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From Rejection to Redress

Overcoming Legacies of Conflict-Related Sexual Violence for Women and Their Children in Northern Uganda

1. Introduction

Children born as a result of conflict-related sexual violence and their mothers in northern Uganda experience long-term challenges stemming from their unredressed justice needs. In Acholi and Lango alone, it is estimated that there are between 3,000 and 8,000 such children and 25,000 women victims of conflict-related sexual violence.¹ Without redress,² the consequences of motherhood as a result of conflict-related sexual violence multiply and amplify with time, engendering new violations, including ongoing disrespect for the rights of children born of sexual violence,³ and the rights of their mothers.

The state's failure to address these violations and the continued harm caused to the children and their mothers is not only an affront to their dignity and an abrogation of Uganda's duties under national and international law, it also poses serious problems for the future.

Considering the unique and enduring consequences of sexual-and gender-based violations, this paper focuses specifically on the impact of the lack of accountability for sexual crimes leading to motherhood, and emphasizes the need for effective support. Its findings are a summarized version of a full report by the International Center for Transitional Justice (ICTJ) based on consultations conducted in Acholi, Lango, Teso, and West Nile in April 2015.⁴

2. Main Challenges Facing Mothers and Their Children Born of Sexual Violence

It has been over a decade since major fighting in northern Uganda ceased. The majority of government and humanitarian aid has shifted elsewhere. ICTJ's findings provide insight into

TABLE OF CONTENTS

1. Introduction	1
2. Main Challenges Facing Mothers and Their Children Born of Sexual Violence	1
3. A Closer Look at Rejection and Lack of Access	3
4. Conclusion	4
5. Recommendations	5

1 Dyan Mazurana, Anastasia Marshak, Jimmy Hilton Opio, Rachel Gordon and Teddy Atim, "The impact of serious crimes during the war on households today in Northern Uganda," Secure Livelihoods Research Consortium (SLRC) Briefing Paper 5 (May 2014). An ongoing study by Wayte ki Gen and Children/Youth as Peacebuilders documented 1,500 children born in captivity in seven districts of Acholi.

2 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.

3 The term *children born of sexual violence* is used throughout this paper to refer to children conceived as a result of acts of sexual violence against their mothers by armed state and nonstate actors during northern Uganda's long-standing conflicts. The term *children born in captivity* refers specifically to those children born within the Lord's Resistance Army.

4 Virginie Ladisch, ICTJ, "From Rejection to Redress: Overcoming Legacies of Conflict-Related Sexual Violence in Northern Uganda," 2015, www.ictj.org/publication/rejection-redress-overcoming-legacies-conflict-sexual-violence-northern-uganda

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About the Author

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the problems that emerge 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/or as a result of sexual violence and rejects those associated with rebel groups, the initial crime of sexual violence by members of armed groups leading to motherhood 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 having their rights respected.

A lack of redress compounded by the intersection of multiple factors—discriminatory cultural norms; abject poverty and scarce resources, 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 their communities 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. And women in Uganda, in general, have limited access to justice systems for enforcement of their rights, in particular their land, property, and inheritance rights.

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 and to overcome the stigma of having a child as a result of sexual violence in the context of northern Uganda where previously existing social support networks were largely destroyed by the conflict. As the director of a professional school in Gulu explained: "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.

Of the limited assistance measures provided by the state following the conflict, including recovery and development programs and reintegration benefits from the Amnesty Commission, not one was framed as redress or reparations. Therefore, beneficiaries have not been acknowledged or recognized by the state or the larger society as victims whose rights were violated and are subsequently entitled to redress. Furthermore, inherent in the amnesty process was the presumption of guilt or wrongdoing on the part of applicants, which was perceived as problematic for many who had been abducted and saw themselves as victims of the conflict.

In the absence of formal acknowledgment or dialogue 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. "Most people believe that we are the ones who caused LRA to do what they did," explained a mother from Gulu. This view overlooks the different levels of victimization suffered by those within the Lord's Resistance Army (LRA) and the complex, blurred lines between victim and perpetrators among those who were abducted.

Testimonies shared with ICTJ across the four sub-regions showed that the initial violation inflicted on the mother, when left unacknowledged and unredressed, has severe

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Conflict-Related Sexual
Violence for Women and Their
Children in Northern Uganda**

“These children experience the same problems of rejection as their mothers and grandmothers, resulting in an intergenerational cycle of vulnerability, abuse, and marginalization.”

consequences for her and her children as well as the caretakers who provide support to the children. As a formerly abducted young mother from Kitgum reflected, “The rejection followed my child.”

Further, the cascade of violations gets passed on to the next generations. 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 experience the same problems of rejection as their mothers and grandmothers, resulting in an intergenerational cycle of vulnerability, abuse, and marginalization.

For a young girl born of sexual violence from Tubur, 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,” explains a 17-year-old girl as she nurses her 3-month-old daughter. She has been warned not to breastfeed due to the risk of passing on HIV, but she cannot afford to buy baby formula.

This cumulative and intergenerational effect of harms is likely to continue if there is no intervention, support, or comprehensive redress for victims, including acknowledgment by the state.

3. A Closer Look at Rejection and Lack of Access

From a policy perspective, two problems in particular—rejection and lack of access to support—warrant further examination.

