

# From Rejection to Redress

Overcoming Legacies of Conflict-Related  
Sexual Violence in Northern Uganda



**ICTJ**

Justice  
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CHILDREN & YOUTH

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Sexual Violence in Northern Uganda

October 2015

Virginie Ladisch

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**Rachel Goodman** was a thought partner in this process, conducting rigorous research and providing key insights and substantive contributions to the project and this report. **Sarah Kihika Kasande** provided nuanced and strategic insight into the Ugandan context, as well as her overall management of the project and significant contributions to this report. **Lindsay McClain Opiyo** provided strategic insights, research, context analysis, and successfully managed the complex elements of the assessment. **Michael Otim** shared his expertise on the cultural and political context as well as overall strategic guidance.

## About ICTJ

ICTJ assists societies confronting massive human rights abuses to promote accountability, pursue truth, provide reparations, and build trustworthy institutions. Committed to the vindication of victims' rights and the promotion of gender justice, we provide expert technical advice, policy analysis, and comparative research on transitional justice approaches, including criminal prosecutions, reparations initiatives, truth seeking and memory, and institutional reform. For more information, visit [www.ictj.org](http://www.ictj.org)

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## ACRONYMS

ADF	Allied Democratic Forces
CAO	Chief Administrative Officer
CDD	Community Driven Development
CDO	Community Development Officers
CPU	Children of Peace Uganda
DCDO	District Community Development Officer
FUNA	Former Uganda National Army
HRDP	Human Rights Documentation Project
HSMF	Holy Spirit Mobile Forces
JLOS	Justice, Law and Order Sector
JRP	Justice and Reconciliation Project
L.G.Act	Local Government Act
LC	Local Council
LRA	Lord's Resistance Army
MoGLSD	Ministry of Gender Labor and Social Development
NCPWG	National Child Protection Working Group
NDPII	Second National Development Plan
NRA	National Resistance Army
NRA/M	National Resistance Army/Movement
NUSAF	Northern Uganda Social Action Fund
PRDP	Peace Recovery and Development Program
PWSO	Probation and Social Welfare Officers
SLRC	Secure Livelihoods Research Consortium
SWAY	Survey on War Affected Youth
TEWPA	Teso Women's Peace Activists
UNLA	Uganda National Liberation Army
UNRF	Uganda National Rescue Front
UPA	Uganda People's Army
UPDA	Uganda People's Democratic Army
UPDF	Uganda People's Defense Force
WNBFB	West Nile Bank Front
WOPI-U	Women's Peace Initiative-Uganda
WTG	Watyeki Gen
YLP	Youth Livelihood Programme

## 1. Introduction

The conflicts in northern Uganda witnessed wide-scale perpetration of serious crimes, including murder, abduction, torture, forced displacement, forced recruitment, destruction of property, and various forms of sexual and gender-based violations, including rape, sexual slavery, and forced marriage. While considerable resources have been expended on humanitarian, recovery, and development programs in conflict-affected areas, the crimes committed during past conflicts by both rebels and state actors have not been accompanied by any significant measure of accountability, truth seeking, or acknowledgment by the state. In many respects, this absence of redress has poisoned the atmosphere in some communities with recrimination, resentment, and stigmatization,<sup>1</sup> a problem which particularly affects children born of conflict-related sexual violence and their mothers.

Considering the unique and enduring consequences of sexual and gender based violations, this report focuses specifically on the impact of the lack of accountability for sexual crimes that lead to motherhood. The rights of women who suffered conflict-related sexual violence and the children they bore as a result have largely been overlooked by the state; the violations they suffered remain unredressed.

In response to this accountability gap, the International Center for Transitional Justice (ICTJ) conducted consultations across greater northern Uganda in April 2015 on the long-term challenges and unredressed justice needs of children born as a result of conflict-related sexual violence and of their mothers, in order to inform advocacy efforts that will contribute to acknowledgment, reparations, and justice for this category of victims. This report aims to capture the main issues that emerged from these consultations and offer policy recommendations on how these unmet justice needs could be addressed.

Across the four sub-regions of Acholi, Lango, Teso, and West Nile, ICTJ found that without redress the consequences of motherhood as a result of conflict-related sexual violence multiply and amplify with time, engendering new violations, including ongoing violations of the rights of children born of sexual violence<sup>2</sup> and the rights of their mothers. When the initial violations occurred, the state failed to adequately respond to the needs and rights of the mothers or their children, and now, more than a decade later, the challenges they face have not disappeared, but rather, for many have actually worsened.

A lack of redress compounded by the intersection of multiple factors—discriminatory cultural norms for women who have children out of wedlock; abject poverty and scarce resourc-

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<sup>1</sup> The term redress is conceptualized in its broadest sense to encompass the range of necessary responses to achieve accountability for past violations and to acknowledge and repair the harm done to victims.

<sup>2</sup> The term *children born of sexual violence* is used throughout this report to refer to children conceived as a result of acts of sexual violence on their mothers by armed state and non-state actors during northern Uganda's longstanding conflicts. The term *children born in captivity* refers specifically to those children born within the Lord's Resistance Army as a result of forced marriage. Some interviewees used the term "children born of war" to refer to this same group.

es, including a lack of land for cultivation; patrilineal systems of identity; and stigma and rejection due to perceived association with rebels—leads to serious challenges that impede mothers and their children born of sexual violence from integrating into the community and becoming self-sufficient citizens who live with dignity.

Largely, these mothers and children have been unable to access the limited government support available for war-affected citizens.

Those few mothers who were able to access reintegration assistance through Uganda's Amnesty Commission received the same inadequate reinsertion package as male returnees and females who returned without children. They were not offered specialized support to account for the burden of caring for children. Thus, these mothers and their children have been left without official recognition or support from the state to overcome the consequences of abuses while also facing stigma, rejection, and blame in their communities.

Further, women in Uganda, in general, have limited access to the justice systems for enforcement of their rights, in particular their land, property, and inheritance rights.

For a mother to be able to provide for her child and cope with the consequences of the violation of her rights, a targeted response is needed from the government of Uganda. Such a response should include local and national programs and policies that aim to repair the harm endured, facilitate victims' acceptance into society, and advance accountability for the violations they suffered. These programs and policies should include official acknowledgement of harm suffered, measures to provide access to land to rejected and ostracized children, the opening of spaces for dialogue and truth telling in order to clarify the context in which the violations occurred, the reforming of discriminatory gender norms and laws that make it very difficult for a single mother to access resources and provide for her child or children, and state-sponsored scholarships that would support their children through school in a way that is not further stigmatizing. The justice system's capacity also needs to be enhanced to enforce the law and respond to the violations experienced by children born of sexual violence.<sup>3</sup>

Currently, Uganda Vision 2040 and the National Development Plan 2015/16–2019/20 (NDPII) are intended to guide the country toward fulfilling its National Vision Statement of “a transformed Ugandan society from a peasant to a modern and prosperous country within 30 years.”<sup>4</sup> But among the obstacles to development noted in Uganda Vision 2040, the enduring legacies of conflicts in the north receive no mention. Further, in the final draft of Uganda's National Transitional Justice Policy, for example, there is only one recommendation that specifically addresses the justice needs of this vulnerable group. Various development and reconstruction programs, such as the Peace Recovery and Development Program (PRDP) and the Northern Uganda Social Action Fund (NUSAF), have largely overlooked the particular needs of and challenges experienced by children born of sexual violence as well as their mothers.

In order for the objectives of Uganda 2040 and NDPII to be realized—notably the elimination of discrimination and bias in accessing justice mechanisms, and enhancing effective participation of marginalized groups in social, economic, and political activities<sup>5</sup>—it is necessary to provide reparations to those whose rights were severely violated due to the conflict and who continue to experience enduring consequences. It is also necessary for the state to help victims to access services and support by working to eliminate obstacles, such as stigma and discrimination, and allocate adequate funding to child-protection services.

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<sup>3</sup> These include the right to protection, welfare, and maintenance; the right to family life; the right to personal identity; the right to equal treatment and non-discrimination; and the right to education.

<sup>4</sup> NDPII, xvii. See also Uganda Vision 2040, III.

<sup>5</sup> NDPII, 43, 226, 232.

If Uganda wants to move toward a brighter future where society is developed and prosperous, the state must adopt development initiatives and justice measures to address impunity and provide acknowledgment and accountability for past violations and their continued negative consequences.

## Methodology

ICTJ conducted preliminary interviews with key stakeholders in Adjumani, Gulu, Kampala, Lira, and Soroti districts and a desk review of relevant research, government initiatives, and civil society programs. Consultations were then carried out in April 2015 in the Acholi, Lango, Teso, and West Nile sub-regions of northern Uganda. The ICTJ team conducted one-on-one interviews and group interviews in Gulu town in Acholi; Lira town and Agweng sub-county in Lango; Soroti town and Tubur sub-county in Teso; Adjumani town and Dzaipi sub-county in West Nile.<sup>6</sup> A total of 249 participants (141 female, 108 male) were consulted, including children born of sexual violence, their mothers, fathers, relatives, community members, teachers, traditional leaders, religious leaders, and local government officials.

Assessment sessions were mobilized, facilitated, and/or translated by local partners, including Watye ki Gen (WTG) in Acholi and Lango, Women's Peace Initiative-Uganda (WOPI-U) in Lango, and Teso Women's Peace Activists (TEWPA) and Children of Peace Uganda (CPU) in Teso, and the Justice and Reconciliation Project (JRP) in West Nile. In July and August 2015, four separate validation workshops were held in Gulu with children born of sexual violence, local government officials, mothers of children born of sexual violence, and religious and cultural leaders. At each workshop, participants from all four sub-regions provided feedback on ICTJ's initial findings and recommendations. Participants generally agreed with the preliminary findings of the assessment, affirming that they reflected the situation of children born of sexual violence and their mothers in the region.

The consultations had a limited sample size and only a few select areas were consulted. As a result, the findings do not represent the full magnitude of the challenges and experiences of children born of sexual violence and their mothers. The assessment placed emphasis on understanding and analyzing the complex and nuanced experiences and challenges faced by these children and their mothers and, thus, relied on qualitative techniques and analysis to gather in-depth information about a diverse, yet unrepresentative, group relevant to the assessment focus.

ICTJ made every effort to speak to women and girls who were victimized by the full range of conflict actors. However, given the challenges of identifying mothers who conceived children as a result of sexual violence by state forces, the majority of those interviewed were victimized by rebel forces. The difficulty in identifying some categories of respondents, notably children born as a result of sexual violence perpetrated by state forces, could be attributed to the culture of silence surrounding these violations and the fear of reprisal.

Finally, this report is not limited to those who became mothers as children, despite the high number of young mothers resulting from forced marriage and forced pregnancy within the LRA. Among those consulted, there were also many women who were raped and impregnated as adults. For the purposes of this report, the term mother is used to refer to girls and women who became mothers due to sexual violence, and the term children refers to the children born of sexual violence. In some cases the mothers were children themselves. The focus of this report is not so much on the victim's age at the time the violation occurred, but rather on the enduring consequences of the unredressed violation of these girls' and women's rights, both for them and their children.

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<sup>6</sup> Town sessions included participants from surrounding areas including: Adjumani, Arua, Maracha, Moyo, Koboko, Yumbe, Gulu, Kitgum, Pader, Amuru, Lamwo, Lira, Oyam, Otuke, Alebtong, Amuria, Soroti, Bukedea, and Serere districts, among others.

