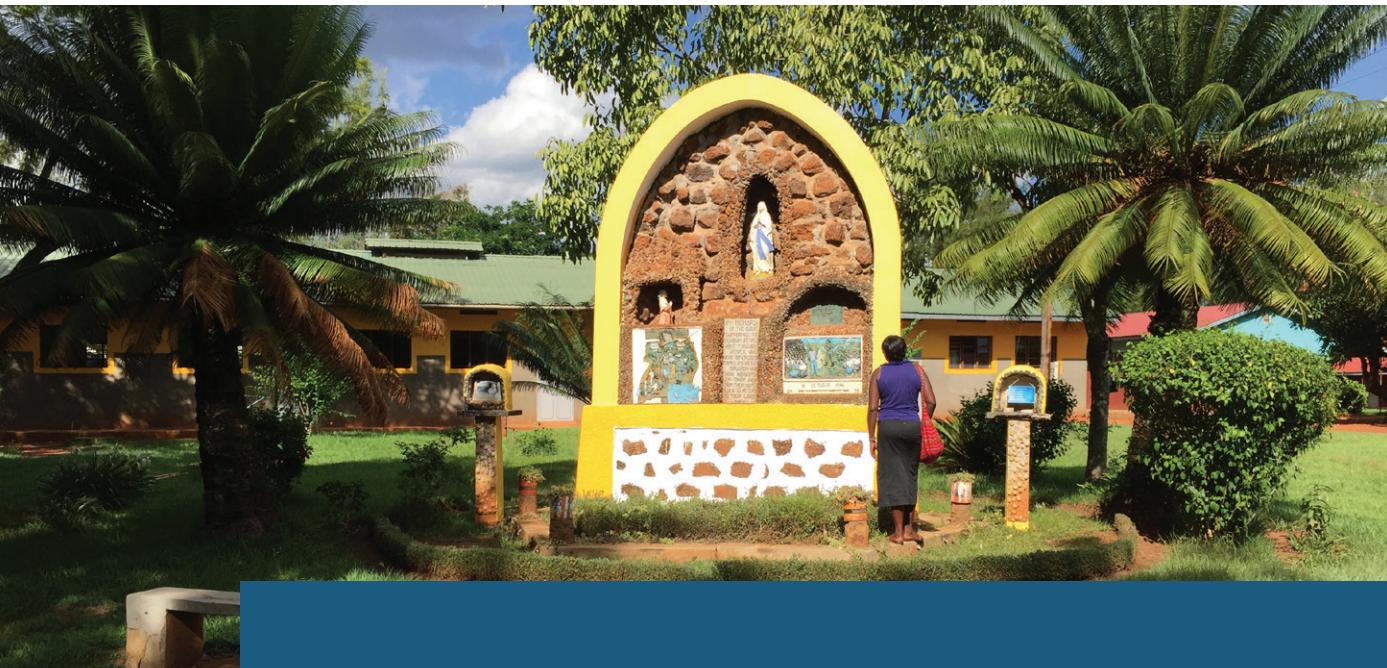




# Uganda Country Report on Forced Marriage inside the LRA, Northern Uganda



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## ■ KEY FINDINGS

The purpose of this country report is to share the findings of interviews with 48 female survivors of the conflict in northern Uganda. The interviewed women were all abducted, held captive for long periods of time and forced into conjugal relationships. This report shares new knowledge about the nature of women's experiences of captivity and complex victimhoods. First, we present a more nuanced picture of women's diverse experiences based on their age, length of time in captivity, roles, and the commander to whom they may have been assigned as a 'wife'. This more complicated story is also true for men who were abducted and whose experiences in the war depended on their rank and role within the LRA. A second important finding was how women exercised creative agency and resistance within their conditions of captivity. Third, as other studies have documented, the LRA was a highly organized movement with complex rules, including rules related to sexual relations between men and women. The assignment of women as 'wives' was part of the internal laws or rules of the LRA. Finally, women described their

ongoing struggles on return and reintegration in to their communities. Many participants spoke of the stigma they and their children endure on a daily basis. The report concludes by summarizing what women identify as their needs for reparations.

## Introduction

### ■ BRIEF BACKGROUND

Northern Uganda experienced brutal conflict between the Government of Uganda (GoU) and the rebel group the Lord's Resistance Army (LRA) led by Joseph Kony for nearly two decades (1986 – 2006). Before the LRA/GoU conflict, other armed opposition groups also rocked the region. These groups include the Uganda People's Democratic Army, The Holy Spirit Movement of Alice Lakwena, and Severino Lukoya' Lord's Army. The Karamojong also destabilized parts of the region with their armed raids of cattle (Dolan, 2002). The LRA/GoU conflict saw widespread war crimes, including systematic abduction and forced recruitment into the LRA, which often included systematic sexual violence against women.

Peace negotiations (the Juba Peace Talks) between the GoU and the LRA started in 2006, bringing an end of physical violence and resistance in northern Uganda. The timing of the negotiations coincided with the ICC's indictment of four top LRA commanders for war crimes and crimes against humanity. However, a peace agreement was never reached, with some segments of the population and local advocacy groups blaming this failure on the ICC indictments. To this day, commanders of the LRA remain at large in the Central African Republic, parts of South Sudan/Sudan and the Democratic Republic of Congo, where they continue to pillage and wage violence, including abduction of civilians.

Women and men who were affected by the violence of the LRA/ Ugandan war, including women who were taken as ‘wives’, still wait for reparations for the harms they suffered.

