

A photograph of a woman in a white shirt covering her face with her hand, appearing distressed. She is holding a sleeping child with braided hair. The scene is dimly lit, with a strong light source from the left.

# bearing witness

GIRL MOTHERS OF GULU DISTRICT

A FIDA-UGANDA PUBLICATION | KAARI BETTY MURUNGI

## About FIDA-Uganda

FIDA-Uganda: The Association of women lawyers is a premier women's rights organisation that is the pioneer of legal aid, public legal education and legal mediation in Uganda.

Her mission is to promote the human rights and inherent dignity of women and children, using law as a tool for social justice. Her thematic focus includes, Access to Justice, Economic Justice, Sexual and Reproductive Health Rights, Transitional justice, and Institutional development.

Established in 1974, the organization has a track-record of 37 years of exemplar experience as a passionate, trusted, fearless and uncompromising spokesperson and defender of women's rights. FIDA-Uganda is a household name that has provided women with a shield against legal impunity.

By raising awareness of rights and the mechanisms to enforce them, she empowers women to assert and claim their rights. Concurrently, FIDA-Uganda enhances the capacity of the formal and informal justice agencies to protect women's rights. She undertakes strategic/public interest litigation aimed at law and policy reform. She also monitors the justice systems' adherence to international human rights standards in delivering justice to women.

FIDA-Uganda is affiliated to the FIDA-International, through which it has observer status with the ECOSOC. She has independent observer status with the Africa Human Rights Commission.

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**GIRL MOTHERS OF GULU DISTRICT**

# Acknowledgements

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# Table of Contents

List of Acronyms	2
Key Findings & Recommendations	4
Summary of Report	7
Introduction	11
2. Methodology	13
2.1 Limitations of Research	14
3. Bearing Witness	15
3.1. Justice and Reparations	15
4. Accountability for Crimes	25
4.1. Criminal Accountability as Justice	25
4.2 The Normative Framework for Justice Demands	31
5. Challenges of Reintegration	35
6. Conclusion	41
Annex 1: Bibliography	44
Annex 2: PRDP Strategic Aims	45
Annex 3: The Nairobi on Women’s and Girl’s Right to a Remedy and Reparations	46
Annex 4: Questionnaire	52

# List of Acronyms

AC:	Amnesty Commission	NGO:	Non Governmental Organization
AU:	Africa Union	NRM:	National Resistance Movement
CBO:	Community Based Organization	NURD:	Northern Uganda Recovery and Development
CEDAW:	The International Convention on the Elimination of All Forms of Discrimination Against Women	NUSAF:	Northern Uganda Social Action Fund
CPU :	Child Protection Units	PRDP:	Peace Recovery and Development Plan
CSO:	Civil Society Organization	RLP:	Refugee Law Project
DDR:	Demobilisation, Demilitarisation and Resettlement	RDC:	Resident District Commissioner
DRC:	Democratic Republic of Congo	STI:	Sexually Transmitted Infection
FGD:	Focus Group Discussions	UNHCR:	United Nations High Commissioner for Refugees
FIDA-U:	The Association of Women Lawyers in Uganda	UNICEF:	United Nations Children's Fund
GBV:	Gender Based Violence	UN:	United Nations
GoU:	Government of Uganda	UNSCR:	United Nations Security Council Resolution
GUSCO:	Gulu Support the Children Organization	UPDF:	Uganda People's Defence Force
HIV/AIDS:	Human Immune Virus/Acquired immune deficiency Syndrome	UPE:	Universal Primary Education
ICC:	International Criminal Court	WFP:	World Food Programme
INGO:	International Non Governmental Organization	WHO:	World Health Organization
LRA:	Lord's Resistance Army	WTF:	Women's Task Force
		WV:	World Vision



# Key Findings and Recommendations

The study found that;

- Girl mothers' experiences of the armed conflict have not been correctly assessed by policy makers and other agencies due to a lack of consultation with affected victims and lack of a gendered analysis.
- The girls and women suffered multi- dimensional and long term consequences as a result of violations experienced during the twenty year war. The negative impact on the lives of girl mothers is further compounded by stigma, shame and exclusion resulting in difficulties with reintegration.
- Armed conflict affected the entire population hence peace and security emerged as the most important priority for the community at large. However, the girl mothers prioritised secure livelihoods that incorporate basic needs such as food, shelter, safety, education and health care. Among community members, agricultural inputs such as tools, seeds and fertilizers were ranked as immediate priorities.
- Whereas a majority of community members felt that the security situation had improved considerably over the past few years,<sup>1</sup> this opinion was not shared by the girl mothers interviewed for

this study, many of whom continued to experience poor health<sup>2</sup> as well as sexual and other gender based violence in domestic and public settings.

- The normative advances notwithstanding, glaring gaps exist in the protection of girls and women in Northern Uganda due to lack of political will, institutional failures, lack of resources and oversight capacities by the state and international actors. Consequently transitional justice processes have not effectively addressed women and girl's needs.

## **FIDA-Uganda recommends that:**

- a. Civil Society Organisations (CSO's) should engage in rights awareness and empowerment campaigns targeting girl mothers and young women to address the lack of information on legal rights which limits their access to justice mechanisms.
- b. Encourage traditional authorities, CSO's and Government of Uganda to make concerted efforts to encourage community acceptance of girl mothers and their children to promote reintegration into society and ensure the physical, emotional and economic well-being of girl mothers and their children.

<sup>1</sup>See a recent quantitative study *Transitioning to Peace* - a population based survey on attitudes about social reconstruction and justice in Northern Uganda (December 2010 ) by the Human Rights Center, University of California, Berkeley School of Law.

<sup>2</sup>The World Health Organisation (WHO) defines 'health' as a status of complete physical, mental and social welfare and not merely the absence of disease or infirmity.



- c. The Government of Uganda should recognize that sexual violence suffered by the girl mothers during the armed conflict constitutes crimes under international humanitarian and human rights law. It is important for domestic accountability mechanisms to identify these international crimes of sexual violence as a step toward countering the entrenched societal, cultural and legal attitudes that tend to minimize crimes of sexual violence against girls and women.
- d. Government of Uganda should recognise the importance of criminal accountability and provide for formal, criminal and civil justice measures to apply to persons alleged to have committed serious crimes or human rights violations during the conflict by fully implementing the Juba Peace Accord's provisions with regard to accountability and reconciliation as a means of establishing sustainable peace in the Northern Uganda region.
- e. Government of Uganda should strengthen the capacity of its police force and judicial system adequately to address cases of sexual violence including rape committed during the armed conflict. Efforts should include the recruitment of adequately trained police officers in appropriate means of obtaining evidence, development of procedures that protect the rights and privacy of girl and women victims, protection for victims and witnesses, participation and assistance of victims in trials and development of forensic capacity, and provision of social services. The criminal justice system should be made accessible to victims at all stages by simplifying procedures and creating girl and women friendly police stations and courts.
- f. In observance of its obligations, the Government of Uganda should enact a reparations law that establishes a reparations regime that will benefit victims of the armed conflict with special attention to the girl children who were abducted. Reparations should promote justice by promoting, encouraging and ensuring the reform of discriminatory laws, policies and practices that have contributed to the continuum of violence against girls and women before, during and after the conflict period. Reparation programmes while taking individual social economic needs of the girl mothers into consideration, must address causes and consequences of structural and institutionalized violence against girls and women.
- g. Reparations programmes should include accessible measures to heal the body and mind. FIDA –Uganda recommends the establishment of free reproductive health clinics for women and girls to provide testing and treatment for sexually transmitted diseases, including HIV/AIDS treatment, trauma counselling and mental health programs that will contribute to rebuilding and rehabilitating the young women's lives; restore their dignity and livelihoods and promote social and economic justice outcomes.
- h. A special girl mothers compensation fund that is accountably managed and utilized specifically to address the special interests of the girl mothers be established.
- i. Government of Uganda articulate and implement a coherent reintegration policy that includes a gender perspective and caters for the special interest and needs of women victims and girl mothers.

- j. National laws be amended to comply with international obligations and standards of victim's participation, protection and support in transitional justice mechanisms.
- k. Government of Uganda should take all necessary measures to ensure that the Lord Resistance Army (LRA) release all women and girls abducted during the height of the armed conflict who continue to be held.



## Summary of Report

The Association of Women Lawyers in Uganda– FIDA-Uganda, works to promote the dignity and human rights of women and children with particular focus on access to legal rights and dignified livelihoods. FIDA-Uganda believes that the sustainability of any programme that seeks to influence social change and transform unequal social relations must have the full support and participation of the intended beneficiaries. Consequently, a key strategy that FIDA-Uganda employs to achieve its objectives is community participation thereby ensuring ownership and sustainability of its programmes.

In 2008, FIDA-Uganda launched its transitional justice and peacebuilding programme and established an office in Gulu District, Northern Uganda, as a first step in encouraging the community's ability to participate in informing FIDA-Uganda's future engagement in the post conflict region. In its work, FIDA Uganda employs the definition of the aims of transitional justice provided by the United Nations Secretary General in his 2004 report<sup>3</sup> on transitional justice and post conflict societies (Para 7 s/ 2004/616) as;

“(...)helping war-torn societies re-establish the rule of law and come to terms with large-scale past abuses, all within a context marked by devastated institutions, exhausted resources, diminished security and a traumatized and divided population, [recognizing that it] is a daunting, often overwhelming, task. It requires attention to myriad deficits, among which are a lack of political will for reform, a lack of institutional independence within the justice sector, a lack of domestic technical capacity, a lack of material and financial resources, a lack of public confidence in Government, a lack of official respect for human rights and, more generally, a lack of peace and Security.”

From the cases that were referred by partners to its Gulu office, and an initial survey conducted as part of strategy planning for the organisation, it was abundantly clear that FIDA-Uganda's transitional justice programme would have to broaden and encompass the issues around economic justice coupled with secure and sustainable livelihoods.

FIDA-Uganda acknowledges and seeks to add value to the enormous body of work already undertaken by Ugandan non-governmental organisations, religious and cultural institutions, the media, scholars, market and mothers unions, parents associations, local government officials, the African Union (AU), the United Nations (UN) agencies and donor governments by contributing its own resources of knowledge, legal expertise and perspectives in initiating and supporting initiatives that promote social justice outcomes in the area of women's and children's rights. FIDA-Uganda is a member of the Women's Task Force on the Peace, Recovery and Development Plan (PRDP) for Northern Uganda.

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<sup>3</sup>Report of the Secretary General on the rule of law and transitional justice in conflict and post conflict societies(s/ 2004/616) para 7

FIDA-Uganda undertook this research to identify areas in which it could add value to the body of work centered on the subject of ‘girl mothers’.<sup>4</sup> The idea of ‘*following the footsteps*’ and recording the experiences of girls and young women from Gulu District during the two decade conflict was thereby conceived. The proverb “*it is the wearer of the shoe who knows where it pinches*” captures the theme that ran through this inquiry in recounting violations and also in determining priorities for recovery and reintegration.

FIDA-Uganda sought to amplify the voices and agency of the girl mothers, therefore her research methodology focused on story-telling- using the power of personal testimony and narratives as a means of bearing witness- girl mothers recounted their experiences and made recommendations from perspectives of those most affected by the violations. *Bearing Witness* offers a powerful testimony of the experiences and expectations of the girl mothers of Gulu District.

The main objective of the research was to strengthen accountability for conflict and post conflict sexual and gender based violence in Gulu District, while the specific objectives were to;

1. Gather and record the experiences of formerly abducted girl mothers with regard to violations of their human rights, justice needs, reintegration concerns, protection needs and livelihoods.
2. identify those responsible for providing security and protection of their rights.
3. Elaborate the justice needs of the victims/survivors in response to their conflict experiences.
4. Identify concrete responses and remedies necessary for rebuilding the victims/survivors well-being and dignity, and identify the facilitating agents of such responses.

This study established that the design of reintegration interventions for returnees – either escapees or those that had been rescued by the Uganda People’s Defence Force (UPDF) from the war front– followed a predetermined formula that included a) debriefing by the UPDF,<sup>5</sup> b) some counseling provided by designated agencies and reception centers, c) gender specific skills training, d) tracing of families and return to internally displaced people’s camps or villages and, e) a Demobilization, Demilitarization and Reintegration–DDR package premised on assessments undertaken by designated agencies or government department. While some of the results of the interventions proved useful to

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<sup>4</sup>Whereas the informants in the study are now in their mid twenties, the term ‘girl mothers’ is used throughout the report to refer to the formerly abducted girl children who while in captivity and still in their early teens, were raped and forcibly made pregnant thereby becoming ‘girl mothers’ Another term that is used interchangeably is ‘child mothers’ The study found that the community referred to itself as ‘war affected’ and while appreciating the seriousness of the war experiences of young abductees, considered their own experiences as deserving of as much attention as that seemingly directed at the girl mothers.

<sup>5</sup>According to informants the debriefing lasted for a period of between 2-3 weeks at the UPDF Child Protection Units (CPU) located within the UPDF barracks in Gulu Municipality and elsewhere.

some degree in helping the girl mothers etch out a living, the programmes ignored other important dimensions of the girls' conflict experiences and post conflict needs. The responses were therefore ineffective.

