



Refugee Law Project

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BRINGING CHILDREN BORN OF WAR INTO PEACE AND SECURITY DISCOURSE REQUIRES POLITICAL SUPPORT

As we mark the International Day for the Elimination of Sexual Violence in Conflict under the theme “*The Plight and Rights of Children Born of War*”, Refugee Law Project is pleased to join concerned persons, governments, and institutions in commemorating this day, and more so, forging opportunities for addressing the challenges that children born of war grapple with. This commemoration comes just days after we commemorated the Day of the African Child, with the plea to ‘*Leave no child behind in Africa’s development*’, and just one day ahead of World Refugee Day, on which we show solidarity to the courage and sacrifices refugees make. This commemoration also comes at the time when the world is commemorating 20 years of the Rome Statute, 70 years of UN peacekeeping, and four years since the launch of the Preventing Sexual Violence Initiative.

Today we highlight three key concepts; *Conflicts*, *Sexual Violence*, and *Children Born of War*. Contemporary conflicts appear more deadly for civilians, increasingly protracted (with over 20 years in exile), and with severe physical and psychological damages to women, men and children. While several nations and institutions are working to document cases, tackle impunity, and support survivors, and while science, technology and international legal frameworks have gone hand-in-hand with improved funding, and several ‘panels of experts’, sexual violence persists.

Children born in war are victims of war, born to mothers who are also victims of war. Whether born of once-off rapes or a product of conjugal slavery, cases of children born of war can be traced in most conflicts around the world, and are not about to reduce as long as conflicts persist. In Myanmar for example, the number of children born out of unwarranted pregnancies is likely to increase in the coming months. In Uganda, the exact number of children born of war is not well documented and therefore not known. Nonetheless, children born of war continue to witness lifetime challenges resulting from gruesome social treatment, stigma, discrimination, identity crisis and labelling. The UN now acknowledges that the issue of children born of war has been missing from peace and security discourse and international human rights frameworks – all at the expense of the victims.

As Refugee Law Project, we passionately stand by all children born of war, their mothers, fathers, relatives, institutions and communities struggling to raise children born of war. Our experience working on conflict-related sexual violence and on conjugal slavery in war shows that this is one of the issues least understood by many people, and yet it is one that many people continue to struggle to deal with behind closed doors with limited support. As we commemorate this day, we call upon all actors to;

Document cases of sexual violence in conflict. The process of and risk involved in obtaining and preserving evidence of sexual violence for prosecution of crimes of sexual violence

remains a huge task for national and international investigators and prosecutors. Since the world gathered in London for the Global Summit to End Sexual Violence in Conflict, focus has since been on effective documentation and investigation. The Prevention of Sexual Violence Initiative (PSVI) subsequently invested on the *International Protocol on Investigation and Documentation of Sexual Violence in Conflict*, and its annex focusing on men and boys. Recently, Lt. Col. Maracain was found guilty of crimes including sexual slavery and rape committed between 2005 and 2007, and was sentenced to 20 years imprisonment by the Military Court of South Kivu. However, only a handful of such cases ever head to courts due to challenges in collecting and preserving evidence. Investing a bit more on documentation, storage of evidence and witness protection in the case of Uganda will go a long way in strengthening access to justice.

What about states' responsibility to protect? This day reminds us to ask questions regarding states' responsibility to protect. Several reports, including some by the United Nations, have blacklisted and implicated government military forces around the world. Not surprisingly, no government openly admits to such allegations. Myanmar's government recently released a report denying all accusations of rape by its security forces. The battle to apprehend perpetrators who turn protectors is in itself a legal nightmare. In the recent Lt. Col. Maracain case, the judges did not retain the arguments that the authorities had failed to prevent the crimes and protect the population against organised crimes, war crimes, crimes against humanity, and genocide. In Uganda's case, and specifically in relation to the LRA war, the story is and might for long be one-sided due to fear of reprimand by state organs.

Deliver inclusive services. As we focus on children born of war and the struggles their mothers go through, may this day also steer us to listen to the experiences men and boys who are also victims of conjugal slavery. Humanitarian work has largely tilted away from recognising and supporting men and boys as victims of sexual violence leaving them shrouded in silence. Whereas relative inclusivity has been achieved especially in policy frameworks including UNSCR 2106 which recognises men and boys as victims of sexual violence, general efforts have been placed on sending strong signals to men as abusers. Recently, the Assistant Secretary General for Human Rights, Andrew Gilmour, while on a four-day tour in Afghanistan remarked; *"What would send a strong signal to those men who continue to violently abuse women with impunity, would be to start prosecuting them"*. True, but such statements seldom recognise that men also form a critical mass of innocent civilians targeted during war, and they too require support and need justice.

Train more military personnel on prevention of and response to cases of sexual violence. The military can be looked at as potential perpetrators but also as key allies in the prevention and response to sexual violence in conflict. As Refugee Law Project, we regard uniformed personnel, and especially peacekeepers, as a critical force in combating sexual violence in conflicts. For the last 3 years, we have been centrally involved in pre-deployment trainings for Uganda Battle Groups, and we can affirm that discussing prevention of sexual violence in conflicts without constructive partnership with the military is likely to yield less impact. We applaud the support of the Uganda People's Defence Forces and the Uganda Police Force for allowing Civil Society Organisations to engage with and train their uniformed personnel on documentation and investigation of sexual violence in conflict – a model which we strongly believe can be replicated by other governments in other countries.

Engage younger generations in addressing conflict-related sexual violence. How much have we learnt from children themselves and their experiences of wars? Above all, how much have children born of war contributed to discussions about issues that concern them? Participation is an important concept in as far as working on conflict-related sexual violence is concerned. Therefore, as we commemorate this day, may we be reminded that children’s experiences are important in addressing conflict-related sexual violence. Children born of war need to be given space, time and opportunity to share their ordeals, and to engage with duty bearers in forging workable solutions to the challenges they grapple with.

Strengthen legal responses and reparations for children born of war. The Women’s Advocacy Network of the Justice and Reconciliation Project in Gulu dared to test the legislative arm of government by petitioning the Speaker of Parliament for reparations and support to women and children who suffered during the LRA-Government war in northern Uganda. However, to this day, the outcome of the petition has yet to be realised. Therefore, political support is centrally important to push this agenda. Similarly, there is need to re-think abortion laws in Uganda. Addressing issues of children born in war requires hard-nosed discussions about abortion laws. Uganda criminalizes abortion irrespective of the cause of pregnancy unless the mother’s life is in danger. However, the trauma of labouring with a child out of rape, and the relentless thoughts of raising such a child is unspeakable. Reports from Myanmar show that some women and girls are turning to traditional medicines and using unsafe methods of abortion – a situation that could be avoided if laws criminalising abortion were to be re-discussed.

As we strive to foster solidarity with children born of war, as well as with women, men, and communities grappling with the challenges of raising children born of war, may this International Day for the Elimination of Sexual Violence in Conflict remind us to amplify voices of people polarized by armed conflicts – not only during the events themselves, but also when the guns have long fallen silent.

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