## ■ LEGAL CONTEXT

Over the years, the International Criminal Tribunal for the former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), the Special Court for Sierra Leone (SCSL) and the International Criminal Court (ICC) have recognized a range of acts and omissions as crimes against inhumanity, and “other inhumane acts”. Some of the acts recognised as crimes against humanity as “other inhumane acts” include: sexual violence to a dead woman’s body;<sup>2</sup> sexual violence other than rape;<sup>3</sup> mutilation, and other types of severe bodily harm, beatings and other acts of violence;<sup>4</sup> and, more recently in forced marriage in *Prosecutor v. Brima, Kamara & Kanu (AFRC case)*<sup>5</sup> and *Prosecutor v. Sesay, Kallon & Gbao (RUF case)* at the Special Court for Sierra Leone.<sup>6</sup>

Forced marriage was characterised and prosecuted before the SCSL as a distinct crime encapsulating a variety of sexual and non-sexual acts which in themselves are criminal and may be regarded as crimes against humanity. Some of the distinct components of forced marriage are sexual slavery, enslavement, forced labour, rape and forced pregnancy committed in a systematic and / or widespread manner. The first prescription of marriage in international law took place sixty years ago via the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.<sup>7</sup> The genesis of this acknowledgment in international law that marriage should be regulated was brought about by the recognition that ‘marriage’ could be utilised as a means of enslavement.<sup>8</sup>

The Rome Statute of the ICC, like the statutes of previous international criminal tribunals and courts, has not specifically criminalised the crime of forced marriage. However, in several

of the cases before the ICC, there have been reports of forcible abduction, continued rape, forced domestic chores and the imposition of marital status on women and young girls. In each of the cases of *Prosecutor v. Thomas Lubanga Dyilo* (*Lubanga's case*),<sup>9</sup> *Prosecutor v. Germain Katanga* (*Katanga's case*)<sup>10</sup> and *Prosecutor v. Dominic Ongwen* (*Dominic Ongwen's case*),<sup>11</sup> evidence of the practice of forced marriage has been presented before the ICC.



#### ■ RIGHT TO REPARATION

Victims of serious crimes, including survivors of sexual violence, have rights under international human rights law and international humanitarian law. Several studies have shown that these laws are well developed on international, regional and national levels.<sup>12</sup> In Uganda, the right to remedy and reparation are provided for in the *Agreement on Accountability and Reconciliation and its Annexure* (hereafter the Agreement) and the draft transitional justice policy (hereafter the draft policy). Both documents make specific

provisions for female and gender sensitive provisions in the administration of remedy and reparation measures. As is discussed below, women have yet to receive adequate reparations in Uganda (see also the Nairobi Declaration on Right to Remedy).

## Methodology and Demographic Information

This report is generated from a qualitative study conducted in August and September of 2013 with 48 female survivors (23 from Lango and 25 from Acholi) of sexual war crimes perpetrated by parties to the LRA/GoU conflict.

Most of the women interviewed for this study were between the ages of 20 and 37, with the majority of them in their late 20s and early 30s. Most (about 37) women had spent more than a year inside the LRA. The majority of those who were abducted before 2001 had lived within the LRA for five years or longer, and they came from the Acholi sub region. By contrast, women who were abducted after 2001 spent a relatively short amount of time with the LRA, with all except a few of them having stayed less than a year. This is likely explained by the fact that those who were abducted before 2001 spent most of their time inside Sudan, which made it more difficult for them to escape, while those abducted post-2001 mainly roamed inside northern Uganda, where the possibility of escape was greater.

Of the 48 women interviewed, 28 returned with at least one child born of war or returned pregnant and gave birth upon their return, while 20 did not return with any child. Of those who returned with children, 11 had only one child, 8 returned with two children and 9 returned with three children or more. The majority of the women in the Acholi sub region (21 of 25) returned with a child born of war while in Lango, only 7 out of 23 of those

interviewed had a child born of war. This is logical, considering that the war lasted longer in Acholi and the region bore much of the brunt of the conflict. It is also possible that finding women survivors was much easier in Acholi because the region has support systems and networks that brought the women together, whereas such networks are still lacking in Lango, where it is harder to find women survivors spread throughout the sub region.

For this report, the women interviewed were sought from both rural and urban locations. We chose to specifically include urban sites because we knew from our research that many female survivors of sexual war crimes had left rural sites to live in cities. We interviewed women we knew from our past research projects and with whom we already had a trusting relationship. On our team were two research assistants who were themselves survivors of war crimes of sexual violence and have children born as a result of those crimes. Through their assistance, we were able to reach out to other female victims of sexual war crimes with whom we had no prior contact. All interviews were conducted in local languages (Acholi and Lango) but recorded in English. The interviews were conducted in private and in places selected by the interviewees. At times, the interviews were held with the women at their places of business as long as there was sufficient privacy. That meant respondents were able to go about their daily lives without much interference from this research, although interview length was sometimes prolonged due to disruption from the women's potential customers.

For the compilation of this report, themes emerged inductively from field data and were used to help further expand our understanding of the women and their children's experience of war. A limitation of this study is that while the information presented highlights the plight of children born of war, we did not interview any children. All accounts are based on what their mothers shared during interviews, which may or may not be representative of the children's views. A more detailed study with children born of war would provide a deeper understanding of their lives. The CSiW Partnership is currently pursuing research on this theme.

## Key Findings

### **Key Finding 1: A more nuanced picture of experiences of women (and men) in captivity based on factors such as age, seniority, length of time in captivity, health and ethnicity**

The interviews revealed that women's and men's experience of abduction were shaped by multiple factors, among them age, seniority, length of time in captivity, health and ethnicity. Most of the women interviewed expressed that upon their abduction, and especially when they were taken as a group, they were immediately split into smaller groups. This was done to ensure the women did not consort with one another to plan an escape. Nearly every woman interviewed who was taken either in a group or with a family member was immediately separated from those she knew.

The women noted that after their abduction, they were taken to an established base where they were given out as wives to rebel commanders. Those deemed old enough by commanders were allocated out as wives more promptly than younger girls. For the most part, women were simply allocated to the home of a commander without any indication of what they were supposed to do or what their status in the home would be. As soon as he was assigned a woman, the male head of a home assumed the role of 'bush husband' Once a girl arrived at her assigned home, she would meet with the 'senior wife' of the homestead, who would assign her the task of making the husband's bed. This task indicated that the newly arrived wife would spend the night with the husband. A 30-year-old interviewee who spent eight years in captivity described this ritual as follows:

*"When I arrived at the man's homestead, after a few days I was sent by the senior woman to prepare the bed for the man and that meant later, I should spend the night with him." (Interview, Lira Aug. 2013).*

A commander would simply ask one of his several wives to make his bed on the day he wished to sleep with her. The woman he chose for this duty had no say in the matter. While forced marriage inside the LRA is often seen as an entirely male organized arrangement, the accounts from these interviews reveal that the so-called senior women played a part in enforcing the practice inside the group.