The girl mothers all reported reintegration difficulties arising out of lack of acceptance by community members, stigmatization due to their status as formerly abducted children and the fact of being mothers of children sired by the LRA militia.

The study found that while Uganda's normative and legal framework is adequate<sup>6</sup> violence against girls and women remains largely un-addressed in the national justice system due to a variety of reasons, among these, resource deficits and marginalization of women's concerns within the criminal justice and local government systems. Women and girls subordinate status in traditional and cultural spaces also serves to obscure women and girls justice demands.

Further compounding this accountability gap, Uganda has yet to create a suitable reparations regime for any class of victims of the conflict. The convenient path has been to incorporate victims concerns under the Peace Recovery and Development Plan (PRDP) for Northern and North Eastern Uganda. The research posed and answered in the affirmative, the question as to whether there existed possibilities of subverting the objectives of the PRDP by engendering the programmes and introducing relevant outputs that would benefit the girl mothers.

The informants in this study spoke eloquently about the importance of a broader vision of justice that includes an acknowledgement of the harms suffered, the need to know (and tell) the truth, and demands for accountability for the

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<sup>6</sup>See Chapter 3 of this report



crimes committed against them. The girl mothers interviewed expressed a strong desire for genuine reconciliation with family and community with an outcome of full acceptance into their communities.

An important finding by the research, centered on the girl mothers understanding and interpretation of justice; all the primary informants in the research held a broad view of what justice entails. Many of the young women interviewed perceived justice to include notions of reparations and almost all considered justice to encompass safety, security, enjoyment and protection of rights and dignified livelihoods. Regarding the State's obligations,<sup>7</sup> all informants stated that the responsibility for the violations they suffered lay equally with the government of Uganda and the Lord's Resistance Army – the former for failing to protect them and the latter for executing programmes of torture against innocent civilians.

The girl mothers of Gulu want justice as they define it; they want to participate in the design of justice initiatives and interventions. They want to banish the shame they feel about their own involvement in committing atrocities and of being victims of sexual violence. They desperately need to heal both the physical and psychological wounds. They want to regain their lost dignity, having realized that their childhoods are lost to them forever. They want education, health services and shelter as a right not as a favour. They want to claim equal rights as Ugandan citizens. They want their government to admit that it failed to protect them from the Lord's Resistance Army (LRA) and they demand an apology from all sides of the conflict. This report '*Bearing Witness*' records these demands.

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FIDA-Uganda

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<sup>7</sup>*Ibid* Part 11 –Scope of Obligation of State – “The obligation to respect, ensure respect for and implement international human rights law and international humanitarian law as provided for under the respective bodies of law, includes, inter alia, the duty to:

- (a) Take appropriate legislative and administrative and other appropriate measures to prevent violations;
- (b) Investigate violations effectively, promptly, thoroughly and impartially and, where appropriate, take action against those allegedly responsible in accordance with domestic and international law;
- (c) Provide those who claim to be victims of a human rights or humanitarian law violation with equal and effective access to justice and
- (d) Provide effective remedies to victims, including reparations *Human Rights Law and Serious Violations of International Humanitarian Law*.

# introduction



During the twenty year armed conflict in Northern Uganda, tens of thousands of young girls were abducted and forcibly conscripted into the Lord's Resistance Army (LRA) as combatant child soldiers, 'forced wives', porters and domestic labourers.<sup>8</sup> Many children were subjected to horrendous violence and violations of their human rights. Characterized by abduction, torture, beatings, mutilations, rape, diverse forms of enslavement including sexual enslavement and other inhumane acts, the unspeakable war time experiences of the formerly abducted children have been widely recorded. One major study, (McKay & Mazurana 2004) reported that while abducted girls suffered violence, their roles and experiences were diverse and extended beyond the victimhood of sexual bondage. The informants in this study testified to diverse war time roles that demonstrate the complex nature of girls' experiences during the conflict.

The most widely researched effects of abductions of the girls by the LRA, including investigations by the International Criminal Court (ICC) have found as fact that a majority of the abducted girls were subjected to rape and sexual violence<sup>9</sup> and forcibly made pregnant as a result. Many young girls became mothers in captivity with deleterious effects to their health.

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<sup>8</sup>For a detailed analysis of girls' complex and diverse roles in the Northern Ugandan Conflict, see McKay and Mazurana D, *Where are the Girls? Girls in the Fighting Forces in Northern Uganda, Sierra Leone and Mozambique: Their Lives During and After War*, Rights and Democracy 2004

<sup>9</sup>Warrant Of Arrest For Joseph Kony Issued On 8 July 2005 As Amended On 27 September 2005, No.: ICC-02/04-01/05, Available at: <http://www.icc-cpi.int/iccdocs/doc/doc97185.PDF>

Almost all informants suffered adverse effects on their health status which had been severely compromised by long periods of captivity. Many of them lived in abject poverty and want. According to those interviewed current reproductive health services for women although existing, were still largely inaccessible for a variety of reasons such as lack of information and the expense involved in accessing the services. Early and frequent pregnancies, sexually transmitted infections (STI's), HIV/AIDS, prolonged sexual, physical and psychological abuse, malnutrition and poverty were articulated as the reasons for women's poor health status in Gulu District.<sup>10</sup> Quite a number of the informants still had war time wounds and disabilities that had not been attended to. One young woman reported that a bullet was still lodged in her body and required specialised surgery which she did not have access to.<sup>11</sup>

The 'girl-mother' phenomenon has achieved some notoriety as a research -and fundable- subject among INGO's NGO's and CBO's working in Northern Uganda.<sup>10</sup> Undoubtedly, this is an important area of

study because of the large numbers of girls affected and the consequences on the social fabric given women's central roles within the community.

Yet, for all the interest, only a few of the associations of girl mothers interviewed for this research had benefited substantially<sup>12</sup> from donor support. None of the three girl mother associations that took part in the focus group discussions (FGD'S) in this study had received any long term funding to bolster their saving schemes or to support their programmes. However, almost all the girl mothers stated that they had received some skills training and resettlement packages following their release from reception centers. Skills' training – mostly tailoring- was provided largely by donor agencies and faith based organisations. While some girls utilized the skills acquired, a large number could not because they didn't have the tools of trade, had lost interest or had ventured into more lucrative activities such as hawking goods in the market,<sup>14</sup> sex work and bead making.

<sup>10</sup>One third of the 35 informants in this research had undergone treatment for various conditions including STI's, fistula, HIV, fractured bones, bullet removal, hysterectomy & other gynaecological surgeries, high blood pressure, malaria, typhoid, back aches ,migraines, ulcers and generalized body pains due to many years of beatings.

<sup>11</sup>Interview on 17 October 2011 at FID-Uganda Gulu offices

<sup>12</sup>An official of the oldest Association of Girl Mothers in Gulu reported that some members had obtained scholarships and grants for micro credit activities which had transformed the lives of the girl mothers.

<sup>13</sup>Interviews on 15th October 2010 in Abwoch Village, with Kinenigi Child and Women's Group members. In an interesting focus group discussion in Abwoch, old men and women in their 60's and 70's were Members of a 'Girl Mothers' collective which they saw as the most immediate interest of donors and a means of raising funds from donors for micro credit activities. They considered themselves as 'war- affected' as the girl mothers.

<sup>14</sup>According to the coordinator of Market women's association, 150 girl mothers had been accepted as traders by the Market Women's Association at the main Gulu Market -interview on 12 October 2010



# methodology

## 2

FIDA Uganda employed both quantitative and qualitative methodologies. Thirty-five formerly abducted girl mothers were interviewed. All the interviews were conducted by women. A counselor was present and available to the girl mothers at all times. 4 focus group discussions (FGD's) at pre-selected sites chosen by FIDA Uganda were conducted. The FGD's involved community members including a Market Women's Association and 2 organised groups of girl mothers who separately provided insights into the difficulties of reintegration faced by young ex-combatants and girl mothers.

Going deeper, the researchers spent time in the rural homes of 3 young mothers who had returned from the battlefield with children. Local council officials, political leaders, community leaders, police, parents, guardians, community based organisations (CBO's), humanitarian workers, nongovernmental organisations (NGO's) and court officials were interviewed for current perspectives on the issues of reintegration generally and the plight of girl mothers in particular.

The consultant undertook extensive desk review of relevant authoritative sources<sup>15</sup> on the Northern Uganda Conflict and on gender justice in transitional contexts. In addition, Uganda's legal framework was analysed to assess its obligations and responses.<sup>16</sup>

In keeping with FIDA-Uganda's ethics, a feminist research methodology was employed ensuring that all the people involved in giving testimonies were informed of the scope and future use of the interviews, and all gave written consent for the use of their narratives and photographs in the report

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<sup>15</sup>See Bibliography in Annex 1

<sup>16</sup>See Nainar, V. *In the Multiple Systems of Justice, Whither Justice for Women?* FIDA-Uganda 2011 - a gender audit of transitional justice mechanisms for a detailed analysis of justice mechanisms and proposals for reform, FIDA-Uganda, 2011

and FIDA-Uganda documents. The interpreters demonstrated cultural and gender sensitivity on the issues particularly because the nature of violations included sexual violence. The Interviews were all conducted in the Acholi language with interpretation by a trained counselor known and trusted by many of the young women.

FIDA-Uganda staff members were present during the interviews to identify follow-up support (medical, counseling, legal) as needed for girls/women interviewed. Survivors were interviewed in private unless they indicated that they did not object to the presence of others as in the FGD's. No minors were interviewed and all informants were over the age of twenty four.<sup>17</sup> Whereas none of the informants were children at the time of the interview (October 2011), FIDA-Uganda is bound by ethical standards in using images of the young mothers to guard against further stigmatizing or putting them at risk given their status as formerly abducted children and victims of sexual violence. Three informants stated that they had been interviewed for other studies and magazine stories.<sup>18</sup>

The study placed value on first person testimony. No terms were suggested in the questioning and no legal terms were used.<sup>19</sup> A number of the informants characterized their bondage and attachment to commanders as being “given as a wife”. In further conversation, it was evident that the language of speaking about rape and sexual violence is culturally nuanced and it was easier for the young women

to speak about “being taken” or “being given” as wives. In quite a number of testimonies, even the act of the first rape was described by the informant as “being made a wife” ‘forced marriage’ and ‘forced motherhood’ was how the young women described their circumstances. However, in their explanations, the informants were quite clear that the ‘marriage’ relationships were coerced.

## 2.1 Limitations of the Research

The study had some limitations;

- Small sample size and limited time within which to collect information.
- Some informants provided ‘stock’ or ‘expected’ responses possibly due to over exposure to researchers.
- Some informant civil society organisations and local government officials did not provide relevant data but relied heavily on anecdotal evidence and perceptions.
- Findings are based on research conducted in Gulu District only and may not generally be representative of girl mothers in all the Northern Ugandan Districts.

<sup>17</sup>FIDA –Uganda endorses and applies the UNICEF Media Reporting guidelines available at [http://www.unicef.org/media/media\\_tools\\_guidelines.html](http://www.unicef.org/media/media_tools_guidelines.html)

<sup>18</sup>Members of *Empowering Hands Uganda* a girl mothers association founded in 2004 by 30 formerly abducted child mothers with the support of UNICEF were featured in GLAMOUR Magazine which subsequently provided a grant to support their programmes. Interview with David Martins Okwir, a senior official of Empowering Hands Uganda on October 13, 2010.

<sup>19</sup>See questionnaire in Annex 4

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## 3.1 Justice and Reparations



Because the dominant narrative about girls and women's experiences in the armed conflict has been one of victimization as 'captive wives', their voices have been muted and until recently absent in transitional justice discourses. This dominant narrative of victimization has also negatively impacted on girls and women's post conflict livelihoods because the design and implementation of interventions for demobilization, disarmament, reintegration and reconciliation have largely excluded their diverse needs by focusing almost entirely on ameliorating the effects of war time sexual violence.

This study confirms what is already known about the impact of war on girls and women<sup>20</sup> but goes further to record the agency of the young women faced with difficult conditions upon return to relative peace.<sup>21</sup> In considering appropriate measures of reparations, policy makers would have to examine very closely the state of women's and girls' rights in Uganda prior to the armed conflict. Through desk review, it is evident that there existed structural and institutional discrimination against women and girls prior to, during and after the conflict. Discrimination against

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<sup>20</sup>See UNICEF (2005) Child Mothers face stigma of rejection [www.unicef.org/infobycountry/uganda24566.html](http://www.unicef.org/infobycountry/uganda24566.html), Leibig, Abigail, *Girl child soldiers in Northern Uganda: do current legal frameworks offer sufficient protection?* Northwestern University Journal of International Human Rights Volume 3 (April 8, 2005)

<sup>21</sup>Jeannie Annan, Christopher Blattmann, Dyan Mazuran & Kristopher Carlson ; Women and Girls at War : 'Wives', Mothers and Fighters in the Lord's Resistance Army offer an interesting perspective on war time experiences and post conflict experiences of reintegration of girl mothers . From a wide sample of 1,300, the report concludes that in fact there is little empirical evidence to suggest high incidence of sexual violence within LRA ranks – indeed they find that sexual violence was limited and contained within the 'forced marriages' and random acts of rapes by the LRA were rare. The report finds little evidence of economic losses or special difficulties with reintegration for girl mothers distinct from experiences of other returnees who were not 'forced mothers' There is a finding that forced motherhood had the effect of preventing girl mothers return to school upon their return because of added responsibilities of child care. The research was commissioned by UNICEF 2009 and builds on work by Mazurana and Carlson (2008) on violence perpetrated within contexts of forced marriage , last accessed April 27 2011, available at <http://www.prio.no/sprans/185286780/blattman-women@war.1009.pdf>



women and girls was deeply entrenched in societal relationships and in the country's laws and reflected in institutional governance and accountability failures.

