

# Listening for silences in Algeria: eliminating the structural silencing of survivors of conflict-related rape as entrenched in Africa during colonisation

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**ABSTRACT:** Conflict-related rape remains a tactic, driven by the extent of injury to a community through injury to the bodies of women. The harm is an individual harm to the women victims and a community harm owing to unwritten rules of what womanhood represents in society. Women victims carry the shame of the perpetrator's actions while the community at large, the shame of failing to protect their women, and their womanhood, from rape and its consequences. Patriarchal colonisation in Africa entrenched patriarchal social norms on femininity and womanhood, amplifying those that were already in some pre-colonial contexts. This continues to sustain a structural, socially enforced, silencing of victims of conflict-related rape in post-colonial Africa. This paper focusses on the structural silencing of conflict-related rape victims. This article demonstrates the colonial roots of entrenched structural silencing of conflict-related rape victims in Africa. With a focus on Algeria, it shows the causal connection between the colonial harm to women arising from the entrenched structural silencing of victims of conflict-related rape and the sustained structural harm that continues to manifest in the post-colonial state. The Algerian War of Independence (1954-62) and the Algerian Civil War (1992-2000) are used as case studies for this. The paper considers what reparations for the imposition of this silencing as a structural and gendered harm would be for Algerian women. This analysis includes the question of post-colonial state responsibility to eradicate the ongoing structural harm that manifests in the country – despite it having a demonstrable root cause that is in part attributable to colonisation.

## TITRE ET RÉSUMÉ EN FRANÇAIS

**Écouter les silences en Algérie: éliminer la réduction au silence structurelle des survivantes de viols liés aux conflits, telle qu'enracinée en Afrique à l'époque coloniale**

**RÉSUMÉ:** Le viol lié aux conflits demeure une tactique de guerre, fondée sur l'ampleur du préjudice infligé à une communauté par l'atteinte portée aux corps des femmes. Le dommage ainsi causé revêt une double dimension: il constitue à la fois un préjudice individuel subi par les femmes victimes et un préjudice collectif, en raison de normes sociales non écrites définissant ce que la féminité et la condition de femme représentent au sein de la société. Les femmes victimes portent la honte attachée aux actes des auteurs, tandis que la communauté dans son ensemble supporte la honte de n'avoir pas su protéger ses femmes, et la conception socialement construite de la féminité, contre le viol et ses conséquences. La colonisation patriarcale en Afrique a consolidé des normes sociales patriarcales relatives à la féminité et à la condition féminine, en accentuant celles qui existaient déjà dans certains contextes précoloniaux. Ce processus continue d'entretenir, dans l'Afrique postcoloniale, une mise au silence structurelle des victimes de viols liés aux conflits, imposée et

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socialement renforcée. La présente contribution se concentre sur cette réduction au silence structurelle des victimes de viols liés aux conflits et en démontre les racines coloniales profondément ancrées en Afrique. En se focalisant sur l'Algérie, l'étude met en évidence le lien de causalité entre le préjudice colonial subi par les femmes du fait de l'enracinement de cette mise au silence structurelle et le préjudice structurel persistant qui continue de se manifester dans l'État postcolonial. La guerre d'indépendance algérienne (1954-1962) et la guerre civile algérienne (1992-2000) sont mobilisées comme études de cas à cet effet. L'article examine enfin la nature que pourraient revêtir des réparations destinées à répondre à l'imposition de cette mise au silence en tant que préjudice structurel et genré subi par les femmes algériennes. Cette analyse intègre la question de la responsabilité de l'État postcolonial dans l'élimination du préjudice structurel persistant qui se manifeste dans le pays, quand bien même celui-ci présente une cause démontrable partiellement imputable à la colonisation.

**TÍTULO E RESUMO EM PORTUGUÊS**

**Escutar os silêncios na Argélia: eliminação do silenciamento estrutural, enraizado em África durante a colonização, das sobreviventes de violação relacionada com conflitos**

**RESUMO:** A violência sexual em conflito continua a ser uma tática, impulsionada pela extensão do dano infligido a uma comunidade através do corpo das mulheres. O dano às vítimas mulheres e à comunidade é devido a regras não escritas sobre formas de representação da feminilidade na sociedade. As vítimas carregam a vergonha da violência do agressor, enquanto a comunidade sente a vergonha de falhar na proteção das suas mulheres e a sua feminilidade da violação e das suas consequências. A colonização patriarcal em África consolidou normas sociais restritivas sobre a feminilidade, amplificando outras patriarcais que já existiam em alguns contextos pré-coloniais. Isto continua a sustentar um silenciamento estrutural e socialmente imposto das vítimas de violações relacionadas com conflitos na África pós-colonial. Este artigo foca-se no silenciamento estrutural das vítimas de violência sexual relacionada com conflitos. Este artigo demonstra que, no continente africano, o silenciamento estrutural das vítimas tem raízes coloniais. Partindo do caso da Argélia, mostra-se a ligação causal entre o dano colonial às mulheres resultante do silenciamento estrutural enraizado das vítimas de violação relacionada com conflitos e o dano estrutural sustentado que continua a manifestar-se no Estado pós-colonial. A Guerra da Independência da Argélia (1954–62) e a Guerra Civil da Argélia (1992–2000) são usadas como estudos de caso para este caso. O artigo considera que são devidas reparações às mulheres argelinas pela imposição deste silenciamento como dano estrutural e de género. Esta análise inclui a questão da responsabilidade do Estado pós-colonial em erradicar o dano estrutural contínuo que se manifesta no país – apesar de ter uma causa raiz demonstrável que é em parte atribuível à colonização.