Essentially, women had no choice in determining their “husband” in the LRA. Most times, girls ended up with men old enough to be their fathers, or even older, which created a lot of discomfort for them. Some tried to resist staying with these men, but they had few options as they were often threatened with death or other severe forms of punishment. Girls who resisted their “wifely duties” were threatened with guns and machetes. A few commanders resisted the women assigned to them if they did not like the women, a scenario that made life even more difficult for those women. These commanders would penalise their assigned

wives through physical violence. A woman who was forced to live with a man who did not want her said,

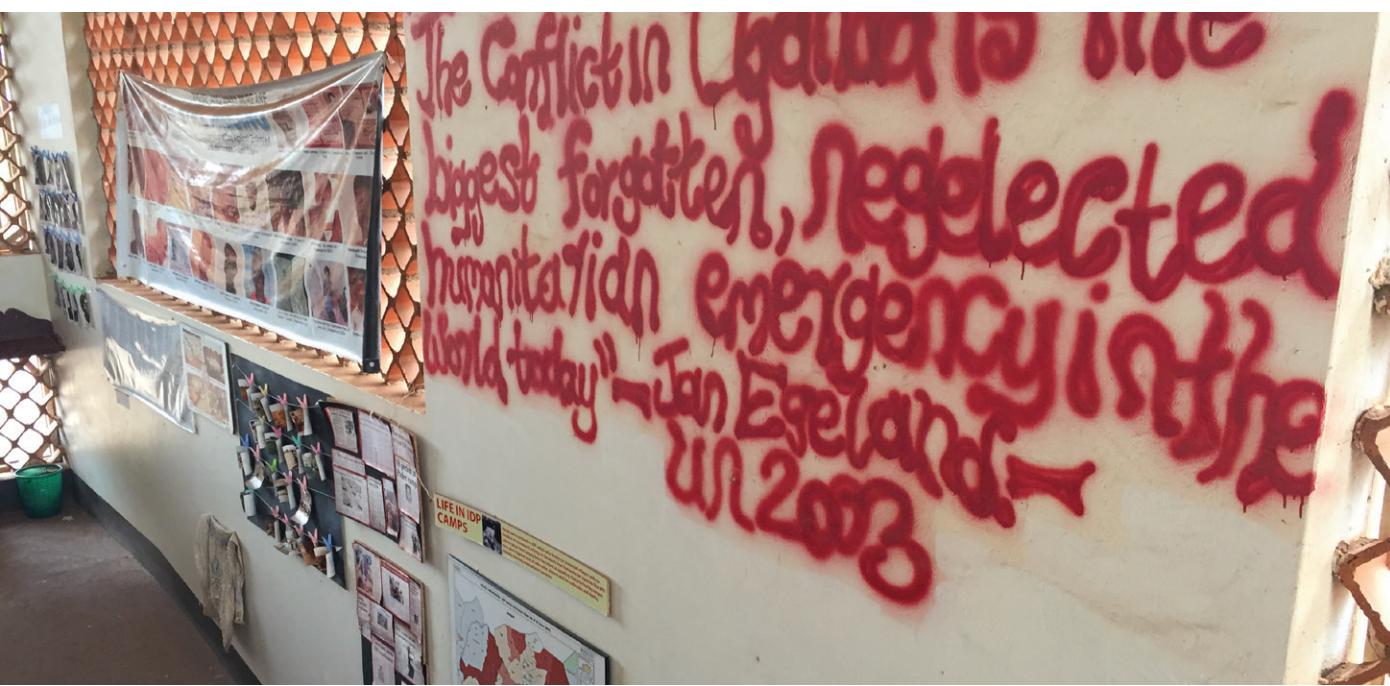
*"I was assigned to someone...although he did not like me since I was a Langi, he wanted an Acholi. He even threatened to kill...he was so fierce on me. I had to accept though kept praying to God who protected me throughout my stay there. Ladit [Kony] ordered the commanders to take me away from him because of the constant harassment I was facing." (Interview, Lango, Sept 2013).*

Girls who arrived to the LRA at very young ages had unique experiences. They lived in the homesteads of commanders as they waited to transition into the role of wife when deemed old enough. The young girls played supportive roles in the homes of the commanders, helping in child care for the senior wives and performing other domestic chores, such as collecting water, washing clothes, cooking, bathing and caring for children while the senior wives went on missions.

Often, a girl's first menstrual period indicated her readiness to transition into the role of wife. A 32-year-old former forced wife and mother of three children born of war, who was taken when she was only 9 years old, described her own transition: "As soon as I finished my first period, the man came and told me that from that day, I would go and make his bed" (Interview). Most women interviewed noted that Kony emphasized that only girls who had started their menstrual period should be given out as wives. The senior women of the homesteads were responsible for monitoring when a girl in the homestead had started her period and reporting this information to the head of the homestead. Women noted that a girl who was on her menstrual period was isolated and perceived to be unclean. One of the women interviewed said, "You know, while there, when you are on your periods, you are secluded from the rest and considered unclean. You are expected to stay in your own hut. They just deliver you food until you are done and you can resume normal life. So it was easy for them to know that I had started my periods" (Ibid.). The practice of isolation made it

easy for the senior woman to know when the young girls were already menstruating and to assign them roles as expected.

Menstruation was important to the LRA leadership because forced marriage was in part intended for procreation in addition to controlling a group member's sexuality and boosting the morale of the male fighters. Women noted that the aim of the LRA procreation agenda was to create a new generation of pure Acholi that could uphold true Acholi culture as opposed to the existing situation, which the leadership deemed spoiled and lacking in respect for true Acholi culture. Thus, any sexual encounter outside forced marriage, if discovered, was heavily penalized, often by death. In isolated cases, assigned husbands gave some pre-menstrual girls local herbs meant to trigger the start of their menstruation so they could conceive a child. One former forced wife and mother said, "The commander I was assigned to wanted me to start menstruating, so he sent me to a local herbalist in the group to take local herbs so I can start menstruating and be able to conceive" (Interview, Lango, Sept 2013). Where a woman with a forced husband delayed to conceive, she was at times accused of being a witch and severely punished for it.



Interview accounts show that as time passed, especially after 2001, some of the commanders ignored Kony's requirement to wait until a girl starts her menstrual period before taking her as a forced wife. Some women noted that a lot changed regarding the practice of forced marriage inside the LRA after 2001. Women abducted after 2001 were likely to be sexually abused before their first menstrual period, while some other commanders did not wait to take abducted women to an established base before taking them as wives. Many women's accounts of post-2001 LRA practices, following Operation Iron Fist (2002-2005) and the return of the LRA into northern Uganda, include stories of rape during abduction or en route to the base, contrary to earlier experiences of sexual and forced marriage practices inside the LRA. This could be attributed to the fact that at the height of the conflict, the LRA leadership likely had minimal control of some of their groups who were smaller and spread out more thinly. Fighters were likely to get away with several breaches of established practices inside the group due to weakened control and less likelihood of penalties from the leadership.

