of such crimes, all of which provide deterrence for future sexual violence against women, and promote some measure of justice and the alleviation of suffering.

**Kiconco, A., & Nthakomwa, M. (2018, June). Marriage for the 'New Woman' from the Lord's Resistance Army: Experiences of female ex-abductees in Acholi region of Uganda. In *Women's Studies International Forum* (Vol. 68, pp. 65-74). Pergamon.**

Abstract: A number of studies have documented and analyzed forced marriage patterns and realities of girls within the Lord's Resistance Army (LRA). However, the impact of wartime abduction, captivity and forced marriage on forging and sustaining post-LRA marriage relationships has been under-researched. This article contributes to addressing this gap by examining how stigma against female LRA ex-abductees influences their prospects for choices in marriage as they seek to reintegrate in communities of Uganda. Drawing on findings from Acholi area of northern Uganda, the article discusses how cultural and traditional perspectives stigmatize female ex-abductees, considered as 'unacceptable', 'stained' and therefore 'unmarriageable'. The findings suggest that stigma adversely affects access to key community relationships such as marriage, thereby hindering social and economic opportunities for recovery and reintegration among the female ex-abductees in Uganda.

**Koos, C. (2017). Sexual violence in armed conflicts: research progress and remaining gaps. *Third World Quarterly*, 38(9), 1935-1951.**

Abstract: Research on conflict-related sexual violence (CRSV) has grown rapidly over the last decade. This article consolidates existing social science research on CRSV according to two lines of inquiry: its causes and its consequences. Overall, research has considerably advanced our knowledge of the causes of CRSV, particularly in four aspects: purpose, context, individual motives and intra-group dynamics. However, there is a need to better understand the societal consequences of CRSV, in particular how it affects relations in families, and within and between communities. Overall there remains a shortage of empirical, in particular mixed-method, designs to produce research which is relevant for policymakers and practitioners.

**Lar, O., & Okoli, C. (2018). The prosecution of sexual and gender based violence in armed conflict at the International Criminal Court. *Ajayi Crowther University Law Journal*, 1(2).**

Abstract: Sexual and Gender Based Violence (SGBV) is a wicked, harmful and animalistic act directed at persons of both sexes. Such acts include but not limited to rape, forced prostitution, selective malnourishment of female child, organ mutilation, and the like. SGBV is a prevalent issue that is devoid of solution. The most pervasive form of gender violence is rape and is the least recognised and prosecuted human rights violation. No doubt SGBV is generally accorded recognition as a crime under municipal and international law, yet victims suffer from under prosecution. SGBV remains largely under reported and under prosecuted mainly because of the shame, stigma, psychological, physical and emotional trauma ascribed to the victims. The paper provides an overview of the extent of prosecution of gender based violence in armed conflict and the challenges in the investigation and prosecution. It also explores the obstacles to gender sensitive investigation and prosecution thereof. Against this backdrop, the doctrinal method was used in the course of writing this paper whereby references were made to conventions, statutes, and case laws. This paper prescribed possible solutions in the form of recommendations and the way forward.

**Luedke, A. E., & Logan, H. F. (2018). 'That thing of human rights': discourse, emergency assistance, and sexual violence in South Sudan's current civil war. *Disasters*, 42(S1).**

Abstract: One of the most widely covered aspects of the current conflict in South Sudan has been the use sexual violence by rival factions of the Sudan People's Liberation Movement/Army (SPLM/A) and other armed groups. While this has had the positive effect of ensuring that sexual violence is an integral component of intervention strategies in the country, it has also had a number of unintended consequences. This paper demonstrates how the narrow focus on sexual violence as a 'weapon of war', and the broader emergency lens through which the plight of civilians, especially women, has been viewed, are overly simplistic, often neglecting the root causes of such violence. More specifically, it highlights how dominant discourses on sexual violence in South Sudan's conflict have disregarded the historically violent civil–military relations that have typified the SPLM/A's leadership, and the structural violence connected with the local political economy of bride wealth and the associated commodification of feminine identities and bodies.