**KEY WORDS:** conflict-related rape; rape-shame; gendered reparations; sexual violence; rape culture of silence

**CONTENT:**

1	Introduction.....	359
2	Colonialism and the imposition of shared patriarchal norms on feminine decency and respectability: the root of conflict-related rape-shame .....	362
2.1	Colonial violence and entrenchment of structural silencing of women victims of conflict-related rape: 'indecent' African women and 'weak' African men .....	364
2.2	Influence of colonial norms on 'respectable women' and 'weak men' on post-colonial rape in Africa .....	365
3	Legacy of silence: conflict-related rape-shame in Algeria.....	366
3.1	French authorities' treatment of Algerian women as a colonial power tactic: the root of conflict-related rape-shame in Islamic Algerian society.....	367
3.2	Historical harms: structural silencing and rape-shame for rape by French soldiers in Algerian War of Independence .....	368
3.3	Ongoing 'post-independence' harms: structural silencing and rape-shame for rape by Islamists in the Algerian Civil War .....	370

4	Challenges to seeking woman-centred justice for historical and ongoing structural silencing of victims of conflict-related rape.....	372
4.1	Centring victims in decisions to determine appropriate reparations .....	372
4.2	Addressing the collective versus the individual harm through reparations .....	373
5	Woman-centred reparative justice to repair historical and ongoing structural silencing of victims of conflict-related rape: a gendered harm .....	374
5.1	Public acknowledgment and symbolic reparations by France and Algeria.....	374
5.2	Monetary compensation.....	375
5.3	State-led norm reform of gender stereotypes .....	375
6	Conclusion.....	376

“The act of listening for silences asks of us to attend to the relational dimensions of the unvoiced: its subjective weight; its communities of witness; its genealogy; its historicity”.<sup>1</sup>

## 1 INTRODUCTION

Rape is one of the most under-reported crimes in Africa,<sup>2</sup> more so when committed in times of conflict.<sup>3</sup> At the centre of the under-reporting of rape in both instances of peace and conflict is the shame, self-blame and stigma that continues to attach to victims of rape.<sup>4</sup> This phenomenon is not limited to the African post-colonial experience. After nearly 50 years, in 1991, Kim Hak-Sun was the first rape victim to speak about her experience at the hands of Japanese soldiers in the Japanese Imperial Army during World War II. Prior to her speaking of this, conflict-related rape victims during the war remained silent due to extreme social stigma and shame.<sup>5</sup>

On the continent, the origin, or the exacerbation, of the structural social and cultural systems that keep shame and stigma attached to victims of conflict-related rape can be traced to the influence of colonisation.<sup>6</sup> Post-colonial feminist activism has foregrounded the

1 L Bethlehem ‘Now that all is said and done: reflections on the Truth and Reconciliation Commission in South Africa’ in E Ben-De’ev & others (eds) *Shadows of war: a social history of silence in the twentieth century* (2010) 167.

2 C Chibango & ST Chibango ‘Prevalence and under-reporting of sexual abuse in Ruwa: A human rights-based approach’ (2022) *HTS Theological Studies* <https://doi.org/10.4102/hts.v78i2.7976> (accessed 24 June 2025).

3 Rape is a manifestation of conflict-related sexual violence. The UN Secretary General defines sexual violence to include ‘rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage, and any other form of sexual violence of comparable gravity perpetrated against, women, men, girls or boys that is directly or indirectly linked to a conflict.’ See UN Report of the Secretary General on Conflict-related Sexual Violence to the Security Council 15 April 2017 2017/249 para 2.

4 Chibango & Chibango (n 2).

5 K Parker & JF Chew ‘Compensation for Japan’s World War II war-rape victims’ (1994) 17(3) *Hastings International and Comparative Law Review* 497-550 at 499.

6 SM Spencer-Wood ‘Feminist theorizing of patriarchal colonialism, power dynamics, and social agency materialized in colonial institutions’ (2016) *International Journal of History & Archaeology* 477-491 at 478.

social imposition of patriarchy, including on sexual relationships, as central to European military conquest that occurred on the continent.<sup>7</sup> This activism includes feminist analyses that surfaced the continuing subordination of African women in the post-colonial state through 'culturally condoned, widespread, and institutionalised male violence that survives in various forms to date. This includes the under-prosecuted, and therefore underreported, crimes of domestic violence and rape.'<sup>8</sup>

Structural silencing of conflict-related rape victims is a form of this ongoing subordination. This form of subordination requires the victim of conflict-related rape to bear the shame of the unlawful conduct of the perpetrators and the burden of protecting her community from public ridicule or private shame for its failure to protect her.<sup>9</sup> Further, speaking up about one's experience of rape in conflict situations represents an unwelcome recounting of the 'victories' of the common enemy.<sup>10</sup> The socially and culturally enforced structural harm of silence results in women speaking in euphemisms about their rape ordeals, when they do speak about it, and empowers their families and wider society to require their silence about conflict-related rape.<sup>11</sup> These unwritten rules are enforced against women victims of conflict-related rape whether they are rural or urban and regardless of their social background.<sup>12</sup> Describing the structural forces of 'rape-shame', Bergoffen sums it as follows:

[R]ape is inextricably bound up with a shame that sticks to its target and oozes into her relationship with others. Though the genocides in the former Yugoslavia and Rwanda have generated the idea that rape can be used as a weapon of war, it is important to see that the success of this weapon relies on the synergy between rape and shame. It is rape-shame, not rape, that is the genocidal weapon. As there is no necessary relationship between the violence of rape and the social codes that link rape and shame, disabling rape as a weapon of war will require disarming the power of those forces that normalize the shamefulness of being raped.<sup>13</sup>

After 132 years of French colonial rule in Algeria, the end of the Algerian War of Independence brought independence to Algeria on 5 July 1962.<sup>14</sup> The Algerian War of Independence was characterised by the French army's extensive violation of human rights and war crimes.<sup>15</sup> Approximately 1.5 million Algerians were killed in the

7 As above.

8 Spencer-Wood (n 6) 488.

9 D Bergoffen 'The genocidal politics of rape, shame, and disgust' in SK Danielsson *War and sexual violence: new perspectives in a new era* (2019) 15.

10 S Brownmiller *Against our will: men, women and rape* (1975) 38.

11 N Vince *Our fighting sisters: nation, memory and gender in Algeria, 1954-2012* (2015) 240.

12 As above.

13 Bergoffen (n 9) 15.

14 R Aissaoui & C Eldridge 'Revisiting Algeria' in R Aissaoui & C Eldridge (eds) *Algeria revisited: history, culture and identity* (2017) 1.