The reform of Uganda's Constitution in 1995 introduced important new standards of protection, participation, 'formal' equality and expanded the grounds of non discrimination. However, the challenges of implementation and the armed conflict and marginalisation of Northern Districts militated against any improvements in the lives of women and girls in Gulu District. In the context of conflict, the endemic and systemic discrimination against women and girls contributed in large part to the egregious violence that girls suffered.

*"I was abducted in 1997 when I was twelve and escaped in 2006. I was given to an old man and gave birth to three children in Sudan. During my escape, I was re-abducted and beaten almost to death. Someone found me where they had left me to die and took me to hospital. From there I started cohabiting with a man who was very violent. He beat me so much until I broke some bones and ended up in hospital where he abandoned me. My family also did not accept me. Now I live in Gulu town and do odd jobs to make ends meet and take care of my children. I would have gone back to school but for these children and the additional one I got later. I live with constant back pain from all the beatings".<sup>22</sup>*

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<sup>22</sup>Interview on 12 October at Alokolum

In early 2007, an important contribution to the reparations debate was made when women survivors of gross human rights violations in situations of armed conflict issued the *Nairobi Declaration on women's and girls' right to a remedy and reparations*.<sup>23</sup> In a historic development, an international declaration considered the rights of girls as separate and distinct from women's or children's rights. The working group that issued the declaration was informed by a twelve country research<sup>24</sup> of survivors of sexual violence in armed conflict. The Nairobi Declaration emphasized the importance of participation, empowerment and transformation as integral to the design, implementation and success of reparations programmes.

*The Nairobi Declaration* affirms that socio-cultural injustices and structural inequalities that exist and persist before, during and after conflict, must be addressed for reparations to be meaningful in the long term. Reparation has to mean more than compensation or restitution and should encompass notions of social justice and embrace transformation of society by addressing the structural and systemic

discrimination against women and girls as the main outcome. Women's expectations of reparations programmes are therefore more focused on participation, empowerment and transformation with broad social justice dividends.<sup>25</sup>

Many informants expressed a need to know the truth. *The Nairobi Declaration*<sup>26</sup> states that 'truth-telling requires the identification of gross and systematic crimes and human rights violations committed against women and girls and note the importance of naming the abuses and violations in order to raise awareness about these crimes and violations and to positively influence a more holistic strategy for reparations'. The lack of naming and addressing such abuses in past reparation programmes have contributed to the lack of effectiveness of such efforts from victims' perspective.

The informants testified that they desired to know the truth about the causes of the war that led to the terrible experiences of abduction, exploitation, enslavement, serial torture, rapes, sexual slavery, forced pregnancy and early motherhood.<sup>27</sup> Many of the girl informants were conscripted into the

<sup>23</sup>In March 2007, exactly one year following the adoption by the United Nations General Assembly of the *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*, women survivors, activists and jurists from South Africa, Democratic Republic of Congo, Rwanda, Burundi, Kenya, Sierra Leone, Sudan, Peru, Chile, Colombia, Guatemala, India, Belgium and Canada, gathered in Nairobi to discuss reparation for victims and survivors of sexual violence in conflict situations and issued The Nairobi Declaration. The declaration has been cited in approval by the African Commission on Human and Peoples Rights in its resolution on the Right to a Remedy and Reparation for women and girls victims of sexual violence passed at its 42nd Ordinary Session in Congo Brazzaville November 2007. For a text of the declaration, see Annex 3, Declaration available at [www.urgentactionfund-africa.or.ke](http://www.urgentactionfund-africa.or.ke) or [www.womensrightcoalition.org/reparations/signature\\_en.ph](http://www.womensrightcoalition.org/reparations/signature_en.ph) For the ACHPR resolution see [www.achpr.org/English/resolutions/resolution111\\_en.htm](http://www.achpr.org/English/resolutions/resolution111_en.htm) accessed 9 September 2010

<sup>24</sup>This [unpublished]research was commissioned by Urgent Action Fund For Women's Human Rights & Rights and Democracy and undertaken by Vahida Nainar

<sup>25</sup>see A/HRC/14/22 19 April 2010; Rashida Manjoo Report of the Special Rapporteur on Violence against women, its causes and consequences, on the importance of dignified livelihoods for survivors of violence and The Nairobi Declaration on the imperative for participation .

<sup>26</sup>*Ibid*

<sup>27</sup>See *The Nairobi Declaration* Part 3 (C) 'Truth-telling requires the identification of gross and systematic crimes and human rights violations committed against women and girls. It is critical that such abuses are named and recognized in order to raise awareness about these crimes and violations, to positively influence a more holistic strategy for reparation and measures that support reparation, and to help build a shared memory and history. Currently, there is a significant lack of naming and addressing such abuses in past reparation programs and efforts, much to the detriment of surviving victims'.

fighting forces and committed crimes against other children and adults. Most informants report that they committed crimes to save their own lives but a few admit to being warriors for what they had come to believe was a just cause. While the dominant narrative and reporting centers on captive motherhood and sexual enslavement of girls by rebel LRA rebels, the roles that girls played in the conflict were diverse and complex,<sup>28</sup> one young woman testified that:

*“I was one of the toughest soldiers and was even a commander. I was not afraid of anybody or anything. Being a wife of a senior commander didn’t stop my ability to be brave on the battlefield. Women received military training as soon as they arrived in Sudan. Some girls were very small and the weapons would be heavy but we had received good practice carrying loads on the journey to Sudan. We were taught how to use weapons, how to clean them and how to shoot. When we were ambushed, I was a soldier not just a wife”.*<sup>29</sup>

The girl informants stated that knowing the truth and getting an opportunity to publicly recount their experiences, and where necessary, admit wrong

doing, seek forgiveness, and shed the shame they felt for having committed atrocities against their own people, was an important step in healing wounds and helping them recover their dignity. They spoke approvingly of the Amnesty law<sup>30</sup> as being important in facilitating reconciliation and truth telling because of the large numbers of children who had been forced to commit crimes.

*“I would like to ask the government of Uganda what they think about us [former child soldiers]. We were innocent children who were abducted. They did not protect us. Who is supposed to take care of children? Now our future is ruined. Me, I have scars everywhere and I haven’t been compensated even after taking photographs of my wounds and making a claim with the presidential adviser for Northern Uganda. I became a mother against my will. I don’t even know where these people come from. They used fake names and my abductor died before the war ended. I have no money to take care of the two children I came with. What do I do? I need to know who these people are and why they did this to me and my family”.*<sup>31</sup>

<sup>28</sup>See McKay S and Mazurana D, *Where are the Girls? Girls in the Fighting Forces in Northern Uganda, Sierra Leone and Mozambique: their lives during and after the war* (Rights and Democracy 2004) for a complete discussion on the complex roles and experiences of girls in the Northern Uganda Conflict

<sup>29</sup>Interview on 12 October at Alokolum, Kiroombe

<sup>30</sup>The Uganda Amnesty Act 2000, provided pardon of all Ugandans engaged in acts of rebellion against the government since January 1986. By January 2005 about 50,000 people had taken advantage of the amnesty and submitted themselves to the Amnesty Commission for recording., see also Hovil, L., Working paper No 15 - *Who’s Justice? Perceptions of Uganda’s Amnesty Act 2000: The potential for conflict resolution and long term reconciliation*, Refugee Law Project available at [http://www.refugeelawproject.org/working\\_papers.ph](http://www.refugeelawproject.org/working_papers.ph)

<sup>31</sup>Interview on 12 October at Alokolum

A gender just concept of reparations recognizes that the process of design and execution of reparations programmes is as important as the outcome itself. The process should empower the survivors by acknowledging that they have some agency is designing their own futures. Women survivors of gross violations represented at the Nairobi meeting stated that participation of victim communities and ultimate societal transformation were considered as important markers in the success of any reparations

programme.<sup>32</sup> Assigning responsibility for and dealing with underlying causes of the injustices were both considered as critical elements in the design of appropriate reparations particularly in cases where sexual violence and other egregious violations against girls and women had occurred. Gender just reparations therefore should include measures to heal the body and mind, restore dignity and livelihoods, rehabilitate as well as to promote justice by the reform of discriminatory laws, policies and practices.



<sup>32</sup>Ibid part 3 (H), 'Reparation must go above and beyond the immediate reasons and consequences of the crimes and violations; they must aim to address the political and structural inequalities that negatively shape women's and girls' lives'.

### 3.1.2 Reparations and Development: A New Discourse -The Peace, Recovery and Development Plan

Governments and other actors often conflate the real and immediate benefits of development and the imperatives of individual or collective reparations for actual 'harm done'. The discourse of development as reparations is favoured by governments, donors and development professionals. It is argued that it is an ideal way to deal with situations of mass atrocities in countries where donors and multi lateral agencies are taking on the responsibilities of states to ensure some reparations for victims.<sup>33</sup>

The pragmatic view, according to this discourse is that the harms are too great and widespread and affect too many people for individual reparations to be feasible and hence the argument goes, reparations are part of reconstruction and rehabilitation efforts that benefit whole communities. This view is perfectly legitimate where it addresses social economic needs of communities ravaged by conflicts, however there is need to interrogate the view further to establish how different sectors of society benefit from community reparations.

In late 2007 the Government of Uganda (GoU) launched the Peace, Recovery and Development Plan (PRDP)<sup>34</sup> as a five year transitional recovery plan for war ravaged Northern Uganda. The PRDP is intended as a blue print for action by all governmental, international, donors and civil society agencies involved in peace and recovery initiatives in the Greater North of Uganda. Earlier recovery plans such as the Northern Uganda Reconstruction Programme 1 and 11 ( NURP-1 & 11) initiated beginning 1992 had been largely ineffective primarily due to lack of funding and planning, a failure to incorporate the views of the affected communities and minorities and to cater to their most essential needs as war affected populations. NURP-11 incorporated a scheme funded by the World Bank that made loans to community members.

Isis WICCE<sup>35</sup> in its evaluation of PRDP found that gender and women's rights concerns had not been sufficiently or effectively addressed. In fact, women had barely been consulted in the design of the plan. In response to this lacuna, a Women's Task Force was formed in March 2009 to broadly engender the implementation and programmes of the PRDP. Isis WICCE a key member of the Women's Task Force

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<sup>33</sup>FIDA-Uganda acknowledges that this debate is complex and politically nuanced. Who funds development programmes in third world countries recovering from conflict also fund recovery and rehabilitation development initiatives. It is the classic case of 'she who pays the piper calls the tune'. And as long as states and non state actors are not held to account, donors will do with the money as they like.

<sup>34</sup>PRDP document available at [www.beyondjuba.org](http://www.beyondjuba.org) and for an analytical update on the implementation of Uganda's PRDP see *Is The PRDP Politics as Usual?* Briefing Note No 2 December 2008 Beyond Juba available at [www.beyondjuba.org/briefing\\_papers/PRDP\\_Briefing\\_Note.PDF](http://www.beyondjuba.org/briefing_papers/PRDP_Briefing_Note.PDF) and for a gender analysis on PRDP see Isis WICCE's *Redefining Peace And Development : Women's Recommendations For The Peace , Recovery And report Development Plan For North And North Eastern Uganda (PRDP) Isis WICCE ,2010* available at [http://www.isis.or.ug/index.php?option=com\\_docman&task=cat\\_view&gid=69&Itemid=89](http://www.isis.or.ug/index.php?option=com_docman&task=cat_view&gid=69&Itemid=89)

<sup>35</sup>Isis WICCE is a global women's rights organisation based in Kampala Uganda and works to achieve gender justice through exchange of skills, documentation, information sharing and networking.



(WTF)<sup>36</sup> for a gender responsive PRDP, initiated a needs assessment in partnership with women-led community based organizations (CBO's) to design strategies for interventions within PRDP that would incorporate women's needs and priorities.

FIDA-Uganda is a member of the Women's Task Force and is committed to ongoing engagement to engender the PRDP particularly on the strategic objectives within its competence areas. While all programme areas intersect and have gender implications, of the 14 programmes for implementation under PRDP, FIDA-Uganda's transitional justice focus areas include; 1) facilitation of the peace agreement initiatives, 2) judicial service enhancement 3) return and resettlement of IDP's 4) economic and community empowerment and development, 5) amnesty, demobilization and reintegration of ex-combatants.<sup>37</sup> These areas are highlighted in the recommendations of this study and the specific needs repeatedly articulated by the informants. A broader set of recommendations for engendering all 14 programmes obtaining coherence across the strategic objectives of the plan and monitoring implementation are contained in the Isis WICCE and WTF report of the needs assessment in 29 of 40 Northern Ugandan

Districts.<sup>38</sup> Informants in this study suggested that the WTF needed some invigoration in its monitoring of the PRDP.

