



THE LONDON SCHOOL  
OF ECONOMICS AND  
POLITICAL SCIENCE ■

# CLOSING THE PROTECTION GAP FOR CHILDREN BORN OF WAR

**Joanne Neenan**

Addressing stigmatisation and  
the intergenerational impact  
of sexual violence in conflict

**CENTRE FOR**  
**WOMEN, PEACE**  
**+ SECURITY**

Research at LSE ■



Foreign &  
Commonwealth  
Office



+ There is a tremendous knowledge gap surrounding the issue of children born of conflict-related sexual violence, and even less public policy to address the needs of these children.

Virginia M. Bouvier, Gender and the role of Women in Colombia's Peace Process, Report for UN Global Study on the implementation of UNSCR 1325 on Women, Peace and Security (2016)<sup>1</sup>

+ Some of us were abducted, tortured, raped, mutilated, forced to become wives of rebel commanders, provided forced labor in rebel camps and were also forcefully conscripted to engage in combat. We were forced to bear children under harsh and deplorable conditions. As a result we developed health complications such as gynecological problems, chronic back problems, gunshot wounds and were exposed to traumatic experiences. We also gave birth to children in captivity who are being ostracized by the communities we live in.

Extract from a Petition by the Women's Advocacy Network to the Ugandan parliament seeking its intervention in addressing challenges faced by war affected women in the Acholi sub region, Uganda (24 February 2014)<sup>2</sup>



# ACKNOWLEDGEMENTS



This report is dedicated to the children, women and girls of Colombia and Uganda, including the so-called “night commuters” and missing children. No child should ever be invisible.

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## About the Author

Joanne Neenan is a Human Rights and Public International Lawyer, and researcher. She wrote this report in her capacity as a Research Fellow at the LSE Centre for Women, Peace and Security in 2017.

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# FOREWORDS

Women, peace and security is a United Nations agenda that brings women's experiences of conflict into decision and policy making about international security. Security Council resolutions call for greater protection for women against sexual violence, reparations for victims and access to the full range of medical, legal, psychosocial and livelihood services. *Closing the Protection Gap for Children Born of War*, focuses on a consequence of sexual violence against women that is largely absent from those resolutions and forgotten in the aftermath of conflict. It highlights the need for directed and holistic responses to a group often marginalised and thus made vulnerable from the moment of their conception: the children born of wartime violence.

The report examines gendered and intergenerational harms to these children and their mothers, in particular the stigma and discrimination they endure. In this regard the report complements the practical guidelines for raising awareness of and responding to stigma presented in the *Principles for Global Action on tackling the stigma associated with Conflict-Related Sexual Violence* launched by the UK government in 2017. But it also makes an important contribution to existing scholarship on children born of war and the structural gender-based discrimination that underpins stigma by examining conceptual frameworks, drawing together interdisciplinary strands and testing them through fieldwork in Colombia and Uganda. It is grounded in international human rights law, notably the Convention on the Rights of the Child and the Convention on the Elimination of Discrimination against Women. While acknowledging that a rights-based approach alone is insufficient to address the long lasting risks and harms faced by these children and their mothers, it nevertheless reminds us that women, peace and security is at its heart a human rights agenda. Its policy recommendations include endorsement of the call for the expert committees established under the human rights treaties, especially CEDAW and CROC, to engage on this issue from the perspective of women's and children's rights.

The LSE Centre for Women Peace and Security is proud to have produced this report and confident that its valuable insights and practical proposals will assist academics, policymakers and practitioners in the field of women, peace and security in addressing this particularly egregious challenge to sustainable peace.

**Professor Christine Chinkin** CMG FBA  
LSE Centre for Women Peace and Security





As the UK Prime Minister's Special Representative on Preventing Sexual Violence in Conflict, I am determined to tackle the impact of conflict-related sexual violence in all its forms. I commend this report by the London School of Economics and Political Science Centre for Women, Peace and Security. It shines a light on an issue which does not receive enough attention; that of the vulnerabilities faced by a specific group of victim-survivors, the children born of war. It challenges policymakers to improve our response and support to these survivors.

At the UN General Assembly in 2017 the UN's Special Representative on Preventing Sexual Violence in Conflict, Pramila Patten, and I launched the "Principles for Global Action". The principles offer a guide for policymakers and practitioners on the challenges, issues and sensitivities of stigma associated with conflict-related sexual violence. This report from the LSE builds on this work on tackling stigma. From Colombia to Kosovo, Uganda to Burma, children continue to be born through sexual violence, in perilous, life-threatening environments. Children are dying from infanticide, being rejected by families and ostracised by communities. Some are also made stateless due to discrimination and stigmatisation against them and their mothers. This must stop. No child should be condemned from birth. States and the broader international community must protect our children, their human rights and their futures.

The recommendations offered in this report provide a critical opportunity for national and international policymakers to address this invisible crisis of children born of sexual violence. In particular, I welcome the report's central recommendation for a global, gender-sensitive study on children born of sexual violence as well as women and girls who become pregnant through sexual violence linked to conflict. In the meantime, we must offer sustainable support to grassroots initiatives, which are plugging life-critical gaps left by national inaction and the lack of international intervention.

In the aftermath of a conflict, meaningful peace, reconciliation and justice cannot be achieved if a vulnerable population is excluded from access to life-saving support, family and community belonging. We must reject false, stigmatising narratives about the identities of children born of sexual violence. A child born of war is a child like any other, with the uniqueness, dignity and rights this entails. It is time to act for the rights of children born of war.

**Lord Ahmad of Wimbledon**, Minister of State at the Foreign and Commonwealth Office and Prime Minister's Special Representative on Preventing Sexual Violence in Conflict





# ABBREVIATIONS

One key challenge in researching children born of sexual violence in conflict and women and girls who become pregnant as a consequence of rape is language and its limitations. The classifications used in this report are not intended to define any child, woman or girl by their experience or the circumstances of their birth. Nor are they intended to reduce their dignity, humanity, individuality or agency.

**Conflict-related sexual violence (CRSV):** Conflict-related sexual violence refers to incidents or patterns of sexual violence against women, men, girls, boys and persons of other gender identities occurring in a conflict or post-conflict setting that is linked to the conflict or occurs in other situations of concern such as in the context of political repression. It may be perpetrated by armed actors (state, non-state, peacekeeping forces) against local civilians or other armed actors or by civilians against other civilians.<sup>3</sup>

Conflict-related sexual violence takes multiple forms such as, *inter alia*, rape, forced pregnancy, forced sterilisation, forced abortion, forced prostitution, sexual exploitation, trafficking, sexual enslavement, forced circumcision, castration, forced nudity or any other form of sexual violence of comparable gravity. Depending on the circumstances, it could constitute a war crime, a crime against humanity, genocide, torture or other gross violations of human rights.

**Sexual violence:** Acts of a sexual nature against one or more persons or that cause such person or persons to engage in an act of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, or by taking advantage of a coercive environment or such person's or persons' incapacity to give genuine consent. Forms of sexual violence include rape, attempted rape, forced prostitution, sexual exploitation and abuse, trafficking for the purpose of sexual exploitation, child pornography, child prostitution, sexual slavery, forced marriage, forced pregnancy, forced public nudity, forced virginity testing.

**Gender:** The socially constructed roles, characteristics and behaviours considered appropriate for men and women respectively, which differ across cultures and time periods.



**Gender-based violence (GBV):** An umbrella term for violence directed toward or disproportionately affecting someone because of their actual or perceived gender identity. The term “gender-based violence” is primarily used to underscore the fact that structural, gender-based power differentials around the world place women and girls at risk for multiple forms of violence. This includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty, whether occurring in public or in private life. While women and girls suffer disproportionately from GBV, men and boys can also be targeted. The term is also used by some actors to describe targeted violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) populations, in these cases when referencing violence related to norms of masculinity/femininity and/or gender norms.

**Children born of sexual violence:** Children born as a result of rape/situations of sexual exploitation<sup>4</sup> of girls and women in or linked to conflict, including conflict and post-conflict situations.

Note: While the terms “conflict-related sexual violence” and “children born of sexual violence in conflict” are not always used in full in the text of this report, all references to “sexual violence” should be understood as referring to conflict-related sexual violence.

**“Forced mothers”<sup>5</sup>:** Women and girls who became pregnant through rape/situations of sexual exploitation in or linked to conflict.

**Victim-survivors:** Women, girls, men, boys and persons of other gender identities who have experienced CRSV. This term is occasionally also used within this report to describe children born of sexual violence, in recognition of the fact they are also victims, with a right to reparation under international law.

**Intersectionality:** The interconnected nature of social categorisations such as race, gender identity, sexual orientation, religion, ability and social class, which overlap to create interdependent systems of discrimination or disadvantage.

**Intersectional Analysis:** An intersectional analysis requires a shift from a single ground perspective to an analysis based on the assumption that an individual’s experiences are based on multiple identities that can be linked to more than one ground of discrimination.





# EXECUTIVE SUMMARY

National and international policymakers have largely overlooked the protection needs - and indeed, *existence* - of children born of sexual violence in conflict. Despite a growing body of research exposing the unique vulnerabilities this group of victim-survivors face, there remains a critical policy and protection gap in addressing their needs. This gap constitutes a global protection and human rights failure.

Worldwide, children have been and continue to be subjected to dehumanising collective naming practices by the communities in which they live. These include: “children of hate” (Rwanda), “children of shame” (Kosovo), “children of the green people” and “paraquitos” (little paramilitaries) (Colombia), “children of the enemy” (Timor-Leste) and “Kony’s children” (Uganda). These pejorative collective names are but thin labels for deeper human rights risks and harms children face.

Across geographic and culturally diverse conflicts and post-conflict situations, being born of sexual violence carries unique, immediate, life-threatening and enduring risks and harms. These can include: infanticide, abandonment at birth, statelessness, stigmatisation and discrimination, physical violence and emotional abuse, reduced or no access to education, food insecurity, poverty, homelessness, recruitment to armed or criminal groups, enhanced risk of radicalisation and poor health. This intergenerational impact of conflict-related sexual violence must be acknowledged and addressed as a matter of urgency. In the general absence of specific, targeted national and international policies and laws to address their needs, risks and harms are likely to multiply and amplify throughout children’s lives. Lost childhoods become precarious adulthoods and human rights’ claim to universality becomes an illusion. Children born of sexual violence are being left behind.

The primary risk of stigmatisation, discrimination and rejection children born of sexual violence face within their own families and societies is often driven by a child’s perceived association with the “enemy” or a “foreign” father. From birth, a child’s identity and sense of belonging are contested, creating dangers for their physical security and emotional well-being. These unique factors exacerbate general risks attached to growing up in unstable and deprived “post-war” conditions.



Girls and women who become pregnant through rape or sexual exploitation are likely to struggle physically, psychologically and economically due to the ongoing effects of violence. They are likely to be subject to “double stigmatisation” as victim-survivors and mothers. Unsupported, women and girls often suffer significant physical, psychological, social and economic impacts of “forced motherhood”. The harms and disadvantages these women and girls face are also likely to be “passed on” to their children, who themselves are stigmatised as children born of sexual violence. When “forced mothers” are the child’s primary carer, the threatened life chances of both are even more intertwined.

Addressing the complex societal problem<sup>6</sup> of protecting children born of sexual violence requires paying greater attention towards both children’s rights and a neglected sub-category of victim-survivors of sexual and gender-based violence: women and girls subjected to reproductive violence. Global and national communities must confront the taboos and complexities surrounding reproductive violence which leads to “forced motherhood”, the conception and birth of children, forced and unsafe access to abortion. The existence of children born of sexual violence and the highly gendered consequence of pregnancy and motherhood resulting from rape must not remain euphemisms in United Nations resolutions.<sup>7</sup> The ongoing normative and practical marginalisation of children born of sexual violence and their “forced mothers” in post-conflict societies is a significant barrier to meaningful and inclusive peace, reconciliation and transitional justice.

Despite the wide protection gap, in 2017, a potential milestone was reached in global consciousness and policymaking for children born of sexual violence. The UK-led *Principles for Global Action: preventing and addressing stigma associated with conflict-related sexual violence*<sup>8</sup> (“the *Principles for Global Action*”) specifically highlight children born of rape as a category of victim-survivor at risk of stigmatisation and provide practical guidance for policy measures to combat stigma-related harms. This survivor-centred initiative offers a promising normative and practical starting point for broader policymaking for children born of sexual violence in conflict.

Building on the *Principles for Global Action*, this report represents the outcome of a 9-month project informed by desk-based research, an interdisciplinary workshop<sup>9</sup> and fieldwork in Uganda and Colombia. While the report focuses primarily on children born of sexual violence in conflict, it also engages with the related issues of “forced motherhood” and reproductive violence against women and girls.

## KEY GOALS OF THE REPORT

- To draw attention to a largely neglected group of victims: children born of sexual violence in or linked to conflict;
- To identify the key risks and protection gaps they face;
- To prompt further national and international policy action to redress this failing.



The report's key recommendation is that **the United Nations should lead a comprehensive, gender-sensitive Global Study on children born of sexual violence in/linked to conflict and women and girls who become pregnant through sexual violence linked to conflict. The Office of the Special Representative of the UN Secretary-General on Sexual Violence in Conflict is best placed to lead this study, in collaboration with the 14 UN members of the UN Action against Sexual Violence in Conflict Network.** The focus of the study should be the identification, in all relevant countries and regions of the world, of risks, harms and challenges facing children born of sexual violence and women and girls who become pregnant through sexual violence. The study should also identify factors, variables and positive interventions which help reduce or eliminate the challenges facing both groups. The outcome of the study should be recommendations and guidance to states and other relevant actors for further action to close the protection gap for children born of sexual violence.

The identities, lives and needs of children born of sexual violence in conflict are not homogenous, nor are they reducible to any international policy "blueprint". However, the absence of a clear normative framework and policy foothold for children born of sexual violence in international policymaking offers no guidance or external scrutiny of states' failures to assume their primary responsibilities towards such children. The current absence of an international repository of cross-country knowledge, data gaps and lessons learned is exacerbating the protection gap and, arguably, legitimising national inaction.

All recommendations made within this report must be read in light of the evolving global norm in conflict-related sexual violence and human rights policymaking, reflected in the phrase "Nothing About Us Without Us".<sup>10</sup> This recognises that children born of sexual violence and girls and women who become pregnant through rape and sexual exploitation must be provided with the opportunity to help shape responses to their needs through meaningful consultation and participation. Policymaking for children born of sexual violence raises challenging ethical issues. Without stripping victim-survivors of agency, principles including "do no harm", "best interests of the child" and broader ethical considerations must be respected at all stages of engagement. However, such complexities must not act as a blanket barrier to action to close the global protection gap. Remedying this failure is critical to achieving dignity, meaningful and inclusive peace, reconciliation and justice for all.

## OVERALL FINDINGS

- A global protection gap exists for children born of sexual violence in conflict and "forced mothers". Both groups' specific vulnerabilities and needs remain largely unaddressed at local, national and international levels.
- Children born of sexual violence face unique risks of stigmatisation and discrimination, likely to result in physical, economic, cultural, psychosocial and legal risks and harms. Harms may result from the intersection between stigmatisation and discrimination and other disadvantages such children face.