**Matfess, H. (2017). *Women and the war on Boko Haram: Wives, weapons, witnesses*. University of Chicago Press: Chicago.**

Abstract: For well over a decade, Boko Haram has waged a campaign of terror across northeastern Nigeria. In 2014, the group shocked the world when it abducted 276 girls en masse from a school in rural Chibok, and the resulting #BringBackOurGirls movement attracted support and solidarity from around the globe. Yet as Hilary Matfess shows, Boko Haram's campaign of violence against women and girls goes far beyond the Chibok abductions. From its very inception, argues Matfess, Boko Haram has systematically exploited women to advance its aims, committing acts of sexual violence under the guise of religiously sanctioned marriage. Perhaps more disturbing still, many Nigerian women have chosen to become active supporters of the group, willing even to sacrifice their lives as suicide bombers. Having conducted extensive fieldwork throughout the region, Matfess provides a vivid and thought-provoking account of Boko Haram's impact on the lives of Nigerian women, as well as exploring how both the Nigerian government and Western leaders have failed to prevent the group's violent misogyny.

**Nadj, D. (2018). *International Criminal Law and Sexual Violence against Women: The Interpretation of Gender in the Contemporary International Criminal Trial*. Routledge.**

Abstract: This book explores the prosecution of wartime sexual violence in international criminal law and asks what the juridicalisation of gender-based violence signifies for women. The book explores the portrayal of the various gendered identities that surface in armed conflict and it asks whether the law is capable of reflecting these in subsequent judgements.

Focusing on the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda as well as subsequent developments in the International Criminal Court, the book shows how the tribunals have delivered landmark jurisprudence in the area of sexual violence against women and provided a legacy for how gender justice is incorporated into international law. However, Daniela Nadj argues that in the relevant cases there is a tendency to

depict women in monolithic fashion with little agency or sense of identity beyond their ethnicity. By bringing to the surface the complexity and multi-faceted gendered identities in wartime, the book calls for a reconceptualisation of notions of femininity in armed conflict.

**O'Brien, M. (2016). 'Don't kill them, let's choose them as wives': the development of the crimes of forced marriage, sexual slavery and enforced prostitution in international criminal law. *International Journal of Human Rights* 20 (3) 386-4016.**

Abstract: Beyond rape, there are other crimes of sexual violence committed during armed conflicts, mass violence and genocide, including sexual slavery, enforced prostitution and forced marriage. This article explores the development in international criminal justice of these three crimes, comparing differences between the crimes, assessing any definitional overlap, and addressing challenges across jurisdictions. While there has been some development of jurisprudence in international criminal courts and tribunals, despite the extensive commission of these crimes in mass atrocities, there remains a lack of willingness by and to some extent inability of international courts and tribunals to address gender-based sexual offences. This article will conclude by confronting reasons behind this reluctance to ensure justice for female victims of sexual violence.

**O'Reilly, M. (2018). "Justice Does Not Come": Gendered Agency and Activism Around Wartime Sexual Violence in BiH. In *Gendered Agency in War and Peace* (pp. 139-178). Palgrave, London.**

Abstract: This chapter explores gendered agency in relation to wartime rape and sexual violence. It examines women's responses to criminal justice processes, highlighting how survivors articulate their own positions on justice, to make it meaningful within the context of their own lives and experiences. Resisting their depiction as passive victims, some women have taken up active roles in criminal justice processes, despite the challenges and dangers involved. Others have weighed up the potential risks and rewards and decided not to testify in the absence of adequate witness protection and support. The chapter also examines the successes and failings of a recent feminist truth-telling initiative, the Women's Court for the former Yugoslavia, in providing gender justice for war-affected women in Bosnia.

**Pallas, J. (2016). Hopeless case or cause for hope?: Lubanga, Katanga, and gender justice in the ICC. *Seoul National University Journal of International Studies*, 1, 37-53.**

Abstract: This paper will evaluate the status of the Rome Statute and International Criminal Court for prosecuting sexual violence, particularly rape. It will become evident that there is a disjuncture between the very progressive Rome Statute and the outcomes of the first two successful prosecutions of the Court which failed at providing gender justice. In *Prosecutor v Lubanga*, the prosecutor failed to charge crimes of sexual violence, yet proceeded to call evidence to this effect through trial. He was strongly rebuked by the judges for doing so. In *Prosecutor v Katanga*, the Prosecutor laid charges of rape inter alia. Katanga was acquitted of these charges because the Prosecutor failed to call evidence which could prove an effective chain

of command. The paper will draw on Julia Quilter's analysis and explanation of a similar dissonance between law and practice in New South Wales, with particular reference to the concepts of the rape schema and iterability, habitus and field. Gender justice is failing at the ICC because of an internalized rape schema within the prosecutorial practice which inter alia perpetuates the myth that crimes of sexual violence are of a lesser importance than others. Notwithstanding the poor current outcomes for gender justice in the ICC, there are strong indications that this is changing and that the practice will soon reflect the progressiveness of the Rome Statute.