## Background

Violent conflict has plagued much of Uganda since its independence in 1962, from Idi Amin's military coup in 1971 to the 14 insurgencies since Yoweri Museveni's National Resistance Army/Movement (NRA/M) took power in 1986. Past armed groups include: Uganda National Liberation Army (UNLA), Uganda National Rescue Front (UNRF), Former Uganda National Army, West Nile Bank Front rebellion, Uganda People's Democratic Army rebellion, Alice Lakwena Holy Spirit Mobile Forces, Allied Democratic Forces, Uganda People's Army and Lord's Resistance Army (LRA).<sup>7</sup>

Following the overthrow of Amin in 1979, the UNLA, in a counter-insurgency strategy against the UNRF I, which comprised remnant soldiers of Amin's army, committed atrocities against the people of the West Nile region, including killings, rape and destruction of property. It is estimated that, as a result, 80 percent of West Nile's population was forced into exile in Sudan and the Democratic Republic of the Congo. When Museveni took power in 1986, various armed groups emerged in the north as popular rebellions against the National Resistance Army's (NRA) attempts to consolidate state power.

Geographically, no part of the country has been spared from violence, with all regions experiencing insurgency at one time or another. Recently, however, northern Uganda has been most affected. Of the insurgent groups, the LRA has waged the most protracted conflict, which has lasted close to two decades, mainly in the Acholi, Lango, Teso and West Nile sub-regions.

A multitude of violations against civilians occurred during these conflicts, including sexual and gender-based violence.<sup>8</sup> Girls and young women were specifically targeted for sexual violence by the LRA as well as by the NRA and Uganda People's Defense Force (UPDF), among other groups.<sup>9</sup> The pattern of violations by the LRA included systematic abduction of females followed by forced marriage, rape, and forced pregnancy leading to forced child bearing.<sup>10</sup> Of those abducted by the LRA, the majority were young adolescents (aged 10–18).<sup>11</sup> Therefore, many were children (under 18) at the time they were abducted. As a result of the practice of rape, sexual slavery, forced marriage, and forced pregnancy, many girls and women returned to their communities with children, thus becoming what are known locally as "child mothers" or young mothers.

The role of girls and women in the LRA is further complicated by the way in which, many, in order to survive, became complicit in supporting the operations and structure of the LRA. In some cases they were brought to commit violations as part their assigned role. It is important to highlight this complexity because many community members perceive the mothers as perpetrators while overlooking the fact that they were also victims of abduction and a violent coercive system. Unpacking this nuance is key to understanding the different dynamics at play in northern Uganda and identifying appropriate remedies.<sup>12</sup>

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7 Refugee Law Project, "Behind the Violence." Other insurgent groups are: Uganda People's Army, People's Redemption Army, Uganda National Democratic Alliance, Uganda National Liberation Army, and Uganda Christian Democratic Army.

8 General Recommendation No. 19 of the United Nations Convention of the Elimination of All Forms of Discrimination Against Women (CEDAW) defines gender-based violence as: "Violence that is directed against a woman because she is a woman, or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty." For more information on this concept see Margaret Walker, "Gender and Violence in Focus," in Rubio Marin, *The Gender of Reparations*. Gender-based crimes are defined by the Office of the Prosecutor of the International Criminal Court as "those committed against persons, whether male or female, because of their sex and/or socially constructed gender roles. Gender-based crimes are not always manifested as a form of sexual violence. They may include non-sexual attacks on women and girls, and men and boys, because of their gender." See [www.icc-cpi.int/iccdocs/otp/OTP-Policy-Paper-on-Sexual-and-Gender-Based-Crimes-June-2014.pdf](http://www.icc-cpi.int/iccdocs/otp/OTP-Policy-Paper-on-Sexual-and-Gender-Based-Crimes-June-2014.pdf)

9 Mazurana et al., "Making Gender-Just Reparations and Remedy Possible."

10 See Baines, "Forced Marriage"; Carlson and Mazurana, "Forced Marriage within the Lord's Resistance Army"; McClain Opiyo, "Alone Like a Tree."

11 Mazurana et al., "A Way Forward," 33.

12 For more information see Baines, "Gender, Responsibility, and the Grey Zone"; Amoy et al., I Am Evelyn Amoy.

Outside the context of LRA abductions, while less frequently reported, the NRA and UPDF have also been accused of sexual violence.<sup>13</sup> Among the violations committed by these soldiers the most often cited was the sexual exploitation of women in displacement camps by NRA and UPDF soldiers in exchange for food or money.<sup>14</sup> The UPDF mobile forces have also been accused of raping women in communities they were supposed to protect and defend from LRA attacks.<sup>15</sup> The nature of these violations is much less known, in part because of a conspiracy of silence and taboo around naming state violations.

The women ICTJ interviewed bore children as a result of sexual violence committed by members of the UNLA, UNRF II, LRA, NRA, UPDF, UPA, and the Arrow Boys militia. Some women reported having been sexually violated by members of two or more of these groups, especially in Teso and West Nile.

While the greater north of Uganda has suffered from conflicts in the last two decades, there have been notable distinctions in the levels of conflict within and across the northern sub-regions. For instance, for much of the LRA insurgency, Acholi sub-region served as the epicenter of the violence between the LRA and government of Uganda forces, and it was not until 1996, following the LRA's retaliation for a Ugandan military campaign to oust them, that it spread into Lango and Teso sub-regions.<sup>16</sup> Further, notable tensions exist between regions and ethnic groups that go back generations but have been exacerbated by recent conflicts, with much of the blame being placed on the Acholi by their neighbors due to the LRA leadership being largely comprised of Acholi and the movement having its origins in the Acholi sub-region.

Moreover, the majority of studies and responses have centered on Acholi-land, greatly limiting opportunities for nuanced acknowledgment and redress in other conflict-affected areas. For these reasons, ICTJ elected to consult across the greater north, rather than in just the Acholi sub-region, in order to better understand the regional dynamics and how they impact on the experiences of children born of sexual violence and their mothers and to make recommendations that are relevant and practical for a wider range of conflict victims.

## Overview of Existing Data

Reliable statistics on abduction and return in Uganda are largely unavailable, and even less so with regard to children born within the context of abduction or as a result of conflict-related sexual violence.

A 2008 University of California, Berkeley, study conservatively estimated that 54,000 to 75,000 people, including 25,000 to 38,000 children, had been abducted by the LRA since 1986. This study verified 25,231 children and youth who had been registered by reception centers in northern Uganda.<sup>17</sup> Within this group, 24 percent were female and 76 percent were male.<sup>18</sup> However, recent studies estimate that less than half of all returnees passed through a reception center.<sup>19</sup> These studies confirmed that females were less likely to pass through recep-

*“I am facing a lot of challenges. The rebels forcefully abducted me and raped me and I gave birth to a boy. Later, government soldiers also came and raped me and I gave birth to a girl.”*  
– Mother, Soroti

13 See Mazurana et al., “Making Gender-Just Reparations and Remedy Possible.”

14 See Mazurana et al., “Making Gender-Just Reparations and Remedy Possible”; Isis-WICCE, “Women, Armed Conflict, and Food Security in Uganda.”

15 Dolan, *Social Torture*; Okello and Hovil, “Confronting the Reality”; Human Rights Watch, “Uprooted and Forgotten”; Porter, *After Rape*.

16 The Ugandan Army launched Operation Iron Fist in 2002 to root out the LRA from its bases in Sudan, from where it launched attacks into Uganda. Consistent with its past conduct, the LRA responded with a new campaign of violence against the civilian population, but this time the LRA spread the conflict east into the non-Acholi districts of Lira and Soroti, giving rise to large numbers of additional victims in these areas.

17 Pham. “Forced Conscriptation in Northern Uganda.”

18 Ibid.

19 Annan et al., “State of Female Youth; Allen and Schomerus “A Hard Homecoming,” 1–104.

tion centers than their male counterparts,<sup>20</sup> due in part to fears of being stigmatized for their experiences, particularly sexual victimization. Thus, any estimation of abductees based on reception center data will likely overlook a significant number of young female abductees.

In 2008, the UNICEF-funded Survey on War Affected Youth (SWAY) in Uganda estimated that in Acholi sub-region alone, over 60,000 children and young people (aged 14-30) were abducted over the course of the conflict, which represents 1 in 3 male adolescents and 1 in 6 female adolescents in Acholi.<sup>21</sup> This study also found that a quarter of all females abducted for any length of time were forcibly married to members of the LRA, and that half of all forced wives gave birth to children from these relationships.<sup>22</sup>

In 2014 a large-scale, population-based study representative of all of Acholi and Lango sub-regions, conducted by the Secure Livelihoods Research Consortium (SLRC), found that in Lango sub-region, 1 in 50 households reported sexual violence committed against a member of their household by parties to the conflict between the LRA and the government of Uganda, and in Acholi sub-region, 1 in 25 households reported conflict-related sexual violence.<sup>23</sup> Recognizing that capturing data on sexual violence in surveys is difficult, the SLRC study conservatively estimates that a total of 20,770 households have members that experienced sexual violence committed by parties to the conflict (14,601 in Acholi and 6,169 in Lango), with 24,689 individual victims of sexual violence (14,346 in Acholi and 10,343 in Lango).<sup>24</sup> The SLRC study conservatively estimates that, due primarily to the LRA's practice of forced marriage, in Acholi and Lango sub-regions approximately 3,000 to 8,000 households have children who were born due to rape by parties to the conflict.

Another ongoing study by Watye ki Gen and Children/Youth as Peacebuilders focuses on documenting children born in captivity as a result of forced marriage within the LRA. The preliminary report cites 1,500 children born in captivity in seven districts of Acholi.<sup>25</sup>

Statistics on sexual violence perpetrated by state forces and their militia proxies are virtually nonexistent. To date, there is no clear sense of the number of women and girls who were victims of sexual violence by state forces nor how many children were born as a result. There is significant anecdotal evidence, however, that state forces perpetrated sexual violence against women and girls at an alarming rate.<sup>26</sup> The absence of statistics on sexual crimes perpetrated by the UPDF and its militia forces is attributable in part to the conspiracy of silence and impunity around these crimes.<sup>27</sup>

### Why Does This Matter?

In a region where many have had their rights adversely affected by conflict, and where the number of children born of sexual violence is a comparatively small percentage of the overall population, some may question why it is necessary or important to consider their plight and try to advance solutions to the challenges they face. There is, however, both a legal responsibility and a moral obligation to address rights violations of these children and their mothers. As stated in Uganda's Constitution, rights violations require a remedy.<sup>28</sup> There are a number of domestic and regional legal instruments that impose an obligation on the government of Uganda to protect and enforce the rights of children and women.<sup>29</sup>

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20 Mazurana, "A Way Forward." See also Worthen et al., "Gender-Based Insecurity," 37.

21 Annan et al., "State of Female Youth," 31.

22 Ibid., 40.

23 Mazurana et al., "Impact of serious Crimes." The authors of this study noted that these statistics are likely to be severe underestimations given the stigma that inhibits victims from disclosing this type of violation.

24 The SLRC study does not distinguish which force or group the perpetrator belonged to.

25 Gen, "Children Born in Captivity," 6.

26 See Okello and Hovil, "Confronting the Reality"; Uganda Human Rights Commission and the UN High Commissioner for Human Rights, "Dust Has Not Yet Settled"; Human Rights Watch, "Uprooted and Forgotten."