For the most part, women's sexual encounters with the LRA commanders were coerced, resulting in forced pregnancy and childbirth. Forced and early sexual encounters and childbirth have left many of the women with dislocated hips, which affect their mobility to this day. One woman complained of suffering from a paralysis of the pelvic muscles at the time of giving birth because she was only 15 years old. She was unable to walk for a month after giving birth, and explained that she had to be massaged and given herbs to regain her mobility. The lack of proper care during delivery, combined with early sexual encounters, has resulted in lifelong impacts on the women's health.

However, some of the women's accounts indicate that some accomplished senior women commanders held military ranks and were given the privilege of selecting whom they wanted to take as their husband and were not forced to take a particular 'bush husband' (Acholi 10).<sup>13</sup>

## THE SENIOR WOMAN FACTOR

*'Women who lived there long were treated better.'*

Inside the LRA, not all women were equal. Women had varying degrees of military and social status. A woman earned seniority status through military accomplishment, being the wife of a high-ranking commander or having a long history within the LRA. Senior women were often older in age and considered part of the established order. Interviewees noted that senior women were more trusted, respected, listened to and were more likely to know LRA secrets.

Interviewees also noted that senior women had authority over the rest of the women in their homestead and demanded respect.<sup>14</sup> Senior women were also more likely to gain military promotions. Women who attained their seniority via military credentials were superior to senior women who gained their status only through their role as wives. A 28-year-old mother of two children born of war, who quickly rose through the ranks of seniority in the LRA, described her experience as follows:

*"Since I was the head of the women in that home, the other women had to respect me because I was their leader and I was also a military officer. I was promoted to head the women in my homestead because I was militarily promoted to a corporal. The military promotion followed an attack on the Dinka where I was among those who carried sick wounded soldiers back to the LRA camp. My promotion was also informed by my military skills. I kept my gun safe, clean and I was also respectful." (Interview, Lango, Sept 2013).*

For a junior woman to be promoted to the rank of a senior woman, she had to accomplish both militarily but also rise in social status by being respectful and disciplined in order to gain the trust, respect and confidence of the leadership.

Senior wives had more power and privileges than the rest of the women. They assigned tasks to the rest of the women and girls in their home on a daily basis. Senior wives

supervised the household members and kept notice of members' behaviour when the man of the household was gone and reported back to him upon his return. They also had the power to discipline household members, including through the use of physical violence for any fault committed. A woman who lived inside the LRA for 11 years and returned with 3 children described the action of the senior wife of her household as follows:

*"My co-wife once beat me and even shot me with a gun once because I did not wash her underwear. She had given me one basin of clothes to wash including her underwear, which I refused to wash." (Interview 1).*

Compared to other women in the household, a senior wife's domestic work was limited. She was mostly responsible to the head of the home by making sure his meals were cooked, and his belongings such as clothing, bedding and other essentials were kept in order. A senior wife had the support of young girls with childcare responsibilities and other housework, such as washing and carrying loads, which greatly reduced their workload. Whenever senior women went on missions, the younger girls in their homes were assigned the task of caring for their children. In most cases, senior wives performed domestic work only when they wished. Interviewees noted that new recruits into the household were often over-worked, and received little food and care.

Whenever the head of the home brought goods from loots and raids, senior wives were privileged in accessing those goods, often getting first dibs on the best offerings. In most cases, they were the ones who distributed goods to the rest of the women in the home. Older women and mothers were often prioritized in accessing goods compared to younger girls and women in the home.

Senior wives also decided how much food would be cooked on a daily basis for the household.<sup>15</sup> They only ate the food prepared for the commanders, which was always better than the food prepared for the rest of the household members. Despite their high status,



senior women in the LRA were not equals to male commanders. They did not have a seat on the central command, the LRA's top decision-making organ like their male counterparts.

There has been a tendency to generalize the experiences of women affected by conflict, particularly those who lived inside armed groups as victims. However, the accounts presented reveal that women's experiences inside the LRA varied depending on factors such as their status, role, age, length of time and seniority. As described above, however, the experiences of senior women within the LRA differed from their male counterparts. Nonetheless, senior women enjoyed the kind of status, privilege and power the majority of women within the LRA did not have. Furthermore, women within the LRA experienced physical violence not just at the hands of men but also fellow women whose status was higher than theirs. It is thus important to explore the textured and multiple experiences of women affected by conflict, highlighting their vulnerability as well as the power and privileges some women had over others.

## **■ COMMANDERS VERSUS REGULAR SOLDIERS**

Inside the LRA, being a commander conferred a different lifestyle. Commanders experienced life very differently than even those who shared a household with them. Escorts (bodyguards) and regular soldiers under their commands carried their guns, chairs and beds. When they slept and were seated, escorts stood in guard. They were encircled by soldiers in the wilderness for their protection in case of any ambush or attack. This confirms others findings that LRA commanders used abducted children and fighters as human shields. While some commanders were quite harsh, others were less so.

Commanders never took part in garden work, but they were responsible for the harvest after the crops were ready. The harvest was handed over to them and they determined what was available to their households. They also had separate and better meals prepared for them, and they ate together and separately from members of their household. In situations where the group had few supplies or good food — such as meat, oil or paste — the available quantities were reserved for the commanders.

In times of food scarcity, food went to the senior commander and his family while others were left to starve. Every time new supplies were delivered, commanders took larger rations for their homestead and kept their own supplies separate from the rest of the household members. When they went on missions, they appointed a trusted member of their household (in most cases the senior wife) to oversee their supplies. Most of these privileges were available to only to male commanders.<sup>16</sup>

## **■ MOVEMENT RESTRICTION**

Abducted women were rarely allowed to move and make friends while in the LRA in order to prevent any possibility of planning an escape. Restrictions on movement were more severe

for some groups of women, especially those who were taken from schools, such as the high profile case of the girls taken from a boarding school in Aboke.<sup>17</sup> Interaction between these women and girls were heavily policed and limited. Educated women were highly guarded while others with military training were permitted to go to the battleground and joined in fights to raid food inside Sudan.