- Common risks and harms children born of sexual violence in conflict face across conflict contexts include: infanticide, abandonment, statelessness, stigmatisation and discrimination, contested identity and belonging within family and membership groups, complex relationships with mothers, physical and psychological harms, poverty, homelessness, reduced or no access to education, food and healthcare. The precise range and extent of harms each child faces may be informed by factors including the age, gender, perceived ethnicity, social and economic status of children and their mothers.
- Women and girls who are mothers to children born of sexual violence tend to suffer higher levels of stigmatisation and face broader, different challenges to victim-survivors without children.
- Trauma and harms can become intergenerational. When mothers are primary carers of their children born of sexual violence, their unredressed harms and disadvantages (including health, economic and social) are highly likely to be passed on to their children.
- Lack of systematic data collection on numbers and needs of children born of sexual violence in conflict within countries is an obstacle to identifying all risks they face, as well as to shaping and delivering appropriate responses. While states should lead this process, informed by ethically sound principles, actors such as local NGOs may be better placed to do so, depending on levels of trust and security in-country. Any NGOs conducting this activity need sustainable financial support.
- While stigmatisation of children born of sexual violence in conflict has complex causes, structural gender discrimination is a common causal factor. Particularly in patriarchal and patrilineal societies, children born of sexual violence are generally considered to “belong” to their biological fathers and to have inherited their characteristics. The protection risks children face should be viewed through the joint lens of gender-based discrimination and children’s rights. Any normative or policy construction of false binaries between “women’s rights” (for mothers “only”) v “children’s rights” (for children born of sexual violence “only”) misses the ongoing impact of gender discrimination on children born of sexual violence and obscures the fact that many mothers are also still children.
- The situation at national level in **Uganda** and **Colombia** offer examples of the global picture: insufficient political attention and resources are being directed towards the rights and needs of children born of sexual violence in these countries and no comprehensive policy framework exists to address their needs.

### Lessons Learned from Positive Interventions

- Economic empowerment of women and girl mothers can reduce stigmatisation against them and/or promote resilience against discrimination, producing positive effects for the life chances of both mothers and their children<sup>11</sup>. Psychosocial and health support are generally necessary pre-conditions for economic empowerment.
- While holistic responses are needed to address the risks and disadvantages experienced by children born of sexual violence, securing their right to education is critical to their future.



- Transitional justice mechanisms, including reparations, offer a key opportunity to enforce the rights of children born of sexual violence and repair harms against them. However, in the absence of broader, specific policy frameworks to address their needs and remove any broader social, cultural or other barriers to rights implementation, their rights are unlikely to be enforced properly or at all.
- Stigma-reduction efforts require multi-level and multi-sectoral responses – including the support and leadership of community and religious leaders – and should be considered an integral part of transitional justice.

## RECOMMENDATIONS

### For the United Nations

- To produce/commission a comprehensive, gender-sensitive Global Study on children born of sexual violence in/linked to conflict and women and girls who become pregnant through sexual violence linked to conflict, with the following objectives:
  - to identify, immediate and longer-term risks, harms and challenges facing children born of sexual violence and women and girls who become pregnant through sexual violence linked to conflict in all relevant countries and regions of the world;
  - to identify factors, variables and positive interventions which help reduce or eliminate immediate life-threatening and longer-term challenges facing both groups;
  - to make recommendations and issue guidelines to states and other relevant actors on how to ensure the rights and needs of children born of sexual violence in/linked to conflict and women and girls who become pregnant through sexual violence are recognised, respected and met at all stages after the initial act of gender-based violence;
  - to elaborate on the international normative framework which guides states on how to urgently integrate the needs of these groups into national planning processes, laws and policies; learning from past omissions and any best practices.
- The Global Study should include the following components:
  - The establishment of an **Ethics Advisory Committee** to ensure that the study is conducted in accordance with the highest ethical standards (including the prioritisation of safety and confidentiality). The study should adopt a **participatory approach** to research and policymaking for and with children born of sexual violence, women and girls, listening to their needs and views and incorporating existing grassroots and victim-survivor expertise.
  - The adoption of an **interdisciplinary, multi-dimensional approach**. Given the complex, multi-layered challenges facing children born of sexual violence, a single academic disciplinary perspective, legal or policy analysis will not capture the full dimensions of the protection gap. A rights-based approach is key, but insufficient. Human rights, public health, humanitarian and child protection perspectives should be included.





- A **mapping exercise** of conflict and post-conflict countries in which children have been born of sexual violence linked to conflict, a needs assessment and comparative analysis of any national or local laws, policies or initiatives seeking to address their needs and those of women and girls who became pregnant through sexual violence. An assessment should also be made of the practical impact of any such measures, their limitations, lessons learned and gaps.
- Use of the **Principles for Global Action** as a starting point for considering broader international/national guidelines specific to the rights and needs of children born of sexual violence and their mothers.
- **Consultations** with a range of actors, including victim-survivors, local grassroots NGOs (particularly those working directly with children born of sexual violence and their mothers;) broader civil society, regional and sub-regional actors, domestic and international judicial and legal experts.
- The issuance of an invitation for public submissions of ethically rigorous, evidence-based research which provides insights into the risks, harms and challenges faced by children born of sexual violence across different countries and regions, and their reduction. This invitation must reach grassroots NGOs.
- Full consideration of the importance and impact of **reparations and broader transitional justice mechanisms**, including criminal courts, in recognising and addressing the gendered impact of sexual violence, the needs of children born of sexual violence and women and girls who become pregnant through sexual violence. Any normative or practical implementation gaps or obstacles to implementation in countries should be identified, as well as any lessons learned in seeking to implement legal frameworks and policies. This should include identification of barriers to delivery of reparations and broader transitional justice mechanisms.
- Given its existing mandate, the Office of the Special Representative of the United Nations Secretary-General on Sexual Violence in Conflict is best placed to lead on the Study, in collaboration with the 14 UN members of the UN Action against Sexual Violence in Conflict Network.

#### For the UN Human Rights Council

- To invite UN Agencies, programmes and funds/all relevant stakeholders undertaking initiatives and activities relating to preventing and addressing conflict-related sexual violence and protecting children in armed conflict to contribute information on children born of sexual violence in/linking to conflict in relevant countries for consideration in the Universal Periodic Review;
- To draw attention to the protection gap at the earliest opportunity including during its next annual full-day meeting on the rights of the child.

#### For the Office of the UN High Commissioner for Human Rights

- To suggest ways to promote and protect the rights of children born of sexual violence in conflict.



### For relevant treaty bodies, including the committees monitoring the implementation of the UN Convention on the Elimination of All Forms of Discrimination Against Women and the Convention on the Rights of the Child and special procedures

- To issue a joint recommendation addressing the intergenerational, linked human rights impact for women/girl-children who become pregnant through rape and sexual exploitation linked to conflict and children born of sexual violence, and to make recommendations to better protect and respect the rights of both groups.
- To update General Comments, where appropriate.

### For the Office of the Rapporteur on the Rights of the Child of the Inter-American Commission on Human Rights and African Committee of Experts on the Rights and Welfare of the Child

- To consider the human rights impact, including intergenerational implications of being a child born of sexual violence in conflict, issue guidance to states on their obligations towards such children and engage in knowledge exchange/regional collaboration to promote and protect the rights of children born of sexual violence.

### For all conflict-affected and post-conflict states

- Integrate the rights and needs of children born of sexual violence and “forced mothers” into all immediate and longer-term responses to conflict-related sexual violence, including transitional justice and peacebuilding. The principles of “do no harm” and “best interests of the child” must remain central at all stages of policymaking.
- Policy and programmatic initiatives<sup>12</sup> targeting and addressing the rights and needs of children born of sexual violence and “forced mothers” must secure in the immediate and longer term the full range of human rights, including economic, social and cultural rights. These should be secured through the provision of psychosocial and broader health services (including those to help children and mothers navigate complexities in their relationship); economic support and empowerment of women/girls, access to and delivery of education for children born of sexual violence and “forced mothers”, legal rights and livelihood services.
- Programmes and initiatives designed to provide economic and other support to children born of sexual violence and to reduce stigmatisation against them within communities should consider co-partnering children born of sexual violence and other vulnerable children. Such programmes may be more likely to reduce stereotypes of children born of sexual violence and increase community belonging.
- Include gendered needs assessments for children born of sexual violence and “forced mothers” in Women, Peace and Security (1325) National Action Plans.
- Political narratives should complement the goal of “ending stigma” with consistent messaging to “*stop stigmatising*”. This rightly focuses attention on the need for behavioural change and legal compliance by those victimising children born of sexual violence.
- Support with sustainable funding grassroots initiatives which are plugging life-critical gaps for children born of sexual violence and “forced mothers” at local and national levels.



In addition:

### For the Colombian government

- Urgently fund a UNICEF/UN Women proposal to conduct an ethically-informed needs assessment on children born of sexual violence during the Colombian conflict to promote a greater understanding of the dimensions of the protection gap and help remove barriers to implementation of reparations for children born of sexual violence under the 2011 Victims and Land Restitution Law 1448.
- Ensure that children born of sexual violence and women and girls who have suffered reproductive harms (whether civilians or former combatants) are given due priority in transitional justice mechanisms and “post-peace accord” dialogue.
- Ensure that safety, confidentiality and ethical considerations are fully factored into all political, policy and legal processes and deliver meaningful, transformative reparations for both groups.

### For the Ugandan government

- Respond to the call of the Women’s Advocacy Network in Gulu, Uganda to deliver transitional justice and reparations for ongoing harms endured by women/girls who were victims of CRSV in the Ugandan conflict, as well as their children. This should include the envisaged provision of land ownership, access to social amenities, psychosocial rehabilitation, as well as education.
- Remove the political blockage to the draft national transitional justice policy and comply with legal obligations to provide reparations for all victims, including children born of sexual violence in/linked to conflict in Uganda.
- The Justice, Law and Order Sector (JLOS) should continue its important work scoping out challenges facing children born of war and identifying how barriers to such children securing birth registration and national ID cards can be removed. A broad approach should be adopted when defining the category “children born of war”, which should include children born of sexual violence by state and non-state actors. The Global study referenced above should connect JLOS and other relevant national actors from other conflict contexts engaged in policymaking for children born of sexual violence, providing opportunities for sharing of knowledge, approaches and solutions.

### For the countries of the Great Lakes Region

- Deliver an urgent, regional policy solution to ensure children born in captivity within the Lord’s Resistance Army across the Great Lakes region are no longer rendered stateless, in compliance with international and regional human rights law including the African Charter on the Rights and Welfare of the Child.

### For local and international NGOs

- NGOs, particularly those whose mandates cover children and women’s rights should ensure that the rights and needs of children born of sexual violence in conflict, women and girls who become pregnant through sexual violence in/linked to conflict and “forced mothers” are taken fully into account in their work.



- NGOs involved in the full spectrum of conflict and post-conflict work and activities, from emergency humanitarian relief to peacebuilding should ensure that the rights and needs of children born of sexual violence are taken fully into account in their work and service delivery, as well as women and girls who become pregnant through sexual violence in/linked to conflict and “forced mothers”.
- As appropriate and necessary and, informed by the highest ethical standards, NGOs should consider playing a role in data collection on children born of sexual violence.
- Ensure that shadow reports to human rights monitoring committees address the situation of children born of sexual violence, women and girls who become pregnant through sexual violence in conflict and “forced mothers”.

#### For the United Kingdom government

- Through the UN Women, Peace and Security agenda (Security Council resolution 1325), galvanise targeted international and national policymaking for children born of sexual violence and women/girls who become pregnant through rape and sexual exploitation linked to conflict.
- Champion and promote gendered needs assessments for children born of sexual violence and “forced mothers” in Women, Peace and Security National Action Plans.

#### For the International Criminal Court, national courts and other transitional justice mechanisms

- Ensure transitional justice mechanisms include, acknowledge and repair rights violations and abuses relating to reproductive harms against women and girls and the rights of/ violations against children born of sexual violence.
- When prosecuting SGBV crimes including forced pregnancy and “forced marriage”, acknowledge and respect the human rights of children born of sexual violence at all stages of the legal process. Take measures to reduce unintended risks of stigmatisation, including at the reparations phase.
- Strive for the delivery of transformative reparations for children born of sexual violence.



# PART I: INTRODUCTION AND METHODOLOGY

## INTRODUCTION

Global knowledge of conflict-related sexual violence (CRSV), its structural drivers and effects is both expanding and deepening.<sup>13</sup> Such advancement brings opportunities, as well as challenges in converting known complexities into effective policies. Nonetheless, progress has proved possible. Over the last decade perceptions of rape as an inevitable by-product of war have been challenged in political fora and empirical research<sup>14</sup>. Combined grassroots and institutional efforts have made sexual and gender-based violence (SGBV) more visible and prosecutions are securing degrees of criminal accountability at international and national levels.<sup>15</sup> Importantly, the voices and wishes of – at least some – victim-survivors are increasingly being heard through advocacy, activism and participation in policymaking. Despite these advances, one significant “consequence” of CRSV continues to fall largely outside national and international policy vision and action<sup>16</sup>. **Children born of sexual violence remain forgotten, invisible victims.** This failure to address the needs of a hugely vulnerable population constitutes a global protection and human rights failure.

Throughout history and across diverse geographic spaces and contexts children have been born of sexual violence in war and conflict zones<sup>17</sup>. The physical spaces and contexts in which children have been conceived include prisons, detention centres, “rape camps”, refugee and internally displaced persons camps, “forced marriages” and conditions of sexual slavery<sup>18</sup>.

In some conflicts, armed actors have sought to instrumentalise children, using them as war tools. For example, in Darfur<sup>19</sup> and the former Yugoslavia, evidence has emerged<sup>20</sup> of women and girls being impregnated as an ethically-motivated tactic of war, with the purported goal of producing children of a “different” ethnicity. In other contexts, resulting pregnancy and new lives have been “incidental” consequences of rape.

Irrespective of the particular context of CRSV, across continents, children born of sexual violence are often stigmatised by traumatised post-conflict societies as “children of the enemy”. They are marginalised and rejected within and outside families and exposed to a range of **physical, psychosocial, economic, cultural and legal risks and harms**.<sup>21</sup> Such harms can include the immediate, life-threatening risk of abandonment and infanticide. If unaddressed, risks and harms linked to sexual violence resulting in pregnancy and “forced motherhood” can intersect with other vulnerabilities and amplify and multiply over time.<sup>22</sup> In such circumstances, children carry the disadvantages they experience due to being born of sexual violence into their adult lives. Unaddressed harms become lifelong, depriving children of basic human rights, security, life opportunities, a sense of belonging and, sometimes, love. Clearly, the life and experience of each child and “forced mother” is unique and the range of possible risks and harms will not be realised for every individual. However, the global picture indicates sufficiently common risk factors that a failure to take active measures to mitigate these may be to condemn children to a life rife with danger, without any opportunity for human flourishing.





Without obscuring the distinct risks children face due to the circumstances of their conception, this report suggests that unaddressed health, social and economic disadvantages and harms of mothers caring for their children are generally “passed on” from mother to child.<sup>23</sup> Far beyond the immediate epicentre of violence, the complex consequences of CRSV have enduring, intergenerational effects.<sup>24</sup> Failure to acknowledge the existence and needs of children born of sexual violence also adds to the invisibility of a neglected sub-category of victims of SGBV: women and girls who are subjected to reproductive violence.<sup>25</sup> The combined impact is general political and policy blindness towards independent and interrelated harms of both children born of sexual violence and “forced mothers”.

This report aims to draw attention to the global protection gap that exists for children born of sexual violence in conflict and to prompt further action by states, international institutions and civil society in respect of this group of victim-survivors.