27 Okello and Hovil. "Confronting the Reality."

28 Constitution of Uganda 1995, Article 50.

29 Government of Uganda, Children's Act.

Furthermore, the impact of the initial violation does not end with the women affected, but it continues on to affect their families, households, and communities. As ICTJ's findings demonstrate, the lack of redress leads to serious intergenerational problems, affecting the mother and her children, who in turn pass those challenges on to their own children. The magnitude of the problem is amplified over time, preventing a group of citizens from being able to pursue productive and peaceful futures. The narratives gathered by ICTJ confirm a finding made by a recent Feinstein and Isis-WICCE study that "these forms of violence are both physical and psychological and can have life-long effects and possible irreversible social consequences on the females and children born as a result of these abuses."<sup>30</sup> Without redress, the mothers and their children are re-victimized; as citizens of Uganda, their dignity as rights bearers needs to be recognized and their rights respected.

The failure to address these violations perpetuates impunity, has implications for the future development of the country, and has a regressive effect on the recovery of the region. As noted by a district leader in Adjumani, "Today it may seem small, but tomorrow it becomes a very big issue."

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30 Mazurana et al., "Making Gender-Just Reparations."

## 2. Absence of State Support or Redress for the Initial Violation

In considering the particular needs of and challenges faced by children born of sexual violence and their mothers, to date there have been no targeted government initiatives to provide redress or specific support. Rather, the government has provided:

1. Development and reconstruction plans for war-affected communities in the north, with funds often earmarked for particularly vulnerable groups, including internally displaced persons, formerly abducted persons, and widows (yet the government failed to put systems in place to ensure earmarked funds reach the target beneficiaries); and
2. The Amnesty Commission, which administered limited reinsertion and reintegration support to those formerly associated with the LRA and other rebel groups (referred to as “returnees,” which includes both those who were abducted and those who voluntarily joined) who reported to the commission and renounced rebellion.

These initiatives technically were available to those forced to bear children as a result of sexual violence and their children, but most mechanisms through which assistance was administered failed to target and reach this specific population, nor did it recognize them specifically as victims worthy of acknowledgment and redress.<sup>31</sup>

Assistance measures provided for conflict-affected communities and returnees were problematic for three primary reasons: 1. they largely failed to reach and provide support to mothers and their children born of sexual violence; 2. the material support and funds that were provided were insufficient to address the needs of mothers and their children born of sexual violence; and 3. assistance was not framed as redress or reparation; therefore, beneficiaries have not been acknowledged or recognized as victims.

### Shortcomings of Reintegration Programs

During the conflict, the most substantial effort to provide for the needs of children born of sexual violence and their mothers was carried out by international and national nongovernmental organizations that ran a variety of interim care and reception centers specifically targeted at child and adolescent formerly abducted persons, including those girls and women returning with children. Some returnees, especially those captured by the UPDF, first went through the UPDF barracks and later the newly established Child Protection Unit of the UPDF, where they were questioned for intelligence information. Thereafter, some of them went directly home, while others were transferred to a reception center, where they would receive varying degrees of psychosocial sup-

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<sup>31</sup> Amnesty International, “Left to Their Own Devices.”

port, post-traumatic care, rehabilitation, skills training, and material support. Reception centers generally struggled to provide adequate long-term reintegration support and maintain high levels of care due to capacity and funding challenges.

The Amnesty Act, enacted by the government of Uganda in 2000, aimed to end the insurgency in northern Uganda by extending immunity from prosecution to all combatants engaged in armed rebellion against the government of Uganda in exchange for laying down their weapons.<sup>32</sup> It also established the Amnesty Commission, which was tasked with the responsibility of demobilizing members of armed groups, granting amnesty, and resettling and reintegrating “reporters” (the term used by the government of Uganda to refer to those who reported to the commission and renounced rebellion), and to promote dialogue and reconciliation.<sup>33</sup> On renouncing rebellion, reporters would receive an Amnesty Certificate and eligibility for a reinsertion kit, which included a modest cash payment, household items, and referrals to social and economic reintegration services.<sup>34</sup>

In practice, the Amnesty Commission mainly focused on providing legal immunity for crimes and meager reinsertion support, while mostly neglecting the reintegration aspect of its mandate. Moreover, the Amnesty Commission only started issuing reinsertion packages after thousands of formerly abducted persons had already returned and settled.<sup>35</sup>

From its inception, the Amnesty Commission’s mandate was extremely ambitious. It was unrealistic for one commission, primarily tasked with granting legal amnesty, to also effectively achieve disarmament, resettlement, and reintegration of all formerly abducted persons. Because of this, the commission has struggled to carry out its mandate. It has also suffered from a lack of funding and capacity, leading to a substantial backlog of reporters and significant delays in payments, with some only coming years after their return.<sup>36</sup>

The reinsertion and reintegration assistance administered by the Amnesty Commission also failed to adequately account for and respond to the particular needs of female reporters who returned with children. The same reinsertion packages were distributed to reporters, regardless of a number of critical factors that might have shaped their reintegration prospects, such as duration of abduction; rank in the armed group; physical and mental health challenges; gender distinctions, including earning potential; and whether or not they returned with children.

A significant number of abducted children and youth did not report to the Amnesty Commission, but rather “self-reintegrated.” According to one study, two-thirds of formerly abducted youth have not applied for formal amnesty or reintegration support packages.<sup>37</sup> Moreover, women and girls were far less likely than their male counterparts to pass through state-run return or reintegration processes, in part due to stigma. According to a study in Acholi-land, only half of abducted females passed through reintegration processes associated with the Amnesty Commission before returning to their communities and only a third went through the (NGO-run) reception centers.<sup>38</sup> Thus, a substantial number of women and girls returning with children never received any type of support from either government or NGO programs.

There are no programs specifically designed for children born of sexual violence, aside from the limited support provided by international and national nongovernmental organizations. Perhaps

*“Children born in captivity were not considered in packages awarded to applicants for amnesty. The Amnesty Commission did not consider the needs of the mothers who returned with children.”*  
– Local Government Official, Gulu

32 Government of Uganda, Amnesty Act, Section 2.

33 Ibid., Sections 3, 9.

34 Allen and Schomerus, “A Hard Homecoming.”

35 Blattman and Annan, “Child Combatants.”

36 Ibid.

37 Annan et al., “Making Reintegration Work.”

38 Mazurana et al., “A Way Forward.”

this stems from the belief that limited support to the mothers will trickle down to the children. However, based on ICTJ's findings in northern Uganda, that approach is clearly not enough. These children's rights need to be recognized, protected, and enforced independently of their mother's victimization.

### **Lack of Accountability and Redress**

To date, there has been no government program or policy to acknowledge and recognize victims of conflict in northern Uganda or provide them with adequate redress. The draft National Transitional Justice Policy,<sup>39</sup> which proposes a range of mechanisms that would offer redress to victims of conflict-related gross human rights violations and violations of international humanitarian law, awaits cabinet and parliamentary approval before it comes into force. The several post-conflict recovery and development plans that have been implemented in the north were framed to assist war-torn communities with meeting their basic needs rather than to redress violations of human rights that the population suffered during the war.

Furthermore, inherent in the amnesty process was the presumption of guilt or wrongdoing on the part of reporters, which was perceived as problematic for many who had been abducted and saw themselves as victims of the conflict. For some, this also imposed an additional burden of being stigmatized or being labeled as perpetrators or rebel collaborators.<sup>40</sup> For many mothers, the government's approach to amnesty sends a problematic message. Several mothers of children born in captivity refused amnesty, highlighting that abduction was a violation of their rights; it was not a choice. As one mother from Lamwo expressed, "I never placed any application to go to the bush."

By granting amnesty to girls and women who were abducted and victims of sexual violence, the government is putting the blame on those it failed to protect and in a way further distancing itself from accepting responsibility for failing to protect them from violations. Reflecting on the incongruity of the amnesty given to formerly abducted young mothers, a mother from Gulu stated, "In fact, we should have been the ones to give the government amnesty, not the other way round."

The government's response to victims was one-sided, as there appears to have been no targeted support provided to those victimized by state forces, nor to the communities where they would have returned to. Government assistance was selectively provided only to those associated with rebel forces who applied for amnesty; none of the same benefits were available to women and girls who were victimized by state forces throughout the conflict. "There is no justice in Uganda . . . In the war, there were some UPDF who raped our women in front of their men, but up to now no one has held them accountable. All you hear about are LRA atrocities," said a former junior LRA commander and father from Gulu.

Efforts to pursue redress for victims of state forces have been met with state resistance and claims that the UPDF investigated and punished those responsible,<sup>41</sup> and that such actions were committed by a small group of rogue soldiers without the knowledge or support of their superiors. However, to date, UPDF has not publicized a record of proceedings or any form of evidence to show that gross violations allegedly committed by its officers during past conflicts were investigated and/or prosecuted. At the International Criminal Court in 2005-06, the Office of the Prosecutor expressed its intention to investigate allegations of UPDF misconduct; yet to date, there is no publicly available information about the outcome of that process.

Very little has been done to pursue accountability for violations committed against formerly abducted young mothers and their children. So far there is only one case at the International

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39 Justice Law and Order Sector, Final Draft of the National Transitional Justice Policy.

40 Justice and Reconciliation Project, "Pursuing Justice," 1-2.

41 ICTJ interview conducted with JLOS official for Otim and Kasande Kihika, "On the Path."

Crimes Division involving a former LRA commander, Thomas Kwoyelo. He is charged with war crimes and grave breaches of international law. Of the 52 counts in his indictment, none is on sexual violence,<sup>42</sup> and yet there are women who returned from captivity with his children whom they assert were born as a result of rape.

At the policy level, the current draft of Uganda's Transitional Justice Policy notes the "absence of a comprehensive Government policy on children born while their mothers were in captivity of the armed groups" and in response calls for "reparations for children born in captivity."<sup>43</sup> However, the policy remains stalled, awaiting the Cabinet's approval. Moreover, the policy's limited temporal scope (1986–2007) excludes violations that occurred prior to 1986. Indeed, ICTJ met survivors who had been abducted and subjected to sexual crimes during the Ombaci attack in West Nile in 1981; these crimes have not been investigated, and the victims have not received any form of redress.<sup>44</sup> Yet, according to a representative of the Iteso Cultural Union in Soroti, "Everybody who is offended deserves justice. Likewise our girls and children also need justice. Our main question is who administers justice? Up to now the government is not apologizing to us. LRA or Acholi leaders are not apologizing to us. We remain traumatized, bitter, and angry."

When mothers of children born of sexual violence lobby their local government officials for support, according to a formerly abducted young mother from Dzaipi, officials ask, "Why are you showing interest now when these wars ended many years ago?" What these government officials fail to recognize is that there has been no adequate accountability, acknowledgement, or redress for mothers and their children, so they continue to deal with the consequences of the violations of their rights, which, rather than improve with time, have gotten worse.

### Perceptions of Responsibility

In the absence of formal acknowledgment or dialogue needed to place past violations in the larger context of conflict, across the four sub-regions it appears that community members developed their own narratives, informed in large part by their own suffering and resentment. Community members thus look to those closest to them, and in many cases those most vulnerable—the children born of sexual violence and their mothers—as directly responsible for the violations they suffered.

Many mothers shared experiences of being held responsible for the sexual violence they suffered, as if they sought had it out. As one mother from Adjumani recounted, "The man who raped me [from UNLA] stayed at my home for two months, but when he realized that I was pregnant he ran away. When my child was born I was left alone with no support at all. My people said, 'It is you who liked to go with men anyhow.'" In Lira, another mother described how "people started laughing at me and saying that it was because of my recklessness that I was raped." ICTJ also heard accounts of parents being held responsible for failing to prevent violations, including abduction, claiming they should have done more to protect their children.