**Key Finding 2: In line with the findings of other researchers, our study shows women exercised agency and resistance, even while in the violent and coercive setting of forced marriage.**

■ WOMEN'S ROLE INSIDE THE LRA

Some women were also trained in military roles and were assigned to loot food or fight in the battlefield. Some women interviewees remarked that whenever they went to loot food, they were assigned patrolling duties while the men did the looting. Several women fighters remarked that as soon as they gave birth, their guns were withdrawn. After childbirth, women were not required to go to the frontline to fight. Mothers were not allowed in combat because they were deemed to be predisposed to greater risk on the battlefield due to their presumed inability to run as fast or carry loots.

■ RESISTANCE AND AGENCY

Women and girls inside the LRA used different ways to resist their captors and orders. Interviewees spoke of refusing to perform assigned roles or tasks ordered by their commanders. Women exercised resistance and agency in different ways. Some said they

would refuse to cook when told to do so, while others resisted forced sexual relations with their assigned husbands especially on the first occasion. One of the women interviewed described her refusal to have sex with the husband she was assigned:

*"He told me to cut grass and prepare a bed but I refused, then I was threaten with machete. In fear for my life I then went and slept with the man. I was not willing to be his wife I was still young and not ready to be with a man."*

While some of the women gave in after being coerced and threatened, other women continued to resist despite the consequences of their actions, and did so with limited success. Some women talked back to their assigned husbands and made sure their position was heard. A woman who spent 11 years inside the LRA narrated the story of what happened when she resisted sex with her forced husband:

*"The man came and told me that from that day on, I would go and make his bed and I answered back, 'since when did I do that?' He was so hurt and he wanted to hit my head with a panga because I called him an old man. He beat me badly that month but at least he was able to leave me alone. His senior wife pleaded with me to go and make his bed the next month. He even called other senior women from Kony's homestead and others to talk to me to behave and accept him as his wife." (Interview MMA).*

Some women also spoke of making excuses and lying in order to escape penalties or orders from their captors. In one instance, a woman lied to her assigned husband and told him she is related to a woman who was already his forced wife, thus he could not have two women who are sisters as his wives as that is taboo. The assigned husband accepted her claim and she was allocated another man even though she was still young.

There were many accounts of women and girls taken inside the LRA who tried to escape despite knowing the death penalty this action carries. In some instances, women still dared to escape as illustrated in the story of one woman:

*"I tried to escape but I was caught and beaten so seriously that the rebels thought I was dead and they left me there at the scene. But I was not dead and that is how I escaped. I was tired of living in the bush and doing things under tight control and security, looking at the dead bodies etc. Life was generally difficult and I had to bring it to an end." (Interview, Lango Sept 2013).*

While some survived their penalties and eventually managed to escape, many others were killed when caught. Those who attempted were punished for days without food. Young girls who attempted escape were more likely to avoid a death penalty, but older women had more opportunity to get away as they had established trust with members of the LRA. Even when they had the opportunity to escape, some women feared they would risk the lives of their surviving family members at home if they ran, since the LRA would track down their families and kill them. As a result, some women spoke of having to sacrifice themselves by remaining allegiant towards the LRA for the good of their family. These women feared being haunted by the spirits of their dead relatives who would be killed as a result of their escape.

### **Key Finding 3: The LRA had strict internal 'laws' and norms governing sexuality**

Women interviewed mentioned that in the LRA any wrongdoing on their part was met with severe beatings or other forms of punishment, including the withholding food. Attempts to escape were punished by death. The women's wrongdoing ranged from the failure or inability to properly assemble a gun, delay completing assigned tasks, attempting escape and failing to conceive. One woman's account explains the repercussions for failing to complete tasks:

*"Whatever portion he gave you to dig, you had to finish. If you didn't finish, you didn't eat. No one was supposed to help you. Even when you had a child on your back, you*

*were expected to dig. Open land, clear all trees, burn it and plant seeds." (Interview, Lango Sept 2013).*

Often women who were unable to conceive were accused of being witches or barren. One woman said that her co-wife, who they said had proven to be a witch, was ordered by Kony to leave the group. Women also spoke of being required to quiet children in the event of flight and received punishment for failure to do so. They were also instructed to always carry their children and never drop a child, even in the heat of fighting. Losing a child earned a woman a death penalty.

#### **Key Finding 4: There are many challenges for survivors in their ongoing post-conflict lives. Reparations are key for victims of conflict violence**

##### **■ RELATIONS WITH FORCED HUSBANDS IN THE POST CONFLICT PERIOD**

Most of the women we interviewed had severed ties with their former captors and their families, except in a few cases inside the Acholi sub region where interviewees noted that a few women were still with their former captors or had contact with their captors' families. The majority of women interviewed were concerned over the future of their male children who may never have a claim over land, which can only be attained from a boy's patrilineal family. As a result, interviewees in Acholi reported that some of their friends who tried to establish contact with their former captors and their families did so mainly for the benefit of their male children born of war. One such woman in Gulu has had to cohabit with the brother of her former captor in order to give her two sons access to land via their patrilineal family.

However, the majority of women interviewed did not wish to have any contact with their former captors or their relatives. One of the women interviewed in Lango said her captor followed her out of the bush to the place she had resettled, but she refused to associate with him despite having had two children with him in captivity. Some felt having contact with their former captors reminded them of their past and what they had to endure at the hands of those men. A woman who returned from captivity with one child found herself attending the same school in which one of the former LRA commanders was enrolled. She said, "I was going to school with one of them, but didn't like to meet him because it would remind me of the past. We shouldn't be in the same space." Some of the women also lamented what they saw as the Ugandan government's unequal treatment of men and women returning from the bush. Some women said former commanders received more privileges from the government, while they themselves struggled with virtually no support to raise the children fathered forcefully by these same commanders. Even in cases where a man and a woman returned together from the bush, some of the women interviewed said only the man would receive support from the government. The disparity in opportunities for former male and female fighters in post-conflict northern Uganda could be explained by the fact that men are considered to be at greater risk of re-entering the battlefield than women, and as such it is in the government's best interest to provide them with alternatives.