**Part II** considers why policymakers should care about children born of sexual violence. It elaborates on general challenges and specific vulnerabilities that have been identified by researchers and other experts working in this field. These must be addressed in order to counteract the unique risks and disadvantages children face.

**Part III** examines the human rights dimensions of the protection gap and argues for a rights-based approach.

**Part IV** analyses two country examples: Colombia and Uganda and seeks to draw out some broader lessons for policymaking for children born of sexual violence, based on the foregoing analyses. This section informs recommendations to different stakeholders within the international community to enhance the protection of children born of sexual violence, captured above.

## METHODOLOGY

This report is based on primary evidence gathered from institutional-level stakeholders (NGOs, governmental actors, religious and political leaders) in Uganda and Colombia in August and September 2017, as well as desk-based research and an interdisciplinary workshop (“Stigma and Children Born of War”) hosted by the London School of Economics and Political Science Centre for Women, Peace and Security on 25 September 2017. It includes analysis based on data gathered in 19 semi-structured, qualitative interviews with institutional actors held 10-23 August 2017 in Gulu and Kampala, Uganda and 9 interviews held 1-10 September in Bogotá, Colombia. Institutional actors interviewed were selected because they have either worked with children born of sexual violence and “forced mothers” or they work in sectors (eg, children’s rights and human rights) which could reasonably be expected to work on policies and programmes for such children. Uganda was selected as a focus country because it is generally considered to be in a “post-conflict” phase and some limited, local interventions are already in train to try and address the situation of children born of sexual violence during the most recent Ugandan conflict. Colombia was selected due to the political attention it is currently receiving following the conclusion of the peace agreement with the Revolutionary Armed Forces of Colombia (FARC) in 2017. Some analyses consider that Colombia is now entering a post-conflict phase, as it begins the early stages of transitional justice. Transitional justice mechanisms present a key opportunity for recognising and addressing the rights of children born of sexual violence; yet little attention is being paid to this group of victim-survivors in Colombia at this pivotal time.



Only institutional level actors were interviewed for this report due to ethical considerations pertaining to vulnerable populations, informed in particular by the short duration of the research. The aim of the project was to identify any national and international institutional-level gaps and build upon existing participatory research with children born of sexual violence, women and children, and survivor-led activism. The project does not proceed on the basis that institutional level actions are sufficient to address the multi-layered challenges facing families and communities in which children born of sexual violence are growing up, but it is informed by the underlying premise that states must assume their obligations and the international community must also play its part in closing the protection gap. No names or other means of identifying particular children or victim-survivors were recorded during interviews. Data from interviews was inputted and thematically analysed using Nvivo software. The reported results in no way claim to be universally representative of the experiences of children born of sexual violence, their mothers or, indeed, institutional actors working in relevant fields. They are necessarily limited by factors including the very small data sample and the fact that data was not gathered directly from children born of sexual violence or “forced mothers”. The key purpose of this research is to serve as a basis for further discussion, policy action and further research concerning children born of sexual violence, “forced mothers” and women and girls who become pregnant as a result of rape and sexual exploitation linked to conflict.



# PART II: GENERAL CHALLENGES, RISKS AND HARMS

## A. WHY SHOULD POLICYMAKERS CARE ABOUT CHILDREN BORN OF SEXUAL VIOLENCE IN CONFLICT?

There are three compelling reasons why policymakers must acknowledge and address the pervasive protection gap for children born of sexual violence.

Firstly, and primarily, such children are acutely vulnerable. They face unique immediate and longer-term risks, linked to being born in circumstances of rape and sexual exploitation in conflict. Broadly, such vulnerabilities comprise and flow from:

- (i) The significant risk of stigmatisation;
- (ii) A child's contested identity and insecure sense of belonging;
- (iii) Being raised by a mother seeking to cope with unaddressed harms related to sexual violence and the impact of "forced motherhood".<sup>26</sup>

Secondly, meaningful and inclusive peace and reconciliation cannot be achieved if a key population is excluded or marginalised in post-conflict societies, policies and laws. In particular, transitional justice processes which fail to recognise and enforce the rights of children born of sexual violence cannot meet their purported goals. Such goals include truth, reconciliation, accountability and the delivery of transformative reparations. Denial of the rights of children born of sexual violence is irreconcilable with human rights' claim to universality and makes the foundational principle of the Sustainable Development Goals, "Leave No one Behind" an empty mantra.

Thirdly, ignoring children born of sexual violence also renders invisible reproductive violence against women and girls; a long neglected sub-category of SGBV. Such neglect fails to bring into clear sight a highly gendered consequence of CRSV and its structural gender discriminatory roots.<sup>27</sup> Recognition of both structural gender inequality as a cause of CRSV and the intergenerational impact of reproductive violence must be key components of any effective policymaking to address CRSV.

## B. GENERAL CHALLENGES IN ADDRESSING THE SITUATION OF CHILDREN BORN OF SEXUAL VIOLENCE IN CONFLICT: DATA GAPS, "PROTECTIVE SILENCES" AND TABOOS

No comprehensive data exists on the exact number of children born of sexual violence in historic or contemporary conflicts.<sup>28</sup> A survey conducted in 2001 estimated that tens of thousands of children were born from sexual violence in the 1990s alone and at least 500,000 "war children" were living at that time<sup>29</sup>. Children have been born and continue to be born as a result of CRSV in countries including Iraq, Myanmar, Bosnia, Kenya, Colombia, Sierra Leone, Bangladesh, Timor-Leste, Sri Lanka, Kosovo, DRC, Uganda and Peru<sup>30</sup>.



## The academic research field of “children born of war”

While fleeting political and press attention has been paid to rape and sexual exploitation resulting in pregnancy and births at peak points of some conflicts, a more sustained effort to understand the plight of children born of sexual violence has been made by scholars. In the 1990s, profound concern that children were being killed, stigmatised and otherwise victimised led to the emergence of an interdisciplinary research field of “children born of war”<sup>31</sup>. Leading scholar/activist Charli Carpenter traced the human rights risks faced by newborns whose identities were co-opted into ethno-national narratives about the Bosnia war, resulting in the collective label of “Chetnik babies”.<sup>32</sup> Further case studies, including those from Timor-Leste, Rwanda, Sierra Leone and Peru suggested that other at-risk children born of sexual violence in conflict and post-conflict situations were being forgotten or neglected in national and international post-conflict policies.<sup>33</sup> Some more recent scholarship concerning children born of sexual violence in Rwanda and Uganda has adopted a participatory approach, involving children themselves in research design and delivery.<sup>34</sup> This approach acknowledges the “expertise” that children born of sexual violence have over their own lives and needs.

Collectively, scholars and researchers have evidenced as a global phenomenon a group of neglected, marginalised, at-risk children. This population continues to grow.

## Perceived barriers to policymaking for children born of sexual violence

In addition to documenting risks and harms, scholars have sought to theorise why children born of sexual violence have not emerged as independent subjects of concern in policymaking. Two factors identified seem most pertinent. Firstly, there is the perceived issue of a “lack of data”, linked to children born of sexual violence being a generally hidden population<sup>35</sup>. While more data needs to be gathered in a safe and ethical way, in contexts where it is lacking, this challenge should not be overstated. Comprehensive figures for children born of sexual violence will never be available. Over reliance on quantitative data to “measure the size” and urgency of this crisis will ensure that children born of sexual violence remain politically invisible.<sup>36</sup> Secondly, ethical concerns about “doing no harm” may have deterred action. Such concerns have centred around fear of breaking “protective silences” about children’s birth origins and generating stigma by singling them out as a group in need of policy attention. This latter concern has been persuasively counteracted by scholars who note useful, active policymaking for other groups of stigmatised children, such as those with H.I.V.<sup>37</sup> As the country examples of Uganda and Colombia in Part IV of this report also show, broad brush assumptions that “silence” about the circumstances of a child’s birth shield a child from harm require testing. While safety and confidentiality are paramount and must be respected at all times, perceived “protective silences” can also act as barriers to the delivery of essential services, support and reparations for both children and their mothers. In this ethically difficult area, sophisticated and enquiring policymaking is both critical and lifesaving.

A third barrier suggested by this report is the range of political and cultural taboos and sensitivities children born of sexual violence bring to the surface within conflict states and the international community. These include often culturally cross-cutting taboos of infanticide, abortion and suicide. Recognising the rights of children born of sexual violence and “forced mothers” may pose uncomfortable challenges ranging from idealised notions of motherhood and maternal love, to state, religious and cultural control of women’s bodies and reproductive rights.



Policymaking for children born of sexual violence requires constant awareness and application of the highest ethical standards and an understanding of local and community dynamics. There must be no political bargains or trade-offs for the respect and enforcement of children's rights. For example, children's identities must not be co-opted or instrumentalised as state or group symbols of peace.<sup>38</sup>

This report recognises general *challenges* to addressing the needs of children born of sexual violence, but underlines that these must be understood as such. Challenges should not go untested and should not be over generalised. While ethical considerations must remain at the forefront of all initiatives, no challenge should serve as a blanket barrier to critical protection of children born of sexual violence.

### C. UNDERSTANDING (INTERNALISED) STIGMA AND (EXTERNAL) STIGMATISATION: ADDRESSING CONCEPTUAL AMBIGUITIES

Stigma is identified within "children born of war", wartime sexual violence literature and non-governmental organisations (NGO) research as a specific vulnerability facing children born of sexual violence. However, within this body of work, stigma remains largely under conceptualised and theorised. There is a general failure to distinguish between "internalised" stigma and "external" stigmatisation.<sup>39</sup> Internalised stigma is a psychological response to CRSV (often encompassing a sense of shame) which victims experience *because of* socially constructed, discriminatory norms, which often has physical, broader consequences. External stigmatisation refers to discriminatory acts and behaviours *directed against* a victim by others, often in a position of relative power.

#### (i) Stigmatisation is not "shame"

Often, scholars and others use both "stigma" and "stigmatisation" as loose synonyms for "shame". This is dangerous for two reasons. Firstly, shame is best understood as just one component of internalised stigma. It is also an emotion that survivors often feel because they are being stigmatised by others. Secondly, equating stigma and shame shifts attention away from the discriminatory actions and behaviour of the "*stigmatisers*" to those *being stigmatised*. From a policy perspective, this may distract our vision from some key behaviours and sources which need to be tackled. Thirdly, understanding stigma only as shame disguises the structural causes and power asymmetries which enable the "in group" to stigmatise the "out-group". In this context, the "out-group" is children born of sexual violence. A related out-group consists of children's "forced mothers".

#### (ii) Beyond Goffman's "spoiled social identity"

The sociologist Irving Goffman's seminal work positing stigma as "spoiled social identity" has been critiqued on similar grounds to those set out above, as well as for its vagueness.<sup>40</sup> Common dictionary definitions refer to stigma as a "social mark of disgrace". This description is objectionable as it wrongly implies a fixed, rather than socially constructed, malleable status. Nonetheless, it arguably reflects commonplace, persistent understandings of the victim as responsible for the "stigma", which informs victim-blaming<sup>41</sup>. Notably, even within stigma literature, stigma's parameters are ill-defined. Scholars often conflate it with or describe it as the sum of the more distinct concepts of labelling, stereotyping, prejudice and discrimination. The definitions adopted for the purpose of this report unavoidably suffer from the same conflation. However, it is suggested that the most critical





point is to not conflate stigma with “shame” and to direct disapproval and appropriate “countermeasures” towards the “stigmatiser” engaged in the practice of discrimination. Clearly, policy measures must tackle the causes and consequences of both stigma and stigmatisation, but language should not obfuscate their component parts and sources.

### (iii) Stigmatisation as a motivation for gendered violence

In conflict contexts, the stigmatisation of women and children is sometimes a specific motivation for SGBV. Perpetrators often achieve their goal of stigmatising women, girls and children by co-opting structural inequalities and gender-discriminatory norms. Aggressors seek to fracture community bonds by positioning women’s bodies and sexuality as property of the male enemy group and the “destruction” of their “purity” through sexual violence as symbols of enemy defeat and humiliation. They may even purport to erase ethnic groups through the birth of children of a “different” ethnicity to their mother and her ethnic group.<sup>42</sup> Patriarchal and patrilineal understandings of group membership and birth rights enable and reinforce the potency of such actions and intent.<sup>43</sup>

For the purpose of this report, the following definitions and appreciations of stigma should be understood:

Across many societies, being born of sexual violence to an “enemy” or “foreign” father is considered to be a “stigmatised status”.

- A “**stigmatised status**” is a socially constructed inferior social status based on and reflected by labelling, stereotyping and prejudice.
- **(Internalised) stigma** is a child’s internalisation of negative social perceptions of being born of sexual violence, to an “enemy” father.
- **(External) stigmatisation**<sup>44</sup> is discrimination, stereotyping, labelling and prejudice directed at a child on the basis of their perceived “status”. Power asymmetries between the “stigmatiser” and child born of sexual violence enable stigmatisation.

Key general findings from stigma literature which are also reflected in research on children born of sexual violence and their mothers indicate that a stigmatised status is a key source of **stress, social disadvantage** and **health problems** which interrupt key life domains of access to economic resources, social relationships/networks and coping behaviours.<sup>45</sup>

## D. UNDERSTANDING RISKS AND HARMS TO CHILDREN BORN OF SEXUAL VIOLENCE IN CONFLICT

In general terms, underlying causes and manifestations of stigma and stigmatisation of children born of sexual violence are informed by conflict and post-conflict dynamics, national, cultural, social, gender norms, local and family contexts.

Despite different confluences of such factors across conflicts, societal imposition of dehumanising, collective naming practices of children born of sexual violence is a global phenomenon. Examples of such names include “children of hate” (Rwanda), “children of shame” (Kosovo), “children of the green people” and “paraquitos” (Colombia), “children of the enemy” (Timor-Leste)<sup>46</sup>, “Kony” and “rebel children” (Uganda), “Chetnik babies” (Bosnia) and “monster babies” (Nicaragua).<sup>47</sup> These names are often invoked as direct insults to individual babies and children and serve as thin labels for much deeper human rights challenges and harms.



Beyond and, sometimes, related to stigmatisation, the unique and heightened risks children born of sexual violence face linked to their birth origins can be grouped into four broad, overlapping categories: physical security and health; psychosocial; social, economic and cultural; and legal and justice harms. More specifically, such risks include **infanticide; disabilities from botched abortions<sup>48</sup>; identity challenges and lack of belonging; statelessness, physical and emotional abuse and psychological harms**. Children often suffer from intergenerational harms “passed on” by their traumatised mothers.

## E. INTERGENERATIONAL TRAUMA AND THE “TRANSMISSION” OF HEALTH, ECONOMIC AND SOCIAL HARMS FROM MOTHER TO CHILD

Research from Uganda, Rwanda and Nigeria suggests that women and girls who have children born of sexual violence tend to suffer a *higher* level of social stigmatisation and face *broader, different* challenges to victim-survivors without children.<sup>49</sup> Such challenges include the economic, psychological and emotional burden of forced motherhood. Given their challenging health and economic situations, traumatised women are unlikely to be in a strong position to cope with the demands of “forced motherhood”. To the contrary, intergenerational transmission of harms from mother to child is highly likely.