Measures to provide education and health services in communities that have been devastated by conflict are laudable but as is evident from the analysis of the PDRP, such programmes are designed and developed with minimum consultation of affected communities and rarely employ a gender perspective in design or implementation. Girls and women often get the short end of the stick in these programmes.

Information regarding the programmes often does not reach the girl mothers in time or at all, and the services provided are generally inaccessible to them. The girl mothers preferred to send their children to school instead of taking up the opportunities themselves because they did not have anyone to care for their younger children while they attended school. Communities are also beginning to consider what types of reparations constitute sustainable reparations by incorporating conflict transformation strategies in community rehabilitation programmes.

Whereas PRDP goes a step further and considers institutional reform and strengthening as an objective

<sup>36</sup>Members of the Women's Task Force are; Center for Conflict Resolution (CECORE); Center for Domestic Violence Prevention (CEDOVIP); Centre for Women in Governance (CEWIGO); Forum for Kalongo Parish Women Association (FOKAPAWA); Forum for Women in Democracy (FOWODE); Isis-Women's International Cross Cultural Exchange (Isis-WICCE); Karamoja Women Umbrella Organization (KAWUO); Kitgum Women Peace Initiative (KIWEPI); Land and Equity Movement in Uganda (LEMU);Lango Female Clan Leaders Association (LFCLA); Lira Rural Women and Children Development Initiative Transit Shelter (LIRWOCDI); Mothers' Union Umbrella of the Church of Uganda-North Karamoja Dioceses; National Union of Women with Disabilities of Uganda (NUWODU); Participatory Rural Action for Development (PRAFORD); People's Voice for Peace (PVP); Positive Women Leaders (POWL); Support to Community Initiative for Integrated Development Agency (SCIIDA); Teso Women Peace Activists (TEWPA); Uganda Association of Women Lawyers (FIDA-U); Ugandan Women's Network (UWONET); and, Women Rural Development Network (WORUDET).

<sup>37</sup>See Annex 2 for Table on the PRDP's Strategic Objectives and Programming areas. The full text of the PRDP is available at [www.beyondjuba.org](http://www.beyondjuba.org)

<sup>38</sup>*Redefining Peace And Development* : Women's Recommendations For The Peace, Recovery And Development Plan For North And North Eastern Uganda (PRDP) Isis WICCE ,2010 available at [http://www.isis.or.ug/index.php?option=com\\_docman&task=cat\\_view&gid=69&Itemid=89](http://www.isis.or.ug/index.php?option=com_docman&task=cat_view&gid=69&Itemid=89)



of recovery,<sup>39</sup> this programme objective does not have gendered indicators in its implementation, a matter that the WTF has duly considered as a priority. Similar objectives are presented in the United States funded military/ development initiative for Northern Uganda on disarmament and recovery.<sup>40</sup>

### 3.1.3. Life Interrupted Restoring Livelihoods, Health, Dignity and Personhood

The enormity of the harms and resultant consequences suffered by the children and people of Northern Uganda cannot be overstated. New thinking about the project of reparations that encompasses economic justice is necessary. For the young women informants, the issue of dignified livelihoods is crucially important. One young woman abducted at 13, rescued at 23, now 27 was back at School in Primary 3.<sup>41</sup> For this former child soldier and girl mother of two, getting an education was the only way out of a terrible fate characterized by poverty, exclusion, stigma and violence. She is one of the lucky ones. She has family that helps her take care of her fees and a sponsor who pays the \$75 annual fee for books and extras. Many children were not so lucky. With the abductions and subsequent service and slavery in fighting forces their lives were rudely interrupted. In

a particularly poignant testimony, a young informant stated;

*"I participated in beating and killing fellow abductees who were found escaping. When I was abducted, my father and brother came to plead with the rebels to leave me because I was young and could not walk. My brother offered to go with the rebel instead but they killed both of them for pleading for me.*

*...In the bush I was given to an old man called Salim as a wife but when I protested I was severely beaten and got 250 strokes. Salim was brutal, he raped me and although I was too young to have a baby, he threatened me with death often because I never became pregnant, he was killed in an ambush and there after she was given to another man with whom I had two children. I escaped with them and now live with them here in Gulu. I am a petty trader but I would really like to go back to school and continue my education".<sup>42</sup>*

A variety of traumas beset the entire community. However, psychological trauma with the attendant lack of mental health services complicates an already delicate situation with regards to reintegration of the girl mothers. The few that received any counseling

<sup>39</sup>See Annex 2 -PRDP log frame.

<sup>40</sup>Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009, Pub. L. No. 111-172, 124 Stat. 1209 (2010) available at <http://www.govtrack.us/congress/bill.xpd?bill=h111-2478&tab=summary>) last accessed April 2,2011

<sup>41</sup>Interview on 15 October at FIDA Uganda Offices in Gulu Town

<sup>42</sup>Interview on 13 October 2010 at Alokulum

stated that it was provided in an *ad-hoc* manner and for very short periods. Most informants reported having received three week counseling sessions at the various reception centers when they returned from captivity. During the mass returns, the reception centers were often overwhelmed. Although the centers did a commendable job at providing emergency services, officials interviewed acknowledged that the period of counseling was rather short taking into account the enormity of the traumas experienced.<sup>43</sup> Some of the girl mothers in this study never received any type of trauma counseling.

This study found that girl mothers had taken initiative by forming themselves into collectives that empower them economically. By pooling resources and supporting each other morally and financially, girl

mothers have been able to cater for their needs as well as those of their children. A number admitted to being the bread winners and demonstrated agency in making choices about where they would live after their return.

*“...I make and sell beads. I have endured so much suffering; I cannot sit back and watch my child suffer. Only regret I have is that I cannot go back to school. I’d rather my children go to school and I earn money to feed them. If I had stayed in the village, where would I be? Anyway, they didn’t like my children and I decided to come to Gulu where I could find support among my friends who understood my problems”<sup>44</sup>*



<sup>43</sup>Interview on 15 October 2010 at World Vision Reception Center in Gulu

<sup>44</sup>Interview on 12 October 2010 in FGD of Girl Mothers Group in Gulu Municipality

# accountability for crimes

# 4

## 4.1 Criminal Accountability as Justice

*“...Criminal trials express public denunciation of criminal behaviour. They can provide a direct form of accountability for perpetrators and ensure a measure of justice for victims by giving them the chance to see their former tormentors made to answer for their crimes. [...]. Criminal trials can also contribute to greater public confidence in the State’s ability and willingness to enforce the law. They can also help societies to emerge from periods of conflict by establishing detailed and well-substantiated records of particular incidents and events. They can help to de-legitimise extremist elements, ensure their removal from the national political process and contribute to the restoration of civility and peace and to deterrence”.*<sup>44</sup>

The silence, non-acknowledgment, non investigation and non prosecution of the crimes committed against the girls and women during the two decade war are symptomatic of lethargic transitional justice and accountability responses. Conceptual misunderstanding of the crimes of torture, rape, enslavement, sexual slavery and forced pregnancy as constituting ‘forced marriage’ have further blurred local efforts at seeking criminal accountability. This mischaracterization of crimes of sexual violence

<sup>44</sup>See the Report of the Secretary-General on the re-establishment of the rule of law and the administration of justice during the transition period in societies that are in conflict or are emerging from a period of conflict (S/2004/616), par. 39.

committed against girls and women has historical antecedents in the World War 11 accountability mechanisms (where rape was characterized as a crime against honour) and more recently in the Sierra Leone Special Court where sexual slavery was charged as 'forced marriage'.

While reconciliation and reintegration are important imperative for healing, accountability for doing harm is considered an integral part of justice and rehabilitation and is an important plank in ensuring non repetition of violations. States bear responsibility to combat impunity and the United Nations has issued principles in this regard.<sup>46</sup> The principles require that states "undertake prompt, thorough, independent and impartial investigations of violations of human rights and international humanitarian law and take appropriate measures in respect of the perpetrators, particularly in the area of criminal justice, by ensuring that those responsible for serious crimes under international law are prosecuted, tried and duly punished".<sup>47</sup> The responsibility to protect populations against human rights violations rests squarely with the state.<sup>48</sup>

Informants frequently articulated a desire for acknowledgement and compensation for harms suffered. A woman recounted;

*"My husband and two sons were shot dead in front of me and my young son was abducted. I was shot. I wrote a letter to the presidential adviser of Northern Uganda and sent a picture of my wounds because they said they would compensate us. I haven't seen anything yet"*<sup>49</sup>

The crimes committed against the girl mothers who took part in this study include killing, torture, inhumane treatment, grievous bodily injuries, rape, sexual violence, forced nudity, mutilation, enslavement, sexual slavery, forced displacement, forced transfer, forced conscription into fighting force and persecution, all committed within the context of an internal armed conflict thereby constituting crimes against humanity and war crimes. Uganda's criminal justice architecture and judicial system is well established, but no single national level investigation or prosecution has yet been undertaken with regard to any of the war crimes committed against the girl mothers interviewed for this study.

By naming and acknowledging the gravity of the crimes committed against the girl mothers, appropriate responses can be designed and impunity for future violations avoided. Ignoring the atrocities committed against the girl constitutes further violation of their rights and in effect legally buries important justice demands by the girl mothers.

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<sup>46</sup>See The United Nations principles to combat impunity", E/CN.4/2005/102/Add.1, 8 February 2005.

<sup>47</sup>*Ibid*, principle 19

<sup>48</sup>The UN General Assembly Member States embraced the *Responsibility to Protect* doctrine in paragraph 138-139 of the Outcome Document of the 2005 World Summit. In the gathering of world leaders for the High level Plenary of the General Assembly, otherwise known as the 'World Summit', heads of states and governments reached consensus on the *Responsibility to Protect* populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

<sup>49</sup>Interview on 12 October at FIDA Uganda Offices Gulu, member of Market Women's Association

David Martins Okwir of *Empowering Hands Uganda*- a girl mothers association founded in 2004 by formerly abducted child mothers, was of the opinion that the dichotomy between peace and justice was false and that both were essential. He suggested that locally generated and community driven interventions on accountability were more sustainable. He emphasized the imperative of participation by affected victims and communities in the design and implementation of programmes;

*“We should be careful not to regress to the horrors of the past by speaking the language of peace. Look, the LRA are doing terrible things in Central African Republic because there has been no accountability for what they did here. I think we can only ensure serenity in future by holding people accountable. Criminals should not go scot free.”<sup>50</sup>*

#### 4.1.1. Accountability for Crimes: Traditional Mechanisms and Alternative Transitional Justice Mechanisms

A number of the informants placed significant importance on traditional mechanisms of conflict

resolution and reconciliation. The use of traditional justice systems, customs and practices resonated quite well with most informants when discussions of criminal accountability arose.<sup>51</sup> In the Focus Group Discussions (FGD’s), the prevailing view was that Acholi traditions and the institution of the Ker Kwaro Acholi<sup>52</sup> had played important roles in helping with reintegration and dealing with traumas of war. Traditional sites were considered safer as arenas to tell the truth about war time atrocities without fear of retribution. Returnees were encouraged to confess wrong doing and take responsibility for actions that resulted in harm to others in exchange for cleansing and reconciliation.

Major studies reveal that traditional conflict resolution and reconciliation mechanisms have been successfully utilized to reintegrate thousands of mainly male ex-combatants,<sup>53</sup> many of whom were children abducted and forcibly conscripted into the fighting forces. Scholarly accounts reveal that girls and women have had limited access to these alternative mechanisms<sup>54</sup> which are concerned with the ‘very large issue’ of reconciling and reintegrating the entire community. Despite the fact that some practices within traditional spaces and institutions limit women’s participation and outcomes, on the whole the informants considered them useful.

<sup>50</sup>Interview on October 13 2010 with David Martins Okwir at Empowering Hands Offices, Gulu.