15 As above.

struggle for independence.<sup>16</sup> This resulted in the independence of Algeria and consequent departure of the French settlers of European descent and Algerians who collaborated with the French army during the war.<sup>17</sup> Rape crimes are believed to have been committed by the French army on a large scale over the course of the war.<sup>18</sup> However, many accounts of rape by victims remain buried under taboos.<sup>19</sup>

While the government of Algeria and France continue to engage on the question of reparations for the harms arising from the war, the issue of rape remains conspicuously off the agenda. Most recently, led by President Macron, some measures by France to acknowledge and remedy these atrocities include a public acknowledgment by the president of the atrocities committed against Algerians by the French and the return of the skulls of former Algerian militants that had been decapitated and kept in France's *Musée de l'histoire naturelle*.<sup>20</sup>

Post-independence, between 1988 and 1991, the government of Algeria fought a civil war against several factions of Islamic rebel jihadist groups.<sup>21</sup> The silencing of victims of conflict-related rape continues to manifest in the lives of the victims of rape that occurred during the Algerian War of Independence and was manifest in the subsequent treatment of women raped by jihadists during the Algerian Civil War. This systemic silencing is a structural and gendered harm against women of Algeria. Although reports of the extensive use of rape to terrorise communities are documented in both conflicts in Algeria, many of the victims have not come forward and will likely not do so. The rape that women were subjected to in the Algerian War of Independence was not then, and will not now, be openly discussed in Algerian society. This is inhibited by social and cultural taboos so restrictive that it has to be talked about using a very specific set of codes.<sup>22</sup> Yet, reparation considerations between France and Algeria are incomplete in the absence of a reckoning by France for imposing this silencing as a structural gendered harm with both historical and ongoing effects on women.

This paper demonstrates the historical and ongoing gendered harms created by the colonially imposed culture of silence around conflict-related rape. Firstly, this article demonstrates patriarchal colonisation, including, the entrenchment on female decency and respectability as ideal norms as the roots causes of structural silencing

16 Vince (n 11) 240.

17 N Vince 'Algeria and France: beyond the Franco-Algerian lens' in (2018) *The Palgrave Handbook of African Colonial and Postcolonial History* 825.

18 Vince (n 11) 240.

19 As above.

20 M Mezahi 'Algeria and France's endless rift' June 2025 <https://africasa.country.com/2025/02/algeria-and-frances-endless-rift> (accessed 28 October 2025).

21 MJ Tao 'Reflections on failed democratization and civil war in Algeria' (2022) *Oxford Political Review* <https://oxfordpoliticalreview.com/2022/11/19/reflections-on-failed-democratization-and-civil-war-in-algeria/> (accessed 28 October 2025).

22 Vince (n 11).

of victims of conflict-related rape in Africa. Secondly, with a focus on Algeria, it shows the causal connection between the colonial harm to women caused by the entrenchment of structural silencing of victims of conflict-related rape and the sustained structural harm that continues to manifest in the post-independence state. The Algerian War of Independence (1954-62) and the Algerian Civil War (1992-2000) are used as case studies for this purpose. The paper thereafter considers what reparations for the imposition of this structural gendered harm would be for Algerian women who may still be alive but cannot voice their violations or who died without having the support to speak of their violation or demand reparations from France. Additionally, it argues for state responsibility, post-independence, to tackle the legacy of structural and culturally enforced silencing of victims of conflict-related rape.

## **2 COLONIALISM AND THE IMPOSITION OF SHARED PARTIARCHAL NORMS ON FEMININE DECENCY AND RESPECTABILITY: THE ROOT OF CONFLICT-RELATED RAPE-SHAME**

In its diversity, African societies are not homogenous now, nor have they ever been. Social norms and ways of being vary among communities nationally and across state borders. Despite the original state of African indigenous communities, the cumulative impact of colonisation and capitalism have impacted the values that many on the continent currently hold on sexuality.<sup>23</sup> This is so particularly as it relates to feminine decency and respectability.<sup>24</sup> While patriarchy may already have been the social order in some African and Arab communities, the compounding effect of colonisation and capitalism with pre-colonial African societies modified gender relations in further entrenching patriarchy, including by importing European forms of patriarchy into African social order.<sup>25</sup> Introduction of the colonial version of patriarchy in Africa resulted in the relegation of African women to the bottom of the social hierarchy.<sup>26</sup> It achieved this by enacting laws that *inter alia* imposed the institution of patriarchal monogamy, outlawing extramarital sex, and lowering the status of children born out of wedlock as illegitimate.<sup>27</sup>

Amadiume conducted research in indigenous Nnobi society in Nigeria on the social structure before the influence of colonisation. Her

23 HF Mathews & AM Manago 'Introduction: Understanding women's psychological responses to various forms of patriarchy' in HF Mathews & AM Manago (eds) *The psychology of women under patriarchy* (2019) 9.

24 As above.

25 As above.

26 Spencer-Wood (n 6) 478.

27 As above.

finding on sexual relations between men and women include that sex was not forced on women. Women were respected due to the sanctity attached to motherhood by society.<sup>28</sup> Although motherhood was respected, her finding demonstrated a flexibility with respect to gender within society that was not fixed by one's sex. This included a recognition that roles were not rigidly masculinised or feminised. Because of flexible gender rules, breaking gender norms carried no stigma. This was reflected in the way in which sexual relationships were broadly understood as not being bound by rules of monogamy thereby the concept of illegitimate children, as being conceived outside of the bounds of permissible relations, did not exist.<sup>29</sup> Given the dearth of studies on pre-colonial social structures in more African settings, this example is used as a sample society of African values and norms prior to the influence of colonisation.

In contrast, Western culture and the Christian religion, brought by colonialism, carried rigid gender ideologies. These dictated the correct way to be a woman and to be a man. This rigid gender system meant that roles were strictly masculinised or feminised and breaking gender rules therefore carried a stigma.<sup>30</sup> This fundamental shift in the norms on female sexuality as accepted in society and attaching to a 'good' woman laid the foundation for the attachment of shame to the victim of conflict-related rape on the continent. Gendered rules of sexuality were imposed on colonies that required patriarchal limitations of sex to the institution of monogamous heterosexual marriages.<sup>31</sup> This excluded African sexual practices that were anchored in the flexibility of sexual relations including polygamy and promiscuity. Rather, virginity and chastity prior to and within a monogamous marriage was prized. For this reason, rape attaches shame to the victim as it renders her a 'bad' woman, an 'unfit' mother and children born of this encounter, unwanted by their community.<sup>32</sup> Centring the colonial patriarchal gendered rules of sexuality as the basis for rape-shame, Gergoffen notes that:

The rapists and their victims shared the idea that rape is a violation of a woman's decency. Though the raped women never saw their rapes as justified they could not escape seeing themselves through the values that informed the way they were seen by their rapists – shamed and degraded – for both shared the patriarchal norms of feminine decency.<sup>33</sup>

New social norms imposed on Africa by colonial patriarchy determined that women who deviated from the sexually modest domestic ideal were considered a threat to the patriarchal social order. It mattered not that the victim was not at all culpable in the rape.<sup>34</sup>