#### **■ EXPERIENCE OF STIGMA AND DISCRIMINATION**

Interview accounts with the women show that, upon return, they suffer various forms of stigma and discrimination both from their family members and communities. Women who were married before their abduction were rejected by their husbands upon their return on account of having been sexually abused inside the LRA. The duration of captivity in the LRA did not seem to affect this familial rejection, as even those who were held for just days or weeks in the bush were deemed unfit to return to their married lives. A woman who returned after just days of captivity recalled that her husband took her for HIV/AIDS testing upon her

return. Even though she was never sexually abused and her HIV test came back negative, her husband still took her back to her natal family. "He nearly divorced me," she said.



For many women who spent years inside the LRA and returned with children born of war, forming new relationships with men has been difficult. During interviews, the women said the men they have met upon their return have used their past lives in the LRA as a reason to abuse them verbally, physically, sexually and financially. The women described being called "Kony's wife" by their significant others, and men would often leave them on account of their pasts. The majority of women said their relationships did not last, with only a few having married upon their return. Women who did not have children born of war had greater success in new relationships. Women who did return with children have found that the new men in their lives were unwilling to support children who are not their own. In order

to maximize their potential for financial support, some of the women have had multiple partners for whom they bore children.

Even when a man is willing to settle down with a woman who has returned from the bush, his family members often reject the union. Women with pasts in the LRA are perceived to be possessed with evil spirits from committing or witnessing heinous crimes. Men's family members worry the evil spirits (cen) would cause the women to be violent, posing a threat to their sons and their entire family. These families believe evil spirits are contagious and could contaminate their entire lineage. Often, the mere knowledge of women's experience with sexual violence is damaging enough for their spouses' families to reject them.

Some women experienced rejection within their own families as well. A few of the women reported being rejected by their parents upon their return. A 28-year-old woman from Acholi noted that when she returned to her family, her parents deserted her in the house and her attempt to be with them was met with resistance. In her own words, whenever she tried to reunite with her parents, they would ask, "Do we have anything of yours so that we give it back to you?" (Interview, Gulu, Sept 2013). Such experiences deeply hurt the women and hindered their reintegration, subjecting them to more vulnerability in their post-conflict lives. Another woman in Lango said her parents divorced over their disagreement about the children with whom she returned. While her mother was supportive of her children, her father did not want them and casted them off as "LRA children." Some of the women said the abuses they have experienced have led their children born of war to ask questions about the circumstances of their birth, especially if the mothers have kept this information from them. Children who were very young upon their return from the bush or those who were conceived in the LRA but born in peacetime are less likely to be aware of the circumstances of their birth. Some of the women said the sigma they have experienced in their own families has forced them to move away from their family homes with their children to live anonymous lives in nearby towns.

Nonetheless, family support remains valuable in enabling women to overcome their experience of abduction and ongoing stigma. Some families provide emotional, social, and financial support to enable women to rebuild their lives. A few women who had support from their families have been able to reintegrate fairly well. In some instances, families have taken over providing care for the children born of war while the women go about their lives.

Women interviewed also discussed the continuous abuse and harassment they suffer from the wider community. People often refer to them with names such as "Kony's wife" and call their children "Kony's children" or "rebel children." They said their past lives are used against them in every altercation with community members. According to some of the women, neighbours whose own children never returned from the bush are particularly cruel towards them. These neighbours associate the women with the abduction and loss of their own children.

Children born of war are isolated from other kids in the community and often play alone. The women said they mostly associate with their fellow former abductees, with whom they find support and understanding. But their limited contact with members of the broader community means their reintegration is slow and difficult. The women said their experience of war has had a life-long impact on them and their children. "Our experience is like a scar on our body, we live with it forever," said a woman from Lango. Another said, "It is as though I have a big writing on my back that says, 'Kony.' Everywhere I go, it's there; it will never go away."

#### **■ REPARATIONS NEEDS OF SURVIVORS**

A 2011 study by the UN OHCHR and the Uganda Human Rights Commission (UHRC) documents the scope and components of reparations for victims of serious harms from the conflict in the Greater North of Uganda.<sup>18</sup> A 2013 report by the Feinstein International Center, Tufts University and Isis - WICCE further explored specific gendered components of

remedy and reparation.<sup>19</sup> In our report, we add to a more specific gendered understanding of reparations as expressed by female survivors of sexual violence during war in northern Uganda by building on the five components of reparations – restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. The reparation needs discussed are based on women's expression of what can best alleviate their experience of war and resulting impacts on their lives and that of their children born of war.

#### ■ RESTITUTION

Restitution should seek as much as possible to restore victims to the state they were in prior to the violations. It includes, as appropriate, restoration of liberty; enjoyment of human rights, identity, family life and citizenship; return to one's place of residence; restoration of employment; and return of property.<sup>20</sup>

From interviews with women, we have learned that their experience of war has prevented



them from making any claim on land from their natal family and they are also unable to claim land by marriage due to their unmarried status. The lack of patrilineal identity for their children born of war also makes it impossible for them to access and claim land. The women's own family members view their male children born of war as a potential threat to land. The maltreatment of their children has driven women out of town, often moving from place to place in search of affordable rent. They are, as a result, unable to offer any stability to their children.

Women also note that the war has left them unable to form new marital relationships, and they must survive without the support of a male partner to carry out traditionally male roles, such as building a house. Unable to build houses themselves, they live in huts and dilapidated homes.

Women and girls in northern Uganda are not treated equally to men and boys, and thus face discrimination. Therefore, reparation should not seek to reinforce discrimination of any kind against women and girls, and neither should it restore women to their pre-conflict state, which was still unequal and discriminatory.<sup>21</sup> The women demand reparations that will enable them and their children to claim to land under customary law. They recommend that the government provide them and their children born of war access to land and housing. Where possible, women, particularly those in Acholi, want traditional leaders (who are the custodians of customary law and resources such as land) to recognize their rights and the rights of children born of war to inherit land in their natal family.

## **■ COMPENSATION**

Compensation should be given for any economically assessable damage in a manner that is appropriate and proportional to the violation, which can include physical, mental, material, opportunistic and moral harms and costs incurred in pursuit of addressing the resulting harms.