The stigma of rape creates an additional risk factor for poor mental health outcomes for victim-survivors, including post-traumatic stress disorder (PTSD), depression and suicidal thoughts.<sup>50</sup> While difficult to separately quantify the impact of stigmatisation and discrimination from the physical and mental impact of CRSV, it is clear that the combined factors contribute towards women and girls’ exclusion from family, social and economic networks critical to basic survival.<sup>51</sup> They also impact negatively on mothers’ ability to meet their own basic needs and those of their children.

Being parented by a traumatised mother creates additional risk factors for children including poor mental health, economic and social exclusion<sup>52</sup>. In this way, trauma and harms become intergenerational. Even if victim-survivors do not develop mental health problems which can be clearly labelled, they are likely to experience great emotional suffering.<sup>53</sup> Mothers’ mental harms influence their parenting and affect a child’s psychosocial development and adaptation.<sup>54</sup>

In sum, if unsupported, both “groups” may become socially, emotionally, economically and politically disenfranchised. Unaddressed physical and psychological effects of rape can make the day-to-day existence of women, girl-children and their children life-threatening, precarious and unsafe.

Drawing on existing qualitative research of other scholars and findings from fieldwork in Uganda and Colombia, the following table captures some key risks and harms identified for children and their mothers across different conflict settings.



## TABLE OF RISKS AND HARMS FOR CHILDREN BORN OF SEXUAL VIOLENCE AND WOMEN AND GIRL-CHILDREN/“FORCED MOTHERS”

The risks and harms described are intended merely to provide an indication of the types and range suffered by children born of sexual violence and women and girl-children/“forced mothers” in the listed countries.

### Rwanda\*

Forms of CRSV resulting in pregnancy	Risk and harms for children	Risks and harms for women and girl-children/forced mothers
Genocidal rape. Sexual slavery.	<p><b>Physical security and health</b></p> <p><b>(i) Immediate</b></p> <ul style="list-style-type: none"> <li>• Infanticide</li> <li>• Abandonment</li> <li>• Lack of birth registration</li> </ul> <p><b>(ii) Longer term</b></p> <ul style="list-style-type: none"> <li>• Physical abuse/neglect within family</li> <li>• Suicide</li> <li>• Internalised shame/stigma → psychological/ other health issues</li> </ul> <p><b>Psychosocial</b></p> <p><b>(i) Identity and Belonging</b></p> <ul style="list-style-type: none"> <li>• Sense of identity and membership loss within maternal, paternal family/kin and society</li> <li>• Differential treatment within families (and compared to siblings not born of rape)</li> </ul> <p><b>(ii) Complex mother/child relationship</b></p> <ul style="list-style-type: none"> <li>• Maternal rejection, complex emotional relationship</li> </ul> <p><b>Social, economic and cultural</b></p> <ul style="list-style-type: none"> <li>• Social stigmatisation, ie, marginalisation, rejection and social exclusion by families, communities and potential membership groups</li> <li>• Stigmatising/hurtful name-calling linked to birth origins</li> <li>• No access to land/land inheritance→ poverty, homelessness</li> <li>• No/impeded access to medical care, education</li> <li>• Children living with ill parent/orphaned → increased risk of poverty, homelessness, lack of access to education, become young carers/breadwinners</li> </ul> <p><b>Legal/justice</b></p> <ul style="list-style-type: none"> <li>• Non-recognition as victim/survivors entitled to reparations→ no financial/other support</li> </ul>	<p><b>Physical security and health</b></p> <p><b>(i) Immediate</b></p> <ul style="list-style-type: none"> <li>• Suicide</li> <li>• Physical health issues from rape (eg, fistula, damage to reproductive health, contraction of H.I.V)</li> <li>• Health issues due to unavailability of abortion, leading to self– induced and unsafe abortions</li> <li>• Delivery of babies at unsafe locations without medical support</li> <li>• Internalised stigma/shame→ psychological/other health issues</li> </ul> <p><b>(ii) Longer term</b></p> <ul style="list-style-type: none"> <li>• Unaddressed physical and psychological harms</li> </ul> <p><b>Psychosocial</b></p> <p><b>(i) Identity and Belonging</b></p> <ul style="list-style-type: none"> <li>• Familial rejection due to decision to keep/care for child</li> </ul> <p><b>(ii) Complex mother/child relationship</b></p> <ul style="list-style-type: none"> <li>• Attachment/bonding issues, complex emotions</li> </ul> <p><b>Social, economic and cultural</b></p> <ul style="list-style-type: none"> <li>• Social stigmatisation, ie, marginalisation, rejection and social exclusion by spouses, families, communities and membership groups</li> <li>• Inability to marry/marital rejection due to stigma→ lack of access to land, poverty, homelessness</li> <li>• Economic cost/burden of bringing up a child alone, exacerbated by lost job opportunities due to health problems and social exclusion/discrimination</li> </ul>

\* This table refers to CRSV/SGBV which occurred during the 100 days genocide of April-June 2004.

## Timor-Leste\*

Forms of CRSV resulting in pregnancy

Risk and harms for children

Risks and harms for women and girl-children/forced mothers

Pregnancy from mass systematic rape by Indonesian militia during occupation 1974-1999.

Pregnancy from mass rape during post referendum violence in 1999 during or after forced displacement.

Children were conceived and born within the context of forced marriages and sexual slavery.

### **Physical security and health**

- Infanticide
- Abandonment

### **Social, economic and cultural**

- Social stigmatisation; stigmatising and "othering" collective naming practices based on birth origin

### **Social, economic and cultural**

- Social stigmatisation; spousal rejection
- Economic cost/burden of single motherhood

\* *Hundreds of babies were born of rape during the Indonesian occupation 1974-1999.*

## Uganda\*

### Forms of CRSV resulting in pregnancy

Thousands of children were born while women and girls were held in captivity by the Lord's Resistance army (LRA) and repeatedly raped within the context of "forced marriages".

Women and girls were also raped in camps for internally displaced people and by state and non-state actors other than the LRA.

### Risk and harms for children

#### Physical security and health

##### (i) Immediate

- Starvation, lack of access to water, clothing, shelter in bush
- Daily exposure to violence and threat of death

##### (ii) Longer term

- Inadequate access to food, medical care, education linked to economic situation of mothers and "low status" position within family compared to siblings not born in captivity
- Physical and sexual abuse within families, in particular by step-fathers

#### Psychosocial

##### (i) Identity and Belonging

- Alienation from and strained relationships with siblings, maternal and paternal clan, identity issues stemming from growing up within the LRA

##### (ii) Complex mother/child relationship

- Strained relationships; physical abuse and rejection

#### Social, economic and cultural

##### (i) Immediate

- Stigmatisation, ie, familial, community and clan rejection; stigmatising name-calling based on birth origin
- Name-calling in schools; discrimination by teachers

##### (ii) Longer term

- Reduced/no marriage prospects due to contested clan membership
- no/limited access to land and livelihoods→poverty, homelessness

#### Legal/justice

- Statelessness
- No birth registration, national ID card
- No state reparations yet provided

### Risks and harms for women and girl-children/forced mothers

#### Physical security and health

##### (ii) Immediate

- Physical health issues from CRSV, including risk of H.I.V
- Gynaecological and other health issues related to giving birth without medical aid; risk of maternal mortality
- Economic cost/burden of forced motherhood; impact of CRSV and forced motherhood on ability to earn a living

##### (ii) Longer term

- Long term health issues related to CRSV/childbirth

#### Psychosocial

##### (ii) Complex mother/child relationship

- Bonding issues with children; strained relationships

#### Social, economic and cultural

##### (i) Immediate

- Stigmatisation, ie, spousal, familial, community and clan rejection and discrimination; name-calling, victim-blaming

##### (ii) Immediate-longer term

- Reduced marriage prospects due to stigmatisation→potential choice between keeping and rejecting children born in captivity; increased economic insecurity due to changed marital prospects

#### Legal/justice

- Inadequate "reintegration" package from government: no recognition of gendered, physical and economic consequences of having a child born in captivity
- No state reparations yet provided; politically blocked transitional justice policy

\* While Uganda has experienced multiple conflicts, this table is based on data covering the approximate period 1986-2006, during which attacks on civilians by the Lord's Resistance Army were at their height. The data refers to children born in LRA captivity, while acknowledging that CRSV/ISGBV was perpetrated by other non-state actors, as well as state forces.



## Colombia

### Forms of CRSV resulting in pregnancy

Sexual violence during the half-century conflict by state forces, paramilitaries and guerrillas.

### Risk and harms for children

#### Physical security and health

- Infanticide, abandonment
- Risk of physical abuse (by mothers)

#### Psychosocial

##### (i) Complex mother/child relationship

- Rejection and alienation by mothers, which may increase the risk of children turning to an armed group for a sense of belonging or protection\*
- Physical abuse

#### Social, cultural, economic

- Collective, stigmatising naming practices
- Rejection as non-members of indigenous group due to "mixed identities"

#### Legal/justice

- Cultural, confidentiality and other barriers inhibiting practical access to the right to reparation enshrined in the Victims and Land Restitution Law 2011

### Risks and harms for women and girl-children/forced mothers

#### Physical security and health

- Chronic pain, sexually transmitted infections, disability
- Unwanted pregnancies
- FARC policy of forced birth control and forced abortion for girl-children and women members\*\*
- Mental health issues including depression; drug and alcohol abuse

#### Psychosocial

##### (i) Complex mother/child relationship

Difficulties bonding with child; physical abuse

#### Social, cultural, economic

- Stigmatisation, rejection, victim-blaming by communities

#### Legal/justice

- Cultural, political and other barriers to access to justice, inhibiting criminal prosecution of CRSV and the implementation of the right to reparation

\* See <http://www.childrenchange colombia.org/en/what-we-do/sexual-violence>

\*\* See Human Rights Watch, "You'll Learn Not to Cry", *Child Combatants in Colombia, 2003*, available at: <https://www.hrw.org/reports/2003/colombia0903/colombia0903.pdf>





**Note:** The information contained in this table has been taken largely from qualitative research from the following sources:

- Maria Consolee Mukangendo, "Caring for Children Born of Rape in Rwanda", Chapter 3, R. Charli Carpenter (ed), *Born of War: Protecting Children of Sexual Violence Survivors in Conflict Zones* (Kumarian Press, 2007).
- Susan Harris Rimmer "Orphans or Veterans? Justice for Children Born of War in East Timor", Chapter 4, R. Charli Carpenter (ed), *Born of War: Protecting Children of Sexual Violence Survivors in Conflict Zones* (Kumarian Press, 2007).
- Commission for Reception, Truth and Reconciliation (CAVR) 2005, 100, *Chega! Final Report*
- Myriam Denov, Leah Woolner, Jules Pacifique Bahati, Paulin Nsuki, and Obed Shyaka, "The Intergenerational Legacy of Genocidal Rape: The Realities and Perspectives of Children Born of the Rwandan Genocide", *Journal of Interpersonal Violence*, 1-22, 2017.
- Myriam Denov and Angela Atim Lakor, "When war is better than peace: The post-conflict realities of children born of wartime rape in northern Uganda", *Child Abuse and Neglect* 65 (2017), 255.
- Lindsay McClain Opiyo, "Alone Like a Tree: Reintegration Challenges Facing Children Born of War and Their Mothers in Northern Uganda", *Justice and Reconciliation Project*, 2015.
- Eunice Apio, "Uganda's Forgotten Children of War", Chapter 6, R. Charli Carpenter (ed), *Born of War: Protecting Children of Sexual Violence Survivors in Conflict Zones* (Kumarian Press, 2007).
- Uganda: interviews personally conducted with institutional actors in Gulu and Kampala, Uganda, August 2017.
- Colombia: interviews personally conducted with institutional actors in Bogota, Colombia, September 2017.
- Report of the Special Rapporteur on the Rights of Women of the Inter-American Commission on Human Rights, "Violence and Discrimination against Women in the Armed Conflict in Colombia", 2005.

The table provides a snapshot of existing research and, importantly, indicates some key gaps. When assessing the particular needs of children born of sexual violence and "forced mothers" in specific contexts, it is clear that an intersectional analysis must be conducted. Intersecting disadvantaged statuses of any particular mother and child may indicate risk factors which are likely to affect their level of and exposure to stigmatisation, discrimination, coping ability, as well as other determinants of life trajectory, eg, the age of mother and child, ethnicity, race, and religion.



# PART III: THE HUMAN RIGHTS DIMENSION



States cannot meet their human rights obligations without addressing stigma. They not only have obligations not to act as stigmatisers, but are also obliged to protect individuals from actions or omissions of third parties. States must protect individuals from human rights abuses committed by private actors.

*“Stigma and the Realisation of the Human Rights to Water and Sanitation”,  
Report of the Special Rapporteur on the human right to safe drinking water and sanitation<sup>55</sup>*

## A. STATE RESPONSIBILITIES TOWARDS CHILDREN BORN OF SEXUAL VIOLENCE UNDER INTERNATIONAL HUMAN RIGHTS LAW

A significant dimension of the protection gap lies with the failure of states to respect and protect the human rights of children born of sexual violence and to prevent and redress gender-based discrimination against their mothers.

From birth, all children are guaranteed a range of rights under national and international law including, but not limited to, the right to life, health, education, development and the fundamental, cross-cutting principle of non-discrimination.<sup>56</sup> Such rights are likely to be impeded or nullified for a child born of sexual violence. In its General Comment 5<sup>57</sup>, the UN Committee on the Rights of the Child clarified that the non-discrimination obligation requires States actively to identify individual children and groups of children the recognition and realisation of whose rights may demand “special measures”. The global picture presented of children born of sexual violence evidences that they are a group of children at particular risk of stigmatisation and discrimination, including on the basis of their birth status, as well as other life-threatening risks. Accordingly, states have an obligation to adopt positive measures to guarantee their rights, including through the collection of national data, allocation of appropriate resources and implementation of measures to change discriminatory attitudes towards them. The implementation of special measures should include the collection of disaggregated data; the application of a gender-sensitive analysis; the development of indicators to identify potential areas of discrimination and broader rights concerns specific to countries and localities and boys and girls, as well as monitoring and evaluation.



The obligation to adopt “special measures” is reinforced by states’ obligation under international human rights law not to act as stigmatisers and to protect individuals from the stigmatising actions or omissions of third parties.<sup>58</sup> Third parties typically include family members, school teachers and local administrators.

In the countries in which fieldwork for this report was conducted and elsewhere, states are failing to implement or fully implement such measures and by omission, are potentially violating the human rights of children born of sexual violence.

## B. THE SIGNIFICANCE OF THE RIGHT TO REPARATION

The implementation of the right to reparation under international law of children born of sexual violence as victims of sexual and gender-based crimes is critical in helping rectify the position of disadvantage into which such children are born.<sup>59</sup> As part of domestic and international reparations awards, states should ensure that all relevant harms are acknowledged and effectively remedied. They must also consider what transformative reparations require and deliver these for children born of sexual violence. As well as using reparations awards as a means of helping to reduce stigma and stigmatisation for children born of sexual violence, transitional justice mechanisms must not exacerbate the stigmatisation children face, whether through laws, narratives or any other aspect of their functioning.<sup>60</sup>

## C. CONCEPTUAL AND PRACTICAL LINKAGES BETWEEN GENDER-DISCRIMINATION AND STIGMATISATION OF CHILDREN BORN OF SEXUAL VIOLENCE

It is important to appreciate the linkage between the failure to respect and protect women’s rights and the stigmatisation of children born of sexual violence. Both should be viewed through the prism of gender-based discrimination. Children are often stigmatised by perceived association with their perpetrator fathers; behaviours fuelled by gender-discriminatory, patriarchal and patrilineal understandings of a child’s identity. Some societies, in effect, treat the mother’s identity and biology as “erased” through the act of rape. Laws which prohibit a woman from passing on her nationality to her child or inhibit children’s access to civil documentation legitimise gender discrimination and constitute a breach of Article 2 of the Convention on the Elimination of Discrimination Against Women (CEDAW) by states parties.<sup>61</sup> One life threatening impact of discriminatory nationality laws or other failures to guarantee children’s right to nationality is statelessness. International law also recognises non-legal factors, in particular social and cultural norms, as obstacles to the eradication of gender-based discrimination and achievement of gender equality. Article 5(a) of CEDAW is of particular purchase in this context. This provides that states must take all appropriate measures “...to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.”