Mothers and their children were also held responsible for violations committed against the community. "When I came back home everyone blamed me for what happened. Life became so hard that I could not even visit the home anymore . . . Most people believe that we are the ones who caused LRA to do what they did," explained a mother from Gulu. This attribution of responsibility

*"When these children returned from the bush, there was a big gap that amnesty did not handle. There was no proper re-integration, no opportunity for reconciliation because even the communities were not taken through the process of reconciliation with the people returning from the bush. Nothing was done to prepare them for community acceptance or rejection. All this calls for a proper transitional justice process and many other interventions."  
– Local Government Official, Gulu*

42 Kihika and Regué, "Pursuing Accountability."

43 Justice Law and Order Sector, Draft Transitional Justice Policy, Paragraph 71.

44 For more information on the Ombaci massacre refer to, Justice and Reconciliation Project, "It was Only a Gun."

ity also extends down to the children born of sexual violence. According to one boy from Lira, “I am blamed for all the bad things that the LRA committed in my home area during the war. Many still believe that I am the one who directed the rebels to that place.”

The poisoning of the community atmosphere with recrimination and blame at times leads to situations where mothers and their children become unable to meet their basic needs of shelter and food. “Right now I am homeless because last week my land lady abused one of my children saying she is a rebel who killed and cooked people in pots. She also told my daughter that ‘your rebels killed my mother and father and forced me to flee my home in the village’. When we tried to resolve the issue, but she instead threw us out of the home,” recounted a mother from Lira.

In the case of fathers from the LRA, in addition to being considered perpetrators, they are also accused of shirking their responsibility to care for their children. A closer look at the situation of fathers of children born in captivity (former LRA specifically) reveals a much more complicated story, with a blurring of lines between perpetrator and victim. Interviews with low-ranking LRA commanders who had forced marriages and fathered children, who were born in captivity, highlight how they were also abducted at very young ages and became victims of a system and structure that forced them to take on a wife or wives (depending on their rank) and to bear children as part of an LRA strategy to grow its ranks.<sup>45</sup> In many cases, when the fathers returned, they found that their relatives had sold off their parcel of land, thinking they were dead. Many of them, thus, returned without land, schooling, or skills that would have allowed them to earn an income and provide for themselves and their children. For some fathers who wanted to provide for their children, ICTJ learned of cases where the mothers’ relatives had set a very high *luk* (a culturally required payment for a father who bore a child out of wedlock and did not pay dowry and who now wants to reclaim his children), thus preventing the fathers from assuming a parental role.<sup>46</sup>

Among the fathers interviewed many reported being unable to pay the fine for all of their children. For example, one father was abducted at the age of 8 and stayed in the bush for 13 years. When he returned, he found most of his family had died and all of his father’s land had been sold off. Now, at 29 years old, persistent health problems stemming from war-related injuries have made it very hard for him to find work. He is, therefore, struggling to try to raise enough money to buy some land and make the payment needed to take custody of and provide for his 8-year-old son.

Overall, several formerly abducted respondents, both men and women, noted that despite receiving amnesty and “forgiveness” from the government, they felt the community had not forgiven or accepted them.<sup>47</sup> “Due to the war that took place in northern Uganda it made other people who were not abducted to be enemies with formerly abducted persons. They recall their lost cows, lives and might blame you for being the cause of their loss,” according to a boy from Lira.

The rejection and lack of forgiveness felt by formerly abducted people is based in part on the community’s perception of them as former rebels who killed their relatives or as persons who collaborated with the enemy. While in many cases those who were abducted into the LRA may have committed violations, their status is complicated by the fact that they were forced into that context in violation of their own rights. Therefore, individual responsibility for violations does

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45 Carlson and Mazurana, “Forced Marriage within the Lord’s Resistance Army.” It is important to note this analysis applies to fathers within the LRA. A distinction needs to be made with government soldiers who were not abducted and forced into this system, but in some cases abused their position as soldiers and committed war crimes against the local population.

46 There is no standard rate for this fine; rather, the amount is at the discretion of each family. *Luk* often involves a series of symbolic gifts and payments that bind one family to another and indicates that the paternal clan accepts responsibility for the future of the children born of the union. For more information, see Baines and Rosenoff Gauvin, “Motherhood and Social Repair.”

47 The purpose of amnesty, as limited to the granting of immunity from criminal prosecution, was not clearly explained, resulting in a confusion where recipients of amnesty often equated amnesty with forgiveness. See, for example, Justice and Reconciliation Project, “Who Forgives Whom?”

not fit into a simplified victim-perpetrator binary, but needs to be contextualized and nuanced. This underscores the need for an official process of historical clarification to shed light on the nature of victimization, who is responsible for the violations, the question of collective attribution of guilt and collective harm, who were the victims, and what needs to be done to facilitate reconciliation and the creation of civic trust—both horizontally between citizens and vertically between citizens and the state.<sup>48</sup>

In order to advance meaningful initiatives to redress past violations and provide acknowledgement and repair to victims of sexual violence and their children, it is necessary to locate discussions of responsibility outside the sphere of parental social responsibility and focus on the broader context of conflict and political responsibility. The government of Uganda has a responsibility to its citizens to ensure their rights are respected. It has an obligation to provide redress for violations that they did not take reasonable steps to prevent and those they directly caused. For those violations the government could not prevent, it should take steps to redress the harms citizens suffered.<sup>49</sup>

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48 Civic trust is a socio-political concept that refers to the trust that exists between members of a political community and between citizens and their state institutions based on shared norms and values. For more information see DeGrieff, "Theorizing Transitional Justice."

49 UN General Assembly, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, Resolution 60/147, 2005.

### 3. Situation Facing Mothers and Their Children Born of Sexual Violence

Given the enduring consequences of sexual violence leading to motherhood, providing redress to victims requires a specific response. The consequence of the initial violation affects the mother physically and psychologically and also leads to a new life: a child who in most cases comes into the world at a very disadvantaged position. The mother is left to find a way to care and provide for the child when it was not her choice to become a mother.

Further, in a context where women who have children out of wedlock are discriminated against, this problem is exacerbated when the father is a suspected combatant. Without any initiatives to help mothers cope with and overcome the consequences of the violation they suffered, mothers and their children born of sexual violence continue to face numerous challenges and in some cases, insurmountable obstacles.

#### **Consequences for the Mothers**

Motherhood as a result of conflict-related sexual violence is a significant and enduring consequence of conflict in northern Uganda.<sup>50</sup> Young women and girls became mothers as a result of sexual violence perpetrated by both state and non-state armed groups. Subsequently, the impact of a lack of broader acknowledgement or accountability for past violations combined with severe poverty, social exclusion, discriminatory gender norms, such as those impacting on land ownership and succession, has a cumulative effect, engendering new harms. As one mother from Lamwo explained, “The chain of problems has kept increasing for me.”

Although Uganda’s Constitution asserts that women have the right to equal treatment and equal opportunities and “prohibits laws, cultures, customs or traditions which are against the dignity, welfare or interest of women or which undermine their status,”<sup>51</sup> in practice women continue to face many obstacles to enjoying their rights, a situation made worse for mothers of children born of sexual violence because of the social discrimination they face. As a result, many mothers face significant challenges in integrating themselves and their children into society as active, self-sufficient citizens who live in dignity.

Many mothers of children born of sexual violence face severe rejection and lack of respect for their rights both within their families and communities. “I was abducted, but my biggest issue is around my rights that are being violated by the community. No one respects my views; even if I see something wrong and give my views, no one respects me, and they just disregard and say ‘I am mad,’” said a mother from Agweng.

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<sup>50</sup> See Baines and Rosenoff Gauvin, “Motherhood and Social Repair”; and McClain Opiyo, “Alone Like a Tree.”

<sup>51</sup> Constitution of Uganda 1995, Article 33.

Many young women who were abducted on their return suffer the consequence of missed opportunities to study or develop income-generating skills. “Our future was ruined by our stay in the bush. It is like a stamp print on our back,” explained a mother from Lira. For those who received some form of reinsertion packages, training imparted very basic skills, leaving the beneficiaries unable to compete with those who obtained comprehensive training. Mothers who have limited or nonexistent land rights and lack adequate skills for gainful employment struggle to earn enough to support themselves and their children. While the majority of families in northern Uganda struggle to meet their basic needs following two decades of conflict, recent studies have found that women and girls who experienced sexual violence and/or who returned from the LRA with children were among the most vulnerable categories of war-affected people across northern Uganda in relation to most measures of wellbeing, including wealth; food security; physical, mental, and emotional health; access to health care; and experience of crimes in the last three years.<sup>52</sup>

Even for those who manage to find a form of trade to earn an income, many face discrimination and boycotting from the community for their perceived association with rebels. “I am a business person, but every time my customers are told that I returned from the bush they stay away from buying my things,” explained a young mother from Lira. For some mothers, the only solution is to move to urban centers where they can live anonymously with their children, often barely surviving through odd jobs.

Not only did the conflicts in northern Uganda lead to missed opportunities for young women and girls who were abducted, they also led to the disruption of traditional gender roles and patterns of marriage and land access and inheritance, in part due to mass displacement of communities and high rates of abduction, disease, death, and destruction of property.<sup>53</sup> Cultural practices and support structures were largely eroded. “We lost the norms, values and practices of the Langi culture. People in the camps forged new cultures, alien to Langi . . . Culture used to be key in raising children . . . the community was involved in the raising of the child,” explained a representative of the Lango Cultural Institution. This observation was echoed in Acholi by the director of a professional school for disadvantaged youth in Gulu:

In the past, women remarried and the child was absorbed into the stepfather’s family or the maternal family would take care of the children. Since the conflict, many of these children are no longer accepted, mainly because of scarcity of land, poverty, and their undesirable paternal lineage.

As a result, many women with children born of sexual violence are left to struggle as single heads-of-household in a patriarchal society that still largely limits a woman’s level of access and ownership of key resources, like land.

In northern Uganda, a primarily agriculture-based society, access to land is crucial to stability and self-sufficiency. Whereas the Constitution of Uganda and the Land Act recognize that men and women have equal rights to land, and outlaw customs and practices that discriminate against women,<sup>54</sup> patriarchal customary norms on land ownership severely discriminate against women and undermine their land ownership rights. According to NDPII, only 27 percent of land registered in Uganda is owned by women, and of the 70 percent of women

*“I was abducted in 1998 and came back in 2004 with two children. When I came back home, I found my mum and dad had died and I had nowhere to go. I am now living alone with the children and they are not in school because there is nothing I am doing that could fetch me money to send them to school. I have no land where I can farm and take care of them.”*  
– Mother, Otuke

52 See Mazurana et al., “Impact of Serious Crimes”; and Mazurana et al., “A Way Forward.”

53 See for example Nainar, “Multiple Systems of Justice”; Branch, Displacing Human Rights; Dolan, Social Torture; Okello and Hovil, “Confronting the Reality.”

54 Constitution of Uganda, Article 26, 33 and 237. Land Act (as Amended) Cap 227 Sections.

engaged in agricultural production and farming, less than 20 percent control the outputs and proceeds.<sup>55</sup> It is assumed that a woman will marry in order to access her husband's land and inheritance practices; these norms still favor men over women.

The National Land Policy of 2013 acknowledges the gap between existing legal frameworks and practice relating to land use and ownership and recommends the adoption of measures and reforms that will protect the rights of widows and facilitate the realization of women's land rights.<sup>56</sup> At present, however, the only way for a woman to secure permanent land ownership is to buy it, which is very costly and out of reach for many. Therefore, many women with children born of sexual violence, in search of social standing, support, and companionship, remarry partly as a way to access resources and provide for their children.