28 I Amadiume *Male daughters, female husbands: gender and sex in an African society* (1987) 44.

29 As above.

30 As above.

31 Spencer-Wood (n 6) 484.

32 J Matusitz 'Gender communal terrorism or war rape: ten symbolic reasons' *Sexuality & Culture* (2017) 21:830–844839

33 Bergoffen (n 9) 24.

34 Spencer-Wood (n 6) 478.

## 2.1 Colonial violence and entrenchment of structural silencing of women victims of conflict-related rape: 'indecent' African women and 'weak' African men

Mama argues that sexual violence against African women was an integral part of colonisation.<sup>35</sup> Relying on the well-entrenched patriarchal norms of feminine decency, colonial powers inflicted widespread rape to humiliate African women and the same treatment was meted out on the wives, mothers, daughters, and sisters of men who were suspected of being members of the resistance movements, similarly, to humiliate them.<sup>36</sup> The sustenance of rape-shame requires the combination of patriarchal notions of a good decent women and a protective man premised on the imperial value of patriotic manhood. Both are affronted where there is conflict-related rape and work to enforce rape-shame. This dynamic is explained by Gargoffen as follows:

More than losing her status as a respectable person, she is now marked as an enemy collaborator, for her raped body is material evidence of her men's impotence. Unable to protect their women from being penetrated by the wrong men, they too are shamed. Thus rape-shame's double effect. It legitimates the genocide in the eyes of the perpetrators and enables it from within by unraveling the gender codes of the people targeted for destruction. Noting this we see that creating the genocidal us-them relationship relies on and enforces peace time gendered rules of sexuality.<sup>37</sup>

The racialised violence of colonisation was strongly gendered.<sup>38</sup> The gendered dimensions of colonial power shaped the relations of power that sustained the political and cultural institutions of colonialism itself.<sup>39</sup> Rape of African women was part of male communication and expression of power relations between the colonial powers and indigenous men. A re-enforcement of the colonial social order – with women at the very bottom. The rape of African women by colonial powers carried a message from the colonial men to the African men that their inability to protect their women, showed their lack of integrity and justified the need for continued domination by the more 'superior' colonial powers.<sup>40</sup>

In the context of the French-Algerian conflict, the gendered racial discriminatory aspect took a different flavour that led up the same road: discrimination of local African women. As a consequence of the

35 A Mama 'Sheroes and Villains: Conceptualizing colonial and contemporary violence against women in Africa' in MJ Alexander & CT Mohanty (eds) *Feminist genealogies, colonial legacies, democratic futures* (1997) 51.

36 As above.

37 Bergoffen (n 9) 31.

38 P Dwyer & A Nettlebeck (eds) *Violence colonialism and empire in the modern world violence, colonialism and empire in the modern world* (2017) 14.

39 As above.

40 N Danjibo & A Akinkuotu 'Rape as a weapon of war against women and girls' (2019) 17(2) *Gender & Behaviour* 13161 at 13162.



changes in the positioning of the Algerian women in colonial society, women victims of conflict-related rape were subjected to rejection by 'possible suitors, their families, and society in general'.<sup>41</sup> In Algeria, history documents that the attitude adopted by the French colonisers placed Algerian women as the marker of their Christianity driven mission to civilise the people of Algeria. They were perceived by French colonial historians and therefore the colonial administration as the unjust objects of strict social, religious, and physical protection under Arab Islamic families and patriarchal communities. For this reason, Algerian women served as the symbol of the influence of French civilisation on Algeria during the colonial period and during the war.<sup>42</sup> Writers such as Fanon have elaborated on the manner in which the historical Islamic or cultural 'veil' of Algerian women has been the point of convergence between the colonial mission to rescue the women of Algeria repressed by barbaric rules and the violent fantasy of the colonial explorer to seduce and violently devour the African female. Knight-Santos states that a goal of the French army in raping Algerian women was in conquering the Algerian woman's body, they gained a symbolic victory over Algerian society as a whole.<sup>43</sup> Rape-shame that ensued in this context is then evidenced by the social-familial rejection Algerian women who voiced their rape allegations suffered as well as the denial of their allegations.<sup>44</sup>

## **2.2 Influence of colonial norms on 'respectable women' and 'weak men' on post-colonial rape in Africa**

Mama has argued that the gendered coercive control and silencing entrenched by colonisation and the tolerance for violence against women has continued to characterise African social and political life since independence.<sup>45</sup> Post colonial regimes have done little, if anything, to undo the colonial patriarchal foundations of rape-shame.<sup>46</sup> They continue to influence the choice to rape in conflicts on the continent and the culture of silence that maintains impunity for conflict-related rape. In the case of Democratic Republic of Congo (DRC) for example, Shmidt has argued that the male colonisers use of rape normalised the use of rape by Congolese men for decades and is still perpetuated in conflict.<sup>47</sup>

41 L. Knight-Santos *Violent beginnings: literary representations of postcolonial Algeria* (2014) 29.

42 As above.

43 As above.

44 As above.

45 Mama (n 35) 58.

46 As above.

47 H Lake & KA Shockley 'Colonialism in Africa: the impact on sexual and gender-based violence' (2022) 11 *Florida Atlantic University Undergraduate Research Journal* 14.

During the genocide in Rwanda, rape was specifically aimed at shaming the victim and the Tutsi community.<sup>48</sup> Societal norms on respectability of women that was manipulated to weaponise rape in the context of Rwanda related to the stereotypes on the sexuality of Tutsi women who in the pre-war propaganda were portrayed as tools deployed by Tutsi men to destroy Hutu men with their beauty and sensuality.<sup>49</sup> In many parts of the country, rape took place in public with the women still alive after the assault coerced to lay in plain sight on display.<sup>50</sup> After the genocide, victims continue to deal with social stigmatisation the consequences of which include some of them losing husbands as a result of the rape and others becoming unmarriageable.<sup>51</sup>

### 3 LEGACY OF SILENCE: CONFLICT-RELATED RAPE-SHAME IN ALGERIA

In the section above, this research sets out the ideological basis of the culture of silence entrenched by colonial patriarchal value system on conflict-related rape broadly – both in the context of sub-Saharan Africa and Islamic African states such as Algeria. However, in the consideration of conflict-related sexual violence in Algeria, several context-specific factors are relevant to understanding the colonial roots of the rape-shame that persists. This colonial-based-value system justifies the continued existence of rape-shame in Algerian society.<sup>52</sup> It is rooted in Algeria's discriminatory colonial legacy that centred the liberation of Algerian women from the shackles of 'uncivilised' patriarchal Islamic practices as a sign of the positive impact of the French on the barbaric local communities.<sup>53</sup> Unsurprisingly, post-independence, the matter of women's place and role in society was intentionally a rallying point within the structures of the post-independence nationalist state enterprise and remains unchecked in Algeria to-date.<sup>54</sup>

Unreformed colonial patriarchal practices within Muslim cultures found in Algeria and the subsequent post-independence Algerian male-authored nationalism imposed an ongoing state of silence on the Algerian women preventing them from speaking about their experiences of conflict-related rape.<sup>55</sup> It is this resulting normative

48 JD Haskell 'The complicity and limits of international law in armed conflict rape' (2009) 29 *Third World Law Journal* 35 fn 86.