While a rights-based approach cannot of itself capture the full dimensions of the protection gap for children born of sexual violence, galvanise political will or guarantee love, better rights enforcement would contribute towards a safer post-conflict environment in which basic needs are met. Human rights law offers an important framework through which to consider impediments to children’s ability to flourish, recognise their entitlement to live with dignity and on an equal basis to all others, as well as the responsibility of states in enabling this.



# PART IV: PROTECTION GAPS AND LESSONS LEARNED FROM UGANDA AND COLOMBIA

Drawing on fieldwork and desk-based research on the situation of children born of sexual violence in Uganda and Colombia, this section explores general themes raised in this report and considers them in these specific country contexts. In particular, it seeks to identify:

- (i) Different groups of children born of sexual violence during conflicts in Uganda and Colombia;
- (ii) The intergenerational impact of sexual violence on such children: the risks and harms they face, including stigmatisation;
- (iii) Sources of stigmatisation;
- (iv) Protection gaps;
- (v) The adequacy of any efforts to address such risks and harms.

This section concludes by seeking to draw upon these situations to offer some broader reflections for policymaking for children born of sexual violence. It also informs the recommendations set out at the beginning of this report.

## A. WHO AND WHERE ARE “CHILDREN BORN OF SEXUAL VIOLENCE” IN UGANDA AND COLOMBIA?

Generally, states' will to acknowledge and address the plight of children born of sexual violence is shaped by factors including post-conflict political priorities, the desire to control war narratives and degrees of consciousness of the plight of such children. In both Uganda and Colombia, at different levels and to different degrees, the needs of children born of sexual violence are being marginalised or forgotten. Past failures which led to the creation of a new academic research field exposing the vulnerabilities of this population are being repeated. The inadequacy of existing national policy frameworks and laws in practically addressing the unique needs of children born of sexual violence, the lack of political will and prioritisation of their needs is fuelling a layered protection gap.



### (i) Uganda: children born in captivity and IDP camps

Children born in captivity as a consequence of systematic rape of abducted girls and women by the Lord's Resistance Army (LRA) have achieved some belated visibility and attention at political and "institutional"<sup>62</sup> levels in Uganda. During the 1986-2006 conflict which affected northern Uganda most acutely, thousands of children were born as a result of rape of girls and women within the LRA's "forced marriage" system. While there is greatest consciousness within Ugandan society of children born in captivity, children were also conceived through rape and sexual exploitation in camps for internally displaced persons.<sup>63</sup> Such camps were supposed to provide safety and shelter from LRA attacks. Beyond the LRA, children have also been born through rape by other non-state armed groups<sup>64</sup> and the Ugandan National Army (the Uganda People's Defence Force (UPDF)). Seemingly due to ongoing fears of retaliation, even approximate numbers of children born as a result of rape by the UPDF and other non-state groups are unknown.<sup>65</sup>

### (ii) Colombia: "paraquitos" and "children of the green people"

In Colombia, with two exceptions, children born of sexual violence in conflict appear to be largely invisible at political and institutional level. Even larger data gaps appear to exist regarding their numbers, identity and needs than for children born in captivity in Uganda.<sup>66</sup> One factor which may influence the different levels of national institutional consciousness of this population in Colombia and Uganda is the different conflict stages of these countries, at least at the level of international political perception. While conflict is generally considered to have "ended" in northern Uganda in 2006/7, a key conflict in Colombia (between the state and the Revolutionary Armed Forces of Colombia (FARC)) has only recently considered to have ended through the conclusion of the 2016 peace accord<sup>67</sup>. The classification of Colombia as a "post-conflict" society remains highly contestable.<sup>68</sup> Nonetheless, unlike Uganda's long stalled transitional justice processes, the implementation of transitional justice mechanisms in Colombia appears to be moving forward.

#### **Data gaps**

The lack of institutional visibility and consciousness concerning children born of sexual violence in Colombia sits at odds with the known prevalence of CRSV during the conflict. In 2008, the Colombian Constitutional Court found that during the half-century conflict, sexual violence against women, whether arising from actions of armed groups or forced displacement, is an "*habitual, extensive, systematic and invisible practice*"<sup>69</sup> perpetrated by all sides: state forces, guerrilla groups and paramilitaries. Therefore, it is highly likely that a significant number of women and girls became pregnant from CRSV and that some children were carried to term. Despite this, to date, there has been no systematic collection of data or monitoring of pregnancy and childbirth linked to sexual violence during the conflict or resulting harms for children, women and girls.

While some NGOs in northern Uganda are seeking to gather data on the number of children born in captivity in certain regions<sup>70</sup>, even approximate numbers of Colombian children born of sexual violence remain unknown.



One key exception to children's general institutional invisibility is anecdotal knowledge acquired by NGOs interviewed of a "group" of children born of sexual violence in Cauca, southwest Colombia, who are referred to locally as "**paraquitos**"<sup>71</sup>. Just one NGO interviewed<sup>72</sup> also referred to a group of children in Mitú, southeast Colombia, known locally as "**children of the green people**".

The existence of "paraquitos" ("little paramilitaries") in the municipality of Cauca was first exposed in a journalistic article in 2010.<sup>73</sup> This pejorative term was being used by locals to describe a group of children born during paramilitary occupation of the area during the period 2000 to 2004<sup>74</sup>. While the publicity of the article generated attention from state prosecutorial authorities, it reportedly also led women to flee the town with their children, due to fear of retaliation from their perpetrators.<sup>75</sup>

In Mitú some local children have collectively been referred to within their communities as "children of the green people".<sup>76</sup> This term is understood to describe children born to indigenous mothers who, due to their mixed-race features, appear to have been born through sexual exploitation or other forms of sexual violence carried out by non-indigenous men who were soldiers; whether state, paramilitary or guerrillas.<sup>77</sup> The reference to "green people" refers to the colour of the men's uniform.

Given the prevalence of CRSV in Colombia, it is highly likely that the two groups referenced above are not the only children born of sexual violence during or linked to the conflict. As research from other country situations has illustrated, (see Table of Harms) stigmatising naming practices are often the entry point for limited consciousness of children born of sexual violence and thin labels for much broader, deeper human rights concerns.

## B. RISKS AND HARMS

### (i) Uganda

The efforts of local NGOs in Northern Uganda, including survivor-activist groups<sup>78</sup>, and researchers have contributed towards the documentation of a number of risks and harms experienced by children born in LRA captivity.

The Table of Harms illustrates the range of **physical, psychological, social, economic and legal** risks and harms children born in captivity experienced in the captivity and back in communities. Labelled as "Kony's children", such children are generally perceived as proxy members of the LRA, symbols of misfortune<sup>79</sup> and stereotyped as violent, unproductive, unequal members of society. They face ostracisation within and outside family and clans. Their identities, family and societal membership are contested due to their birth origins, carrying adverse implications for their economic, emotional and physical safety and security.





### **Sites and Patterns of Discrimination**

Patterns of discrimination and risk exist across different spheres of children's lives, including home, school and local political administration. Risks and harms include "segregation" within families, strained sibling and maternal relationships and physical and emotional abuse.<sup>80</sup> Step-fathers pose a particular risk as a source of violence, including sexual violence, and rejection.<sup>81</sup> Women who forgo marriage, in order to stay with their child born of sexual violence give up the relative economic and social security marriage may bring both them and any children they have.<sup>82</sup> Due to their contested identities and lineage, many children born within LRA captivity do not inherit family land, which is generally a critical source of future livelihood and sustenance. At sub-county level, in projects for war victims, officials allocating funds have discriminated against victim-survivors and children born in captivity by excluding or marginalising them in funding decisions<sup>83</sup>. Within schools, children are stigmatised by peers and professionals by being called names and stereotyped as less able because they are "from the bush". Furthermore, when children born in captivity are subjected to violence, their complaints to police authorities are not taken seriously.<sup>84</sup>

### **Statelessness and civic registration**

A life-threatening and potentially enduring risk for children born in LRA captivity across the Great Lakes region, to parents of different nationalities, is statelessness,<sup>85</sup> with the legal deficiencies this entails. Children may have been born in Uganda, Central African Republic or South Sudan to parents originally abducted from any of these countries. Depending on where children are when they are released from or escape captivity, they may not possess the same nationality as their parents or the nationality of the country in which they are seeking to settle.<sup>86</sup>

Stigmatisation is one factor which is impeding children's access to civic registration, including birth certification and national ID cards. Mothers are fearful that identifying children's biological father in mandatory documentation will stigmatise them and their children as victims of sexual violence and children fathered by the LRA and some children do not know who their biological father is.<sup>87</sup> Due to lack of birth certificates, some children born in captivity are unable to register for and attend school<sup>88</sup>, access healthcare or exercise their right to vote<sup>89</sup>. Broader factors beyond stigmatisation are also impeding or nullifying children's human rights. In Uganda, it is currently a mandatory requirement for children to be registered within three months of birth; a timeframe impossible to meet for many children born in captivity.<sup>90</sup>



## Harms “passed on” from women and girl mothers to children

The economic and emotional burden of forced motherhood often exacerbates women and girls’ struggle to cope with their own trauma, health and economic needs. The “option” women may face in some situations of dire economic need may be as stark as “*Should I die with this child when I have option B without the child?*”<sup>91</sup> In a petition to the Uganda Women Parliamentarians’ Association in 2014<sup>92</sup> victim-survivors including mothers who are activist members of the Women’s Advocacy Network (WAN) voiced a direct appeal for recognition of gendered harms against them and the adoption of a comprehensive reparations policy by the Ugandan state. In addition to responsibilities of caring for their children born in captivity, they have medical problems including gynecological problems (resulting from sexual violence and unaided births in the bush), chronic back problems, gunshot wounds and infection by the H.I.V. virus. Years later, women still await access to services they requested from the state to alleviate their suffering and address their needs, including in relation to reproductive and mental health harms.

### (ii) Colombia

In part due to minimal institutional consciousness of children born of sexual violence in Colombia, the particular risks and harms they face are far less clearly documented than those in Uganda. In contrast to fledgling grassroots and NGO efforts in northern Uganda to draw attention towards and seek redress for children born in captivity, in Colombia, the existence and needs of children born of sexual violence remain generally invisible, unmonitored and unaddressed by NGOs, including by those engaged in the field of human rights and children’s rights.<sup>93</sup>

### Disconnect between Colombia’s “beautiful laws” and practical protection

In addition to institutional invisibility, there is a gap between the *formal* legal recognition of children born of sexual violence’s right to reparation under national law, namely, the Victims and Land Restitution Law 1448, and practical implementation. More generally, interviewees underlined the disconnect between Colombia’s “beautiful laws” and the sparse practical protection for victim-survivors and their children,<sup>94</sup> illustrating the insufficiency of legal frameworks alone in protecting rights.

While there is no clear record of risks and harms to the “children of the green people” born to young indigenous mothers in Mitú, more general anecdotal evidence suggests that some young indigenous girls have abandoned their infants.<sup>95</sup> Children who look visibly different from their indigenous group due to their mixed race biological origins may also be experiencing rejection by their clan as they are not considered “real” members.<sup>96</sup> Such rejection could be understood as evidence of stigmatisation.

Beyond the “groups” of children specifically named by interviewees, anecdotal evidence also indicates that some general risks and harms documented in other contexts are also present in Colombia.<sup>97</sup> For example, during some limited psychosocial support sessions offered as part of the state reparations process for victims established pursuant to the Victims and Land Restitution Law 1448, women have started to speak about the existence of their children born of rape and the pressures of “forced motherhood”. These include complex mother/child relationships which carry physical and psychological risks and possible harms for both mothers and their children.<sup>98</sup>



### **Harms “passed on” from women and girl mothers to children**

While only an intersectional analysis based on a broader dataset would reveal whether certain children were at greater risk due to disadvantaged statuses of their mothers, some broad assumptions can be made. The systemic neglect of indigenous girls in Colombia and the multiple vulnerabilities they face on intersecting grounds of age, ethnicity and gender make it likely that their children are suffering “passed on” harms from their mothers. The United Nations Population Fund (UNFPA) recognises that pregnant teenage girls are at additional risk of poverty, exclusion, health issues and reduced or nullified access to education.<sup>99</sup>

In Mitú, indigenous girls alone, rather than their perpetrators, appear to bear the consequences of pregnancy resulting from CRSV, including stigmatisation.<sup>100</sup> Discriminatory gender norms which treat girls as objects and ascribe value to them on the basis of their “sexual purity” lead to widespread victim-blaming, exacerbated by systemic discrimination against indigenous children.<sup>101</sup> Young indigenous girls are deemed responsible for their own sexual exploitation and other acts of violence against them.<sup>102</sup> Fear of the “double stigmatisation” of being a victim-survivor and “forced mother” is likely to be one of a number of factors which may be impeding greater institutional visibility, knowledge of and attention towards both mothers and children.

## **C. SOURCES OF STIGMATISATION**

The section below focuses on Uganda, rather than Colombia, due to the relative greater availability of data on the stigmatisation faced by children in Uganda. Beyond evidence of stigmatising naming practices and broader risks set out above and in the Table of Harms for children in Colombia, children’s rights and women’s rights NGOs interviewed were unsure about the prevalence of stigmatisation towards such children.

The particular harm of stigmatisation of children born in captivity must be understood against the brutal impact the 25-year conflict had on traumatised, impoverished communities, including at the hands of the LRA. A key driver of suspicion, rejection and discrimination is the society’s ongoing association of children born in captivity and their mothers with the LRA and their atrocities. In addition, the strong influence of “peacetime” Acholi cultural and social norms, poverty and patriarchy underpin and inform rejection. While some institutional actors perceive that stigmatisation has lessened since the “end” of conflict, they also consider that it still persists<sup>103</sup>. The persistence of stigmatisation is evidenced by recent research and direct engagement by NGOs with children born in captivity and their mothers.<sup>104</sup>

### **Stigmatisation is gendered and informed by existing structural inequalities**

An underlying causal factor for the stigmatisation of children born in captivity and their mothers is gender-based discrimination. Stigmatisation of children and mothers is gendered; its manifestations, forms and intersections with existing vulnerabilities reflect pre-war and war-related gendered social inequalities.<sup>105</sup> Women and girls’ social subordination, value as a “marriageable asset”, lack of access to land due to patriarchal customary norms on land ownership<sup>106</sup>, economic dependence on men and, relatedly, their physical insecurity and vulnerability are all heightened by their stigmatised status as a “forced mother”.<sup>107</sup> The social and economic marginalisation and reduced marital prospects “forced mothers” experience render both women and their children less likely to access vital resources.<sup>108</sup>



The influence and persistence of patriarchy and gender-based discrimination in Ugandan society is also reflected by the name-calling, discrimination and contested identities of children born in captivity. Children's identities are still most closely associated with their perpetrator fathers. Paternal clan membership determines access to identity and belonging, social status, land and resources. In a time of deeply limited resources, families are even more reluctant to share or pass down land to children who are not considered to be of the clan, are born out of wedlock and have unknown fathers or fathers with "tainted" LRA identities.<sup>109</sup> Land ownership is generally vital to future livelihood and the ability to live, exposing children who do not inherit due to their contested clan and membership rights to potential poverty, homelessness and reduced prospects of marriage.