Women interviewees noted that due to abduction and time spent with the LRA, they missed important opportunities to enroll in school, or complete schooling and learn viable skills for survival in civilian life. Most came back when they were already too old to resume school, while some found it impossible to return to their studies because of their childcare responsibilities. Their lack of skills for self-sustenance rendered them unable to earn a living, forcing most of them into poverty. Additionally, women noted that the skills training, most notably the tailoring programmes which many women attended as part of NGO reintegration programmes, were often not viable for multiple reasons: 1) The programmes did not provide sufficient skills to enable them to succeed in the business. Some had to hone their skills with other on-the-job trainers before starting out; 2) The low return and over-saturation of the tailoring trade led to low incomes; 3) Unhealed injuries, specifically backache from carrying heavy loots and children over long distance in captivity, caused them severe pain that affected their concentration and use of the tailoring machine.

Consequently, most women are unable to use their tailoring skills and have had to look for alternative livelihoods while only a few remain in the trade. There are a limited number of post-conflict assistance programs directed at survivors of war. Meeting health care, schooling and proper housing needs for their children remains a major concern for the women. School support programmes for children born of war required exorbitant fees, which was made worse by the fact that these programmes determine which schools the children can attend. Nonetheless, many women view their children's education as a way of securing their future. As one survivor put it, "I missed education but at least let them have a future" (Interview, Lango, Sept 2013).<sup>22</sup> Without access to land in a patriarchal and agrarian society, an education could guarantee the children hope for better lives. A few of the women were able to inherit lands if upon their return both of their parents or the breadwinner of the family had died due to war or other natural causes. In these cases, the women must still grapple with resistance from their extended family members, who seek to dispossess them of the land.

Considering that women's and girls' present experiences are partly informed by pre-war structural inequalities, which were made worse by the conflict, women recommend various forms of compensation as part of reparations. These reparations should:

1. Provide education and childcare support to children born of war and their mothers.

In some cases, women want their former captors' families to contribute towards caring for the children born of war.



2. Support the development of vocational skills of value and substance that can enable women earn an income to support their households.
3. Provide income-generating opportunities to enable women who were unable to return to school after conflict to earn a decent living to raise their children and support themselves. Women trained as tailors and who are still utilising the skill want support for businesses through start-up capital and materials.

4. Provide access and priority for job placement for mothers who were fortunate enough to make it back to school and came out with requisite qualification to join the job market.
5. Provide access to land and proper housing for the women and their children. Where women are facing problems of land grabbing, provide assistance to reclaim their land rights under customary law.
6. Prioritize adult education programmes that can enable women who missed school to learn basic numeracy and literacy skills to boost their trade, to help them to communicate better with their children, some of whom might receive a good education.
7. Reparations should recognize women's loss of parents and breadwinners and take measures to address the gap caused by these losses and their lifelong consequences. This form of reparation can come through pensions spread over a long period of time, or financial support for education and housing that deceased persons would have provided women and their children.

The women recommend that all of the various forms of compensation be extended over a long period of time to match the harms they suffered and the resulting consequences on their lives and the lives of their children today.

#### **■ REHABILITATION**

The right to rehabilitation encompasses medical and psychological care and access to legal and social services.

Interview accounts reveal that most of the rehabilitation needs of women have not been met. Women and girls report suffering both physical injuries and psychological harms from

their war experiences. Some women still have bullets and shrapnel in their bodies. Others have broken bones, cut and maimed body parts, and suffer from difficulties in mobility due to dislocated pelvic bones as a result of early pregnancy and childbirth. Many of the women have constant back-ache from carrying heavy loads and children over long distances in captivity. They also suffer from fistula and other reproductive or gynecological harms, as well as gastric complications from consuming contaminated water and food while in captivity. The experiences of war, sexual violence and post-conflict stigma have left many of the women with emotional and mental health problems.<sup>23</sup> As a result of the sexual violence they endured during conflict, some of the women now have HIV/AIDS, a disease that requires life-long medical care and support. As discussed above, the history of sexual violence has resulted in women's rejection by their spouses and their families. The women also reported injuries, both physical and emotional, in their children born of war.

Women and girls report difficulties accessing appropriate treatment for their injuries, with many of them simply medicating with painkillers. The majority of the women cannot afford the treatments they require from private health providers, and government-run health facilities are not able to provide the care they need. Injuries that require several procedures, particularly those related to the women's sexual health, are thus left untreated unless charity programmes provide the care for free. In addition to constant pain, the women also suffer from the loss of their work productivity as a result of their injuries. Many women told researchers they were unable to use their tailoring skills due to backaches and vision problems presumably tied to exposure to gunpowder.

These findings are also supported by a recent report by the Secure Livelihoods Research Consortium (SLRC) in northern Uganda, which found that 10% of the total population in Acholi and Lango is war-wounded. Of these injured individuals, 2% report that they are partly incapacitated while 3% are completely incapacitated, and few are able to receive therapeutic treatment. These individuals reported their productivity and income is half of what it used to be prior to their injuries.

As part of reparation packages, women want rehabilitation to include the following:

1. Access to prompt and adequate treatment for injuries sustained during the conflict.  
Women want comprehensive and specialized care and assistance that can enable them to regain their health so they can be productive in their households. These should also include the health and emotional needs of their children born of war.
2. Free anti-retroviral therapy and boosted nutrition for women who contracted HIV/AIDS during conflict.
3. Free legal aid services to defend and protect women's land and other property rights.  
Similar services that boost women's capacity to reintegrate into their communities should be made available.

Medical rehabilitation programmes should be structured with a gendered understanding of the harms suffered during conflict. They should be geared towards the full treatment and recovery of female survivors of war sexual violence and crimes as well as their children born of war with the goal of enabling their full participation in their households and society at large.<sup>24</sup>

#### **SATISFACTION AND GUARANTEES OF NON-REPETITION**

Satisfaction is broadly understood to include, where applicable, measures that help cease violations; verification and full public disclosure of the facts (while ensuring disclosure does not harm victims or witnesses); search and identification of those disappeared, abducted, and killed; proper reburial; official declarations, apologies and sanctions against those liable for the violations; and tributes to the victims, including of conflict-related sexual violence. Guarantees of non-repetition include civilian control of armed security forces; application of international standards of due process; independence of the judiciary; upholding of

protections for protected persons under international law; human rights and humanitarian law training for relevant sectors and adherence to these laws and a gendered, just interpretation of these laws within codes of conduct; and reform of laws that contribute to violations of international humanitarian and human rights law through an approach that promotes women's rights and equality.

As part of satisfaction, many women spoke of the lack of awareness among the broader public about the enduring impact of the violence they suffered at the hands of their captors. They said this lack of awareness fuels the stigma and discrimination they face on a daily basis. They also point out that their abduction was no fault of their own, but the failure of the government in protecting them.

