Inclusive gender: Why tackling gender hierarchies cannot be at the expense of human rights and the humanitarian imperative

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The “Debate” section of the Review aims to contribute to the reflection on current ethical, legal or operational controversies around humanitarian issues. In its issue on “Sexual Violence in Armed Conflict” (Vol. 96, No. 894, 2014), the Review published an Opinion Note by Chris Dolan entitled “Letting Go of the Gender

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Binary: Charting New Pathways for Humanitarian Interventions on Gender-Based Violence”, arguing for a shift in the conceptualization of gender-based violence (GBV) in humanitarian settings from an emphasis on gender equality to an ethos of gender inclusivity. Jeanne Ward’s reply, “It’s Not About the Gender Binary, It’s About the Gender Hierarchy”, was published in a later issue of the Review (Vol. 98, No. 901, 2016). Ward suggested retaining a focus on women and girls in GBV work, while moving forward in partnership with those who wish to accelerate programming directed towards men and lesbian, gay, bisexual, transgender and intersex (LGBTI) communities broadly. In this issue, Dolan responds to Ward’s position, pointing to empirical and practical developments that have advanced the understanding of how to effectively respond to GBV, including GBV perpetrated against men, boys and members of the LGBTI community. Dolan calls for the IASC Guidelines to be revised in 2020 to be the guiding text on preventing and responding to GBV in humanitarian settings, and explores what it means to do inclusive gender while also tackling hierarchies.

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Introduction

In 2014, the Refugee Law Project, a community outreach project of Uganda’s main university whose vision is “[that] all people in Uganda enjoy their human rights, irrespective of their legal status”, was suspended by the government of Uganda for allegedly “promoting homosexuality”. The suspension, caused in part by the organization’s support to largely cisgender and heterosexual male refugee survivors of conflict-related sexual violence whom the government misconstrued to be homosexuals, highlighted governmental blindness to even the most basic realities of sexual gender-based violence in conflict settings, among them being that it affects all genders. It also highlighted the corresponding need for documents such as the 2005 Inter-Agency Standing Committee (IASC) Guidelines for Gender-Based Violence Interventions in Humanitarian Settings (GBV Guidelines) to provide a reference point for humanitarians working on these issues in politically complex contexts. The coincidence of the attack on the organization’s work and the existence of a global revision process to the GBV Guidelines raised questions for this author about whether or not the second edition of the Guidelines would offer a clear pathway to those tasked with operationalizing their commitments to human rights for all and to the

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1 See: www.refugeelawproject.org/who-we-are/our-profile.
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humanitarian imperative of impartial assistance to human beings in need. Would this extensive revision process bring on board recent feminist thinking about and scrutiny of gender-based violence (GBV)? Would it, importantly, recognize that sexual violence against cisgender men and lesbian, gay, bisexual, transgender and intersex (LGBTI) persons is also based on interconnected understandings and norms of gender and sexuality?

The author’s hopes that the revised guidelines would see a “Letting Go of the Gender Binary” that had shaped the first edition were largely dashed by the publication of the second. Unlike the first edition, which was up front about being specifically focused on women and girl victims of GBV, the second edition makes rhetorical gestures towards inclusion of non-females, but largely fails to follow through on the programming implications of this. Jeanne Ward’s argument that “It’s Not About the Gender Binary, It’s About the Gender Hierarchy” lays bare the rationale and decision-making that underpin this outcome, an outcome that threatens to short-change non-female victims of GBV for the next decade to come. Ward and those who share her position appear to fear that talking about an inclusive approach to gender programming will cause the collapse of twenty years of gender mainstreaming as we know it. Ward’s twenty-two-page article amounts to a manifesto for an exclusive approach to gender programming, in contrast to what “Letting Go of the Gender Binary” is all about, namely, a call for inclusive approaches to gender theory and gender programming – in short, what can be described as “inclusive gender”.

### Inclusive gender

At the heart of an inclusive approach to gender theory and programming lies a profound concern with artificially constructed polarizations and the manner in which these can be – and are – utilized to “divide and rule” constituencies whose underlying shared interests are masked in the process. Inclusive understanding of gender reflects feminist understandings of intersectionality as they apply to human beings; rather than privileging bodily sex as a constant in oppression, it opens up the complexity of diverse combinations of bodily sex (whether female, male or other), race, ethnicity, class, ability and, I would suggest for the context of humanitarian operations, refugee experiences, in the construction of an

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3 “The Guidelines provide practical advice on how to ensure that humanitarian protection and assistance programmes for displaced populations are safe and do not directly or indirectly increase women’s and girls’ risk to sexual violence”: ibid., p iii.

4 See Jeanne Ward, “It’s Not About the Gender Binary, It’s About the Gender Hierarchy: A Reply to ‘Letting Go of the Gender Binary’”, International Review of the Red Cross, Vol. 98, No. 901, 2016, p. 290, in which Ward describes “concerns that such definitional compromises could be exploited in order to draw attention away from the problem of violence against women and girls in GBV theory and practice”.