<sup>51</sup>Informants however noted that the Acholi culture is patriarchal and privileges males and their experiences,

<sup>52</sup>Headed by Rwot David Onen Acana the Paramount Chief, this institution comprises 50 traditional Acholi leaders. The Ker Kwaro Acholi is a constitutionally recognized cultural institution

<sup>53</sup>For a thoughtful analysis of the Northern Ugandan conflict , the ICC investigations and local justice initiatives, see working papers by the Refugee Law Project –Faculty of Law, Makerere University available at [http://www.refugeelawproject.org/working\\_papers.php](http://www.refugeelawproject.org/working_papers.php) Working paper No 17- *Peace First, Justice Later : Traditional Justice in Northern Uganda* Lucy Hovil, Joanna R Quinn & No 15- *Whose Justice? Perceptions of Uganda’s Amnesty Act 2000: The potential for conflict resolution and long term reconciliation*, Lucy Hovil, Zachary Lomo: Working Paper No 12 -*Negotiating Peace Resolution of conflicts in Uganda’s West Nile Region* Zachary Lomo, Lucy Hovil; & Working Paper No 11- *Behind the Violence : Causes, consequences and the search for solutions in Northern Uganda* Zachary Lomo ,Lucy Hovil

<sup>54</sup>Erin K. Baines, ‘The Haunting of Alice: Local Approaches to Justice and Reconciliation in Northern Uganda,’ *The International Journal of Transitional Justice*, Vol. 1, 2007, 91-114, pp.114

A mother recounted;

*“My child was in captivity for many years. He is now in Gulu University. He told me of the terrible things he did in the war. He said he was made to kill and beat other children even when they were looking straight at him and begging for mercy. We performed traditional rites to give him peace of mind and to cleanse him of evil spirits”<sup>55</sup>*

Local demands for peace with justice, and a desire by the government to engage the LRA in negotiations resulted in the enactment of the Uganda Amnesty Act 2000.<sup>56</sup> A special division of the High Court with jurisdiction to try crimes under ICC jurisdiction was created even before Uganda passed the implementing legislation for the Rome Statute in May 2010.<sup>57</sup>

Traditional mechanisms for resolving conflicts and reconciling the community were included in the Juba Peace accords as a means of achieving sustainable peace. These accords were welcomed across the board by the community as they were by the people interviewed in this study.<sup>58</sup>

Lack of financial resources for implementing recovery and rehabilitation of war ravaged Northern Uganda

has often been the excuse for doing nothing to support holistic reintegration, justice and rehabilitation programmes. The United States Congress recently authorized the appropriation of US \$10,000,000.00<sup>59</sup> each year for the fiscal years 2011– 2012 to support reconciliation and ‘advance transitional justice’ which includes implementing recommendations in the Juba Peace Agreement relating to accountability and reconciliation to wit;

- (1) a body to investigate the history of the conflict, inquire into human rights violations committed during the conflict by all sides, promote truth-telling in communities, and encourage the preservation of the memory of events and victims of the conflict through memorials, archives, commemorations, and other forms of preservation;
- (2) a special division of the High Court of Uganda to try individuals alleged to have committed serious crimes during the conflict, and a special unit to carry out investigations and prosecutions in support of trials;
- (3) a system for making reparations to victims of the conflict; and

<sup>55</sup>Interview on 12 October 2010 at FIDA Uganda Offices in Gulu

<sup>56</sup>This act provided pardon of all Ugandans engaged in acts of rebellion against the government since January 1986. By January 2005 about 50,000 people had taken advantage of the amnesty and submitted themselves to The Amnesty Commission (AC) for recording.

<sup>57</sup>Uganda’s implementing legislation, The International Criminal Court Act 2010, came into effect on 25 June 2010. This law gives effect to the Rome Statute of the International Criminal Court and provides for incorporation of offences into the law of Uganda. These crimes fall within the jurisdiction of the Uganda High Court’s War Crimes Division (now known as the International Crimes Division).

<sup>58</sup>David Martins Okwir of *Empowering Hands-Uganda* suggested that FIDA-Uganda should work closely with the traditional leaders in aiding abused women. He observed that it was now ‘unfashionable’ to discriminate against women and the Rwot Achan was in fact implementing programmes with the support of UNIFEM (now UN Women)

<sup>59</sup>*Ibid* at Section 7



(4) a review and strategy for supporting transitional justice mechanisms in affected areas to promote reconciliation and encourage individuals to take personal responsibility for their conduct during the war<sup>60</sup>

Civil society organisations will have to monitor implementation of the Juba accord and hold GoU accountable for the efficient and effective utilization of resources pledged for specific purposes.

#### 4.1.2. The Limitations of Criminal Justice in a context of Mass Atrocities and the Impact of the International Criminal Court

Uganda's situation was the first to come before the International Criminal Court (ICC) when President Museveni invited the Prosecutor to investigate the situation obtaining in Northern Uganda.<sup>61</sup> Subsequently, the court issued arrest warrants on charges of war crimes and crimes against humanity against five top Lord's Resistance Army (LRA) commanders. None of the accused persons have appeared before the court to answer the charges. Two of the accused persons have since died<sup>62</sup> and the others are at large. The LRA continues to wage attacks inside the Central African Republic. No charges have yet been brought against members of the

Uganda People's Defense Forces (UPDF), the other party to the conflict in Northern Uganda. This is a source of considerable angst among the population who report violations committed by the UPDF. This study revealed that girl escapees suffered violence and other violations in the hands of the UPDF while under protection at the Child Protection Units (CPU's) or as they made their escape from the war front. An informant observes:

*'...The UPDF soldier who rescued me later kept me and the child I had kidnapped during my escape journey, he refused to release me to go to my home and I became a prisoner in the barracks... I became his wife for about 5 months until I was rescued as I fetched water .... He should not have re-abducted me'*

A number of informants in this study articulated the view that the ICC process seemed skewed in favour of UPDF and was not helpful in the attainment of a lasting peace. Most of the young women interviewed were hesitant to speak openly about whether Joseph Kony should be arrested to face charges at The Hague. A few expressed the opinion that Kony should also receive amnesty from the Amnesty Commission. Anxiety about a return to violence and perhaps criminal accountability for their own actions clearly informed some of the responses;

<sup>60</sup>*Ibid* Section 7, on assistance for the reconciliation and transitional justice in Northern Uganda

<sup>61</sup>The referral by Uganda was made under article 14 of the Rome Statute and was seen as a political move by Uganda's president many observers

<sup>62</sup>Joseph Kony, Vincent Otti, Raska Lukwiya, Okot Odhiambo and Dominic Ongwen were indicted in 2005. Lukwiya was reported killed in August 2006, Vincent Otti was reportedly executed by the LRA, and however this fact is disputed.

*“LRA accepted to talk [Juba Peace Talks] so why not let that process end? What will happen to the rest of us who also fought and killed? And what will happen to the amnesties? This is the reason we came out of the bush. We want to start afresh but we need help not arrests”.<sup>63</sup>*

The International Criminal Court does not have jurisdiction for crimes that were committed prior to July 2002. Many crimes including massacres and the abductions of many of the informants took place prior to this date. The ICC typically investigates persons who are considered ‘most responsible’ for committing crimes under its jurisdiction. It is intended as a court of last resort and embodies the principle of complementarity which places primary responsibility for dealing with criminal accountability on national systems. In the referral of the situation to the ICC, Uganda averred that it was unable to effectively conduct investigations due to the then ongoing conflict due to the transnational<sup>64</sup> nature of the conflict.

While some observers credit the ICC intervention in bringing the LRA back to the negotiating table,

many CSO’s made a spited case for deferral of the prosecutions prioritizing a return to a ‘positive’ peace ( not to be confused with promoting non-accountability ) . This view is best articulated by the Refugee Law project at Makerere University through its workshops, consultations and working papers.<sup>65</sup>

The debates unleashed by the ICC intervention seemed to have been somewhat settled in the Juba agreements on Agenda Item 3<sup>66</sup> in favour of acknowledging the important place of local alternative justice mechanisms as a means of promoting reconciliation among the people of Northern Uganda. The agreement on accountability recognizes the importance of criminal accountability and provides for ‘formal criminal and civil justice measures shall be applied to any persons alleged to have committed serious crimes or human rights violations during the conflict’.<sup>67</sup> The Juba Agreement identifies formal courts and tribunals, the Uganda Human Rights Commission and the Uganda Amnesty Commission as formal justice mechanisms. Traditional justice mechanisms are identified as those practiced in North and North Eastern Uganda such as *Culo Kwor*, *Mato Oput*, *Kayo Cut*, *Ailuc* and *Tonu ci Koka*<sup>68</sup>

<sup>63</sup>Interview with a former combatant on 16 October 2010 in FGD in Gulu Municipality

<sup>64</sup>The LRA had bases in South Sudan, Eastern DRC, Central African Republic from which it would launch attacks against the civilian population in Northern Uganda.

<sup>65</sup>Available at [http://www.refugeelawproject.org/working\\_papers.ph](http://www.refugeelawproject.org/working_papers.ph)

<sup>66</sup>Available at [http://www.beyondjuba.org/peace\\_agreements.php](http://www.beyondjuba.org/peace_agreements.php)

<sup>67</sup>*Ibid* Part 4

<sup>68</sup>*Ibid* Part 3

## 4.2 The Normative Framework for Justice Demands<sup>69</sup>

As the war in Northern Uganda raged, progressive developments of normative standards in the national, regional and international criminal justice arena provided better protections for women in armed conflict. Nationally, the Juba Peace Accord provides the most recent and viable instrument to the return to relative peace and stability to the North and North Eastern Uganda region. The following instruments represent a sampling of the legal framework:

- *The Pact on Security, Stability and Development in the Great Lakes Region (June 2008) and the Protocol on the Prevention and Suppression of Sexual Violence against Women and Children in December 2006.*

This protocol embraces the advanced definitions of crimes of sexual violence contained in the Rome statute and has potential to protect women from sexual violence, member states need to domesticate this pact and its protocols by ratification in national parliaments. Uganda has adopted the Pact and its protocols.

- *Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts*

Whereas Uganda has ratified the convention, it has not ratified the optional protocol to this convention which sets the age of recruitment of children to armed forces at 18. The children's convention is gender sensitive.

- *The African Charter on the Rights and Welfare of the Child*

Uganda was one of first states to ratify The African Charter on the Rights and Welfare of the child. This charter is far reaching in its provision relating to protection of girls against early and forced marriage and has impressive provisions relating to social economic rights and rights of refugee and internally displaced children.

This charter sets the age of recruitment into armed forces at 18 in addition to setting out protection mechanisms for children.

- *The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003)<sup>70</sup>*

As a normative framework, the Optional Protocol to the African charter on the Rights of Women is an impressive legal and advocacy tool, because it identifies women's right to peace and inclusion in peace processes and protection from violence during situations of conflict- including protection of displaced and refugee women.<sup>71</sup> Article 10 calls upon states to ensure women's participation in conflict prevention, management and resolution at local, national, regional, continental and international levels. Article 11 urges States to protect asylum seeking women, refugees, returnees and internally displaced persons, against all forms of violence, rape and other forms of sexual exploitation, and to ensure that such acts are considered war crimes, genocide and/or crimes against humanity and that their perpetrators are brought to justice before a competent criminal jurisdiction.

The protocol preceded UNSC Resolution 1888 and 1889 in mandating the investigation and prosecution

<sup>69</sup>FIDA-Uganda is undertaking a simplification of the laws referred to in this study for easy access to lawyers and advocates for gender justice.

<sup>70</sup>Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa: adopted by the African Union on 11 July 2003, entered into force on 25th November 2005. Uganda ratified the protocol in May 2010.

<sup>71</sup>*Ibid* Article 11

of offenders and providing for the rehabilitation of victims.

- *UN Resolution 1325 (2000) and UNSC Res. 1820 (2008) 1888 (2009) and 1889 (Oct 2009).*

UN Security Council Resolution 1325 (2000) on Women, Peace and Security calls on states to incorporate a gender perspective into peacekeeping operations and to ensure women's participation in all peacemaking processes.

- *UN Convention on the Elimination of Violence Against Women (1993).*

**UNSCR 1820** calls for strengthening and supporting the protection of women from sexual violence in conflict contexts, proposes measures to strengthen women's participation and proposing measures for countering impunity and strengthening accountability. This resolution buttresses and compliments UNSCR 1325.

Adopted in 2009, **UNSCR 1888** endeavours to strengthen resolution 1820 by establishing high level leadership and deploying expertise and skills. It calls for improved coordination among the diverse stakeholders involved in addressing conflict related sexual violence.

Unanimously adopted in 2009, **UNSCR 1889** reaffirms the landmark UNSCR 1325, and condemns continuing sexual violence against women in conflict and post-conflict situations. It urges Member States, United Nations bodies, donors and civil society to ensure that women's protection and empowerment is taken into account during post-conflict needs assessment and planning, and factored into subsequent funding and programming. Further, it calls on all those involved in the planning for disarmament, demobilization and integration programmes, in particular, to take into account the needs of women and girls associated with armed groups, as well as the needs of their children.

- *The International Convention on the Elimination of All Forms of Discrimination Against Women **CEDAW (1981)***

CEDAW is the most widely ratified bill of rights for women worldwide. It affirms the principle of inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights. CEDAW seeks to implement the principles set out in the Declaration on the Elimination of Discrimination against Women and in its first article defines discrimination as "[A]ny distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field".

- *The Rome Statute (1998)*

The Rome Statute represents a significant step to overcoming the discriminatory and inadequate treatment of sexual violence crimes under international law. The Rome Statute includes gender crimes as both war crimes and as crimes against humanity. Under the war crimes section, the language makes it clear that the enumerated crimes are crimes of the gravest nature. The Rome Statute provides that acts of sexual violence can also be charged as the other grave breaches crimes listed in article 8(2)(a) such as murder, torture, mutilation, enslavement, and persecution. This characterization of sexual violence crimes is therefore important to the ICC's –and by implication the national system's – capacity to indict crimes of sexual violence in multiple ways. The Rome statute criminalizes the conscription of children into armed forces and does not permit the prosecution of minors under the age of 18.

- *The International Criminal Court Act 2010(Uganda)*  
Uganda's ICC implementing legislation has brought into the ambit of the national penal laws all the crimes enumerated in the Rome Statute under the jurisdiction of its War Crimes Division.

- *UN Guidelines on Gender-Based Violence Interventions in Humanitarian Settings (2005)*

Guides communities, governments and humanitarian organizations, including UN agencies, NGOs, and CBOs, to establish and coordinate a set of minimum multi-sectoral interventions to prevent and respond to sexual violence during the early phase of an emergency. These guidelines are in use by the United Nations Joint programme on gender based violence in Northern Uganda but are not well publicized or utilized.