**Palmer, E., Williams, S., Palmer, E., & Williams, S. (2017). A "shift in attitude"? Institutional change and sexual and gender-based crimes at the Extraordinary Chambers in the Courts of Cambodia. *International Feminist Journal of Politics* 19(1) 22-38.**

Abstract: The Extraordinary Chambers in the Courts of Cambodia (ECCC) has been slow to address sexual and gender-based violence (SGBV) crimes perpetrated during the Democratic Kampuchea regime. However, there appears to have been a tentative "shift in attitude" at the ECCC toward the investigation and prosecution of these crimes. This article draws on feminist institutionalist theories, first to explain the ECCC's initial failure to prioritize SGBV and then to explain how and why this may have changed. The article suggests that such change has not arisen from the ECCC's formal rules. Instead, various actors working with and around these "old rules" have drawn on these provisions, civil society initiatives and international and national gender norms to modify "informal" practices concerning the prosecution of SGBV at the ECCC. Sensitivity to SGBV is particularly important in hybrid, or internationalized, international criminal structures, which may be hindered by prohibitive practices emerging from both the international and national components of the institution.

**Porter, Holly. 2016. *After rape: violence, justice and social harmony in Uganda*. Cambridge: Cambridge University Press.**

Abstract: Following the ICC intervention in 2005, northern Uganda has been at the heart of international justice debates. The emergent controversy, however, missed crucial aspects of Acholi realities: that the primary moral imperative in the wake of wrongdoing was not punishment but, instead, the restoration of social harmony. Drawing upon abundant fieldwork and in-depth interviews with almost 200 women, Holly Porter examines issues surrounding wrongdoing and justice, and sexual violence and rape, among the Acholi people in northern Uganda. This intricate exploration offers evidence of a more complicated and nuanced explanation of rape and its aftermath, suggesting a re-imagining of the meanings of post-atrocity justice, whilst acknowledging the role of sex, power and politics in all sexual experiences between coercion and consent. With its wide investigation of social life in northern Uganda, this provocative study offers vital analysis for those interested in sexual and gender violence, post-conflict reconstruction and human rights.

**Rey, M. (2016). Reexamination of the Foreign Female Captive: Deuteronomy 21:10–14 as a Case of Genocidal Rape. *Journal of Feminist Studies in Religion*, 32(1), 37-53.**

Abstract: Whether it's Yazidi women captured by Islamic State of Iraq and the Levant (ISIL) in Iraq or Nigerian girls taken by Boko Haram, young girls being forced into marriage and sexual slavery have lately captivated the world's attention. In both cases, the men in these armies (who see themselves engaged in holy war) support forced marriage through the invocation of an ancient principle that views women as "spoils of war." Moreover, both of these wars have been called, at one point or another, acts of genocide against ethnic/religious minorities. In light of these recent events, this article reexamines the foreign female captive in Deuteronomy 21:10–14 through the lens of intersectionality and suggests that this text describes what contemporary international law scholars have identified as genocidal rape: the taking and raping of women identified as belonging to the foreign enemy. This article questions biblical scholars' traditional interpretations of Deut 21:10–14, which obfuscate the ethnic dimension of this female's status. Contrary to many interpretations of this text, which argue for an erasure of the foreign captive's ethnic identity, this article argues that the captive's ethnic identity actually serves as a means of targeting, marginalizing, and oppressing even after her procurement.

**Sarich, J. & Olivier, M. & Bales, K. (2016). Forced Marriage, Slavery, and Plural Legal Systems: An African Example. *Human Rights Quarterly* 38(2), 450-476.**

Abstract: Slavery, long abolished under international law, left a devastating imprint on Africa. However, enslavement of women through forced marriages remains a common phenomenon in many African states. These African states share the common feature of legal pluralism where traditional legal systems continue to be observed alongside national laws in which slavery is outlawed. Where traditional practices condone the marriage of underage girls who are legally unable to consent, the questioning of age-old accepted forms of marriage can generate strong reactions. This article traces the position of forced and child marriages in international law, and investigates how legality becomes a moveable target when legal systems exist in parallel. Despite international and African Union conventions on slavery and human rights declaring that marriages not based on the full and free consent of both parties are considered a violation of human rights and a form of slavery, these practices persist. These instruments are assessed to gauge the level of conformity (or variance) of African state practice where forced marriages commonly occur. Importantly, the reasons behind noncompliance and the impact of legal pluralism are explored in African states where forced marriages commonly occur.