5 For one of the most insightful expositions of the constructed nature of gender identity, see Judith Butler, Gender Trouble: Feminism and Subversion of Identity, Routledge, New York, 1990.
individual’s gender identity at any given point in time. These can create not only multiple mutually reinforcing oppressions, but also shifting vulnerabilities and a corresponding need to question assumed patterns. With regard to sexual violence specifically, as Patricia Hill Collins observes, “[s]olutions to violence against women remain unlikely if violence against women is imagined through mono-categorical lenses such as gender lenses of male perpetrators and female victims”.

Inclusive gender sees hegemonic masculinity and the work it does in the oppression of non-hegemonic men as a core expression of patriarchy. It also draws on a growing body of empirical and theoretical academic and policy work (much of it by feminist scholars) which indicates that the vast majority of gender-based violence against men, including sexual violence, whether at the time it occurs or in its lengthy (sometimes never-ending) aftermath, is intricately interconnected with sexual and other forms of gender-based violence against women, girls and boys. Inclusive approaches to gender programming thus do not just pay homage to the space created by decades of feminist activism, they are themselves a critical dimension, extrapolation and articulation of that theorizing and activism. These approaches call for the nuancing of assertions of a global and unchangeable state of gender hierarchy, in the belief that such assertions

6 For an extensive discussion of intersectionality as a knowledge project, as an analytical strategy and as a critical praxis the definition and boundaries of which are necessarily emergent, see Patricia Hill Collins, “Intersectionality’s Definitional Dilemmas”, Annual Review of Sociology, Vol. 41, 2015.


8 P. H. Collins, above note 6, p. 12.

9 For Ward, by contrast, it is not. See J. Ward, above note 4, p. 291.

necessarily reify (and thereby reinforce) a damaging patriarchal model of gender hierarchy underpinned by acute heteronormativity. They also call for new alliances and coalitions between affected groups. The need for interest groups, particularly where these are structured around vulnerabilities whose disclosure demands extremely careful management, to at times establish and occupy autonomous spaces is not in question. However, the potential usefulness of alliances between various interest groups that share common concerns (not least – for the purposes of this debate about GBV – the concerns that both women and men have in relationship to their experiences of conflict-related sexual violence) is clear. For example, in the Refugee Law Project’s experience working with women and men in heterosexual relationships in which both partners are survivors of sexual violence (by no means an infrequent occurrence), recovery of either partner is difficult if each remains unaware of the other’s situation. Autonomy and alliances are thus not necessarily incompatible; indeed, a judicious balancing of the two may be the only way out of what can otherwise become intellectual, experiential and political cul-de-sacs and ghettos of our own making.

Extensive practical experience working directly with refugee women, men and LGBTI survivors of sexual violence suggests that accessing appropriate support services which work for all survivors regardless of gender is a struggle that is particularly acute for the latter categories. While the 1993 United Nations (UN) Declaration on the Elimination of Violence Against Women (DEVAW) undoubtedly remains a seminal document, the humanitarian community now needs to take into account the multiple theoretical, experiential and policy developments of the subsequent twenty-two years if it is to overcome this otherwise intractable lack of access by these under-served multitudes of victims. The fact that women and girls are widely subjected to GBV should not be used, whether explicitly or implicitly, to render invisible the related realities of widespread sexual violence against men, boys and others. Whether from a normative or utilitarian perspective, the pursuit of one rights agenda should not be allowed to obscure the rights of others.

The Office of the UN High Commissioner for Refugees’ (UNHCR) definition of GBV provides a useful way forward in this debate. UNHCR argues that GBV is any act that is perpetrated against a person’s will and is based on gender norms and unequal power relationships. It encompasses threats of violence and coercion. It can be physical, emotional, psychological, or sexual in nature,


12 Patricia Hill Collins describes such alliances as “coalitional politics”. P. H. Collins, above note 6, p. 8.

13 J. Ward, above note 4, pp. 282, 283.
and can take the form of a denial of resources or access to services. It inflicts harm on women, girls, men and boys.14

Such approaches not only enrich our understanding of GBV against women and girls, but also allow new groups (men, boys, non-binary and gender fluid persons) to come into view based on intersecting yet fluid forms of vulnerability and harm. Further critical developments that should inform this debate include the progressive position of the 2002 Rome Statute on crimes of sexual violence,15 the Obama administration’s position both on LGBTI rights and on the need to include humanitarian programming for male survivors of sexual violence, and the acknowledgement of men and boys in UN Security Council Resolution (UNSC Res.) 210616 and in the UK government’s Prevention of Sexual Violence Initiative from 2012 to date. These advances now need to be incorporated substantively – rather than merely rhetorically – into what should be one of the guiding texts on preventing and responding to GBV in humanitarian settings.17