The strong and persistent influence of cultural norms is another root cause of stigmatisation and rejection. In stark contrast to the bush, Ugandan culture considers home as a holy place. As Archbishop John Baptiste Odama<sup>110</sup> explained:

"According to the culture, the home is considered the holy place, and therefore all acceptable behaviours should encourage the upholding of the home. So, when somebody from the home goes out forcefully or peacefully and brings in something from outside which was not approved by the cultural laws this will be considered bringing bad omen to the home. This is the underlining point on the question of stigma."<sup>111</sup>

Having "sex" in the bush is considered a severe cultural transgression. It is over a decade since fighting stopped and despite greater knowledge of the unimaginable "forced wives" system, peacetime norms about marriage and sexuality are an impediment to communities distinguishing between rape and non-coercive sex. As a member of a local NGO explained, there is no general understanding of "constant"<sup>112</sup> or repeated rape; this is seen as a western construct. In addition, communities often see struggles in children's adaptation to life "at home" as evidence of "bush behaviour", inherited violent psyches and otherness.<sup>113</sup>

## D. THE PROTECTION GAP IN UGANDA

### (i) State-level response

When girl-children and women who were held in LRA captivity escaped or were released, the only specific state support offered to them upon return was a basic "reintegration package". No gendered needs assessment was conducted and no additional financial or other support was provided to women returning with babies and children.<sup>114</sup> In the absence of any state support, the grassroots organisation Gulu Support the Children Organisation and NGOs such as World Vision stepped in to provide basic, critical care for returnees and their children in the early days of their return.<sup>115</sup>

To date, there are still no state-level policies or programmes to address the specific needs of children born in captivity or "forced mothers". Within a draft transitional justice framework, there is a proposal that the government set up a national reparations programme addressing the needs of "children born of war", including land ownership, access to social amenities and psychosocial rehabilitation.<sup>116</sup> However, this remains politically blocked.



The Justice Law and Order Sector (JLOS), responsible for overseeing the development of the politically blocked transitional justice and national reconciliation framework, is in the process of launching a pilot project focused on Northern Uganda.<sup>117</sup> The project seeks to gather statistics on “children born of war” and the challenges they face, including the problem of securing access to birth and national registration, which is essential to accessing a range of rights. While children born in captivity will be addressed within this pilot project, its exact parameters- including the scope of potentially broader category of “children born of war”- is still being worked out.

In Uganda and across other countries which need to better protect children born of war, national policymakers would benefit from guidance and any lessons learned from other countries and contexts. The absence of a global repository of such knowledge, international or regional guidelines, is part of the protection gap.

Across the Great Lakes region, while regional political discussions about the perilous issue of statelessness of children born in LRA captivity have started, no formal regional or national consensus on a solution has yet been agreed or implemented.<sup>118</sup> No international pressure is currently being applied to urgently secure children’s rights and safety.

## (ii) Community-level response

In the absence of adequate state-led responses, community-level efforts of NGOs, including survivor-led grassroots initiatives, religious and cultural leaders have sought to plug the gap. Community-level efforts in Gulu, Uganda to reduce stigmatisation against children born in captivity to encourage community acceptance and belonging appear to have had mixed success. Of these, some **good practices** may be identified:

- **Group support and counselling** led by NGOs<sup>119</sup> which include victim-survivor activists have provided support to help women/girls move beyond initial rejection of their children, embrace and love them.
- **Child/family reunification programmes:** With limited funding, NGOs with the requisite levels of community trust and understanding of personal, family and cultural dynamics affecting acceptance or rejection have sought to reunite limited numbers of children born in captivity with their maternal and paternal clans. These programmes include sensitive processes of family tracing.
- **District-level, community sensitisation meetings held by local government officials:** Meetings have been convened to encourage acceptance of survivors and children born in captivity, by appealing to cultural norms which support community “ownership” of children and discourage people from linking every minor transgression of a child to any inherent or inherited “evil” within them.<sup>120</sup>
- **Local leader-led roundtable meetings:** In response to reports of discrimination, local leaders have convened roundtable meetings encouraging reconciliation, to try to sensitise the “stigmatiser” to the experiences of victim-survivors in captivity.<sup>121</sup>
- **Religious and cultural leadership:** Religious leaders have spoken out against established cultural norms, contradicting the notion that children born in captivity are symbols of misfortune or taboo.<sup>122</sup>



## E. THE PROTECTION GAP IN COLOMBIA

As aforementioned, despite the formal recognition of children born of sexual violence as official victims of the conflict in the 2011 Victims and Land Restitution Law, such rights have proved more illusory than real. To date, no children have yet received reparations. The absence of a broader policy framework and funding stream to help the Victims' Unit charged with implementing the law navigate associated ethical and practical challenges, including the key issue of identifying potential victims, is impeding rights enforcement, justice and the delivery of much needed, albeit modest material support to such children.

On a "micro" level, women and girls are scared that enabling their children to claim their rights will reveal their birth origins, generate stigma against both them and their children and lead to retaliation by perpetrator fathers. By way of broader context, women and girls who have "broken the silence" on sexual violence in criminal processes have often been left without psychosocial, broader health or material support, making many regret their decision. Across the board of CRSV laws and policymaking, the absence of a holistic approach which prioritises safety, confidentiality and adequate material and psychosocial support, is impeding the meaningful enforcement of rights. At a "macro" level, a broader impediment to rights enforcement and a factor which fuels political and institutional invisibility of such children is the normalisation of sexual violence in Colombian society, including against girl-children and, in particular, indigenous girls.<sup>123</sup>

## F. STIGMA REDUCTION TOOLS: EDUCATION, ECONOMIC EMPOWERMENT AND TRANSITIONAL JUSTICE

### (i) Uganda

In Uganda, beyond the mixed success of community-level measures, socio-economic factors and the relocation of mothers and their children from villages to towns appear to play a key role in reducing or "mitigating" stigmatisation.

Girl children and women abductees from a more privileged social class were reportedly able to avoid, or at least experience less stigma and discrimination, if their families were able to pay for therapy and send them to good schools in Kampala.<sup>124</sup> Due to the greater anonymity of Kampala, people were unlikely to know about their experiences in captivity. Many girls were able to pursue higher education, compensating for missed educational opportunities while in captivity and, through this, they could seek re-join society on "equal" terms, avoiding or reducing the impact of stereotypes and discrimination they were likely to have been subjected to in Gulu<sup>125</sup>.

If family assistance is not on offer or available, accessing education and employment via other means is key to showing personal productivity and regaining a valued place within the family. As Oola Simon described it, returnees are "bridging the gap" back towards family membership by setting up a new life in town, supporting themselves economically and sending money back home:

"...they used not to call them when there is a family meeting. But today, because of the economic dependence they would call them, "there is family meeting, we need you home" because they know once they go home, they will contribute something towards the family."





Furthermore, even if families and societies continue to reject returnees and their children, education and economic independence are key to enabling them to regain self-esteem, dignity and, possibly, a new resilience and reshaped identity. The significance of women's economic empowerment to reducing and mitigating stigma has been confirmed in other studies<sup>126</sup>.

## (ii) Colombia

Pivotal moments of transition to peace in other countries indicate that transitional justice mechanisms such as truth-telling and reparations are critical points at which children born of sexual violence and their rights may surface or be forgotten.<sup>127</sup> Currently, in addition to children born of sexual violence, the distinct harms of CRSV against women and girls resulting in pregnancy, unsafe or forced abortion and motherhood are also being marginalised in Colombian "peace accord" discourse.

Due to such factors as lack of political attention and prioritisation, there is a significant risk that Colombian children born of war will be forgotten or marginalised in transitional justice mechanisms including the Special Jurisdiction for Peace and the Truth Commission. This is problematic on several levels. Most immediately, babies, children (whether still children or adults) may be suffering the ongoing consequences of being born of sexual violence, with the types of psychosocial, physical and cultural harms more clearly documented in other contexts. In addition, gender-based violence against women and girls is key part of Colombia's truth. The transitional justice process is a critical opportunity for Colombia to make good on the promise of the "gold-standard" gender-sensitivity of the peace agreement and to meaningfully expose, challenge and reform structural systems of gender-based discrimination and harm. The concept of transformative reparations will largely, if not wholly, be emptied of substance in this country context if these specifically gendered harms are ignored. A fundamental step towards a more just and inclusive society will be missed.<sup>128</sup>

A particular risk for the marginalisation of gender-based harms in transitional justice processes stems from the FARC's rebranding as a political party resting on the principle of "insurgent feminism".<sup>129</sup> Its desire for new political legitimacy intensifies its desire to bury the truth of its constructed systems of gendered harms, including against female combatants and civilians. Genuine peace, reconciliation and the transition to meaningful democracy all require the realisation of the promise of gender justice and a meaningful truth process. The FARC's "internal" truths include a policy of forced abortions for female combatants and the forced removal of babies who were brought to term despite the ban, to peasant families.<sup>130</sup>

The international community must not be distracted by FARC revisionism on the scope and substance of its feminist credentials. If ongoing violations of children's human rights or related harms to their mothers are not examined as part of transitional justice processes, it seems highly likely that harms will amplify and multiply, undermining the prospects for sustainable peace.



# PART V: REFLECTIONS, LESSONS LEARNED AND CONCLUSION

Drawing on the case studies of Uganda and Colombia and building upon existing literature and research, this report offers key reflections/findings, lessons learned and recommendations concerning children born of sexual violence. The goal is to prompt national and international policy action to close the protection gap.

## A. KEY REFLECTIONS AND FINDINGS

- Lack of systematic, ethically informed data collection is an obstacle to *identifying* all risks faced by children born of sexual violence and *shaping* appropriate responses. Whether the state or local NGOs should lead this process may depend on levels of trust and security in-country.
- There are risks attached to policymaking for children born of war and “forced mothers” in so-called “post-conflict” environments. Two key risks to be managed are safety/security and ethics. The principles of “do no harm” and “best interests of the child” must remain central at all stages of policymaking.
- The concept of “protective silences” and concern about “breaking” them warrants scrutiny. Silence may be relative; there may be shades of grey between a child “knowing” and “not knowing” their birth origin and even relative silences may shield harms from scrutiny and support.
- Any “silences” about the existence of children born of sexual violence must be “broken” in an ethical and responsible manner, which seeks to foresee and manage any unintended consequences. The safety, security, well-being and consent of children and their mothers must be central to any and all decision-making affecting their lives.
- While stigmatisation of children born of sexual violence has complex causes, gender discrimination is a common causal factor. Arguments which frame the “problem” of inattention to children born of war as being over focus on women’s rights at the expense of children’s rights miss both the ongoing gender dimension and the fact that many mothers are also children.
- The socioeconomic situation and identity of a child and mother may impact on the extent of their stigmatisation and their ability to “manage” its effects.
- International-level attention towards children born of sexual violence and reproductive harm against women and girls could help apply pressure on states to assume their legal and moral responsibilities.



## B. LESSONS LEARNED

- Legal rights for children born of sexual violence are illusory without a broader policy framework addressing their needs and political will to implement this. Domestic laws guaranteeing children born of sexual violence in conflict the right to reparation are insufficient in ensuring practical delivery and implementation of this right.
- Stigma-reduction efforts require multi-level and multi-sectoral responses (religious/community leaders etc) and should be considered an integral key of transitional justice.
- Stigma-reduction efforts need the legitimacy of trusted local actors (local leaders; survivor-activists). Data collectors must be able to secure the trust of victims for figures to be remotely accurate, and they need a sustainable funding source.
- Where the mother is the primary carer, improving the economic, psychosocial and health situation of a “forced mother” is likely to enhance the life chances of a child.
- Transitional justice mechanisms provide a key moment for surfacing of the rights of children born of sexual violence and of their mothers. But risks surrounding perpetrator retaliation and encouraging silences to be “broken” without holistic psychosocial and economic support for the “day after” must be managed.
- Programmes which have “singled out” children born of sexual violence for special support/benefits have sometimes increased animosity against them. In contrast, livelihood programmes which have co-partnered children born of sexual violence and other vulnerable children have had more success in generating income, reducing stereotypes and increasing belonging.<sup>131</sup>

## C. CONCLUSION

Children born of sexual violence in conflict and post-conflict situations have fallen through the cracks of international and national policymaking for too long. It is time to bridge the global protection gap and remedy this human rights failure. While children must not be co-opted or instrumentalised in post-war political narratives, it remains true that an inclusive peace cannot be achieved if this key population is left behind.

Children born of sexual violence are born into disadvantage and face multiple risks which must be noticed, mitigated and averted. These children must be given a fair chance to lead lives in which their basic human rights and safety are guaranteed and foreseeable and unaddressed harms do not multiply and grow over the course of their lives. Effective policymaking for such children will require sophisticated and ethically-informed approaches.



It is critical that states assume their responsibilities towards children born of sexual violence and their “forced mothers” through the development of specific, clear policies which meet the highly particular needs of these at-risk populations. Alongside this, the international community must find ways of supporting or pressuring states to meet their obligations. In parallel, states, regional and international organisations should support the most trusted members of local societies to help traumatised populations heal, reconcile and reduce stigmatisation against children born of sexual violence and their mothers. Uganda’s activists, grassroots NGOs and religious and cultural leaders are role models for other countries.

Institutional actors in Uganda and Colombia are currently grappling with live policy dilemmas relating to children born of sexual violence. They are in urgent need of political and policy support and are actively seeking to draw on lessons learned from elsewhere. Such lessons are currently largely unknowable and inaccessible. There is no regional or international repository of cross-country knowledge. Alongside the *Principles for Global Action*, this report aims to lay the foundations for further research and policy action on children born of sexual violence. While the international community cannot micromanage human emotions or mandate societal acceptance for children born of sexual violence, it can play its role in making children’s lives safer, by tackling the layers of risk it can reach.



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- <sup>3</sup> This definition is adapted from “Analytical & Conceptual Framing of Conflict-Related Sexual Violence”, UN Action against Sexual Violence in Conflict, 2011.
- <sup>4</sup> I use the term “rape/sexual exploitation” to encompass clearly the situation of children who are conceived as a result of acts of a sexual nature in coercive circumstances linked to conflict. As consent (however broadly or narrowly defined, legally) is often used as a construct which determines whether or not an act is considered rape, a narrower reference to “children born of rape” may unduly restrict appreciation and consideration of the range of children at risk. This report seeks to address the situation of children born as a result of sexual violence, which includes but is not limited to children born of rape. For an interdisciplinary bibliography of scholarship exposing the complexities of the consent construct and sexual violence discourse, see Harriet Gray, “Unpacking Consent: An Interdisciplinary Bibliography”, LSE Engenderings Blog, London School of Economics and Political Science, available at: <http://blogs.lse.ac.uk/gender/2017/08/14/unpacking-consent-an-interdisciplinary-bibliography/>
- <sup>5</sup> The term “forced mothers” has been used in some academic literature on sexual violence, particularly in the context of Uganda to refer to women and girls who became pregnant through sexual violence, whose pregnancies were brought to term and who raised their children. See, for example, Grace Akello, “Experiences of forced mothers in northern Uganda: the legacy of war”, *Intervention: Journal of Mental Health and Psychosocial Support in Conflict Affected Areas*, 11 (2), 2013, 149. There is no universally agreed definition of the term “forced mother”, but it should be noted that its usage within the literature and this report does not refer solely to women and girls who are victims of the narrowly drawn crime of “forced pregnancy” under Article 7(2)(f) of the Statute of the International Criminal Court.
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- <sup>7</sup> See, for example, UN Security Council resolution 2106 (S/RES/2106) (2013). UN Security Council resolution 2122 contains a more explicit reference to “pregnancies resulting from rape”, but not to children themselves (S/RES/2122 (2013)).