49 ALM de Brouwer *Supranational criminal prosecution of sexual violence: the ICC and the practice of the ICTY and the ICTR* (2005) 12.

50 De Brouwer (n 49) 14.

51 As above.

52 MT Vambe 'French genocide in Algeria: the role of memory in artistic representation of colonial violence in the novel *The Seine was red*' (1999)' (2012) 10(3) *African Identities* 240.

53 H Auclert *Arab women in Algeria* (2014) 23.

54 As above.

55 Vambe (n 52) 240.

system that sustains the silencing of conflict-related rape victims that is targeted in this paper as a gendered harm in Algeria.

The current manifestation of the harm is a combination of factors which are all fundamentally rooted in colonial patriarchy. For this reason, this section seeks to demonstrate the colonial roots of the discriminatory social normative frameworks that sustain rape-shame in Algeria. Thereafter, the section considers the structural silencing of conflict-related rape that was entrenched with the Algerian War of Independence and the consequential manifestation of rape-shame arising from this historical Algerian event. Finally, this section considers the manner in which this structural form of gender discrimination manifested in the subsequent Algerian Civil War.

### **3.1 French authorities' treatment of Algerian women as a colonial power tactic: the root of conflict-related rape-shame in Islamic Algerian society**

Similar to the example of the Igbo tribe of Nigeria, pre-Islamic Algeria notes a history that captures elements of a matriarchal society with women in leadership roles as spiritual and war leaders.<sup>56</sup> They had the same right to repudiate a marriage as men. This changed with the spread and interpretation of Islam.<sup>57</sup> The introduction of French direct rule during colonisation had the effect of further entrenching feminised and masculinised gender roles in Islamic Arab communities.<sup>58</sup> At the expense of women's autonomy and equality, French colonisers in the early days concluded an agreement with Algerian Arab men allowing them to be excluded from the civilising mission of the French in exchange for land rights to the detriment of nomadic, semi-nomadic and sedentary tribes.<sup>59</sup> This allowed Arab men to treat their wives as they pleased. Conversely, given its divinely mandated civilising mission in Algeria, benefits were promised to the Algerians who opted to abandon their ways and embrace the civilised ways of the French coloniser.<sup>60</sup> This came with the condemnation of patriarchal Islamic practices such as polygamy, wife repudiation and child marriage.<sup>61</sup>

The French centring of women's womanhood as a site for civilising Algeria came to a breaking point leading up to the war of independence.<sup>62</sup> As part of its psychological warfare against Algerian freedom fighters, France staged a series of unveiling ceremonies in Algeria. In these proceedings Algerian women, many coerced, some

56 Auclert (n 53) 23.

57 As above.

58 As above.

59 Auclert (n 53).

60 As above.

61 As above.

62 Knight-Santos (n 41) 31.

voluntarily, unveiled themselves before large crowds as a sign of their emancipation.<sup>63</sup>

### **3.2 Historical harms: structural silencing and rape-shame for rape by French soldiers in Algerian War of Independence**

During the War of Independence, reports of the rape of Algerian women following arrest or during raids on villages are numerous.<sup>64</sup> However, establishing the number and identities of these women is extremely difficult.<sup>65</sup> The wartime diary of Mouloud Feraoun suggests that rape was commonplace in Kabylia, notably during the huge military operations launched in 1959 as part of the Plan Challe.<sup>66</sup> The historian Raphaëlle Branche also argues that rape was widespread, if not systematic.<sup>67</sup> He records that in addition to plundering and serious mishandling, rape was a common occurrence. Algerian women were often sexually abused collectively by French soldiers before the eyes of their relatives.<sup>68</sup> Although rape was strictly forbidden officially and punishable by a military court, many in command refrained from doing anything against it. On the contrary, they encouraged their soldiers to commit such offenses but with caution: '[y]ou can rape, but do it discreetly!'<sup>69</sup>

Public records of rape victims in Algeria from the War of Independence are few. In the domain of civil remedies, a victim of French crimes in Algeria successfully prosecuted a claim for reparations by way of compensation for his physical and psychological harm before French courts.<sup>70</sup> Mohamed Garne was born in 1960 of the rape of his mother, an Algerian citizen, by French soldiers.<sup>71</sup> The case represents legal recognition that French officers did commit abuses in Algeria and that their victims may be awarded compensation.<sup>72</sup> Louisette Ighilahriz was able to talk about her rape at the hands of the

63 Knight-Santos (n 41) 31.

64 Vince (n 9) 240.

65 Beauge F 'Algerian war: the taboo of rapes committed by French soldiers' (17 March 2021) [www.lemonade.fr](http://www.lemonade.fr) (accessed 28 October 2025).

66 Vince (n 9) 240.

67 As above.

68 As above.

69 F Klose & D Geyer *Human rights in the shadow of colonial violence: the wars of independence in Kenya and Algeria* (2013) 175.

70 E Camiscioli 'Sexual violence and the memory of the French-Algerian war (1954-1962): Mohammed Garne and the 'Intimate and violent union' of the Empire' (2021) 23 *Quadrante* 77.

71 S Eftekhari 'France and the Algerian War: from a policy of forgetting to a framework for accountability' (2003) 34 *Columbia Human Rights Law Review* 440.

72 Eftekhari (n 71) 442.

French army only after the death of her father.<sup>73</sup> As a consequence, she was shunned by her family and former militants (*mujahidat*) for revealing a secret that they have held for over 60 years.