The women prioritize satisfaction measures that include:

1. Official acknowledgement of the harms abducted women suffered, with detailed documentation of the circumstances of their abduction and the age at which they were abducted. This acknowledgment would include recognition of the harms they continue to suffer as the result of their wartime victimization. They believe official acknowledgement will help foster their reintegration with dignity and love into their families and society.
2. As a starting point, the women want the government and those responsible for crimes suffered to make public apologies to survivors of the conflict.
3. The women also want reparations to be informed by a clear understanding of what happened to them in the conflict, including the lifelong consequences it has on their lives.
4. The women also noted that to this day, neither LRA commanders nor UPDF officers have taken responsibility for their roles in the conflict. Thus, the women insist

reparation should ensure that those most responsible for their experiences of the conflict, either by act of omission or commission, are tried in an independent and impartial court. Many women spoke of the need to ensure senior LRA commanders, who orchestrated the war and are now back in the community, are held accountable. In the words of one woman, "Former commanders who are back should be tried in an impartial court that cannot be manipulated, preferably an international court so they can pay for the crimes they committed."

5. Some women also want memorials in memory of what happened to them in the conflict so that their experiences remain a part of the history of the country and can inform the future.
6. As part of its official acknowledgement, women want the government to recognize the identity of their children born of war, which will enable them a place in both their families and the community. At this point, children born of war are not recognized as orphans or vulnerable children, which means they miss out on programmes available to children who fall into such official categories.

As part of guarantees of non-repetition, women prioritize:

1. Reform to the traditional justice system and its patriarchal networks that are uneven and discriminatory towards women and girls. This reform would enable women survivors and their children born of war to claim and access land from their families.
2. Women also want assurance that what they endured in conflict will never be repeated. This assurance may come in the form of actions that actively prevent the start of another war. The women emphasized that the government should comprehensively deal with the underlying causes of conflict.

- 1 With editorial assistance from Yamri Tadesse and Heather Tasker
- 2 The *Prosecutor v Eliezer Niyitegeka*, Case No. ICTR-96 -14-T (16 May 2003), para. 465.
- 3 The *Prosecutor v Jean-Paul Akayesu*, Case No. ICTR-96-4-T, (2 September 1998), paras. 688 and 693[Akayesu Trial Judgment].
- 4 The *Prosecutor v Kvočka and others*, Case No. IT-98-30/1-A (28 February 2005), para. 435.
- 5 *Prosecutor v. Brima, Kamara & Kanu*, Case No. SCSL-04-16-A, Appeals Chamber Judgment (22 February 2008) para. 200 [AFRC Appeal Judgment].
- 6 *Prosecutor v. Sesay, Kallon & Gbao*, Case No. SCSL-04-15-T, Judgment, (2 March 2009) paras. 1464 and 1473[RUF Trial Judgment].
- 7 *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery*, 7 September 1956, UNTS, Vol. 266, Article 1. see: [https://treaties.un.org/pages/ViewDetailsIII.aspx?s-rc=TREATY&mtdsg\\_no=XVIII-4&chapter=18&Temp=mtdsg3&clang=en](https://treaties.un.org/pages/ViewDetailsIII.aspx?s-rc=TREATY&mtdsg_no=XVIII-4&chapter=18&Temp=mtdsg3&clang=en)
- 8 Consider the following statement by the French Representative during the negotiations of the 1956 Supplementary Convention: "Marriage might be the last refuge of slavery and did not necessarily represent its mildest form", United Nations, Economic and Social Council, Committee on the Drafting of a Supplementary Convention on Slavery and Servitude, Summary Record of the Thirteenth Meeting, 25 January 1956, UN Doc. E/AC.43/SR.13, 27 February 1956, p.6; as found in Jean Allain, *The Slavery Conventions: The Travaux Préparatoires of the 1926 League of Nations Convention and the 1956 United Nations Convention*, (Martinus Nijhoff , 2008), p. 335.
- 9 Situation in the Democratic Republic of the Congo in the Case of *Prosecutor v. Thomas Lubanga Dyilo* [Lubanga's case], ICC-01/04-01/06, 14 March 2012, para 629.
- 10 Situation in the Democratic Republic of the Congo in the Case of *Prosecutor v. Germain Katanga* ICC-01/04-01/07 (7 March 2014) paras 958-960; Katanga and Ngudjolo Chui Decision on the Confirmation of Charges [Katanga Decision on Confirmation of Charges].
- 11 The *Prosecutor v Dominic Ongwen*, Decision on the Confirmation of Charges, ICC-02/04-01/15 (23 March 2016), para. 91 [Prosecutor v Dominic Ongwen, Decision on the Confirmation of Charges].
- 12 UN OHCHR and UHRC, "*The Dust Has Not Yet Settled*" Victims' Views on the Right to Remedy and Reparation: A Report from the Greater North of Uganda (Kampala: Uganda Human Rights Commission, 2011), pp. 7 – 11; FIC, Isis – WICCE and Ford Foundation, *Making Gender-Just Remedy and Reparation Possible: Upholding the Rights of Women and Girls in the Greater North of Uganda* (Kampala: ISIS, 2013). , pp. 16 – 24 (clearly laying out the various provisions under international and national law relating to the right to remedies and reparation for victims of serious crimes).
- 13 There is some indication that some senior female commanders also practiced forced marriage, but to a lesser extent in the degree of coercion.
- 14 This was ordinarily the norm, except in a few cases where recently recruited women also attained senior woman status.
- 15 Senior women refer to both female commanders and senior wives in a household. Senior wives are the first wives in a household.
- 16 Female commanders only had caretakers, people to carry their belongings as they walked, without the other preferential treatment accorded to male commanders.
- 17 See Grace Acan, *Not Yet Sunset: A Story of Survival and Perseverance in LRA Captivity* (Kampala: Fountain Publishers, 2017).
- 18 UN OHCHR and UHRC, "*The Dust Has Not Yet Settled*", supra note 13.
- 19 FIC and Isis-WICCE, *Making Gender-Just Remedy and Reparation Possible*, supra note 13.
- 20 A/RES/60/147, Art 9 para 19.
- 21 *Ibid*, p. 39.
- 22 *Ibid*, p. 43.
- 23 *Ibid*, p.47.
- 24 *Ibid*, p.49.