**Seelinger, K. T. (2017). Uganda's Case of Thomas Kwoyelo: Customary International Law on Trial. *Berkeley Law Scholarship Repository*.**

Abstract: This report introduces the International Crimes Division of the High Court of Uganda (ICD) and the case against Mr. Kwoyelo. It comes after a field mission to Kampala in March 2017 and the development of an amicus curiae brief drafted for submission to the ICD in April 2017. The report discusses the potential direct application of customary international law to domestic legal orders, even in "dualist" nations that traditionally require domestication of international law through explicit national legislation. Next, the report presents the view of international and Ugandan legal scholars applying for leave to appear as amici curiae in the case: the direct application of customary international law—even in the criminal context—is constitutional within the Ugandan legal order. They assert that the principle of legality is not

compromised by the proposed charges as long as it is demonstrated that all charged offenses were established as crimes under customary international law at the time of alleged commission. The report then describes the current charges against Mr. Kwoyelo and demonstrates how specific crimes therein have constituted crimes under customary international law for decades. Finally, the report concludes with additional considerations raised by the trial of Thomas Kwoyelo and the legal framework challenges it has revealed.

**Shackel, R. (2019). International Criminal Court Prosecutions of Sexual and Gender-Based Violence: Challenges and Successes. In *Rethinking Transitional Gender Justice* (pp. 187-217). Palgrave Macmillan, Cham.**

Abstract: Sexual and gender-based violence crimes (SGBVC) are amongst the gravest under the Rome Statute. Although the investigation and prosecution of such crimes has been identified as a key priority for the International Criminal Court (ICC) and for international criminal justice more generally, the prosecution of such crimes continues to present unique challenges; consequently, female victims of some of the most violent atrocities and inhumane crimes are left unheard, their experiences unaccounted, and without any remedy or access to justice. This chapter examines some of the positive developments in the prosecution of SGBVC in the ICC, and the key challenges that have faced the ICC's Office of the Prosecutor (OTP) in laying charges and prosecuting SGBV since its inception in 2002. The chapter critically considers what can be done to further advance the prosecution of sexual and gender-based violence (SGBV), and in particular to improve victim participation and outcomes, in order to ultimately strengthen accountability mechanisms in the fight against impunity for such crimes.

**Shackel, R., & Fiske, L. (Eds.). (2018). *Rethinking Transitional Gender Justice: Transformative Approaches in Post-conflict Settings*. Springer.**

Abstract: This book draws together established and emerging scholars from sociology, law, history, political science and education to examine the global and local issues in the pursuit of gender justice in post-conflict settings. This examination is especially important given the disappointing progress made to date in spite of concerted efforts over the last two decades. With contributions from both academics and practitioners working at national and international levels, this work integrates theory and practice, examining both global problems and highly contextual case studies including Kenya, Somalia, Peru, Afghanistan and DRC. The contributors aim to provide a comprehensive and compelling argument for the need to fundamentally rethink global approaches to gender justice.

**Touquet H., Gorris E. (2016). Out of the shadows? The inclusion of men and boys in conceptualisations of wartime sexual violence. *Reproductive Health Matters*, 24 (7), 36-46.**



Abstract: Researchers increasingly acknowledge that men and boys are frequent victims of sexual violence in conflict alongside women and girls, who remain the group that is disproportionately affected. This increasing awareness has contributed to significant efforts to include men and boys in conceptualisations of conflict-related sexual violence in policy as well as in international criminal law. This article analyses the changes that have occurred in these two fields in recent years. We argue that while a major shift towards including male victims in international policy on wartime sexual violence took place in 2013-2014, this development has yet to be consolidated in salient policy guidelines and handbooks. While men and boys' potential victimisation is frequently recognised, most policy documents do not treat the topic of male victimisation in depth. International criminal law on the other hand has pioneered gender-neutral and inclusive definitions. However, the interpretation and application of the gender-inclusive approach is often left to the discretion of judges and the prosecution who at times fail to take the experience of males fully into account, signalling the continuing influence of gender stereotypes and deeply held cultural myths. A renewed effort to fully integrate male victims into conceptualisations of conflict-related sexual violence in both policy and law is therefore advised.