However, women interviewed in all four sub-regions noted that the stigma of sexual violence, or the label of "rebel wife," is hard to erase. There were numerous accounts of women whose new husbands used their past as an excuse to abuse them and neglect their children. According to a young woman in Lango who was abducted and stayed in the bush for one year and returned without children, because of her time in the LRA her new husband ended up rejecting his own biological children: "I stayed home for some time and got a man with whom I gave birth to four children. Afterwards, this man refused all these children saying since I was once a wife to a rebel, the children I produced belonged to the rebels." It is as if the stain of being associated with a rebel group never goes away and in some cases is used by men as an excuse to reject women and to skirt their responsibilities as fathers. This may be attributed in part to spiritual beliefs of violent behavior being passed down. In an effort to preempt this rejection, as a formerly abducted young mother from Amuru explains, "In most cases we tell men beforehand about our background and our children born in captivity. The men always accept, but when we get married they change and start hating the children."

This phenomenon has its roots in cultural customs and practices, coupled with a scarcity of resources. In a patrilineal society, children born out of wedlock often face discrimination and are denied access to land and other resources in their maternal home and the home of their stepfather. In the context of post-conflict northern Uganda, the resentment of being asked to raise and provide for another man's child is compounded by overall scarcity of resources and the stigma and social ridicule of being married to a woman with children, and further exacerbated by the assumption that the children were fathered by rebels.

Caught between the pressure to get married in order to access land and resources and being stigmatized for their association with rebels and for having a child out of wedlock, many mothers have very limited options and risk being trapped in emotionally and physically abusive relationships. This was the case for one mother from Lira who shared, "Every time [my husband] drinks he insults me that he just rescued me from the hands of government soldiers and gave me some worth by paying a bride price to my people."

Even in cases where a woman was violated by government forces and had no association with the LRA, according to women interviewed by ICTJ, the community would still stigmatize them for being raped and having children whose paternity is unknown and often group them together with rebels. As a mother from Yumbe, West Nile, explained:

In our culture, a grown-up lady should get married officially, and it has to be known by the clan. In our area they believe that if you go with two or three men you are a prostitute and must leave and go to town. In our case, we were not abducted and taken to the bush but raped in our own homes by 10 or more men. Some women got children, while others did not. Those who got the children, the children are being called rebels and killers.

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55 NDPII, xx11.

56 Uganda National Land Policy of Uganda, 2013, 23–24.

The accumulation of violations for mothers subsequently affects their children. “There are a lot of challenges with our children,” explained one mother from Gulu. “They are growing up without any access to land or anything we can support them with. The girls are grown up now and the very men who are fooling us want to fool our girls too.”

### Consequences for the Children

The widely held perception that children born of sexual violence lack potential or a future stems in large part from the shadow of their father’s identity. For children who do not know their fathers, the fathers’ perceived association with rebels will nevertheless loom over them, obscuring their possibilities for advancement and integration in the community. Fathers, despite their absence, pass on their identity as LRA combatants, but the child does not get any potential benefit of clan membership, land access, or belonging that would come with knowing his or her father’s full identity. In Uganda’s patrilineal system of identity provision, as one local official from Agweng noted, “People treat it as if the father is everything, the plan of the home.” For many children, not knowing their father leads to a situation where they cannot access land and thus are not able to earn an income. As a result, they cannot pay their school fees or courses in skills training, leaving them with very limited opportunities for the future.

Having been born in captivity (in what is presently south Sudan) and not knowing their fathers’ identity, a significant number of children born of LRA fathers have not secured birth registration. Birth registration enables a child to obtain an official identity and citizenship, a national identity card, passport, and other social benefits that are associated with citizenship, such as the right to free education, health care, and the right to vote. Some of the mothers reported to ICTJ that they faced enormous challenges in obtaining birth registration for children born in captivity because the children’s nationality and paternal lineage are in question.

Article 7 of the Convention on the Rights of the Child stipulates that “each child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality.” However, section 7 of the Births and Deaths Registration Act of Uganda requires the birth of every child to be registered by the father or the mother within three months of the child’s birth.<sup>57</sup> For many children born in captivity, this was not possible; as a result, their fundamental human right to birth registration is being denied. It is, therefore, essential for the government of Uganda to put in place special birth registration procedures and exceptions for children born in captivity to protect these children from being stateless.

The fate of children is often inextricably linked to their mothers. Children born of sexual violence suffer as a result of their mothers’ own missed opportunities, stigmatization, social exclusion, and discrimination. For mothers who were unable to pursue an education or job training because of their abduction and mothers who were prevented from earning an income or finding a stable partner because of the consequences of rape, their children in turn face many obstacles to future opportunities. As a young girl born of sexual violence explained, one of the biggest challenges she and others like her face is, “Our parents are uneducated and cannot support us, making us suffer.” Furthermore, according to a local government official in Gulu, “Due to patriarchal norms that govern customary land ownership, the mothers of children born of war don’t have land and therefore they couldn’t pass on land to their children. Consequently, many of the children who left school were homeless and became street children.”<sup>58</sup>

In this context where many parents, in particular the mothers of children born of sexual violence, are barely able to provide for themselves, these children are often seen as an unwanted economic burden. “My mother’s current husband always looks at us as uncalled for

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57 Births and Deaths Registration Act, Cap 309 Laws of Uganda, October 1, 1973.

58 The possibility of high numbers of children born of sexual violence becoming street children was reported across all sub-regions; however, ICTJ was not able to find statistics to support this claim.

responsibilities,” shared a 19-year-old girl from Gulu. The economic burden of providing for a child is further exacerbated by the stigma attributed to many of these children, leaving many relatives or caretakers reluctant to provide support to them. “My auntie feels that it is not useful to invest so much in a child from the bush. She sees so little in me,” shared a 15-year-old boy from Agago. “There are times when no one provides you with basic needs because they feel you don’t deserve it.”

*“My stepfather had a son with my mother. Unfortunately, I used to perform better than the boy in school and this was not taken well by my stepfather who looked at me as a mere girl and worst of all one from the bush. In the end he resorted to mistreating me and this caused me to drop out of school.”*

– Young Girl, Gulu

When mothers remarry in many cases it leads to severe family tensions for their children born of sexual violence. Across all four sub-regions there were numerous accounts of stepfathers caring only for their own children, lashing out against the children born of sexual violence in arguments, withholding food and basic supplies, and in some cases sexually abusing these children.<sup>59</sup> “In most cases our stepfathers are the biggest obstacle to our empowerment,” reflected a girl from Gulu. “The stepfathers make our lives so hard.” The segregation and negative attitude of stepfathers toward children born of sexual violence can have devastating consequences. In many cases, finding life with their stepfathers unbearable, the children leave to seek shelter with a relative (if they are taken in) or in other cases to live on the streets.

Not only were children born of sexual violence rejected by their stepfathers, in most cases they also faced rejection by their relatives and community. As a sub-county official from Tubur noted, “There’s a caste system in the family: those wanted, unwanted, and tolerated. Children born of sexual violence are in the latter two.” In many respects, children born of sexual violence are treated as social outcasts whose basic rights are routinely violated.

Lack of respect, abuse, and exploitation affects both boy and girl children born of sexual violence; however, the consequences of this treatment differ for these two groups, in large part due to the gender norms and roles ascribed to each. In a society where marriage secures economic and social status for women, many girls fear they will be unable to marry because of the circumstances of their birth and, consequently, maintain a low status in society and trouble accessing resources. For boys, many reported being exploited and subjected to child labor. “There are times when you are picked to go and do casual work for money instead of being in school. . . even the money that they get out of that work the people at home don’t use it to pay

*“Our neighbors . . . hate us. I make and sell chapatti; neighbors come and borrow for their children’s breakfast but do not want to pay me any money. When I try to follow up my money they just insult me that I am from the bush.”*

– 16-year-old Boy, Gulu

you in school. At home you are not given food. They feel you don’t have a voice in that home where you are. No one respects you,” explained a 17-year-old boy from Agago. Those who manage to have a small business often face problems of clients stealing from them.

Male children born of sexual violence face challenges for the future, particularly around land. According to a district official from Lira, “The fear of shortage of land has made families chase away the children born of war, especially the boys.” This reality was echoed across all four sub-regions. “Some of us know where our fathers come from and yet our paternal relatives do not want us and have refused to give us land. Because of my identity as a child from the bush, others also look at me as a land grabber,” explained a 15-year-old boy from Gulu. The norms around land ownership and dowry lead to different challenges for boys

<sup>59</sup> While none of the children born of sexual violence interviewed for this assessment reported suffering sexual abuse themselves, ICTJ worked closely with local partners to ensure follow-up psychosocial support if needed.

and girls. Girls are sometimes called “cooking oil and sugar,” a reference to the dowry they will fetch, whereas boys may be seen as a liability or competitor for resources because, traditionally, they are expected to inherit land from their fathers and start a family.

Some people believe girls have an easier time than boys. However, the narratives shared by both girls and boys include accounts of severe rejection, disrespect of their basic rights, and obstacles for their future fulfillment and dignified existence. It is, therefore, important to note the different manifestations of these challenges for these two groups and not create a simplified hierarchy of suffering. The situations facing boys and girls need to be addressed and redressed, taking into account each of their unique needs and challenges given the social and cultural norms and their impacts on them.

When children born of sexual violence and their mothers were asked about what would help them to overcome the numerous obstacles they face, education was one of the most frequent responses. Access to education was described as a beacon of hope for a better future and the key to advancement. “Let our children go to school and be educated. When they are educated they shall be independent. Education shall be their father and mother,” explained a mother from Barlonyo. Education was also seen as an escape from rejection and suffering, a means to empowerment, self-sufficiency, community respect, and dignity. Yet, in Uganda, even though primary school is free, the cost of uniforms, scholastic materials, examination fees, and other requirements prevent many children from accessing education.

However, for many the right to an education is elusive, either because they do not have the resources to attend school or because schools themselves become sites of further stigmatization and rejection, by both fellow students and teachers. Unless they have enough resources to attend boarding schools in different districts where the circumstance of their birth is unknown, the stigma and rejection will follow them to school. Even at a school in Lira that was originally founded to help formerly abducted young mothers and their children, one teacher described children born in captivity as “totally brainwashed. There is nothing in their brain.” At this same school a 16-year-old girl from Anaka recounted, “There was a day I was picked from class and taken to the staff room for noise making, but when I reached there the teachers began to talk about my shoes [because they had holes] and started calling me a prostitute.”