Rejection

In ICTJ’s consultations, children born of sexual violence and their mothers cited stigma as one of their greatest problems. Based on the severity of the challenges they reported, the use of the term stigma fails to capture the concrete and severe consequences that this marginalization has on their lives and on their prospects for the future. Not only are they stigmatized, children, their mothers, and caretakers are rejected by their communities, discriminated against, and excluded.

The lack of any broader accountability process or acknowledgement of the initial violation has left a void in which mothers and their children are easy targets for further abuse.

In many cases, children born of sexual violence are treated as social outcasts whose basic rights are routinely disrespected. 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 certain contexts, the rejection seemed to spread like a disease: anyone who cared for these “social outcasts” became outcasts themselves.

A commonly held view is that children born of sexual violence should “pay for the sins” of their fathers, which is used to justify mistreatment and abuse. For example, one 18-year-old girl 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.”

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

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Overcoming Legacies of
Conflict-Related Sexual
Violence for Women and Their
Children in Northern Uganda**

“Future measures aimed at redressing the harms suffered by these children and their mothers need to be matched by measures for the community, recognizing that the community is an essential variable in the potential success or failure of an individual’s integration process.”

discussions of responsibility outside the sphere of individual social responsibility to focus on the broader context of conflict and political responsibility.

Lack of Access to Current Programs and Support

Despite government efforts to reconstruct the north after years of conflict, a lack of access to the limited programs and support available for vulnerable populations in northern Uganda has worsened the situation of mothers and their children born of sexual violence. Several local government officials acknowledged that there are no specific programs for children born of sexual violence and cited the lack of data on children born of sexual violence as a barrier to providing an adequate response to their needs.

A few sources of support do exist for war-affected persons more broadly, notably government development programs for recovery in northern Uganda (e.g., PRDP, Community Driven Development, NUSAF and Youth Livelihood Programme). 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.

Even for those mothers and their children who are able to access information about programs, they may struggle to meet the application requirements. 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.⁵ For example, 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.

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. As a result, the modest support that exists rarely makes it into the hands of mothers and their children born of sexual violence.

4. Conclusion

A targeted response is needed from the government of Uganda in order for mothers to be able to provide for their children born of sexual violence and cope with the consequences of the initial violation of their rights. 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 human rights violations and crimes. It is also necessary to consider the violations suffered by members of the receiving community and their needs and perspectives. Future measures aimed at redressing the harms suffered by children born of sexual violence and their mothers need to be matched by measures for the community, recognizing that the community is an essential variable in the potential success or failure of an individual’s integration process.

⁵ Reparations programs must take into account these underlying structural obstacles that further limit women’s access. See, for example, Kelli Muddell, ICTJ, “Limitations and Opportunities of Reparations for Women’s Empowerment,” 2009, and Ruth Rubio-Marin, *The Gender of Reparations: Unsettling Sexual Hierarchies while Redressing Human Rights Violations* (Cambridge: Cambridge University Press, 2009).

There is now an urgent need and obligation for the state to provide acknowledgement and redress to these children and their mothers. The challenges they face are largely in relation to their limited access to social and economic resources, thus a development approach is well suited to address some of their immediate needs. 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. However, if provisions of support are targeted to these mothers and children based on a recognition that their rights were violated, it would be an important first step towards providing redress.

5. Recommendations

To the Central Government of Uganda

- 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 recognizing that they continue to suffer as an enduring consequence of the conflict.
- Urgently implement a comprehensive reparations program 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.

To the Office of the Prime Minister

- 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.
- Include within existing development programs guidelines specifically aimed at children born of sexual violence and their mothers as beneficiaries.

To the Ministry of Defence / General Court Martial

- Together with the Uganda People's Defence Force (UPDF), publicly disseminate the records and outcomes of the court-martial trials of 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 and improve access to justice through legal aid.

To the Uganda Police Force Investigators and the Directorate of Public Prosecutions

- Investigates allegations of sexual violence committed in the context of conflict across Uganda.

To the Human Rights Documentation Program of the Ugandan Human Rights Commission

- Establish a data collection tool that captures information about, and the narratives of, children born of conflict-related sexual violence and their mothers.

- 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.
- 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 and Sports 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.
- Amend district development plans to incorporate and reflect the needs of mothers and their children born of conflict-related sexual violence.
- 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.
- Provide technical support to mothers and their children born of conflict-related sexual violence to help them to overcome obstacles to accessing government programs, including those provided under PRDP III, NUSAF III, CDD, and YLP.
- Ensure children born in captivity can access their basic citizenship rights.
- 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 redress. 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.

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.
- Partner with the district land boards, and sub-county land committees 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 women and children have in relation to land ownership, and encourage men to see themselves as partners with women in enforcing their land rights.

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Conflict-Related Sexual
Violence for Women and Their
Children in Northern Uganda**

To the International Community, Donors, Justice Advocates, and Reintegration Experts

- Develop a long-term approach to addressing conflict-related sexual violence leading to motherhood and its enduring consequences and develop a long-term vision for programming and remedial action. For donors, this includes developing longer funding cycles that can support multiyear programs.
- Include greater focus on 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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Violence for Women and Their
Children in Northern Uganda**

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