Where the 2015 GBV Guidelines fall short

Ward’s articulation of the underpinnings of the 2015 GBV Guidelines is striking in several regards. Firstly, the description of the “strenuous” consultations undertaken18 barely disguises the methodological and political problems of the process adopted. At the time of the revisions, the GBV Area of Responsibility (AOR) was comprised of representatives of only North-based institutions. How many of the fifteen representatives were women – and how many were from the global North?19 Except for the first launch of the guidelines in South Africa (not the epicentre of current humanitarian crises), all three launches were in the global North: Geneva, Washington, DC, and Canada. There is no mention of dialogue

18 J. Ward, above note 4, p. 276.
19 On 18 November 2014, this author conducted a Skype call with six members of the GBV AOR, all of whom were women.
with survivors themselves, only a hundred “GBV experts”. While the numbers are impressive and the process certainly took its time, it appears driven by and directed to an audience very far removed from its supposed beneficiaries, the actual and potential victims of GBV writ large – including male survivors. Could any serious individual spend even one day with a group of LGBTI or male survivors and remain satisfied that the GBV Guidelines offer adequate guidance for those aiming to prevent and respond comprehensively to GBV on the basis of human need? Far from being an example of victim/survivor-centred “excellent engagement”, the revision process is reminiscent of what Pratt, in discussing UNSC Res. 1325 through a postcolonial feminist lens, describes as “a reinscription of racial–sexual boundaries, evocative of the political economy of imperialism”.

Secondly, the degree to which the 2015 GBV Guidelines reflect a consensus – let alone a comprehensive or representative reflection of the needs of supposed beneficiaries – is questionable. Ward herself recognizes that her approach is not universal and that there was “tension among some Task Team members” at certain points. As a lead author, she also admits to including mentions of “men and boys” in the Guidelines to secure support and gain attention from humanitarian actors and donors who might not be receptive to her views. Some of these minor concessions, despite their dubious intentions, are not insignificant. For example, at a practical level, the 2015 GBV Guidelines state:

Female and male survivors may require exceptional access to WASH facilities as a result of urethral, genital and/or rectal traumas that render basic washing and hygiene activities difficult and time-consuming. They may also require additional non-food items …, such as incontinence pads, which should be dispensed in a confidential and non-stigmatizing fashion.

At a more conceptual level, the Guidelines recognize that “[i]n some settings, some groups of males may not be protected from sexual violence because they are assumed to not be at risk by virtue of the privileges they enjoyed during peacetime”.

20 Examples of attempts to carry out extensive “beneficiary-based consultation” do exist and could have been drawn upon. See, for example, Kirsti Lattu, To Complain or not to Complain: Still the Question, Humanitarian Accountability Partnership International, Geneva, 2008.


22 N. Pratt, above note 11.

23 J. Ward, above note 4, p. 290.

24 Ibid.

25 IASC, Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action, 2015, p. 283, available at: www.gbvguidelines.org. Unfortunately, recommendations that the nutrition sector also alert humanitarian actors to the specific nutritional needs of those suffering rectal damage were not included.

26 Ibid., p. 11.
characterized by oft-repeated statements reifying women and girls as victims and men as actual or potential perpetrators, for reasons that Ward’s article now makes clear.27

Thirdly, much though Annex 5 of the GBV Guidelines does provide some important statistics on sexual violence against men (though none about sexual violence against LGBTI persons), there is still a lack of acknowledgement of the fact that far more extensive documentation of the experiences of women, girls, men and boys will be required if we are to have evidence-based programming in the field of sexual and other forms of gender-based violence. This is despite a growing body of work which ably demonstrates that simple coding decisions – let alone more complex attitudinal challenges – can completely change the overall picture of scale, distribution and even perpetrators of sexual violence.28 The position that “[d]ata affirm what we already know: that women and girls suffer sexual violence at higher rates than men and boys”29 is sociologically naive at best, and politically opportunistic at worst.30 It does not address the question that is often posed by humanitarian practitioners, namely: “We understand that it (sexual violence against men as well as LGBTI persons) exists, but how do we find these survivors?”31 Answering that question requires us to identify and address the methodological, social and legal challenges that result in highly gendered patterns of disclosure by victims and reporting by researchers and institutions.32 The resultant partial datasets make it impossible to see not only the interconnections between the experiences of women and girls and those of men and boys, but also the fact that such experiences lie on a continuum of gender-based violence. Data that are fundamentally incomplete provide a correspondingly shaky foundation for humanitarian programming. The failure to

27 For example, this author urged that wherever the text asks “Are males, particularly leaders in the community, engaged in these community mobilization activities as agents of change?”, it should be altered to “Are males, including leaders in the community, engaged in these community mobilization activities, both as agents of change and as potential victims?”.