The negative treatment children born of sexual violence receive in school can have a detrimental impact on their ability to perform well. “There are some teachers who claim that all the short, stunted, and dull children are Kony’s children and this breaks our heart. At times, they say these words just when you are about to start sitting for your examinations and it discourages us a lot,” shared a 16-year-old girl from Anaka. In one case, students born of sexual violence faced discrimination from a teacher and filed a complaint with the district education officer and the school’s headmaster. This attempt to demand respect for their rights was not well received: the headmaster reprimanded the students for having reported the complaint externally and expressed strong disapproval of their initiative. As a result, this group of students has been largely silenced, and according to one of the leaders behind the initiative, this year they plan to keep a low profile and try to stay out of trouble.<sup>60</sup>

*“I have two daughters, and those children can’t marry because if a man comes to take their hands in marriage, community members send the man away by saying my daughters are children of the rebels. These children are not allowed to make any decision in the community, even in the meeting. At the borehole, even if they are the first when other people come they have to leave way and let those be the first to fetch water because if they try to resist they tell them, ‘You don’t belong to this place, go look for your father.’”*  
- Mother, Soroti (Tubur)

60 Based on interviews conducted by ICTJ with the school headmaster and the students involved in the complaint.

*“I am proud of being who I am. My future can still be good. I feel I am the same as others. I feel I am special to God in one way or the other. My life is my wealth to me. . . . Other people think I am useless. Others think I am cursed. They think I don’t fit in the community. They think I am mysterious. They think we cannot do what others can do. They think we are traumatized. They think our future cannot be good because of being from the bush. They think we are monsters in that community. They think we cannot succeed in life. They think I am a burden in the community. They think I am not capable of living my own life.”*

*– 15-year-old Girl, Kitgum*

Without support for children born of sexual violence, the burden of the circumstances of their birth can weigh heavily on them. “In my case I never saw my father and I do not know where he comes from. I have nowhere to stay. Every time I see my mother struggling, I lose hope in life. I feel like dying,” said a 20-year-old boy from Gulu.

Despite the numerous challenges they face, many of the children interviewed for this report demonstrated resilience and perseverance. Those who still have hope for the future seem to find a way to hold on to that despite all the messages from their community. A 14-year-old girl from Pader shared: “I think I can do everything on earth like any other person. I think I can go to school and complete my studies. People think I am from the bush. They think I am mad. They think I am useless. They think I am a monster.” The capacity to separate and maintain one’s own sense of self from the negative vision imposed by others is a strength that needs to be supported.

Children born of sexual violence need support from state and local officials and their community to be able to maintain a future vision and continue pursuing that better future. If not, there is a risk that the factors pulling them down will win out, further perpetuating a cycle of rights violations and disrespect of their dignity.

### **Intergenerational Legacy**

Testimonies shared with ICTJ by mothers and their children born of sexual violence across the four sub-regions showed that the initial violation inflicted on the mother when unacknowledged and unredressed has severe consequences for her and her children as well as

caretakers that provide support to the children. As a formerly abducted young mother from Kitgum reflected, “The rejection followed my child.”

The cascade of violations continues with the mother’s grandchildren. Several girls interviewed who were born as a result of sexual violence, in turn, were victims of rape and gave birth to children. These children are now experiencing the same problems of rejection as their mothers and grandmothers. This reinforces the intergenerational cycle of vulnerability, abuse, and marginalization. “My boy is already walking,” shared an 18-year-old girl from Tubur (who was born in captivity), about her 1-year-old son. “When he goes to the neighbors’, they don’t want him. They will tell my son that I have gone the opposite direction so that he gets lost while looking for me.”

For another young girl born of sexual violence, not only did she inherit the stigma faced by her grandmother and mother, she also inherited HIV. “My grandmother was raped [by government soldiers]. My mother was raped [by the LRA] and 3 months after I was born she died. She was HIV-positive and now I am too. They call me the LRA daughter. I was supposed to be married, but the community told [the groom] I was an LRA daughter and not to marry me,” explained a 17-year-old girl as she nursed her 3-month-old daughter. She had been warned not to breast-feed due to the risk of passing on HIV, but she could not afford to buy baby formula.

This cumulative effect of violations is likely to continue if there is no intervention, support, or provision for comprehensive redress, including accountability by the state.

## 4. A Closer Look at Rejection and Lack of Access

The previous sections highlight numerous challenges facing children born of sexual violence, their mothers, and caretakers. These can be traced back to the consequence of the lack of redress for the initial violation of sexual violence that led to forced pregnancy, which has been compounded by poverty; discriminatory social and cultural norms, including those relating to gender; rejection; and lack of access to government support.

These challenges require varied responses, including assistance in development, justice, and humanitarian support, and social and cultural change. From a policy perspective, two problems in particular—rejection and lack of access to support—warrant further examination, in order to better understand the problem and identify effective responses at both the local and national levels.

### Rejection and Discrimination

ICTJ found across the four sub-regions that children born of sexual violence, their mothers, fathers, relatives, and community members cited stigma as one of the greatest problems facing the children and their mothers today. “Stigma is like a scar; you can’t do away with it completely,” explained one mother from Gulu. Those interviewed for this report clearly are stigmatized for giving birth or having been born out of wedlock and for their perceived association with rebels. Pejorative nicknames, including Kony’s daughter, rebel child, prostitute, and killer, are frequently used in relation to mothers and their children born of sexual violence. However, the stigma does not end with name-calling but leads to real obstacles to advancement and integration, as name-calling is translated into further forms of disrespect.

Based on the severity of the challenges reported by children born of sexual violence and their mothers, the use of the term stigma fails to fully capture the concrete and severe consequences that this treatment has on their lives and on their prospects for the future. Because of the circumstances of their birth, children and their mothers and caretakers are rejected by their communities, discriminated against, excluded, and treated as social outcasts.

In certain contexts, the rejection seemed to spread like a disease, with anyone who cared for these “social outcasts” becoming outcasts themselves. In Teso, for example, grandparents who looked after their grandchildren born of sexual violence faced severe rejection and threats from their community. According to a grandmother from Soroti:

My daughter returned home [with a baby] . . . Because of the baby the clan people rejected me; it was all engineered by our clan leader. They asked why I had taken over the baby and not allowed it to die. Any time the baby fell sick and I took him to the hospital the clan people could be very angry with me. At one point, some people tried to dig me

and the child out of the house to harm or kill the child and me because they felt like I was keeping an abominable child in the family . . . I have gone through rejection because of that child. There are things I can't even say out loud.

Among policy makers or program developers in the field of reintegration, there is a lot of discussion about stigma and recognition that it is a problem. However, at times it is seen as peripheral, something that would recede if the psychological, social, and economic needs of the mothers and their children born of sexual violence would be met.<sup>61</sup> According to this view, if formerly abducted young women and their children are empowered to be productive members of society, the stigma will lessen because they will earn the respect of the community.

Economic empowerment does play a crucial role in improving conditions for formerly abducted young mothers;<sup>62</sup> however, the deeply rooted and pervasive rejection and resentment of mothers and their children born of sexual violence point to another problem: an accountability gap stemming from the unresolved legacy of the conflict at the communal level. There is an urgent need to address the community's resentment of children born of sexual violence, which stems from their own unmet justice needs and lack of understanding of the realities of day-to-day life within the LRA, which may prevent the community from accepting people back into society.

To date, in addition to economic empowerment, community sensitization is often put forward (both by reintegration programs and community members interviewed for this report) as the solution to overcoming stigma. However, in conflict-affected communities, a message of "do not reject these victims" will likely fall on deaf ears if community members responsible for the stigmatizing do not first feel a sense of acknowledgment of their own suffering, have a clearer understanding of who is responsible for past violations, and have a sense that steps are being taken to redress past harms inflicted on them and their community.

Before being able to envision effective responses to the problem of rejection, it is essential to understand the phenomenon more deeply and, to the extent possible, identify its sources. While the causes of community rejection are complex, those interviewed for this report point to a variety of sources, including resentment stemming from competition over resources exacerbated by the unmet justice needs of community members, fear of future violence based on the belief that violence is inherited, and collective attribution of guilt.

### Scarcity of Resources

In northern Uganda, in a context of widespread poverty and underdevelopment and periodic economic marginalization by the state,<sup>63</sup> people's struggle for resources was intensified by the disruption of traditional patterns of inheritance and land access during massive displacement caused by the conflict. Problems with access to resources emerged as a key source of tension within the community. "The reason people reject us in our communities and our clans is mainly because of land. Many of our relatives say we should return the children we returned with from the bush to their paternal homes, and yet some of us do not know where the homes of these children are. That is why the mothers have ended up staying in the town slums," explained a mother from Gulu.

In this context, tensions within communities are further exacerbated by the way in which meager benefits were distributed as part of amnesty reinsertion packages. As noted by

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61 Discussion from ICTJ's child soldiers roundtable, June 2014 (internal report on file with author).

62 McKay et al., "Community-Based Reintegration."

63 Tindifa, "Listen to the People," 13–14. According to a study commissioned by the UK Department for International Development, 44 percent of people in Northern Uganda currently live below the poverty line, as compared to 20 percent nationally, according to the UK Department of For International Development and Oxford Economics, "Northern Uganda Economic Recovery."

a representative of the Lango Cultural Institution, “Amnesty benefits caused tension in communities. Those who returned from the bush received benefits and support, yet victims and those affected in the community who were living in impoverished conditions got nothing. This triggered resentment against those who returned from the bush.” The manifestation of this tension highlights the shortcoming of previous approaches to reintegration that focused on the individual being reintegrated, while not adequately considering the violations suffered in the receiving community and their needs and perspectives.

Any future measures aimed at redressing past violations of children born of sexual violence and their mothers need to consider this carefully, recognizing that the community is an essential variable in the potential success or failure of an individual’s integration process.

### **Fear of Future Violence**

There is a general lack of state acknowledgement about what happened during the conflict and why, and no clarity on the facts about those who were abducted and those who stayed behind. As a result, some community members have a decontextualized and depoliticized understanding of conflict dynamics and those most responsible for the violations they suffered. According to this narrative all the blame is placed on the LRA, while overlooking the different levels of victimization suffered by those within the LRA.

In Teso, for example, many community members spoke to ICTJ about their fear that children with LRA fathers are dangerous and will turn out to be killers. This line of thinking stems in part from the decontextualized view of past conflicts combined with cultural beliefs that are further compounded by ethnic tensions in certain regions. Several grandparents recounted their efforts to prove to the community the innocence of children born of sexual violence and to highlight that it was not their choice to have a father from the LRA. As one grandfather from Soroti explained,

Some people who lost their children or other relatives to Kony’s rebellion are not receptive to these children at all. They will only tell me, ‘Why do you keep Kony in our community? They should just be killed.’ But for us who keep the children, we tell them it was not this child’s choice to have Kony as a father; my daughter was forcibly abducted by Kony and ended being abused and thus giving birth to this child.

However, without a broader, more official process to examine and provide historical clarification about who is responsible for the violations and the nature of victimization, the isolated voices of committed caretakers are often not enough to counter the broader anger and resentment felt by the community, particularly in regions like Teso, where LRA rebels (most of whom were Acholi) are seen to have inflicted so much destruction and pain.

What community members are not able to see is that many Acholi also suffered and that the suffering as a result of the various wars of northern Uganda affected many different clans.

### **Collective Attribution of Guilt**

What emerges from the case of Teso particularly is a phenomenon of collective attribution of guilt to the mothers and their children born of sexual violence for past violations suffered by the community. Due to the specific ethnic identity of the LRA as Acholi in a region where there are

*“Many people where I am do not want us. If your neighbor’s child was abducted and never returned, you are the one blamed for the disappearance. The communities blame us for their stay in the camp. I can’t stay now in the village; I shifted to the trading center two months ago because my life was not free, I was being waylaid each night, I and my children could not even get out in the night to go for short calls; we used to urinate in basins. They claimed we are trained to kill, that we are thieves because we used to loot from the bush. They feel that if we stay around we may perpetuate war.”*

*– Mother, Gulu*

*“I came home and found the LRA had killed all my people: my four cousins, my sister, and my parents. When I came back, most of the people there blamed me for what the LRA did at our home. Many said I had knowledge of what happened. In addition, during that same year, my sister was hit by a landmine and she left two children. When I came home, our family asked me to compensate for their loss by solely taking care of the two children that my sister left behind. I have no parents and no stable source of income. Life has been hard. I have nowhere to turn to. I came to town to try to make a living but this is not helping either. I can’t afford to pay their fees and feed them at the same time.”*

– Mother, Lamwo

historic divisions between the Iteso and Acholi, this phenomenon was very pronounced. “There is more sympathy for those whose fathers are suspected to be rebels but from the same ethnic group as the community,” explained a Tubur sub-county official in Teso. Blame and rejection were also prevalent in the other sub-regions, even in cases where the perpetrator and victim were of the same clan. In Acholi, for instance, community members still blame returnees for their displacement and the abduction of their children.