- *UNHCR Sexual and Gender-Based Violence against Refugees, Returnees and Displaced Persons: Guidelines for Prevention and Response (2003).*

The guidelines address the problem of sexual violence against refugee women and girls. It recommends the participation of refugees in designing and implementing programmes to prevent and respond to gender-based violence and offers tips on how to monitor and evaluate their effectiveness. In the event of abuse or violence against women, the guidelines detail the various responses required to help victims, including the need for legal redress and access to medical and psychosocial support.

- *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.*<sup>72</sup>

These non-binding Principles set out broadly the imperatives of Justice for Victims of Crime and Abuse of Power. The principles underline that victims should be treated with compassion and respect for their dignity, have their right to access to justice and redress mechanisms fully respected. Further, the principles call for the establishment, strengthening and expansion of national funds for compensation to victims should be encouraged, together with the expeditious development of appropriate rights and remedies for victims. The guidelines enumerate principles of reparations and the obligations of states.

*Principles and Guidelines on Children Associated With Armed Forces Or Armed Groups (The Paris Principles 2007)*<sup>73</sup>

The Paris Principles are an updated version of the Cape Town Principles and Best Practices,<sup>74</sup> developed in 1997 by the NGO working group on the Convention on the Rights of the Child and UNICEF, The Cape Town Principles defined a child soldier as:

‘any person under 18 years of age who is part of any kind of regular or irregular armed force or armed group in any capacity, including but not limited to cooks, porters, messengers, and those accompanying

<sup>72</sup>See Part V article 8 of GA/Res/60/174, 2005 - *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.*

“... Victims are persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that constitute gross violations of international human rights law or serious violations of humanitarian law. Where appropriate and in accordance with domestic law, the term “victim” also includes the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to avoid victimization”.

<sup>73</sup>The Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups February 2007 UNICEF available at [http://www.diplomatie.gouv.fr/en/IMG/pdf/Paris\\_Conference\\_Principles\\_English\\_31\\_January.pdf](http://www.diplomatie.gouv.fr/en/IMG/pdf/Paris_Conference_Principles_English_31_January.pdf)

<sup>74</sup>UNICEF, Cape Town Annotated Principles And Best Practices On The Prevention Of Recruitment Of Children Into The Armed Forces And Demobilization And Social Reintegration Of Child Soldiers In Africa (April 1997), available at [http://www.unicef.org/emerg/files/Cape\\_Town\\_Principles.pdf](http://www.unicef.org/emerg/files/Cape_Town_Principles.pdf)

such groups, other than purely as family members. It includes girls recruited for sexual purposes and forced marriage. It does not, therefore, only refer to a child who is carrying or has carried arms<sup>75</sup>

The Paris principles were significant in that they enunciated an important definition of ‘child soldier’ that explicitly recognised that sexual abuse of girls was a form of child soldiering, and moved understanding of the child soldier phenomenon to include girl children who had been abducted and used as sex slaves, couriers, domestic servants as well as active combatants.

These principles address the specific situation and needs of girls associated with armed forces or armed groups and provide detailed guidance and policy recommendations to governments and armed groups on the prevention of unlawful recruitment or use of children in armed forces, and also provide recommendations to governments, international actors, civil society and communities on best practices in achieving the reintegration, rehabilitation, justice and livelihood needs of IDP, refugee children and those involved in fighting forces.

In addition, Uganda has ratified<sup>76</sup> the following international treaties and conventions that confer rights relevant to children and women in the context of armed conflict.

*Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field*

*Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea*

*Geneva Convention relative to the Treatment of Prisoners of War*

*Geneva Convention relative to the Protection of Civilian Persons in Time of War*

*Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I)*

*Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims on Non-International Armed Conflicts (Protocol II)*

*Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.*

*Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.*

*Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.*

*International Covenant on Economic, Social and Cultural Rights.*

*International Covenant on Civil and Political Rights*

*Optional Protocol to the International Covenant on Civil and Political Rights.*

Uganda’s *Children’s Act*, Chapter 59 of The Laws of Uganda presents contradictory provisions. It defines a child as anyone under the age of eighteen years, yet sets the age of criminal responsibility – and therefore the age at which a child may be charged with a criminal offence- at twelve.

These normative advances notwithstanding, glaring gaps exist in the protection of girls and women in Uganda due to lack of political will, institutional failures, lack of resources and oversight capacities by the state and international actors. Consequently transitional justice processes have not effectively addressed women and girl’s needs.

<sup>75</sup>Ibid

<sup>76</sup>For a full list of international treaties and conventions ratified by the government of Uganda, see the University of Minnesota Human Rights Library <http://www1.umn.edu/humanrts/>

# challenges of reintegration:

## Seeking a Place to Call Home



A good number of the girl mothers were in continuing ‘marriage’ relationships with men to whom they had been assigned as ‘forced wives’ upon abduction. These girl mothers were clear that the original ‘forced marriage’ was under coercive circumstances. All of the informants were too young to consent to marriage in any event, the average age at abduction being 12 years. On their return, the girl mothers exercised some choice in remaining with abductor ‘husbands’. One informant<sup>77</sup> told FIDA-Uganda that after she was rescued, she willingly opted to stay with her abductor ‘husband’ when he too eventually returned from the battle front. The two now live together harmoniously, renting a house in Gulu town and taking care of their two children - one of whom was born in captivity. The informant stated that although they have been shunned by extended family and community members, they live a fairly normal life, their two children attend a local school and the husband operates a business with money he received from the government courtesy of the demobilization and disarmament programme.

Compounding the difficulties of reintegration, the girl mothers and their children returned to a severely traumatized community whose members had been encamped in Internally Displaced Peoples (IDP) camps for nearly twenty years between 2007-2010, the local population was engaged in resettlement and return to their original homes.<sup>77</sup>

<sup>77</sup>Interview on November in Gulu on 12 October 2010 with Angela\*(not her real name)

<sup>78</sup>See *Transitioning to Peace* - a population based survey on attitudes about social reconstruction and justice in Northern Uganda (December 2010 )by Human Rights Center, University of California , Berkeley School of Law - By October 2009, it was estimated that 80% of the displaced population had left the camps

Family homes had been destroyed and farmlands abandoned. The social fabric was completely ripped and cultural taboos turned on their heads. The people's culture had been pulverized by the war. Social and gender roles had reversed or altered irreversibly. Even the Church had lost its authority. Mostly, the returnee children wanted to fit in, but they were not welcome. They returned to a place they could not call home. A mother recounts;

*"This war has made our children mentally unstable. The girls don't listen to their parents. Children of these days have misinterpreted their place and rights. There is a high dropout rate and early pregnancies. The number of young mothers is extremely high; this life style the children experienced during the war, like leaving their parents to come and sleep on the verandas and corridors in town exposed them to sexual activities which has made the girls very vulnerable and sexually active".<sup>79</sup>*

The early returnees (2002-2004) returned to camps and not their original homes. Many chose to live within the Gulu municipality rather than face constant suspicion or rejection by family and community members. Tracing or finding family members was a major exercise undertaken by international and local NGO's, faith based groups, and civil society organisations.<sup>80</sup> A few humanitarian agencies

provided versions of psychosocial support, skills training and medical care. However well intentioned, the interventions were insufficient and reached only a small percentage of returning captives. Many of the rescued and returning children suffered poor health with many reporting that they had contracted the HIV virus while in captivity. The need of health services, medication, shelter and food was frequently articulated by the informants in this study;

*"I was thirteen when I was abducted. I gave birth at fourteen, and killed a child who tried to escape the same year. I had to walk over the dead body. When I was rescued I didn't go to a reception center but went straight to Lacor Hospital because I was very sick and weak. The first man I was given to was very cruel and he and his other wives starved me but the second one gave me food. Since I came back I used to have nightmares everyday about the child I killed. Only salvation in the Church helped me recover. I would like to feel protected".<sup>81</sup>*

Many of the formerly abducted girl mothers admitted to having participated albeit unwillingly, and under threat to life and limb, to committing atrocities against other children and adults. Most informants reported a continuing struggle with their consciences and quite a number had turned to religion to seek divine forgiveness and 'salvation'. It was evident that many

<sup>79</sup>Interview with Market Women of Gulu , 12 October 2010 in a Focus Group Discussion, FIDA-Uganda offices, Gulu.

<sup>80</sup>Gulu Support the Children Organisation (GUSCO ) and World Vision Uganda, were the two key NGO's working on providing reintegration services to rescued and returning children. GUSCO drew on traditional Acholi culture in its programmes whilst World Vision based its services on Christian values. For a detailed expose on the methods employed by these two organisations see Grace Akello, Anne Miek Richters & Ria Reis Reintegration of Former Child Soldiers in Northern Uganda : Coming to terms with children's agency and accountability Intervention 2006 Volume 4 ,Number 3, Pg 229-243

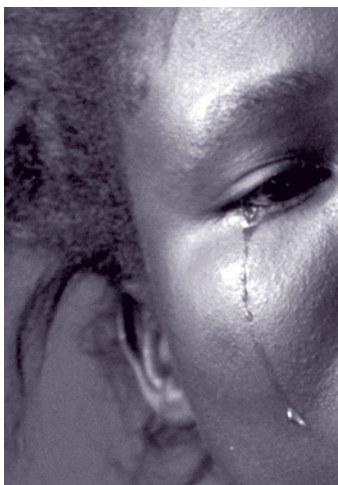
<sup>81</sup>Informant interview on 12 October 2010 at Kasubi



still require professional counseling to deal with the resultant post traumatic stress.

*"...It's only God who has saved me from the demons. My child is a product of evil, I am evil....the things I did are too terrible to recount. I remember how we met a woman on the road to Sudan and we cut her open ...she was pregnant ... Maybe that is why my life is the way it is".<sup>81</sup>*

Largely because of gender stereotyping and the violent manner by which the girl children were conscripted into the LRA, analysts often gloss over the fact that many of these girls participated in the war as combatants. Flawed analysis leads to inaccurate statistics and disadvantages the girls in the provision of demobilization services and reintegration packages which are almost entirely designed to cater for male



<sup>82</sup>Informant interview on 12 October 2010 at Kasubi

<sup>83</sup>On the failures of reintegration of formerly abducted children, ex combatants and girl mothers, see Grace Akello, Anne Miek Richters & Ria Reis, Reintegration of Former Child Soldiers in Northern Uganda : Coming to terms with children's agency and accountability Intervention 2006 Volume 4, Number 3, Pg 229-243

ex combatants. The lack of acknowledgement of girls' roles as ex combatants has also meant that women did not receive relevant counseling or support. A young woman, now 25, testified:

*"...I became a commander at the age of 16. I was in charge of leading raids to abduct children. I was quite ruthless. We all received military training when we got to Sudan and were taught how to handle guns and explosives. It is true that we were 'wives' but the most important thing is we were soldiers. I believed in the cause of the war. I blame the government for not protecting us in the first place. I think they (GoU) should apologize and pay us compensation. I was feared as a commander and even the men respected my intelligence. Now I am a nobody. I escaped while on one of the raids into the country"*

About half the informants interviewed in Gulu District were originally from other parts of Northern Uganda. They had chosen to settle in Gulu municipality because of the anonymity the urban setting provided and also because they had been denied access to family land. Discriminatory practices on land ownership coupled with the additional stigma of returning as formerly abducted children made reintegration impossible.<sup>82</sup> Further, because the girl mothers did not know the identities of the fathers of the children born in captivity, such children did not

belong anywhere, Acholi-land being a patriarchal society. Of the 35 girl mother informants interviewed in Gulu district, only two young women had been successfully reintegrated. One young woman reported that she had been chased away upon her return to Kitgum by her paternal uncle who had taken over her father's land after his death.<sup>84</sup>

*"We had different names in the bush but we all knew our original names. I remembered exactly where my home was but pretended not to know to protect my relatives who may still have been alive. When I came back I didn't trust anybody. When I finally got home, I found my parents had died and my brother had been abducted and nobody knew where he was. I was not welcomed because I had brought back children. They said the children were a curse and evil. I don't think I can fight for my father's land. It is already taken. I decided to come to Gulu and try and survive. We started this self help group and at least we support each other. I learnt how to make beads and took a course in tailoring. I know where my rebel husband is. He is still fighting for the LRA in Central Africa. I have a boyfriend now but he treats me badly because I was a soldier. If my LRA husband comes back I will go to him. He is the father of my children".*

The research revealed that there had been a failure to reintegrate for a variety of reasons. The lack of

preparedness by the state for mass reintegration of an entire community following agreement at the Juba Peace talks in 2008 compounded an existing problem of reintegrating returnee child soldiers and girl mothers. Focus group discussions<sup>85</sup> with members of Kinenigi Child and Women's group in Abwoch, revealed community priorities at reintegration to be about land tenure and access to agricultural inputs such as seeds, fertilizer and farming implements. The community members were focused on the challenge of returning to their farms and villages after an absence of over twenty years and barely considered the plight of the returnee girl mothers quite a few of whom were perceived to be harbouring *cen*<sup>86</sup> or evil spirits due to their alleged roles in the conflict that resulted in the displacement of the community.