29 J. Ward, above note 4, p. 295.

30 For a critical examination of the evidence base and what it tells us about the gender-based nature of sexual violence against men and boys, see S. E. Davies and J. True, above note 10.

31 This question has been put to the author in a number of workshops, including the UNHCR workshop on “Working with Male SGBV Survivors”, Amman, Jordan, 15–17 September 2015; the “Working with Male SGBV Survivors in Refugee Settlements” training for Danish Refugee Council staff, Adjumani District, 18–19 November 2016; and “Surfacing Sexual Violence” in the CERAH training on Sexual Violence in Conflict Settings and Emergencies, Geneva, 21 March 2017.

32 As Davies and True have already done, we should “question all the studies to date in which it has been claimed that SGBV did ‘not’ occur ... because we have little understanding of the socially and culturally specific barriers to reporting for men and women, girls and boys”. S. E. Davies and J. True, above note 10, p. 8.
address these challenges is also an obstacle to the parallel and broader work of tackling stigma and unpicking legal frameworks that serve to silence victims.

Discussion and conclusion

The world has changed considerably since the passing of UNSC Res. 1325 in 2000, let alone the DEVAW in 1993.\(^{33}\) The Women, Peace and Security agenda is not unproblematic, whether conceptually or politically,\(^ {34}\) and its implementation faces many problems in practice.\(^ {35}\) By contrast — and contrary to the assertion that the interrogation of an exclusive model of gender programming is happening only in “a few humanitarian corners”\(^ {36}\) — the move towards an inclusive approach is well under way in many somewhat significant spaces. Whether in the field of international criminal law,\(^ {37}\) the UN Security Council, the British House of Lords’ Committee on Ending Sexual Violence in Conflict, UNHCR’s revised definition of GBV and the development of its first ever workshop on working with men and boy survivors (held in Jordan in September 2015), UNHCR’s ongoing study of sexual violence against men in the Middle East and North Africa region, CERAH’s comprehensive training on sexual violence in conflict for humanitarian workers (developed in partnership with the International Committee of the Red Cross), Médecins Sans Frontières and the Danish Refugee Council’s growing interest in training on the topic, the European Union’s recent decisions to support the creation of “a culture of care for male victims of sexual violence” in Bulgaria, Austria, Germany, Spain and Italy,\(^ {38}\) or calls for reviews of domestic legislation that disadvantages male and LGBTI victims, the momentum is increasing.

The revision process for the GBV Guidelines was a missed opportunity for the largely US-based GBV AOR to step out of a twenty-year individual and institutional comfort zone and take responsibility for its work on “gender”.\(^ {39}\) The

\(^{33}\) As noted in the global study on the implementation of UNSC Res. 1325, “[t]he nature of conflict in certain regions is qualitatively different, the content of what we mean by ‘peace’ and ‘security’ is evolving, and the understanding of what we mean by ‘justice’ has also transformed. This ever-changing and ever evolving reality poses major dilemmas for the four pillars of Security Council resolution 1325 and its subsequent resolutions: these pillars of prevention, protection, participation, and peacebuilding and recovery.” UN Women, Preventing Conflict, Transforming Justice, Securing the Peace: A Global Study on the Implementation of United Nations Security Council Resolution 1325, 2015, p. 13.


\(^{35}\) See UN Women, above note 33.

\(^{36}\) J. Ward, above note 4, p. 278.

\(^{37}\) In striking contrast to the IASC process discussed here, the second edition of the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict, dated March 2017, dedicates a whole chapter to the specifics of working with male survivors.


\(^{39}\) “Without this wider acceptance of responsibility that relates not only to violence but also to the concept of gender itself, the success of violence prevention programs (from the grassroots to the international) is likely to be compromised.” Rosemary Grey and Laura J. Shepherd. “‘Stop Rape Now?’ Masculinity, Responsibility, and Conflict-Related Sexual Violence”, Men and Masculinities, Vol. 16, No. 1, 2013, p. 118.
point of view reflected in Ward’s article, and its concern with splitting hairs between “binary” and “hierarchy”, “patriarchy” and “hegemonic masculinity”, resulted in the revision process being co-opted to fight a rearguard action to hold onto a specific position long overtaken by theoretical, empirical and practical developments. The resultant 2015 GBV Guidelines enable the continued denial of resources and access to services for male and LGBTI survivors of sexual violence – a denial which is itself a form of GBV and an additional harm. ⁴⁰ Academics, activists and victim/survivor-centred practitioners who are exploring what it means to do inclusive gender in the context of ever-escalating humanitarian crises, while also tackling hierarchies, may rightly conclude that, rather than waiting another ten years until 2025, the next revision to the IASC’s GBV Guidelines should be brought forward to allow publication of the third edition in 2020.

⁴⁰ See UN Women, above note 33.