Colonial patriarchal practices within Arab Islamic cultures in Algeria conform to the values on the decency and respectability of women. A good woman is inviolable.<sup>74</sup> In addition, the values of male responsibility for the women in society and the role of the man as protector is a social norm.<sup>75</sup> These factors created fertile grounds for rape-shame and the resulting structural silencing of victims of conflict-related rape in the Algerian War of Independence. Rape in this context left the perpetrator feeling innocent and the victim ashamed.<sup>29</sup> It was not only a taint hidden by Algerian women but also an injury which men also needed to conceal, as it signaled their impotence, their failure to protect their women, the keystone of male authority and honour.<sup>76</sup>

Louisette Ighilahriz's fellow *mujahidat* seemed to resent the foregrounding of her personal story in what had largely been an anonymous collective history. She was perceived by some to have broken the taboo 'one sole hero, the people'.<sup>77</sup> In line with this collective silencing after the war, Algerian society fell in line and 'chose to forget' to avoid the individual and collective rape-shame.<sup>78</sup> The gendered harm of this collective amnesia is captured as:

First, grandmothers have experienced French colonialism and have been co-opted by Algerian grandfather's narrative that cast the Algerian resistance to Frances' colonial policies in collective terms that grandmothers have decided not to question even though these Algerian nationalisms underplay or deliberately submerge the different experiences of Algerian women whose own memories and experiences of suffering precede both the nationalist memories and then conflict with it.<sup>79</sup>

After independence, 'the French state sought to prolong attempts to impose silence on its colonial violence through amnesties, censorship and denial. Colonial governance was therefore much concerned with the manipulation of memory and silence.'<sup>80</sup> For Algerian nationalists, on the other hand, after the war, the official narrative of the National Liberation Front (FLN, Front de libération nationale) in power in Algeria proved highly selective with respect to which aspects of colonial

73 Vince (n 9) 242. Knight-Santos has noted: '[p]ersonal accounts of torture such as Henri Alleg's *La Question*, *La gangrène* (a collection of anonymous testimonies) and Louisette Ighilahriz's *Algérienne* are extremely rare and provide us with a script to recreate the particularity of the interrogation and sexual torture act that occurred during the Algerian war.' See also Knight-Santos (n 41) 9.

74 Klose & Geyer (n 69) 175.

75 As above.

76 R Branchen 'Sexual violence in the Algerian War' in D Hertzog *Brutality and desire: war and sexuality in Europe's twentieth century* (2009).

77 Vince (n 9) 242.

78 Vince (n 9) 241.

79 Vambe (n 52).

80 R Branche & J House 'Silences on state violence during the Algerian War of Independence: France and Algeria, 1962-2007' in E Ben-Ze'ev, R Gino & JM Winter (eds) *Shadows of war: a social history of silence in the twentieth century* (2010) 115-6.

violence to commemorate'.<sup>81</sup> Conflict-related rape was not commemorated. Afraid of the effect news of widespread rape of Algerian women by the French would have on men, women victims were instructed by the FLN not to speak of their rape.<sup>82</sup> Besides the forced silencing that occurred after independence, victims were socially isolated in a social context that highly valued women's virginity, connecting it to masculine honour.<sup>83</sup>

### **3.3 Ongoing 'post-independence' harms: structural silencing and rape-shame for rape by Islamists in the Algerian Civil War**

The anti-colonial movement in Algeria was influenced by more radical Muslim reformers who saw the status of women as the site of liberation from colonialism.<sup>84</sup> These reformers advanced the proposals that Algerian women had been degraded by a French misinterpretation of Islam and that their value had as a result been polluted by colonialism. The restoration of Algerian society was to these Muslim reformists in the re-islamisation of society.<sup>85</sup> This required that the status of women be restored by putting women on a patriarchal proverbial pedestal. The result was that, post-independence, the role of women in public life was diminished and they were excluded from public affairs.<sup>86</sup> A woman was valued in the private space 'as a role model for her children, to act as the repository of family and national honour'.<sup>87</sup> This status has been ascribed as the reason for the targeting of women during the Islamic Civil War.

In the 1990s, women became the privileged targets of terrorist violence. This was directly linked to the role they had been assigned as guardians of the family honour and reputation and the transmission of values to their children. In a period such as the 1980s and 1990s, with rapid social, political and economic change, social norms were fluid, and the resulting vacuum gave scope to the zealots. These people felt that there was a great deal at stake around women's purity.<sup>88</sup>

Turshen tracks the developments in Algeria from women's active participation in the war of Independence to becoming the targets of Islamic insurgents in the Algerian Civil War. She concludes that the condition of women in Algerian society at the time of the Algerian Civil War was a result of a series of events that culminated to their social

81 Branche & House (n 80) 115-6.

82 As above; Camiscioli (n 70) 82.

83 Knight-Santos (n 41); Camiscioli (n 70) 82.

84 M Saad & MA Majumdar *Transition and development in Algeria: economic, social and cultural challenges* (2013) 74.

85 As above.

86 A Cheref *Gender and identity in North Africa: post-colonialism and feminism in Maghrebi women's literature* (2010) 76.

87 Saad & Majumdar (n 84) 75.

88 As above.

situation in the time of the Algerian Civil War.<sup>89</sup> She records the extent to which political transitions after independence installed governments that continued to make concessions with Islamic opponents to remain in power.<sup>90</sup> This period was characterised by an intersection of Islamic religious patriarchal norms and state policy. This interaction resulted in the uptake within the state policies of a strict interpretation of Islam of the status of women in Algeria that was backed by patriarchal social norms. As part of the series of events that are noted by Turshen is the enactment of the Family Code in 1984.<sup>91</sup>

Similar to the case in sub-Saharan African states where impunity for rape persisted post-independence,<sup>92</sup> Algeria's failure to address the structural silencing of women and the patriarchal values that informed it remained entrenched in society. As a consequence, in the lead-up to the Algerian Civil War, where men felt threatened by the mis-placed assertive nature of women, they resorted to the learnt instruments of violence maintained after colonialisation by an unreformed patriarchal society.<sup>93</sup>

According to Khalida Messaoudi, there are 2,029 women who survived rape by terrorists during the Algerian Civil War.<sup>94</sup> As in the Algerian War of Independence, the structural silencing of victims persisted due to sustained colonial entrenched rape-shame. In this instance it manifested in even more gruesome ways for survivors:<sup>95</sup>

On top of the sexual, physical, and psychological maltreatment that women endure, their own families rebuke them. This also makes them more likely to suffer from depression, drug use, prostitution, and suicide. Such condemnation and mark of dishonor can result in honor killings, a practice whereby the rape victim is executed by her own family — or even by the community — because of the perception that the victim herself has brought them disgrace.