As a result, there were many instances in which mothers and their children are blamed for violations committed by LRA, and in some cases they are even asked to provide some level of compensation. For the children, this view was expressed very frequently in school. For example, one 18-year-old from Tubur recounted how “there were days when we ate at school, and even though I had paid, when it was my turn, the teacher listed all the things my father stole, cows, goats, food, etc., and said, ‘You should be satisfied,’ and refused to serve me.”

This idea that the children born of sexual violence should “pay for the sins” of their fathers is used to justify mistreatment, abuse, and forms of child labor. “In school, other children say I should return to my father, Kony. Whenever a task is assigned, the children say that I should be given more to pay for what my father did to their people,” explained a 15-year-old boy from Gulu. The absence of any broader accountability or acknowledgement measures leaves a void in which mothers and their children born of sexual violence make easy targets.

The unmet justice needs of the broader community need to be addressed and matched with greater understanding of the broader context within which violations occurred, in order to improve the situation facing mother and their children born of sexual violence.

### **Lack of Access to Current Programs and Support**

Despite the government’s efforts to reconstruct the north after years of conflict, a lack of access to the limited programs and supports available for vulnerable populations in northern Uganda has worsened the situation of mothers and their children born of sexual violence.<sup>64</sup> Development and reconstruction programs are not specifically designed to address the issues affecting children born of sexual violence. Several local government officials interviewed for this report cited the lack of data on children born of sexual violence as a barrier to providing an adequate response to their needs and acknowledged that there is “no specific program for them. We only have programs for orphans.”<sup>65</sup>

A few programs or sources of support do exist, notably government development programs for recovery in northern Uganda (e.g., PRDP, Community Driven Development [CDD], NUSAF and Youth Livelihood Programme [YLP]). While in theory these are intended to reach vulnerable women and children, in practice they are largely inaccessible to them. Barriers include a lack of information, stigma and discrimination that prevent them from joining beneficiary groups, gender norms regarding women’s access, and restrictive criteria.

The majority of local government officials interviewed acknowledged that it is hard for children born of sexual violence and their mothers to access some of the government grants and

64 For more information, see McClain Opiyo, “Alone Like a Tree,” and Mazurana et al., “Recovery in Northern Uganda.”

65 ICTJ interview with local government official from Lira.

supports. “Programs are too bureaucratic with lot of paperwork,” and as a result, according to local government official from Soroti, “the very poor are left out.”

Even for those mothers and their children who are able to access information about programs, they may then struggle to meet the application requirements, such as the ability to write minutes and to form and register a group (in the case of Community Driven Development grants). Underlying structural inequalities resulting in lower literacy rates and education levels among women as compared to men create additional obstacles for women, which are further compounded for mothers facing stigma.<sup>66</sup> In some cases, in order to fill out an application, “women seek the assistance of a literate man who, in the end, exploits or cheats them,” explained a Gulu district local government official. Some grants require women to apply as a group, which poses a challenge for mothers of children born of sexual violence who are excluded from these groups because of the discrimination they face or because they do not want to disclose their identities and status to others.

Discriminatory gender norms pose another challenge for women seeking to access support. As a young mother from Agweng, Lango, recounted, “I went to my [local council] to ask if I could register alone now that I separated with my husband. The LC said, ‘No, you are covered under your former husband’s name.’” Because he had already applied, she was barred from applying, even though her ex-husband was unlikely to share any resources with her.

According to those interviewed, local government officials are often unsupportive and at times even actively discriminatory against this category of victims. There were numerous reports of local councils and law enforcement officials not investigating or adequately responding to reports of abuse or violence against children born of sexual violence, suggesting a level of institutional discrimination. One mother who tried to report the beating of her child to her local council was told “to be patient and God will help you.”<sup>67</sup> This lack of attention can come from a lack of awareness or active discrimination. As the Tubur sub-county chief noted, “For restocking . . . you have to be pointed out by your LC, but the LCs already have a negative attitude about these children.” As a result, the modest support that exists rarely makes it into the hands of mothers and their children born of sexual violence.

While on paper, there is a provision for child protection systems, local governments are ill-equipped to respond to the protection and welfare needs of children born of sexual violence. There is very limited compliance and enforcement of the Children’s Act, the Local Government Act, and other government policies that protect the rights and welfare of children. Probation offices are not supplied with the resources needed to offer protection and support to vulnerable children. The Local Government Act and the Children’s Act impose obligations on the district councils to protect the rights and welfare of children. The Probation and Social Welfare Officers (PWSO) and Community Development Officers (CDO) are tasked with the responsibility of protecting the rights of children as well as ensuring their safety and welfare. However, ICTJ found that across all the four sub-regions, the budgetary allocations to PWSO and community development departments are very low, which affects their ability to monitor the situation of vulnerable children and offer the appropriate protection and support. The majority of mothers and their children born of sexual violence consulted for this study were unaware of the available social protection measures and, therefore, unable to report incidents of abuse.

Further, corruption and diversion of funds was reported in each of the four sub-regions. While this is a problem that is not unique to mothers and their children born of sexual violence, it does further compound their challenges, with benefits often ending up in the hands of those coordinating the efforts or their allies.

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66 Reparations programs must take into account these underlying structural obstacles that further limit women’s access. See, for example, Muddell, “Limitations and Opportunities,” and Rubio-Marín, *The Gender of Reparations*.

67 Interview with mother from Tubur, Teso.

Recent research conducted by the Secure Livelihoods Research Consortium, confirms what ICTJ learned in its consultations regarding the numerous barriers mothers and their children born of sexual violence face in trying to access limited government supports and services: across Acholi and Lango, the households most affected by crimes during the conflict and in greatest need of help are not getting the help they need. Rather, it is the better-off households that are receiving livelihood assistance or social protection services.<sup>68</sup>

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68 See Mazurana et al., "Impact of Serious Crimes," 4.

## 5. Way Forward

Recognizing that the challenges facing mothers and their children born of sexual violence are very complex, it is important to look at the entire situation and identify areas where specific actors can advance a response that contributes to respecting the rights of children born of sexual violence and their mothers, so they are able to live in dignity and peace.

In the absence of acknowledgment and any official discussion around the circumstances and context that led to the conflicts in northern Uganda, it is outrageously simple to blame the children born as a result of sexual violence and their mothers. If not addressed, the discrimination and rejection facing these mothers and their children will continue to be a significant obstacle that will limit the effectiveness of any proposed solution.

As part of an effort to counteract this discrimination and community rejection, it needs to be made clear that girls and women who were raped or forced into marriage and as a result had forced pregnancies are victims of serious crimes. At the community level, there needs to be recognition that these women suffered severe violations of their rights and that now their children are suffering further rights violations.

Numerous victims consulted by ICTJ hold the government of Uganda accountable for past violations. However, some leaders, particularly cultural and religious leaders, suggested that in the case of children born in captivity the solution lies in getting LRA fathers to pay child support and take responsibility for the children they fathered. This is problematic because many mothers do not want to have any relationship with the fathers of their children and, in many cases, the fathers are not in a position to provide support.

From a policy perspective, it is the state that must assume responsibility for redress, rather than individuals who are not in a position to provide the required level of redress.

Domestic and international legal instruments and declarations clearly entrench the state's obligation to provide an effective remedy to victims of gross violations of human rights and serious violations of international humanitarian law.<sup>69</sup> This obligation has been interpreted to include investigation of the circumstances in which the violation occurred, compensation for the harm suffered, punishment of the perpetrator found liable for committing the violation, and taking measures to ensure that similar violations do not occur in future.<sup>70</sup>

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69 These include, the Universal Declaration for Human Rights, International Covenant on Civil and Political Rights, Arts 2(3); UN Basic Guidelines and Principles on the Right to a Remedy and Reparations, and Constitution of Uganda 1995, Article 50. See also Uganda Human Rights Commission and the UN High Commissioner for Human Rights, "Dust Has Not Yet Settled."

70 *Tshitenge Muteba v. Zaire*, Communication No. 124/1982 (March 25, 1983).

Further, the state has the primary obligation to ensure that children born of sexual violence enjoy the same rights as other children. These rights are encompassed in the Children's Act, which domesticates the international Convention on the Rights of the Child. These rights include the right to education and guidance, the right to an adequate diet, the right to shelter, the right to health care, the right to an adequate standard of living,<sup>71</sup> the right to be protected from discrimination, abuse and neglect,<sup>72</sup> and the right to be protected from harmful customary practices.<sup>73</sup>

Provisions in the International Convention on the Rights of the Child, to which Uganda is a party, are instructive of the government of Uganda's responsibility to respect and enforce the rights of children born of sexual violence and protect them from all forms of discrimination.<sup>74</sup> It also requires states to provide special assistance and protection to children deprived of a family environment or in whose own best interests cannot be allowed to remain in an uncondusive environment.<sup>75</sup>

In order to end the cycle of revictimization and provide meaningful redress to these women and children, the government of Uganda must assume responsibility for both its acts of commission and omission that continue to negatively affect many of its citizens, especially children born of war and their mothers in northern Uganda. Ideally this should originate at the national level. However, if that process is stalled, it is also very important to explore openings at the regional, sub-regional, and local levels. It may be possible, and perhaps more expeditious, to advance acknowledgment and repair through local initiatives, including the district development plans and other resources managed at the local level.

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71 Government of Uganda, Children's Act (Chapter 59, Laws of Uganda), August 1, 1997, Section 5.

72 *Ibid.*, Section 6.

73 *Ibid.*, Section 7.

74 Convention on the Rights of the Child, Art. 2.

75 *Ibid.*, Art. 20.

## 6. Conclusion

A decade after major fighting in northern Uganda has ceased and the majority of government and humanitarian aid has shifted elsewhere, this report provides insight into what happens when motherhood as a result of conflict-related sexual violence is not met with the targeted and serious response it requires. In a cultural and social context that discriminates against children born out of wedlock and rejects those associated with rebel groups, the initial crime of sexual violence leading to motherhood by members of armed groups has reverberations that will be felt for generations to come.

Without targeted support, mothers and their children born of sexual violence are set on a trajectory of poverty, discrimination, violence, and mounting obstacles to living a life of dignity where their rights are respected. The 2014 Secure Livelihoods Research Consortium study conducted in Acholi and Lango confirms this: a household that suffered sexual violence at the hands of parties to the conflict was 10 times more likely to be victims of crime in the past three years than households that did not experience serious crimes during the war.<sup>76</sup>

For those living with the enduring consequences of forced motherhood, calls to forget the past and look forward cannot be actualized when, every day, mothers struggle to overcome obstacles in an effort to provide for their children born in the difficult circumstances of conflict who are subsequently rejected because of the conflict's enduring legacies.

If the government of Uganda is committed to revitalizing and rebuilding the north following decades of conflict preceded by economic marginalization, women who were forced to become mothers and their children born of conflict-related sexual violence need, and have the right to, a response that is in line with the magnitude of the challenges they now face. This response must include acknowledgment of past violations, clarification of the context in which those violations took place, setting the record straight about who should bear responsibility for past crimes (and who were victims), and providing measures of targeted reparations for these mothers and their children, matched by measures that also address the grievances of the community in relation to the violations they suffered.