**Turan, G. (2017). The identity of 'the other' for sexual violence victims: Is there anything new in sexual violence prosecutions before the International Criminal Court?. *Journal of Gender Studies*, 26(6), 662-674.**

Abstract: Despite the spectacular development in the field of international criminal law, critical feminism stresses the narrow scope of the sex and gender crimes in the Rome Statute establishing the first permanent International Criminal Court. The current international criminal law discourse, as expressed by recent case law, is geared towards the protection of certain groups targeted on account of their distinctiveness within the framework of a conflict situation, and gender is not recognized as one of these group identities. The question whether international criminal law on sexual violence applies only to inter-group conflicts brings to the fore an uneasy likelihood of exclusion of some recently emergent situations where identities of the conflicting parties transcend a particular ethnicity or nationality, and where victims of sexual violence belong to the same group as their perpetrators. The article argues that, rather than the Rome Statute or newly introduced rules and regulations, a significant obstacle in developing gender justice is the narrow interpretation of sexual violence to inter-group hostilities.

**Varin, C.; Abubakar, D. (eds) (2017). *Violent Non-State Actors in Africa: Terrorists, Rebels and Warlords*. Palgrave Macmillan.**

Abstract: This book explores the rise and impact of violent non-state actors in contemporary Africa and the implications for the sovereignty and security of African states. Each chapter tackles a unique angle on violent organizations on the continent with the view of highlighting the conditions that lead to the rise and radicalization of these groups. The chapters further examine the ways in which governments have responded to the challenge and the national, regional and international strategies that they have adopted as a result. Chapter contributors to this volume examine the emergence of Islamist terrorists in Nigeria, Mali and Libya; rebels in DR Congo,

Central African Republic, Ethiopia and Rwanda; and warlords and pirates in Somalia, Uganda and Sierra Leone.

**Wibben, A. T. (Ed.). (2016). *Researching War: Feminist Methods, Ethics and Politics*. Routledge New York, NY.**

Abstract: *Researching War* provides a unique overview of varied feminist contributions to the study of war through case studies from around the world. Written by well-respected scholars, each chapter explicitly showcases the role of feminist methodological, ethical and political commitments in the research process. Designed to be useful for teaching also, the book provides insight into feminist research practices for students and scholars wanting to further their understanding what it means to study war (and other issues) from a feminist perspective. To this end, every author follows a four-part structure in the presentation of their case study: outlining a research puzzle, explaining the chosen approach, describing the findings and, finally, offering a reflection on the feminist commitments that guided the research.

**Wood, E. J. (2018). Rape as a Practice of War: Toward a Typology of Political Violence. *Politics & Society*, 46(4), 513-537.**

Abstract: When rape by an armed organization occurs frequently, it is often said to be a strategy of war. But some cases of conflict-related rape are better understood as a practice, violence that has not been explicitly adopted as organization policy but is nonetheless tolerated by commanders. The typology of conflict-related rape in this article emphasizes not only vertical relationships between commanders (principals) and combatants (agents) but also the horizontal social interactions among combatants. It analyzes when rape is likely to be prevalent as a practice, emphasizing not only gendered norms and beliefs of the society from which combatants come but also how those might be transformed by the organization's socialization processes. In the conclusion, I suggest that the typology is relevant for analysts of all forms of political violence and also for prosecutors, policy advocates, and policymakers concerned with conflict-related rape.

**Zalewski, M., Drumond, P., Prugl, E., & Stern, M. (Eds.). (2018). *Sexual Violence Against Men in Global Politics*. Routledge. (can be cross-posted to Masculinities bibliography)**

Abstract: Sexual violence against men is an under-theorised and under-noticed topic, though it is becoming increasingly apparent that this form of violence is widespread. Yet despite emerging evidence documenting its incidence, especially in conflict and post-conflict zones, efforts to understand its causes and develop strategies to reduce it are hampered by a dearth of theoretical engagement. One of the reasons that might explain its empirical invisibility and theoretical vacuity is its complicated relationship with sexual violence against women. The latter is evident empirically, theoretically, and politically, but the relationship between these violences conjures a

range of complex and controversial questions about the ways they might be different, and why and how these differences matter. It is the case that sexual violence (when noticed at all) has historically been understood to happen largely, if not only, to women, allegedly because of their gender and their ensuing place in gender orders. This begs important questions regarding the impact of increasing knowledge about sexual violence against men, including the impact on resources, on understandings about, and experiences of masculinity, and whether the idea and practice of gender hierarchy is outdated. This book engages this diverse set of questions and offers fresh analysis on the incidences of sexual violence against men using both new and existing data. Additionally, the authors pay close attention to some of the controversial debates in the context of sexual violence against men, revisiting and asking new questions about the vexed issue of masculinities and related theories of gender hierarchy. The book will be of great interest to students and scholars of sex, gender, masculinities, corporeality, violence, and global politics, as well as to practitioners and activists.