The post-independence Algerian state's failure to address the patriarchal social norms that sustained structural silencing of victims of conflict-related rape after the Algerian War of Independence enabled the continuation of the gendered harm on Algerian women in the Algerian Civil War. The post-independent state's complicity in sustaining this gendered harm is further illustrated by its failure to recognise women raped by terrorists in the Algerian Civil War as legal victims of terrorism, which would entitle them to an indemnity.<sup>96</sup> In this way they are yet to see justice served for their violations.

89 M Turshen 'Algerian women in the liberation struggle and the Civil War: from active participants to passive victims?' (2002) 69 *Social Research* 894.

90 Turshen (n 89) 895.

91 Saad & Majumdar (n 84) 79.

92 Mama (n 35) 58.

93 Vambe (n 52) 234.

94 Turshen (n 89) 903.

95 J Matusitz 'Gender communal terrorism or war rape: ten symbolic reasons' (2017) 21 *Sexuality & Culture* 830, 839 (references omitted).

96 Turshen (n 89) 903.

## 4 CHALLENGES TO SEEKING WOMAN-CENTRED JUSTICE FOR HISTORICAL AND ONGOING STRUCTURAL SILENCING OF VICTIMS OF CONFLICT-RELATED RAPE

This paper focuses specifically on the African context, analysing the distinct historical and ongoing colonial gendered harm of structural silencing of victims of conflict-related rape. In this section, it explores the unique needs and challenges in achieving reparative justice for women and girls on the continent that continue to be subjected to this historical and ongoing harm. This is no simple task. The difficulty is in narrowing down colonial reparations for this harm to a woman-centric matter. While the harm itself has a disproportionate impact on women in society it exists as a result of a general harm impacting on African society as a whole and our social-normative value systems.

The systematic harm to women in silencing them where they have been victims of rape in conflict is but a mere manifestation of a deeper harm to African communities.<sup>97</sup> The deeper harm here is the impact of colonisation on African perceptions of female sexuality, ways of being a decent and respectable woman and feminised and masculinised gender roles. Seeking to reform the structural discrimination therefore requires a dual simultaneous process of zooming-in and zooming-out. Zooming in – to the appropriate ways to remedy the structural harms impacting women and girls specifically while zooming out – to catch the way society as whole acts as enforcers and maintainers of the normative system that locks-in and polices women in a system of silence after their rape. This section proposes challenges one needs to consider when undertaking this exercise.

### 4.1 Centring victims in decisions to determine appropriate reparations

A consideration of what appropriate reparation would be for the silenced women that have suffered under the repressive colonial structural silencing on conflict-related rape requires that we place the women at the centre of the decision-making processes. However, this is a challenge given the ongoing nature of the harm and that the social context on the continent is such that they are not supported to speak. Speaking remains taboo as will their participation in discussions for reparations in a direct manner.<sup>98</sup> This is aptly captured by Zerubavel:<sup>99</sup>

97 Mama (n 35) 58.

98 M Mortimer 'Tortured bodies, resilient souls: Algeria's women combatants depicted by Danièle Djamila Amrane-Minne, Louise Ighilahriz, and Assia Djébar' (2012) 43(1) *African Literatures* 115.

99 E Zerubavel 'The social sound of silence: toward a sociology of denial in the twentieth century' in E Ben-Ze'ev, RG & JM Winter (eds) *Shadows of war: a social history of silence in the twentieth century* (2010) 34.



What we are socially expected to ignore is often articulated in the form of various taboos against looking, listening, as well as speaking. Those who defy or even simply ignore such prohibitions are considered social deviants. As such, they are often targets of social sanctions. A most effective way to ensure that we would in fact stay away from tabooed objects and not discuss, let alone even mention them is keeping them nameless.

## 4.2 Addressing the collective *versus* the individual harm through reparations

The consequences of rape-shame during armed conflict are not limited to the women and girls who were violated. It often erodes the fabric of a community in a way that weapons can.<sup>100</sup> These incidences remind their families and communities of their collective defeat, which can be both demoralising and terrifying.<sup>101</sup> Men take on the rape of their wives, sisters, mothers and daughters as part of their own anguish.<sup>102</sup> Reparations aimed at addressing the system that forces the community and the individual victims to remain silent under these circumstances must strike a balance at the effect on the victim and that on the society at large. Trauma specialists point out that bearing witness is crucial to the individual and collective healing process.<sup>103</sup> Historian Stora shares this perspective, noting that the state of amnesia surrounding various events of the Algerian War has been harmful to both France and Algeria. Warning that neither communities nor individuals can exist in a state of amnesia, he calls the repressed memories of the war a form of gangrene.<sup>104</sup> The challenges to targeting a dual harm when considering appropriate remedial action is further illustrated by the manner in which conflict-related rape has been documented as also occurring against male victims and having been perpetrated by women against both women and men.

### 4.2.1 *Women perpetrators of conflict related rape on women*

In the case of Rwanda, women have been documented as being perpetrators of conflict-related rape of other women victims. They used objects such as bottles or are on record as having ordered men to rape Tutsi women.<sup>105</sup> These instances demonstrate that in war, rape derives its power from the dual impact of the unlawful act against with women

100 N Danjibo & A Akinku 'Rape as a weapon of war against women and girls' (2019) *Gender and Behaviour* 1713168.

101 As above.

102 S Brownmiller *Against our will: men, women and rape* (1975) 38

103 Mortimer (n 98) 107.

104 Stora as quoted in Mortimer (n 98) 107 of his 1991 book written in French *Gangrene and oblivion: memories of the Algerian War* available for purchase online.

105 De Brouwer (n 49) 13.

victims and the impact of the transgression on the community at large. The transgression is in the unacceptable nature of the sexual act that the victim has been forced to endure and the consequence of this on her own perceptions of her womanhood and how she will be perceived within her community.

#### **4.2.2 Conflict-related rape of African men**

The impact of this harm disproportionately impacts women and girls in the continent. However, evidence shows that men too have been victims of conflict related rape. The root cause of the sexual assault and rape of men in the context of conflict is the same as that of women and girls. In the context of the French-Algerian conflict, the impact of speaking out for male victims of rape following the Algerian War of Independence included the risk of misunderstanding within their communities on a number of factors including their sexual orientation, emasculation, and the destruction of their societal position as a respectable member of the community.<sup>106</sup> In Rwanda, there are records of men being the target of conflict-related rape. While the attacks were very gendered, Tutsi women and girls as the predominant targets or rape, the rape of men while seldom, did occur.<sup>107</sup>

## **5 WOMAN-CENTRED REPARATIVE JUSTICE TO REPAIR HISTORICAL AND ONGOING STRUCTURAL SILENCING OF VICTIMS OF CONFLICT-RELATED RAPE: A GENDERED HARM**

This section proposes some forms of reparation that can address the structural silencing of victims of conflict-related rape in Algeria.