It is true that nearly everyone in northern Uganda suffered as a result of the conflict; however, it is important to acknowledge the enduring consequences of all violations are not the same. Women and girls whose rights were violated when they suffered sexual abuse and became mothers as a result must receive prompt and adequate redress.

Moreover, the situation facing children born of sexual violence in Uganda provides a glimpse into the future for other countries dealing with similar vulnerable populations. It should serve

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<sup>76</sup> Mazurana et al., "Impact of Serious Crimes."

as a reminder that the enduring consequences of sexual violence deserve targeted attention. It should not just be the most vocal or the most politically salient victims who receive forms of redress. Rather, an understanding of the specific consequences of violations and how they evolve over time should guide a government's response to dealing with large numbers of victims, including children born of sexual violence, in the aftermath of protracted conflict.

## 7. Recommendations

The initial humanitarian response delivered to victims of violations in northern Uganda was insufficient and did not address the specific needs of mothers and their children born of sexual violence and was not matched with any form of accountability. There is now an urgent need for acknowledgement and redress. The Government of Uganda should officially acknowledge the violations and their enduring consequences suffered by children born of sexual violence and their mothers. This acknowledgement should include measures of symbolic and material reparations for victims of all the conflicts in Uganda, including and specifically for girls and women who became mothers as a result of sexual violence and their children.

The challenges facing mothers and children born of sexual violence are largely in relation to access to social and economic resources. A development approach is well suited to address some of these immediate needs. However, given that the underlying causes of these harms stem in part from unmet justice needs and a lack of redress, a development approach alone will not be enough. Development support in itself is not reparations. However, if targeted to these mothers and children, this is an important first step towards providing redress.

To that end, ICTJ recommends the following:

### To the Central Government of Uganda

- **Implement comprehensive reparations programs for conflict victims, including symbolic and material measures, as committed to in the Juba Peace process and as proposed in the Draft National Transitional Justice Policy.**
  - **Reparations should incorporate both individual and community measures. Reparations programs should be designed based on consultations with the affected population and be based on a participatory process.** Lessons can be learned from the model of community-driven development currently used in Uganda such that residents at the village, parish, and sub-county levels identify the most appropriate collective reparations measure for their communities within general guidelines set by the central government.
  - **Reparations measures should be distributed in a way that does not further contribute to stigma and resentment against victims.** For example, victims of sexual violence and their children must be able to claim their benefits without having to publicly disclose the violation they suffered. One way to do this is to ensure that multiple categories of victims are linked to the same benefit.
- **As a form of symbolic reparation, the executive should issue a public apology to all victims of conflict in Uganda, with specific mention of children born of conflict-related sexual violence and their mothers, recognizing the serious violations of humanitarian**

**law and human rights law they suffered and recognize that they continue to suffer as an enduring consequence of the conflict.**

- **Implement the recommendations provided in the parliamentary resolution calling for the establishment of a gender-sensitive reparations fund for women and men affected by the LRA conflict,<sup>77</sup> including the resolution's specific call for the government of Uganda to prioritize the livelihood, healthcare, skills training, and education needs of women and children affected by the LRA conflict.** The parliamentary committee appointed to ensure implementation of the resolution should urge the executive to allocate resources and expeditiously implement the resolution. Measures should also be available to victims affected by other conflicts in the region.
- **Revise existing development program guidelines to specifically target children born of sexual violence and their mothers as beneficiaries;** identify children born of sexual violence and their mothers as a special interest group, as has been done with people living with disabilities, HIV/AIDS, and formerly abducted persons. This would allow women who fall outside the category of formerly abducted persons, like those victimized by state forces, to also receive targeted support.
- **Together with the UPDF, publicly disseminate the records and outcomes of the court-martial trials of the officers alleged to have committed crimes against civilian populations during the conflict to contribute to acknowledgement and accountability for past violations.**

#### **To the Justice Law and Order Sector**

- **Secure approval and commence implementation of the draft National Transitional Justice Policy.**
- **Improve access to justice through legal aid.** The government of Uganda should expedite the adoption of the National Legal Aid Policy and the enactment of the Legal Aid Bill,<sup>78</sup> which will enhance access to free legal services to vulnerable, indigent, and marginalized people in Uganda, particularly children born of conflict-related sexual violence and their mothers. Further, the government should allocate adequate resources and increase the number of justice centers,<sup>79</sup> to enhance access to free legal services to the poor, prioritizing conflict-affected areas. The Justice, Law and Order Sector should also hold legal awareness campaigns aimed at sensitizing this vulnerable category to their rights and available avenues for redress.

#### **To the International Crimes Division**

- **Initiate investigations of allegations of sexual violence committed in the context of conflict across Uganda.**

#### **To the Human Rights Documentation Program (HRDP) of the Ugandan Human Rights Commission:**

- **Establish an effective outreach strategy that clearly explains the HRDP's mandate and targets key groups, such children born of sexual violence and their mothers.**

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<sup>77</sup> Resolution of Parliament on the Plight of Persons Affected by the Lord's Resistance Army Rebellion, Parliament of Uganda, 2014.

<sup>78</sup> Justice Law and Order Sector, Draft National Legal Aid Policy.

<sup>79</sup> Justice Centers Uganda was established as a pilot project by the Justice Law and Order Sector to provide a one-stop facility for the provision of a broad range of legal aid services to indigent and vulnerable people in Uganda. The Justice Centers are staffed by lawyers, paralegals, and persons trained in psychosocial services. See [www.justicecentres.go.ug/index.php/2014-11-27-11-30-03/about-us](http://www.justicecentres.go.ug/index.php/2014-11-27-11-30-03/about-us)

- **Ensure the data collection tool is flexible** enough to capture information about, and the narratives of, children born of conflict-related sexual violence and their mothers, including about the suspected perpetrator, in order to collect data about violations that are now shrouded in silence and misunderstanding.
- **Gather data on the number of children** born of conflict-related sexual violence, including a specific focus on those born of fathers associated with state forces.
- **Allocate sufficient time and resources to recruit gender-sensitive personnel and where possible gender specialists to conduct field interviews in a way that is sensitive and appropriate.**
- **During field interviews, create private and safe spaces for children born of sexual violence and their mothers to give their testimonies.**
- **Disseminate findings** using different means and formats (multimedia, graphic novel, etc.) targeting adolescents and young people as part of civic engagement process. Work with the Ministry of Education to develop training materials for teachers and learning materials for students that include a specialized focus on the consequences of recent conflict, with the goal of raising awareness and empathy and forming the basis of an ongoing conversation about accountability and respect for human rights.

#### To Local Government Officials

- **Advocate at the national level for mothers and their children born of conflict-related sexual violence to be listed as specific beneficiaries in the recovery and development plans, district budgets, the national budget, PRDP, NUSAF, and future development programs.** The chief administrative officer and other local government officials should ensure that children born of conflict-related sexual violence and their mothers are target beneficiaries of current and future development and social services programs.
- **Amend district development plans to incorporate and reflect the needs of mothers and their children born of conflict-related sexual violence.** As part of the regular review process of the district development plans, district councils must amend the district development plans to reflect the needs of mothers and children born of conflict and to allocate resources to support targeted initiatives for them. Mothers of children born of sexual violence should be consulted in the planning process and in the discussion of necessary amendments. The issues and challenges facing children born of sexual violence and their mothers should be mainstreamed into the overall content of district development plans.
- **District and sub-county officials should develop systems and policies so that this group benefits from existing programs.** District and sub-county officials should work within national guidelines to develop policies and strategies to direct available funds under development programs (e.g., PRDP, NUSAF, CDD, YLP) toward children born of conflict-related sexual violence and their mothers. For example, where guidelines call for formerly abducted persons to benefit, a certain percentage should include formerly abducted mothers and their children born in captivity. Establish referral pathways so that local government institutions and service providers can refer children born of sexual violence and their mothers to appropriate service providers or government programs.
- **Provide technical support to mothers and their children born of conflict-related sexual violence to help them overcome obstacles to accessing government programs, including those provided under PRDP III, NUSAF III, CDD, YLP.** Community district officers and parish chiefs should support this group to understand the guidelines, submit necessary paperwork, and provide follow-up assistance as needed. This will require effective outreach to inform these populations about available programs and how to apply, as well as the identification of criteria that currently prohibit or impede mothers

and their children born of sexual violence from accessing available support programs, so strategies can be devised to help them overcome these barriers.<sup>80</sup>

- **Beyond facilitating access to development programs, it is also essential to ensure that children born in captivity can access their basic citizenship rights.** The sub-county chief and the Uganda registrations services bureau must establish special measures for the birth registration of children born in captivity in a way that does not stigmatize them as such.
- **Local government officials should clearly explain to key influencers in the community that children born of sexual violence and their mothers are entitled to receive targeted measures on the basis of the rights violations they suffered and the subsequent responsibility of the government to provide them with redress, in order to avoid further resentment or rejection of this group within the community.** Specifically, work with community leaders to build their understanding of women's legal rights to land and bring them in as partners and advocates in support of women's access to land.
- **Involve mothers with children born of sexual violence in community meetings and local-level planning.**

#### **To Religious and Cultural leaders**

- **Facilitate targeted community dialogues at the local level to help address specific grievances suffered by mothers and their children born of conflict-related sexual violence and to promote acceptance of these children.**
- **The district land boards and sub-county land committees should partner with cultural institutions to create community awareness of the land ownership rights of women and children born of conflict-related sexual violence.**
- **Work with community members, including men, to create awareness of gender equality and the rights that women and children have in relation to land ownership, and encourage men to see themselves as partners with women in enforcing their land rights.** Create spaces where the community as a whole can come together to reflect on how to support women in the community in accessing land and other resources that allow them to be self-sufficient.

#### **To Ugandan Civil Society Groups**

- **Support and encourage dialogue spaces, like youth-led radio programs, to discuss issues relevant to youth relating to current challenges and the legacy of past conflict.**
- **Encourage and facilitate dialogues with key stakeholders in the community to advocate for greater support and tolerance of children born of conflict-related sexual violence and their mothers, including sensitization on the rights afforded to this group.**
- **Conduct advocacy at the community and national level to create awareness of the plight of children born of conflict-related sexual violence and their mothers, and promote practical strategies and policy interventions to address the challenges this vulnerable category faces.**

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<sup>80</sup> For example, to qualify for CDD funds, applicants must have a latrine, but for some single mothers that is impossible for them to build. Local government officials, such as the CDOs, should implement a phased approach so that by the end of the grant the beneficiary must have a latrine and there is a process in place whereby she can receive the necessary support to build it. Modifications should also be put in place to allow single mothers to access benefits without having to go through a man.

- **Work in collaboration with local government officials to identify the needs of children born of conflict-related sexual violence and their mothers, and be available to take on referrals when requested by the government.**
- **Avail data on children born of conflict-related sexual violence and their mothers to local governments for planning purposes.**

**To the International Community, Donors, Justice Advocates, and Reintegration experts**

- **Develop a long-term approach to understanding conflict-related sexual violence leading to motherhood and its enduring consequences and a long-term vision for programming and remedial action.** For donors, this includes developing longer funding cycles that can support multi-year programs.
- **Include greater focus and consideration of communities and families and their role in facilitating or hindering the acceptance of mothers and their children born as a result of sexual violence in society.** The focus on the societal or community dimension involves thinking about community reparations as well as state acknowledgement and historical clarification.

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