Not surprisingly, members of *Can Rwede Peke* a women's self empowerment group with membership drawn from only formerly abducted girl mothers expressed different priorities. In a FGD at Kasubi<sup>87</sup> almost all the twenty members stated that education for their children, skills training, health care, shelter, security and peace were the most important imperatives for them to normalize their lives and have their dignity restored. Many articulated demands for reparations including acknowledgment for harms suffered as well as apologies from government, the LRA and community members who had revictimized them upon their return. Following group discussions, the girl mothers began to contemplate a life in which they too could have access to farm land and a

<sup>84</sup>In patriarchal societies such women are routinely denied ownership to land.

<sup>85</sup>Interview on 15th October 2010 in Abwoch Village with Kinenigi child and women's group

<sup>86</sup>For a full discussion of *cen* see Liu Institute for Global Issues & Gulu District NGO Forum, with the assistance of Ker Kwaro Acholi (2006) *Roco Wat Acoli*

<sup>87</sup>FGD on 16 October 2010 at Kasubi



different livelihood where they could assert their full rights as citizens by owning and accessing land and property. Members of the group came from different areas of Northern Uganda but had settled in Gulu where they found reintegration easier.

*“I come from Kitgum and on my escape I went back there with my two children and found out that my mother and father were dead and only my one uncle was alive but no one welcomed me home, instead they said she was one of those lucky ones because their own children died in the bush, I decided come to Gulu and I have now been here for four years. I rented a house and started selling in Cereleno market; my child has a sponsor for school I have not gone back to Kitgum”.*<sup>88</sup>

<sup>88</sup>FGD on 12 October 2010 at Kasubi with Can Rwede Peke members

<sup>89</sup>FGD on 116 October 2010 at Laroo Forest members of *Kica pa Rwot*

Another informant stated that relatives welcomed them because of the resources that they returned with from the reception centers but thereafter turned very cold towards them and their children. One girl whose father was killed by the UPDF was sent away by her brothers and accused of being the cause of their father’s death. Three members of the group reported that they still lived with their LRA ‘husbands’ in Gulu town with their children.

The experiences of girl mothers in Laroo were similar. A FGD with members of a returnee women’s group - *Kica pa Rwot*<sup>89</sup> – support their families through proceeds of petty business in the markets selling mostly vegetables. A few outsourced laundry services. The majority of the women members came back from captivity with children. Shared experiences by girl mothers in the FGD’s included rejection of their

children by family members, suspicion by community members and failed or fragile relationships with new partners. Mothers of abducted children also participated in the FDG in Laroo forest and spoke of the pain of not knowing what happened to the children who had not returned.

The girl mothers reported that being in the groups helped them share ideas and problems and encouraged them to save money in the group saving scheme. All the members of this group reported that they had received counseling from the various reception and rehabilitation centers. Whereas basic health services and particularly reproductive health services were available in the district hospitals, many of the informants in both FGD's had not accessed these services due to lack of information about the services. Members of this FGD prioritized education for their children, skills training for themselves, security, peace and reconciliation as immediate demands. A commonly articulated demand by many of the informants was that reparations should include an acknowledgment and apology by the NRM government, the LRA and community members who had re victimized them upon their return.



# conclusion

# 6

The findings demonstrate that the girl mothers embraced a broad vision of the notion of justice that includes the desire to know (and tell) the truth, demand for accountability for the crimes committed against them, and a strong desire for peace and genuine reconciliation and reintegration with family and community.

The girl mothers suffer multi dimensional and long term consequences as a result of violations experienced during the armed conflict. The devastating impact on the lives of girl mothers was further compounded by stigma, shame and exclusion resulting in difficulties with reintegration. Further, impoverishment and the near total collapse of social, economic services and infrastructure during the conflict period focus attention on the imperative for restoration of these services as part of rehabilitation and recovery of the entire North and North East Uganda region, while scant attention is paid to the needs of girl mothers as a victim group.

Whereas a majority of community members felt that the security situation had improved considerably over the past few years,<sup>90</sup> the opinion was not shared by the girl mothers, many of whom continued to experience sexual and other gender based violence in domestic and public settings. The war for them had continued on a different front and while peace and security emerged as the most important priority for the community at large, secure and sustainable livelihoods that incorporated basic needs such as

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<sup>90</sup>This view is bolstered by a recent study *Transitioning to Peace* - a population based survey on attitudes about social reconstruction and justice in Northern Uganda (December 2010 )by Human Rights Center, University of California, Berkeley School of Law.

food, shelter, personal safety and security, education and health care ranked very highly on the girl mother's priority needs.

The consequences of the war were experienced not just by the individuals interviewed in this research but by their immediate and extended family members as well as by the community; therefore, reparations programmes while taking individual social economic needs into consideration, need also to address causes and consequences of structural and institutionalized violence against girls and women and require a holistic quantity in their design, form and implementation.

Normative advances notwithstanding, glaring gaps exist in the protection of girls and women in Uganda due to lack of political will, institutional failures, lack of resources and oversight capacities by the state and international actors. Consequently transitional justice processes have not effectively addressed women and girl's needs. Solutions to these concerns are urgently required."<sup>90</sup>

The *Paris Principles* provide that pro active measures should be taken to ensure the full involvement and inclusion of girls in all aspects of prevention of recruitment, release and reintegration, and services should always respond to their specific needs for protection and assistance. Further the guidelines provide that 'extreme sensitivity is required when seeking to identify and assist girls in order not to increase the stigma attached to their involvement and make their situation worse. It is central to programming interventions that attention be paid to the particular needs for protection and support both of girl mothers and of children born to girls as a result of their recruitment by an armed force or armed group'.<sup>91</sup> Uganda's supreme law offers protection for vulnerable children including orphans and affords full dignity and equality to women.<sup>92</sup> The promise of Uganda's 1995 constitution must be made real by ensuring that all its children receive education and health care and that they are able to live in safety and security.<sup>93</sup>

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<sup>90</sup>See Nainar, V. *In the Multiple Systems of Justice, Whither Justice for Women?* FIDA-Uganda 2011 - a gender audit of transitional justice mechanisms for a detailed analysis and proposals for reform.

<sup>91</sup>*Ibid* Para 3.2

<sup>92</sup>Uganda Constitution, article 33 available at <http://www.government.go.ug/constitution/detail.php>

<sup>93</sup>*Ibid* Art 34(4-7)

**annexes**

# Annex 1:

## Bibliography

- Annan, J., Blattmann, C., Mazurana, D. & Carlson., K. (2008) *Women and Girls at War: 'Wives', Mothers and Fighters in the Lord's Resistance Army* available at <http://www.prio.no/sprtrans/185286780/blattman-women@war.1009.pdf>
- Hovil, L., & Quinn, JR., Working paper No 17- *Peace First, Justice Later: Traditional Justice in Northern Uganda* Refugee Law Project ([http://www.refugeelawproject.org/working\\_papers.ph](http://www.refugeelawproject.org/working_papers.ph))
- Hovil, L., Working paper No 15 - *Who's Justice?* Perceptions of Uganda's Amnesty Act 2000: The potential for conflict resolution and long term reconciliation, Refugee Law Project ([http://www.refugeelawproject.org/working\\_papers.ph](http://www.refugeelawproject.org/working_papers.ph))
- Isis WICCE (2010) *Redefining Peace And Development: Women's Recommendations For The Peace, Recovery And Development Plan For North And North Eastern Uganda (PRDP)* available at [http://www.isis.or.ug/index.php?option=com\\_docman&task=cat\\_view&gid=69&Itemid=89](http://www.isis.or.ug/index.php?option=com_docman&task=cat_view&gid=69&Itemid=89)
- Leibig, Abigail, *Girl child soldiers in Northern Uganda: do current legal frameworks offer sufficient protection?* Northwestern University Journal of International Human Rights Volume 3 (April 8, 2005)
- Lomo, Z., & Hovil, L., Working Paper No 12 -*Negotiating Peace Resolution of conflicts in Uganda's West Nile Region;* Refugee Law Project ([http://www.refugeelawproject.org/working\\_papers.ph](http://www.refugeelawproject.org/working_papers.ph))
- Lomo, Z., & Hovil, L., Working Paper No 11- *Behind the Violence: Causes, consequences and the search for solutions in Northern Uganda,* Refugee Law Project ([http://www.refugeelawproject.org/working\\_papers.ph](http://www.refugeelawproject.org/working_papers.ph))
- Carlson, K., & Mazurana, D. 2005. "Combatants & Captives: Girls and Young Women in Sierra Leone's Fighting Forces." *Women and Conflicts: International Perspectives.* Laval University Press: Quebec.
- Mazurana D., & Carlson, K. (2004). *From Combat to Community: Women and Girls in Sierra Leone.* Women's Policy Commission, Women Waging Peace: Washington DC and Harvard University.
- Mazurana, D., McKay, S., Carlson, K., & Kasper, J. (2002). Girls in fighting forces and groups: Their recruitment, participation, demobilization, and reintegration. *Peace and Conflict: Journal of Peace Psychology, 8 (2), 97 – 123.*
- McKay, S., & Mazurana, D. (2004). *Where are the Girls? Girls in Fighting Forces in Northern Uganda, Sierra Leone, and Mozambique: Their Lives During and After War.* International Centre for Human Rights and Democratic Development, Montréal, Canada. (Published in English and French – [www.ichrdd.ca](http://www.ichrdd.ca))
- Mazurana, D., & McKay, S. (2006/ In press). Girls in fighting forces in Northern Uganda, Sierra Leone, and Mozambique: Policy and Program Recommendations. *Journal of Development Policy and Practice, 1 (2).*
- McKay, S. (2006/In Press). The inversion of girlhood: Girl combatants during and after armed conflict. In Boothby, N., Wessells, M., & Strang, A. (Eds.). *A World Turned Upside Down: The Social Ecologies of Children in Armed Conflict.* Bloomfield, Conn: Kumarian Press.
- McKay, S. (2006/In Press). Girl soldiers' social reintegration in Northern Uganda and Sierra Leone. In Sikainga, A., & Alidou, O. (Eds.). *Post-Conflict Reconstruction in Africa.* Trenton, NJ: Africa World Press.
- McKay, S. (2006/ In press). Researching war's impacts: What about girls in fighting forces? In W. Andy Knight (Ed.) *Impact of War on Children.* Alberta: University of Alberta Press.
- McKay, S. (2006). How do you mend broken hearts? Gender, war and impacts on girls in fighting forces. In Reyes, G. (Ed) *The Handbook of International Disaster Psychology, Vol. 4* (pp. 45-60). Westport, Conn: Praeger Publishing Company.
- McKay, S. (2005, Sept/Oct). Girls as "weapons of terror." In Cindy Ness (Ed.). Special issue on gender and terrorism. *Studies in Conflict and Terrorism, 28 (5)* (pp. 385-397). UK: Taylor and Francis.
- The Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups February 2007 UNICEF available at [http://www.diplomatie.gouv.fr/en/IMG/pdf/Paris\\_Conference\\_Principles\\_English\\_31\\_January.pdf](http://www.diplomatie.gouv.fr/en/IMG/pdf/Paris_Conference_Principles_English_31_January.pdf)



## Annex 2:

### Strategic and Programme Areas of Uganda's PRDP

STRATEGIC OBJECTIVES	PROGRAMME	EXPECTED OUTCOMES
<b>SO 1: Consolidation of State Authority Enhancement</b>	<ol style="list-style-type: none"> <li>1. Facilitation of Peace Agreement Initiatives.</li> <li>2. Police Enhancement</li> <li>3. Judicial Services Enhancement</li> <li>4. Prisons Enhancement</li> <li>5. Rationalisation of Auxiliary Forces</li> <li>6. Local Government</li> </ol>	<ul style="list-style-type: none"> <li>– Cessation of armed hostilities</li> <li>– Re-establishment of Law and Order in communities.</li> <li>– Functional Judicial and Legal Services</li> <li>– Strengthened Local Government Capacity</li> </ul>
<b>SO 2: Rebuilding and Empowering communities</b>	<ol style="list-style-type: none"> <li>7. Humanitarian Assistance</li> <li>8. Return and Resettlement of Internally Displaced Persons (IDPs)</li> <li>9. Community Empowerment and Development</li> </ol>	<ul style="list-style-type: none"> <li>– Improved conditions and quality of life of IDPs in camps.</li> <li>– Completed return of IDPs (Urban, Peri-urban and Rural).</li> <li>– Initiated community rehabilitation and development activities (social services and livelihood support).</li> </ul>
<b>SO 3: Revitalisation of The Economy</b>	<ol style="list-style-type: none"> <li>10. Production and Marketing Enhancement</li> <li>11. Infrastructure Rehabilitation and Urban Improvement</li> <li>12. Environment and Natural Resource Management</li> </ol>	<ul style="list-style-type: none"> <li>– Reactivation of productive sectors (Agriculture and marketing).</li> <li>– Rehabilitation of critical infrastructure (roads and energy).</li> <li>– Reinforcement of mechanisms for sound management of environment and natural resources.</li> </ul>
<b>SO 4: Peace Building And Reconciliation</b>	<ol style="list-style-type: none"> <li>13. Public Information, Education and Communication (IEC) and Counseling</li> <li>14. Amnesty, Demobilisation and Reintegration of Ex-combatants</li> </ol>	<ul style="list-style-type: none"> <li>– Increased access to media/ Information.</li> <li>– Enhanced counseling services.</li> <li>– Reinforced mechanisms for local intra/ inter-communal conflicts.</li> <li>– Reinforced socio-economic Reintegration of ex-combatants.</li> </ul>

## Annex 3:

# The Nairobi Declaration on Women's and Girls' Right to a Remedy and Reparation

### **PREAMBLE**

**DEEPLY CONCERNED** that gender-based violence, and particularly sexual

Violence and violations against women and girls, are weapons of war, assuming unacceptably alarming proportions as wars, genocide and communal violence have taken their toll inside and between countries the world over within the last two decades;

**BEARING IN MIND** the terrible destruction brought by armed conflict, including forced participation in armed conflict, to people's physical integrity, psychological and spiritual well-being, economic security, social status, social fabric, and the gender differentiated impact on the lives and livelihoods of women and girls;

**TAKING INTO CONSIDERATION** the unimaginable brutality of crimes and violations committed against women and girls in conflict situations, and the disproportionate effects of these crimes and violations on women and girls, their families and their communities;

**ACKNOWLEDGING** that gender-based violence committed during conflict situations is the result of inequalities between women and men, girls and boys, that predated the conflict, and that this violence continues to aggravate the discrimination of women and girls in post-conflict situations;

**TAKING INTO CONSIDERATION** the discriminatory interpretations of culture and religion that impact negatively on the economic and political status of women and girls;

**TAKING INTO CONSIDERATION** that girls specifically suffer both from physical and sexual violence directed at them and from human rights violations against their parents, siblings and caregivers;

**BEARING IN MIND** that girls respond differently than women to grave rights violations because of less developed physical, mental and emotional responses to these experiences. Noting also that girls are victims of double discrimination based on their gender and age.