### **5.1 Public acknowledgment and symbolic reparations by France and Algeria**

A first step in addressing the harm would require an acknowledgment of the existence of the harm. In this regard, instead of focusing on the rape event itself, the acknowledgment that would be sought from France and the government of Algeria is a public acknowledgment that there exist social norms that the state has sustained over the years that created a system that makes rape-shame a social culture. This can be done in the form of apologies and public acknowledgement of the systemic silencing that prevails on the question of rape during the Algerian War of Independence and the subsequent Algerian Civil War. The erection of a building in recognition of the violence that has been

<sup>106</sup> Knight-Santos (n 41) 29.

<sup>107</sup> De Brouwer (n 49) 12.

silenced over the years would also serve as a suitable form of reparations.<sup>108</sup>

## 5.2 Monetary compensation

Compensation for loss, with an expanded definition of 'loss' that is inclusive of all forms of material, ecological, physical and emotional deprivations.<sup>109</sup> Once this is accepted, were France to advance a sum as compensation to victims silenced of their violence over the years, access to the fund should be on the basis of a procedure that seeks to place the victim's concerns at the centre of the process. In this regard, consideration of a process that minimises the risk of public disclosure of victim's particulars would be recommended.

## 5.3 State-led norm reform of gender stereotypes

Present-day government of Algeria has an obligation to tackle gender stereotypes and structural silencing by rape-shame that persist in society. Recommendations of interventions in this regard include public pronouncements by state actors as well as traditional and religious leaders denouncing conflict-related rape, and more significantly, the rape-shame attached to the victim. This can transform harmful social norms that continue to sustain the structural silencing of victims of rape.<sup>110</sup> Ghoussoub noted the complexity of womanhood in Arab Muslim countries in her landmark essay 'Feminism - or the Eternal Masculine - in the Arab world'.<sup>111</sup> She highlighted the connection in Arab culture and politics between womanhood and religion and that between religion and nationality and statehood.<sup>112</sup> In the absence of state and religious leaderships support of such interventions at altering social norms, such initiatives will be so negatively perceived as to amount to treason or, worse still, impiety to Islam.<sup>113</sup>

108 H Tigroudja 'Litigating the Maputo Protocol in relation to conflict-related sexual violence before the African Commission on Human and Peoples' Rights - two steps ahead and one step back' <https://www.ejiltalk.org/litigating-the-maputo-protocol-in-relation-to-conflict-related-sexual-violence-before-the-african-commission-on-human-and-peoples-rights-two-steps-ahead-and-one-step-back/> 7 May 2025 (accessed 23 June 2025).

109 I Umejesi 'Amnesty, patriarchy and women: the "missing gender" voice in post-conflict Niger Delta Region of Nigeria' (2014) *Gender and Behaviours* 12.

110 UN Report of the Secretary General on Conflict-related Sexual Violence to the Security Council 15 April 2017 2017/249 para 11

111 M Ghoussoub 'Feminism - or the eternal masculine - in the Arab World' *New Left Review* (January-February 1987) <https://newleftreview.org/issues/i161/articles/mai-ghoussoub-feminism-or-the-eternal-masculine-in-the-arab-world.pdf> (accessed 28 October 2025).

112 A Cheref *Gender and identity in North Africa: postcolonialism and feminism in Maghrebi women's literature* (2010) 61.

113 Cheref (n 112) 61.

Reform of norms that continue to sustain rape-shame on conflict-related rape can be transformed by the instilling in public memory of the violation and the acknowledgment of the root causes of the violation. As part of post-colonial theory, the notion of colonialisms and their impact has extended to include oppression that is legitimised by social norms and cultural practices.<sup>114</sup> Transformation of these social norms should be targeted at both men and women in a society. The liberation of Algerian women from the shackles that bind them to a culture of silence is dependent on the emancipation of the community at large.<sup>115</sup>

## 6 CONCLUSION

To date, the Algerian state has not sought compensation from France for the incidents of rape or more pertinently, sought to address the need for reparations for the creation and entrenchment of a structural culture of silencing the victims of the rape. This is said to have been informed by the political decision to prioritise 'the good health of French-Algerian relations' over the victims of torture and other violence.<sup>116</sup> Whatever the reason for this status *quo*, as the African Union (AU) embarks on its efforts to attain reparative justice for Africans and People of African Descent the question of the silenced voices of victims of rape in Algeria must be considered.

While recognising the Algerian women's agency in self-representing on this matter within the AU frameworks, this paper targets and highlights the structural system that keeps a culture of silence about conflict-related rape to the attention of the AU and other stakeholders embarking on the quest for reparative justice on behalf of the continent. A general assumption can be made that all those with a violation will voice a demand for justice. As demonstrated in this paper, some gendered harms are so deeply entrenched by the colonially set norms that some women's voices will not at all be present in the current discourse. The challenge is larger than a question of representation in the spaces where these matters will be ventilated by the AU and its stakeholders. It requires articulating a form of justice for victims who are known to exist but are prevented by the structural system of silencing victims of conflict-related rape from ever coming forward. It is on this note that the call is made in this paper for the AU to 'listen for silences'.<sup>117</sup>

Measures to undo the colonially entrenched norms on femininity, womanhood and respectability *vis a vis* masculine norms on men's role in the protection of chastity and virginity should be the target of efforts in this regard. They have been shown here to be the root causes of the

114 Cheref (n 112) 21.

115 Cheref (n 112) 50.

116 Branche & J House (n 80) 125.

117 L Bethlehem 'Now that all is said and done: reflections on the Truth and Reconciliation Commission in South Africa' in E Ben-De'ev & others (eds) *Shadows of war: a social history of silence in the twentieth century* (2010) 167.

rape-shame that keeps rape an effective weapon of war. To remove the power of this weapon in the African context requires a frank reckoning on root causes of this and the obligations of present day governments in tackling these root causes of conflict-related rape. The AU theme of the year 2025 offers an avenue to explore solutions to this historical and ongoing gendered harm that has its origins in or was significantly increased in Africa as a result of patriarchal colonisation.