- <sup>8</sup> See “Principles for Global Action: preventing and addressing stigma associated with conflict-related sexual violence”, published September 2017, available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/645636/PSVI\\_Principles\\_for\\_Global\\_Action.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/645636/PSVI_Principles_for_Global_Action.pdf). See also Joanne Neenan, “The Global Principles to end stigma can be a tool for resurfacing the rights of children born of war”, London School of Economics and Political Science Centre for Women, Peace and Security blog, September 22, 2017.
- <sup>9</sup> See Concept Note and Workshop Overview: Stigma and Children Born of War, London School of Economics and Political Science Centre for Women, Peace and Security, available at: <http://www.lse.ac.uk/women-peace-security/assets/documents/2017/LSEWPS-Stigma-CNandOverview.pdf>. This concept and overview relates to an interdisciplinary workshop held at LSE on 25 September 2017.
- <sup>10</sup> For a populist understanding of this phrase within the disability rights movement, see [https://www.huffingtonpost.com/entry/nothing-about-us-without-us-mantra-for-a-movement\\_us\\_59aea450e4b0c50640cd61cf](https://www.huffingtonpost.com/entry/nothing-about-us-without-us-mantra-for-a-movement_us_59aea450e4b0c50640cd61cf). “Nothing about us without us” is also the motto of the UK based, survivor-led organisation Survivors Speak OUT- Freedom from Torture, co-founded by Kolbassia Haoussou: [https://www.freedomfromtorture.org/survivor\\_activism/survivors\\_speak\\_out](https://www.freedomfromtorture.org/survivor_activism/survivors_speak_out). Operationalisation of the fledgling norm “Nothing About Us Without Us” in a CRSV context can be seen through the active participation of victim/survivors in the development of the Principles for Global Action and the first appointment by the United Nations of a UN Advocate for the Rights of Victims of sexual exploitation and abuse (Ms Jane Connors). See “Preventing sexual violence initiative: shaping principles for global action to tackle stigma”, Wilton Park report, January 2017, <https://www.wiltonpark.org.uk/wp-content/uploads/WP1508-Report.pdf> and <https://news.un.org/en/story/2017/08/563742-australian-jane-connors-appointed-first-un-rights-advocate-victims-sexual>
- <sup>11</sup> This recommendation applies to situations in which mothers are the primary carers of their children.
- <sup>12</sup> Local, national and international.
- <sup>13</sup> See, for example, Maria Eriksson Baaz and Maria Stern, “Making Sense of Violence: Voices of Soldiers in the Congo (DRC)”, *Journal of Modern African Studies* 46, no.1 (2008): 57-86; Carlo Koos, “Sexual violence in armed conflicts: research progress and remaining gaps”, *Third World Quarterly*, 38 (9) (2017), 1935 for a non-exhaustive account of research progress and remaining gaps. See also work on other invisible/less visible victims, including men, for example, Sandesh Sivakumaran, “Sexual Violence Against Men in Armed Conflict”, *the European Journal of International Law*, 18 (2) (2007), 253 and Dustin Lewis, “Unrecognised Victims: Sexual Violence Against Men in Conflict Settings Under International Law”, 27, *Wisconsin International Law Journal*, 1 (2009).





- <sup>14</sup> Initiatives in political fora and international organisations include the UK's Preventing Sexual Violence Initiative and policy and programmatic work of the Office of the UN Special Representative of the Secretary-General on Sexual Violence in Conflict. See: <https://www.gov.uk/government/organisations/preventing-sexual-violence-initiative> and <http://www.un.org/sexualviolenceinconflict/about-us/about-the-office/>. Such efforts have been supported by empirical studies showing sexual violence is not perpetrated in all conflicts, as well as variations in forms and functions across and within conflicts and armed groups. See, for example, Elisabeth J. Wood (2009), "Armed groups and sexual violence: When is wartime rape rare?" *Politics and Society* 37(1): 131-161 and Dara Kay Cohen, "Rape During Civil War", Cornell Press, 2016.
- <sup>15</sup> See, for example, judgments of the International Criminal Tribunal for Rwanda, *Akayesu* (ICTR-96-4-T) and the International Criminal Court, *Bemba* (The Prosecutor v Kean-Pierre Bemba Gombo)(Trial Judgment), ICC-01/05-01/13, 19 October 2016.
- <sup>16</sup> At international policy level, I primarily mean humanitarian, post-conflict/peacebuilding and human rights policies, as well as the UN Women, Peace and Security agenda established by UN Security Council Resolution 1325 (S/RES/1325, 2000).
- <sup>17</sup> Kai Greig, "The war children of the world", War and Children Identity Project, 2001; R. Charli Carpenter, "Forgetting Children Born of War: Setting the Human Rights Agenda in Bosnia and Beyond", Columbia University Press, 2010 and; Report of the UN Secretary-General on Conflict-Related Sexual Violence (S/2018/250), 23 March 2018, available at: <http://undocs.org/S/2018/250>
- <sup>18</sup> These spaces and examples are non-exhaustive. While a narrower definition of CRSV has been used for the purpose of this report, more generally, CRSV is a broad enough term to encompass intimate partner violence, which often increases during times of conflict and post-conflict. It should be noted that the boundaries between violence by "armed actors" and "intimate partners" are neither binary nor clear. See, for example: Fionnula Ní Aoláin, "Understanding Intimate Partner Violence in Conflict and Post-Conflict Settings", *Intlawgrlls Blog*, September 1, 2013.
- <sup>19</sup> Ishbel Matheson, "Darfur war breeds "dirty babies", BBC news, December 15, 2004, available at: <http://news.bbc.co.uk/1/hi/world/africa/4099601.stm>
- <sup>20</sup> Final Report of the Commission of Experts established pursuant to Security Council resolution 780 (1992), (S/1994/674), available at: [http://www.icty.org/x/file/About/OTP/un\\_commission\\_of\\_experts\\_report1994\\_en.pdf](http://www.icty.org/x/file/About/OTP/un_commission_of_experts_report1994_en.pdf)
- <sup>21</sup> R. Charli Carpenter, "War's Impact on Children Born of Rape and Sexual Exploitation: Physical, Economic and Psychosocial Dimensions" available at: <http://people.umass.edu/charli/childrenbornofwar/Carpenter-WP.pdf>



- <sup>22</sup> This point is made in the International Center for Transitional Justice report “From Redress to Rejection: Overcoming Legacies of Conflict-Related Sexual Violence in Northern Uganda”, October 2015, Virginie Ladisch, which examines the enduring consequences of lack of accountability for sexual crimes that lead to motherhood. The report concluded that without redress, the consequences of motherhood as a result of CRSV multiply and amplify over time, engendering new violations including ongoing violations of the rights of children born of sexual violence and their mothers. The same conclusion was reached in “Making Gender-Just Remedy and Reparation Possible: Upholding the Rights of Women and Girls in the Greater North of Uganda”, Dyan Mazurana, Teddy Atim and Helen Kezie-Nwoha, Isis-Women’s International Cross- Cultural Exchange and Feinstein International Center, 2012.
- <sup>23</sup> See note 22, above and also, the presentation of Professor Daryn Reicherter, Stanford Human Rights in Trauma Mental Health Laboratory at LSE Workshop on Stigma and Children Born of War, September 26 2017 (notes on file with author).
- <sup>24</sup> See Myriam Denov, Leah Woolner, Jules Pacifique Bahati, Paulin Nsuki, Obed Shyaka, “The Intergenerational Legacy of Genocidal Rape: The Realities and Perspectives of Children Born of the Rwandan Genocide”, *Journal of Interpersonal Violence*, May 15 2017 and Myriam Denov and Angela Atim Lakor, “When war is better than peace: The post-conflict realities of children born of wartime rape in northern Uganda”, *Child Abuse and Neglect* 65 (2017), 255.
- <sup>25</sup> See Rosemary Grey, “The ICC’s First ‘Forced Pregnancy’ Case in Historical Perspective”, *Journal of International Criminal Justice*, 15 (5) December 1 2017 for an account of International Criminal Law’s historic neglect of reproductive violence against women and girls and emerging jurisprudence.
- <sup>26</sup> It is acknowledged that not all mothers will be the primary carers of their children or involved in their upbringing. Therefore, point (iii) will not apply to all situations. In some conflicts, for example, adoption is considered as a state policy for children born of rape in conflict (eg, Bangladesh, Bosnia).
- <sup>27</sup> In CRSV literature there is much debate about the causes of CRSV. Recently, some scholars have argued that SGBV literature focusing on individual and group perpetrator dynamics that fuel SGBV has neglected structural gender inequality as a causal explanation for SGBV. See Sara E Davies and Jacqui True, “Reframing conflict-related sexual and gender-based violence: Bringing gender analysis back in”, October 19, 2015. *Security Dialogue*, 46:6 (2015), 495. I do not suggest that gender discrimination is the sole cause of SGBV, but that is it a cause.
- <sup>28</sup> Sabine Lee in “Children Born of War in the Twentieth Century” (Manchester University Press, 2007) notes that gathering comprehensive data is not realistic or possible.



- <sup>29</sup> Greig, "The War Children of the World". Note that this study used the term "war children" to refer mainly to children that have one parent who was part of an army or peacekeeping force and the other parent a local citizen and the figure of 500,000 included children born of consensual relationships as well as rape as a strategy of war and other sexualised violence. Nonetheless, I quote this figure as an indication of the scale of children born in these broader circumstances, noting that all figures (including for the more limited category of children born of sexual violence) are generally considered to be considerable under-estimates.
- <sup>30</sup> See Greig, War Children of the World and Kimberly Thiedon, "Hidden in Plain Sight", *Current Anthropology*, 56 (12) (2015), 191.
- <sup>31</sup> The exact parameters of the field and the term "children born of war" is not settled, but it is sometimes also used by scholars to refer to children born within consensual relationships to a "foreign" father (an armed actor) and a civilian mother in situations of conflict and occupation. For longitudinal research on children fathered by German soldiers in Norway and Denmark during World War II in the context of consensual relationships, where stigmatisation and other challenges are evidenced, see Ingvill C. Mochmann and Stein Ugelvik Larsen, "Children Born of War: The Life Course of Children Fathered by German Soldiers in Norway and Denmark during WWII- Some Empirical Results", *Historical Social Research/Historische Sozialwissenschaften* 33, (1) (123), 347.
- <sup>32</sup> See R. Charli Carpenter (ed), *Born of War: Protecting Children of Sexual Violence Survivors in Conflict Zones*, Kumarian Press, 2007.
- <sup>33</sup> *Ibid.*
- <sup>34</sup> See Myriam Denov and Angela Atim Lakor, "When war is better than peace: The post-conflict realities of children born of wartime rape in northern Uganda", *Child Abuse and Neglect* 65 (2017), 255 and Myriam Denov, Leah Woolner, Jules Pacifique Bahati, Paulin Nsuki, and Obed Shyaka, "The Intergenerational Legacy of Genocidal Rape: The Realities and Perspectives of Children Born of the Rwandan Genocide", *Journal of Interpersonal Violence*, 1-22, 2017
- <sup>35</sup> On researching hidden populations more generally, see, for example, Matthew J. Salganik and Douglas D. Heckathorn, "Sampling and estimation in hidden populations using respondent-driven sampling", available at: <https://www.bebr.ufl.edu/sites/default/files/Sampling%20and%20Estimation%20in%20Hidden%20Populations.pdf>
- <sup>36</sup> The issue of policymakers being overly reliant on numbers and quantitative data was highlighted by Letitia Anderson, UN Office of the Special Representative on Sexual Violence in Conflict at the LSE WPS workshop "Stigma and Children Born of War, 25 September 2017.
- <sup>37</sup> Carpenter, *Forgetting Children Born of War*.
- <sup>38</sup> For an example of narrative and symbolism attaching to newborns in the Colombian post peace-agreement phase outside the context of children born of sexual violence, see references to "peace babies" being born in FARC demobilisation camps eg, Fernando Vergara, "Colombia Peace Babies", *NWI Times*, available at: [http://www.nwitimes.com/colombia-peace-babies/image\\_68cc8b70-09d7-58f8-9dcd-ca758e90c1fa.html](http://www.nwitimes.com/colombia-peace-babies/image_68cc8b70-09d7-58f8-9dcd-ca758e90c1fa.html)



- <sup>39</sup> This is also referred to as “enacted” stigma. See, for example, Helen-Maria Lekas, Karolynn Siegel and Jason Leider, “Felt and Enacted Stigma Among HIV/HCV-Coinfected Adults: The Impact of Stigma Layering”, *Qual Health Res.* 2011 September: 21(9): 1205-1219.
- <sup>40</sup> See Bruce G. Link and Jo C. Phelan, “Conceptualising Stigma”, *Annual Review of Sociology*, August 2001 (27) 363.
- <sup>41</sup> The word itself is of Greek origin and used to refer to bodily signs cut or burnt into the body to indicate a bad moral status.
- <sup>42</sup> A Special Rapporteur appointed by the U.N. Commission on Human Rights highlighted the deliberate and extensive use of rape in the former Yugoslavia as an attack on an individual victim and also as a method of ethnic cleansing “intended to humiliate, shame, degrade and terrify the entire ethnic group.” Tadeusz Mazowiecki, Report on the Situation of Human Rights in the Territory of the former Yugoslavia, Annex at 57, U.N. Doc. A/48/92-S/25341 (Feb. 10, 1993). See also Final Report of the Commission of Experts Established Pursuant to S.C. Res. 780 (1992), U.N. Doc. S/1994/674 (May 27, 1994), which also details the systemic practice of rape.
- <sup>43</sup> See also critiques of International Criminal Law’s framing of children in ICC crimes, including through the adoption of patriarchal understandings of lineage and group membership. For example, see Joanne Neenan, “The Role of the ICC in Protecting the Rights of Children Born of Rape in War”, *EJIL: Talk! Blog of the European Journal of International Law*, February 12, 2008, available at: <https://www.ejiltalk.org/author/joanneneenan/>
- <sup>44</sup> Hereafter, references to “stigmatisation” should be understood as “external stigmatisation”.
- <sup>45</sup> See Bruce G Link, Jo C Phelan, “Stigma and its Public Health Implications”, *Lancet* 2006; 367: 528-29.
- <sup>46</sup> See Marie Consolée Mukangendo, “Caring for Children Born of Rape in Rwanda”, Chapter 3, p. 40 in R. Charli Carpenter, *Born of War*.
- <sup>47</sup> Thiedon, “Hidden in Plain Sight”.
- <sup>48</sup> *Ibid.*
- <sup>49</sup> See Teddy Atim, Dyan Mazurana and Anastasia Marshak, “Women survivors and their children born of wartime in northern Uganda”, January 2018, *Disasters* (42) S61 and International Alert, UNICEF, ““Bad Blood”: Perceptions of children born of conflict-related sexual violence and women and girls associated with Boko Haram in northeast Nigeria”, 2006.