**TAKING INTO CONSIDERATION** the roles and contributions of women and girls in repairing the social fabric of families, communities and societies, and the potential of reparation programs to acknowledge these roles;

**BEARING IN MIND** advances in international criminal law that confirm gender-based crimes may amount to genocide, crimes against humanity and war crimes;

**RECALLING** the adoption by the UN General Assembly in October 2005 of the *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*;

**TAKING COGNIZANCE** of the existence of international, regional and national judicial and non-judicial mechanisms for individual and collective, symbolic and material reparation, and the enormous challenges of catering for all victims and survivors, individually and/or collectively;

**CONCERNED** that initiatives and strategies at the local, national, regional and international levels to ensure justice have not been effective from the perspectives of victims and survivors of these crimes and violations in a holistic manner;

### **DECLARE AS FOLLOWS:**

1. That women's and girls' rights are human rights.
2. That reparation is an integral part of processes that assist society's recovery from armed conflict and that ensure history will not repeat itself; that comprehensive programmes must be established to achieve truth-telling, other forms of transitional justice, and an end to the culture of impunity.
3. That reparation must drive post-conflict transformation of socio-cultural injustices, and political and structural inequalities that shape the lives of women and girls; that reintegration and restitution by themselves are not sufficient goals of reparation, since the origins of violations of women's and girls' human rights predate the conflict situation.
4. That, in order to accurately reflect and incorporate the perspectives of victims and their advocates, the notion of "victim" must be broadly defined within the context of women's and girls' experiences and their right to reparation.
5. That the fundamental nature of the struggle against impunity demands that all reparation programmes must address the responsibility of all actors, including state actors, foreign governments and inter-governmental bodies, non-governmental actors, such as armed groups, multinational companies and individual prospectors and investors.
6. That national governments bear primary responsibility to provide remedy and reparation within an environment that guarantees safety and human security, and that the international community shares responsibility in that process.
7. That the particular circumstances in which women and girls are made victims of crimes and human rights violations in situations of conflict require approaches specially adapted to their needs, interests and priorities, as defined by them; and that measures of access to equality (positive discrimination) are required in order to take into account the reasons and consequences of the crimes and violations committed, and in order to ensure that they are not repeated.

**FURTHER ADOPT THE FOLLOWING GENERAL PRINCIPLES AND RECOMMEND that appropriate bodies at national, regional and international levels take steps to promote their widespread dissemination, acceptance and implementation.**

## **1. BASIC PRINCIPLES RELATING TO WOMEN'S AND GIRLS' RIGHT TO**

### **REMEDY AND REPARATION**

- A** – Non-discrimination on the basis of sex, gender, ethnicity, race, age, political affiliation, class, marital status, sexual orientation, nationality, religion and disability.
- B** – All policies and measures relating to reparation must explicitly be based on the principle of non-discrimination on the basis of sex, gender, ethnicity, race, age, political affiliation, class, marital status, sexual orientation, nationality, religion and disability and affirmative measures to redress inequalities.
- C** – Compliance with international and regional standards on the right to a remedy and reparation, as well as with women's and girls' human rights.
- D** – Support of women's and girls' empowerment by taking into consideration their autonomy and participation in decision-making. Processes must empower women and girls, or those acting in the best interests of girls, to determine for themselves what forms of reparation are best suited to their situation. Processes must also overcome those aspects of customary and religious laws and practices that prevent women and girls from being in a position to make, and act on, decisions about their own lives.
- E** – Civil society should drive policies and practices on reparation, with governments striving for genuine partnership with civil society groups. Measures are necessary to guarantee civil society autonomy and space for the representation of women's and girls' voices in all their diversity.
- F** – Access to Justice. Ending impunity through legal proceedings for crimes against women and girls is a crucial component of reparation policies and a requirement under international law.

## **2. ACCESS TO REPARATION**

- A** – In order to achieve reparation measures sensitive to gender, age, cultural diversity and human rights, decision-making about reparation must include victims as full participants, while ensuring just representation of women and girls in all their diversity. Governments and other actors must ensure that women and girls are adequately informed of their rights.
- B** – Full participation of women and girls victims should be guaranteed in every stage of the reparation process, i.e. design, implementation, evaluation, and decision-making.
- C** – Structural and administrative obstacles in all forms of justice, which impede or deny women's and girls' access to effective and enforceable remedies, must be addressed to ensure gender-just reparation programmes.
- D** – Male and female staff who are sensitive to specific issues related to gender, age, cultural diversity and human rights, and who are committed to international and regional human rights standards must be involved at every stage of the reparation process.

- E** – Practices and procedures for obtaining reparation must be sensitive to gender, age, cultural diversity and human rights, and must take into account women’s and girls’ specific circumstances, as well as their dignity, privacy and safety.
- F** – Indicators that are sensitive to gender, age, cultural diversity and human rights must be used to monitor and evaluate the implementation of reparation measures.

### **3. KEY ASPECTS OF REPARATION FOR WOMEN AND GIRLS**

- A** – Women and girls have a right to a remedy and reparation under international law. They have a right to benefit from reparation programs designed to directly benefit the victims, by providing restitution, compensation, reintegration, and other key measures and initiatives under transitional justice that, if crafted with gender-aware forethought and care, could have reparative effects, namely reinsertion, satisfaction and the guarantee of non-recurrence.
- B** – Governments should not undertake development instead of reparation. All post conflict societies need both reconstruction and development, of which reparation programmes are an integral part. Victims, especially women and girls, face particular obstacles in seizing the opportunities provided by development, thus risking their continued exclusion. In reparation, reconstruction, and development programmes, affirmative action measures are necessary to respond to the needs and experiences of women and girls victims.
- C** – Truth-telling requires the identification of gross and systematic crimes and human rights violations committed against women and girls. It is critical that such abuses are named and recognized in order to raise awareness about these crimes and violations, to positively influence a more holistic strategy for reparation and measures that support reparation, and to help build a shared memory and history. Currently, there is a significant lack of naming and addressing such abuses in past reparation programs and efforts, much to the detriment of surviving victims.
- D** – Reconciliation is an important goal of peace and reparation processes, which can only be achieved with women and girls victims’ full participation, while respecting their right to dignity, privacy, safety and security.
- E** – Just, effective and prompt reparation measures should be proportional to the gravity of the crimes, violations and harm suffered. In the case of victims of sexual violence and other gender-based crimes, governments should take into account the multi-dimensional and long-term consequences of these crimes to women and girls, their families and their communities, requiring specialized, integrated, and multidisciplinary approaches.
- F** – Governments must consider all forms of reparation available at individual and community levels. These include, but are not limited to, restitution, compensation and reintegration. Invariably, a combination of these forms of reparation will be required to adequately address violations of women’s and girls’ human rights.
- G** – Reparation processes must allow women and girls to come forward when they are ready. They should not be excluded if they fail to do so within a prescribed time period. Support structures are needed to assist women and girls in the process of speaking out and claiming reparation.
- H** – Reparation must go above and beyond the immediate reasons and consequences of the crimes and violations; they must aim to address the political and structural inequalities that negatively shape women’s and girls’ lives.

**The following organizations are authors and signatories of the declaration:**

Coalition for Women’s Human Rights in Conflict Situations

Urgent Action Fund-Africa, Kenya

Rights & Democracy, Canada

Alianza de Mujeres Rurales por la Vida, Tierra y Dignidad, Guatemala

ASADHO/Katanga - Association africaine de défense des droits de l’Homme, section

Katanga, Democratic Republic of Congo

Asociación Reflexión de Inocentes Liberados, Peru

Association des femmes juristes, Burundi

CCJT - Coalition congolaise pour la justice transitionnelle, Democratic Republic of Congo

CDA - Community Development Centre, Sudan

CEDA - Community Extension Development Association, Sierra Leone

CLADEM - Comité de América Latina y El Caribe para la Defensa de la Derechos de la Mujer, Peru

CODEPU - Corporación de Promoción y Defensa de los Derechos del Pueblo, Chile

Coordinadora Nacional de Mujeres Afectadas por la Violencia Política, Peru

Corporación Humanas, Chile

Corporación para la Vida Mujeres que Crean, Colombia

Demus - Estudio para la defensa y los derechos de las mujeres, Peru

ESSAIM - Cadre de concertation et d’activités pour la protection et la défense des droits femmes à l’est de la République démocratique du Congo, Democratic Republic of Congo

Feinstein International Center, Tufts University, USA

FOKUPERS - East Timorese Women’s Communication Forum, Timor Leste.

Grupo Suporta Inan, Timor Leste

Instituto de Estudios Comparados en Ciencias Penales, Guatemala

International Women’s Human Rights Law Clinic, CUNY Law School, USA

Khulumani Support Group, South Africa

LDGL - Ligue des droits de l'Homme dans la région des Grands-Lacs, Rwanda

Mamá Maquín, Guatemala

MARWOPNET - Mano River Women Peace Network, Sierra Leone

PAIF - Programme d'appui aux initiatives féminines, Democratic Republic of Congo

PCS - Consejería en Proyectos, Latin America

REDRESS, United Kingdom

Ruta Pacifica de las Mujeres, Colombia

SEVOTA - Solidarité pour l'épanouissement des veuves et des orphelins visant le travail et l'auto-promotion, Rwanda

SOFEPAADI - Solidarité féminine pour la paix et le développement intégral, Democratic

Republic of Congo

Women's Forum, Sierra Leone

Women's Research and Action Group, India

## Annex 4:

### Questionnaire

1. Personal data
  - a. Full name (to be kept confidential as requested);
  - b. Date of birth/ current age
  - c. Current residence – village or town/ district
    - i. Who do you live with (family, relatives, alone, care institution).
  - d. Residence prior to the war- village or town/district
  - e. Ethnic group
  - f. Level of education( now and then)
2. Violations experienced
  - a. Can you tell me what happened to you?
  - b. How do you feel about what happened to you?
  - c. Who do you think is to blame for what happened to you?
3. You have experienced many terrible things- what has helped you to survive this?
4. Current health status
  - a. How is your health now? Do you feel any pain? What do you think is the reason for that? [if ongoing problems identified need to refer for medicalsupport if not receiving any and provide information of where services are to be found]
5. Access to remedies
  - a. Healthcare
    - i. Did you go to a doctor or nurse to help you when you give birth? And for any other health issues?
    - ii. If so which/who and what happened?
  - b. Have you wanted to speak to anyone like a lawyer or an organisation who can help you take a legal case forward?
6. Are you happy with the support that you have received after your experiences?
7. Have you been able to return to your schooling?
8. Do you feel safe now? (why/why not)?
9. What do you think needs to be done so that yourself/ the other young women who experienced what you have? Who is responsible for doing that?
10. Do you know that the Ugandan government has agreed to provide help for all women and girls who have experienced violence during this war in northern Uganda? (reference to Great Lakes Protocol)?
  - a. If yes- where did you hear about it? What do you think about it?
11. What do you want the future to look like (for yourself; and in Uganda)?
12. Any questions for the interviewers?





*“Safety and security don’t just happen: they are the result of collective consensus and public investment. We owe our children-the most vulnerable citizens in any society-a life free from violence and fear. [...] We must address the roots of violence. Only then will we transform the past century’s legacy from a crushing burden into a cautionary lesson”*

**Nelson Mandela**





**FIDA UGANDA**

**The Uganda Association of Women Lawyers**

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