- <sup>50</sup> Presentation delivered by Dr Daryn Reicherter, Director of the Human Rights in Trauma Mental Health Lab, Stanford University at LSE WPS Workshop “Stigma and Children Born of War” (notes on file with author). See also Experts Report in the case of ICC Prosecutor v Jean Pierre Bemba Gombo, Case No, ICC -01/05-01/08, “Mental Health Outcomes of Rape, Mass Rape, and other Forms of Sexual Violence”, Human Rights in Trauma Mental Health Laboratory, Department of Psychiatry and Behavioural Sciences, Stanford University School of Medicine, available at: [https://www.icc-cpi.int/RelatedRecords/CR2016\\_06768.pdf](https://www.icc-cpi.int/RelatedRecords/CR2016_06768.pdf) and Etienne G. Krug, Linda L. Dahlberg, James A. Mercy, Anthony B. Zwi and Rafael Lozano (ed), World report on violence and health, 2002, World Health Organisation, at p.163.
- <sup>51</sup> See note 49, above.
- <sup>52</sup> See note 50, above.
- <sup>53</sup> See Experts Report in the case of ICC Prosecutor v Jean Pierre Bemba Gombo, Case No, ICC -01/05-01/08, “Mental Health Outcomes of Rape, Mass Rape, and other Forms of Sexual Violence”, at paragraph 58, Human Rights in Trauma Mental Health Laboratory, Department of Psychiatry and Behavioural Sciences, Stanford University School of Medicine, available at: [https://www.icc-cpi.int/RelatedRecords/CR2016\\_06768.pdf](https://www.icc-cpi.int/RelatedRecords/CR2016_06768.pdf)
- <sup>54</sup> Ibid.
- <sup>55</sup> “*Stigma and the Realisation of the Human Rights to Water and Sanitation*”, Report of the Special Rapporteur on the human right to safe drinking water and sanitation A/HRC/21/42, 2002, available at: [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-42\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-42_en.pdf)
- <sup>56</sup> See, in particular, the UN Convention on the Rights of the Child, African Charter on the Rights and Welfare of the Child, International Covenant on Civil, and Political Rights and International Covenant on Economic, Social and Cultural Rights.
- <sup>57</sup> General Comment No. 5 (2003): General Measures of Implementation of the Convention on the Rights of the Child (CRC/GRC/2003/5).
- <sup>58</sup> “Stigma and the Realisation of the Human Rights to Water and Sanitation” at note 55 above.
- <sup>59</sup> See Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of Human Rights Law and Serious Violations of International Humanitarian Law (GA/RES/60/147, 16 December 2005) and Guidance Note of the Secretary-General on Reparations for Conflict-Related Sexual Violence (June 2014).
- <sup>60</sup> Joanne Neenan, “The Role of the ICC in Protecting the Rights of Children Born of War”, EJIL Talk!, February 2018.



- <sup>61</sup> Article 2(f) of the UN Convention on the Elimination of All Forms of Discrimination Against Women provides: “States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake, *inter alia*, to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.”
- <sup>62</sup> I use this term to refer to governments, NGOs, activists, religious and cultural leaders. It should be noted that the Gulu Support the Children Organisation (GUSCO), was at the forefront of recognising the existence and needs of formerly abducted persons who were still children, as well as those who returned with children born in captivity. See “Rehabilitation centre for Uganda’s LRA returnees to close”, IRIN News, January 18 2013, available at: <http://www.irinnews.org/news/2013/01/18/rehabilitation-centre-uganda%E2%80%99s-lra-returnees-close> and interview with Mr Ochora Ocitti, Former Deputy Programme Coordinator, GUSCO, August 2017 (on file with author).
- <sup>63</sup> See note 2 above.
- <sup>64</sup> See Virginie Ladisch, “From Rejection to Redress: Overcoming Legacies of Conflict-Related Sexual Violence in Northern Uganda”, The International Center for Transitional Justice, 2015 at page 5. Such groups include the UNLA, UNRF II, NRA, UPA and the Arrow Boys militia.
- <sup>65</sup> Ibid at pages 3 and 5.
- <sup>66</sup> I have made this assessment on the basis of interviews conducted in Colombia in September 2017, including with UNICEF (Bogota) and the Victims’ Unit (Unidad para las Victimas) established to implement reparations under 2011 Victims and Land Restitution Law 1448, (interviews on file with the author).
- <sup>67</sup> See <http://www.bbc.co.uk/news/world-latin-america-37477202>
- <sup>68</sup> See, for example, Sophie Haspeslagh, “(De)vilification of the FARC and the Linguistic cease-fire”, presented at The Conflict Research Society annual Conference 2007, Pembroke College, Oxford, September 18, 2017.
- <sup>69</sup> See ABC Colombia, “Colombia: Women, Conflict-Related Sexual Violence and the Peace Process”, November 2013, available at: [https://reliefweb.int/sites/reliefweb.int/files/resources/ABColombia\\_Conflict\\_related\\_sexual\\_violence\\_report.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/ABColombia_Conflict_related_sexual_violence_report.pdf)
- <sup>70</sup> For example, Watye ki Gen, <http://watyekigen.org/project-documentation.html>
- <sup>71</sup> This “group” were referenced in several interviews with women’s and children’s NGOs (on file with the author).
- <sup>72</sup> This group was referenced by a children’s rights NGO in Bogota (interview on file with the author).



- <sup>73</sup> See “Los Paraquitos”, *Semana*, August 21 2010, available at: <http://www.semana.com/nacion/articulo/los-paraquitos/120819-3>
- <sup>74</sup> Ibid.
- <sup>75</sup> This information was relayed in an interview with Ruta Pacífica de las Mujeres in Bogota, August 2017 (on file with the author).
- <sup>76</sup> This phenomenon is documented in “Daughters of the Sun in the Land of the Jaguar: An outline of the situation of women, families and children in the municipality of Mitú”, a 2012 report by Defence For Children International Colombia (DCI) about indigenous women and girls in Vaupés, a department located in southeast Colombia (on file with the author). The report was informed by a two-year participatory study using qualitative methods. As well as “children of the green people”, the report also uses the term “*the children of the Colombia plan*”.
- <sup>77</sup> Ibid, p.67. The report itself states that it appears that these children were born as a result of “casual relationships” with indigenous men. While not wishing to reduce the agency of indigenous girls who may consider themselves to be in relationships with such men, on the basis of my interview data and the broader context of this report, I consider the term “casual relationship” to be a misleading descriptor. Given the significant power asymmetries in such relationships informed by factors including age, gender, ethnicity and social status, I consider such situations to be better characterised by the general term sexual exploitation. The report also notes that official statistics evidence a substantial increase in births to indigenous girls in Mitú in 1998 and 2007; the periods following a significant FARC attack on the town and the subsequent installation – supposedly as protectors – of state army and police forces. This suggests a correlation between the occupation of the area by state and armed groups and CRSV against girls leading to pregnancy and children born of sexual violence. See also: <https://www.reuters.com/article/us-colombia-women-teens/colombia-teen-mothers-see-getting-pregnant-synonymous-with-protection-idUSKCN18C2DG>, which highlights how teenage girls in Colombia have engaged in sexually exploitative “relationships” and pregnancy as a means of securing protection against worse brutalities by gangs.
- <sup>78</sup> See, for example, Justice and Reconciliation Project (<http://www.justiceandreconciliation.org>), Women’s Advocacy Network (<http://www.justiceandreconciliation.org/initiatives/womens-advocacy-network/>) and Watye ki Gen, referenced at note 70 above.
- <sup>79</sup> Interview with retired Bishop Macleod Baker Ochola, formerly Anglican Bishop of Kitgum Diocese in northern Uganda, currently Ambassador for Peace at Acholi Religious Leaders’ Peace Initiative, conducted August 2017 (interview on file with the author).
- <sup>80</sup> See Lindsay McClain Opiyo, “Alone Like a Tree: Reintegration Challenges Facing Children Born of War and Their Mothers in Northern Uganda”, Justice and Reconciliation Project, 2015. Challenges described therein were corroborated in several interviews conducted with NGOs in Gulu, Uganda in August 2017 (on file with the author).





- <sup>81</sup> See note 79 above and “From Rejection to Redress”, page 18.
- <sup>82</sup> Interview with Harriet Aloyo Nyeko (World Vision, Gulu) and Dorcus Atyeno, (Justice and Reconciliation Project, Gulu), August 2017 (on file with the author).
- <sup>83</sup> “From Rejection to Redress”; also confirmed in an interview with Dorcus Atyeno, Justice and Reconciliation Project, Gulu (on file with the author).
- <sup>84</sup> Interview with Sarah Kihika Kasande, International Center for Transitional Justice, Kampala, August 2017 (on file with the author).
- <sup>85</sup> Interview with Margaret Jane Amot, JLOS, Gulu, August 2017 (on file with the author).
- <sup>86</sup> Ibid.
- <sup>87</sup> This point was made in several interviews conducted in Uganda (on file with the author).
- <sup>88</sup> Interview with Margaret Jane Amot, JLOS, Gulu, August 2017 (on file with the author).
- <sup>89</sup> ICTJ, “From Rejection to Redress”, p.17
- <sup>90</sup> ICTJ, “From Rejection to Redress”.
- <sup>91</sup> Interview with Harriet Aloyo Nyeko (World Vision, Gulu), August 2017 (on file with the author), who also said women who choose to leave their child generally regret this “decision”.
- <sup>92</sup> Women’s Advocacy Network Petition, 24 February 2014, available at: <http://www.justiceandreconciliation.org/uncategorized/2014/womens-advocacy-network-petition/>
- <sup>93</sup> For the same conclusion, see Tatiana Sanchez Parra, “The Hollow Shell: Children Born of War and the Realities of the Armed Conflict in Colombia”, International Journal of Transitional Justice, 12 (1), March 2018.
- <sup>94</sup> Based on interviews on human rights and children’s NGOs, Bogota, September 2017 (on file with the author).
- <sup>95</sup> Interview with children’s rights NGO in Bogota, September 2017 (on file with the author).
- <sup>96</sup> Ibid.
- <sup>97</sup> Interview with the Victim’s Unit (Unidad Para Las Victimas), Bogota, September 2017 (on file with the author).
- <sup>98</sup> Ibid.



- <sup>99</sup> See <http://www.unfpa.org/adolescent-pregnancy>
- <sup>100</sup> "Daughters of the Sun in the Land of the Jaguar" at p.66.
- <sup>101</sup> See General Comment 11, "Indigenous Children and their Rights under the Convention", Committee on the Rights of the Child, January 2009, available at: [http://www2.ohchr.org/english/bodies/crc/docs/GC.11\\_indigenous\\_New.pdf](http://www2.ohchr.org/english/bodies/crc/docs/GC.11_indigenous_New.pdf)
- <sup>102</sup> Interview with UNICEF, Bogota, September 2017 (on file with the author) and "Daughters of the Sun in the Land of the Jaguar" at p.66. See also: <https://www.reuters.com/article/us-colombia-women-teens/colombia-teen-mothers-see-getting-pregnant-synonymous-with-protection-idUSKCN18C2DG>, highlighting how teenage girls in Colombia have engaged in sexually exploitative "relationships" and pregnancy as a means of securing protection against worse brutalities by gangs.
- <sup>103</sup> Interview with Oola Simon Peter, Vice Chairperson, Gulu District Local government, August 2017 (on file with the author).
- <sup>104</sup> See, for example, notes 34 and above and Lindsay McClain Opiyo, "Alone Like a Tree: Reintegration Challenges Facing Children Born of War and Their Mothers in Northern Uganda", Justice and Reconciliation Project, 2015.
- <sup>105</sup> Utas, 2005; Betancourt et al., 2008; McKay et al., 2010; Theidon, 2015, as quoted in Teddy Atim, Dyan Mazurana and Anastasia Marshak, "Women survivors and their children born of wartime in northern Uganda", January 2018, Disasters (42) S61.
- <sup>106</sup> ICTJ, "From Rejection to Redress".
- <sup>107</sup> Conclusion based on interviews with a number of individuals in Uganda (on file with the author).
- <sup>108</sup> See note 34 above.
- <sup>109</sup> Interview with Sarah Kihika Kasande, International Center for Transitional Justice, Kampala, August 2017 (on file with the author).
- <sup>110</sup> Interview with Archbishop John Baptiste Odama, Gulu, August 2017 (interview on file with the author).
- <sup>111</sup> Ibid.
- <sup>112</sup> Here, I do not use a legal term, but a lay understanding explained to me by an interviewee.
- <sup>113</sup> Several interviewees in Gulu made this point, which is also reflected in "When war is better than peace" at note 34 above.
- <sup>114</sup> ICTJ, "From Rejection to Redress".
- <sup>115</sup> Interview with Mr Ochora Ocitti, Former Deputy Programme Coordinator, GUSCO, August 2017 (on file with the author).
- <sup>116</sup> Interview with Margaret Odok, Justice Law and Order Sector, Kampala, August 2017 (on file with the author).



- <sup>117</sup> Ibid.
- <sup>118</sup> Ibid
- <sup>119</sup> Interviews with Angela Atim Lakor, Watye Ki Gen, and Grace Achan and Evely Amongy (Women's Advocacy Network, Gulu, August 2017 (on file with the author).
- <sup>120</sup> Interview with Oola Simon Peter, Vice Chairperson, Gulu District Local government, August 2017 (on file with the author). Oola Simon suggested that stigmatisation has reduced, but not been eliminated.
- <sup>121</sup> Interview with NGO worker, Gulu, August 2017 (on file with the author).
- <sup>122</sup> Interview with retired Bishop Macleod Baker Ochola, Gulu, August 2017 (on file with the author).
- <sup>123</sup> Interviews with UNICEF, Bogota and two other NGOs based in Bogota, September 2017 (on file with the author).
- <sup>124</sup> Interviews with several institutional-level actors in Gulu and Kampala, August 2017 (on file with the author).
- <sup>125</sup> Interview with Sarah Kihika Kasande, International Center for Transitional Justice, Kampala, September 2017 (on file with the author).
- <sup>126</sup> In particular, see findings of Atim, Mazurana and Marshak in "Women survivors and their children born of wartime sexual violence in northern Uganda".
- <sup>127</sup> See, for example, Dyan Mazurana and Khristopher Carlson, "Children and Reparation: Past Lessons and New Directions", June 2010, Innocenti Working Paper, available at: [https://www.unicef-irc.org/publications/pdf/iwp\\_2010\\_08.pdf](https://www.unicef-irc.org/publications/pdf/iwp_2010_08.pdf)
- <sup>128</sup> A specific goal of the Truth Commission is to raise awareness of the ways in which the conflict "reproduced historical mechanisms of discrimination, as a fundamental first step towards and more just and inclusive society".
- <sup>129</sup> See <http://www.internationalaffairs.org.au/australianoutlook/insurgent-feminism-colombias-new-peace/>
- <sup>130</sup> NGO interviews conducted in Bogota in September 2017 (on file with the author).
- <sup>131</sup> Interview with Word Vision in Gulu, Uganda in August 2017 (on file with the author)





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Centre for Women, Peace and Security  
London School of Economics and Political Science  
Houghton Street  
London WC2A 2AE

[women.peace.security@lse.ac.uk](mailto:women.peace.security@lse.ac.uk)

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