

**Input for the UN High Commissioner for Human Rights' report on the rights of the child and violations of the human rights of children in armed conflicts**  
***Children affected by conflict-related sexual violence and their right to reparation***

**Introduction**

1. GSF was established in 2019 by Denis Mukwege and Nadia Murad, Nobel Peace Prize laureates 2018. Its mission is to enhance access to reparations for survivors of conflict-related sexual violence around the globe and ensure they receive comprehensive reparative measures in the interim. GSF's work is grounded in its unique co-creation model and survivor-centric approach.<sup>1</sup>
2. This note focuses on children affected by conflict-related sexual violence<sup>2</sup> and their fundamental right to reparation, although some considerations are relevant to other types of violations of the human rights of children. This submission draws on GSF's project work, its Global Reparation Study and additional research.<sup>3</sup>

**I. Nature of violations**

3. When sexual violence is used in war, it often takes extremely brutal forms, affecting girls and boys, including very young ones. The impact of sexual violence on children is profound, long-lasting, and multidimensional. While children affected face physical, psychological and socioeconomic consequences similar to adults, their age, physical size, developmental stage and social environment lead to additional distinct impacts. The impacts extend beyond the immediate physical harm; sexual violence causes long-lasting emotional and psychological distress, hampers their social integration, and jeopardises their overall well-being.<sup>4</sup>
4. Due to societal shame and discriminatory norms, child victims are often stigmatised, ostracised and revictimised by their communities. Sexual violence also disrupts their education, due to medical and psychological problems, stigmatisation, bullying, lack of birth registration, or because they are held in captivity. This leads to extreme poverty and exposes them to further violations, including sexual exploitation or recruitment by armed groups. These consequences may create a vicious circle repeating itself over a number of generations.<sup>5</sup>

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<sup>1</sup> GSF, 'Annual Report 2023' (2024),

[https://www.globalsurvivorsfund.org/fileadmin/uploads/gsf/Documents/Resources/Reports/AR\\_2023\\_ENG\\_web\\_double\\_pages.pdf](https://www.globalsurvivorsfund.org/fileadmin/uploads/gsf/Documents/Resources/Reports/AR_2023_ENG_web_double_pages.pdf)

and GSF, 'Strategic Plan 2024-2030' (2024),

[https://www.globalsurvivorsfund.org/fileadmin/uploads/gsf/Documents/Resources/Reports/Strategic\\_plan\\_24-30\\_web\\_DP.pdf](https://www.globalsurvivorsfund.org/fileadmin/uploads/gsf/Documents/Resources/Reports/Strategic_plan_24-30_web_DP.pdf).

<sup>2</sup> Children affected by conflict-related sexual violence represent a diverse and largely invisible community that includes children who were victimised, children born of rape, children who have witnessed sexual violence, and children whose caregivers have suffered sexual violence.

<sup>3</sup> Global Reparations Studies accessible here: <https://www.globalsurvivorsfund.org/how-we-work/know/>.

<sup>4</sup> GSF, Briefing on reparation for children born of conflict-related sexual violence, exploring survivor's perspectives from the Global Reparations Study (2024),

[https://www.globalsurvivorsfund.org/fileadmin/uploads/gsf/Documents/Resources/Policy\\_Briefs/Briefing\\_on\\_children\\_born\\_of\\_CRS\\_V\\_web\\_Final.pdf](https://www.globalsurvivorsfund.org/fileadmin/uploads/gsf/Documents/Resources/Policy_Briefs/Briefing_on_children_born_of_CRS_V_web_Final.pdf)

<sup>5</sup> This transgenerational harm was defined by the ICC in Ntaganda Reparations Order, ICC-01/04-02/06-2659, para. 73.

## II. Adequacy of current protections and remedies

5. Under international law, all victims of gross violations of international human rights law and serious violations of international humanitarian law, including conflict-related sexual violence, have a right to adequate, effective and prompt reparation, which includes restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition<sup>6</sup>. The right to reparation of children was further recognised by the Committee on the Rights of the Child in its General Comment No.5 in line with Article 39 of the Convention on the Rights of the Child (CRC), which states that *"where rights are found to have been breached, there should be appropriate reparation, including compensation, and, where needed, measures to promote physical and psychological recovery, rehabilitation and reintegration"*.<sup>7</sup>
6. Yet, despite reparation being a right and a priority for children affected by conflict-related sexual violence, most do not receive any form of reparation during their lifetime. Their specific rights and needs are almost entirely overlooked in reparation initiatives worldwide,<sup>8</sup> that often fail to include specific forms of reparation responsive to their immediate and long-term wellbeing, including for those who are now adults.
7. Governments, because of their lack of awareness, capacity or commitment, rarely recognise children affected by conflict-related sexual violence as victims eligible for reparations. When reparation programmes do exist, some categories of children are left out, their specific rights and needs are overlooked, and reparations are not tailored to their needs. For example, Iraq's 2021 Yazidi Female Survivor's Law provides a reparation framework for the survivors of the violence perpetrated by ISIL, but it excludes children born of conflict-related sexual violence.<sup>9</sup>
8. On the other hand, a few countries, such as Colombia<sup>10</sup> have recognised children born of rape as victims and included them in the scope of their reparation programmes, a promising trend.

### Forms of reparation

Because children suffer distinct harms from adults, reparation programmes must be tailored and responsive to their needs and priorities. Through its work, GSF identified the following reparation priorities for children affected by conflict-related sexual violence:

- **Access to education:** Victims and survivors frequently mentions education as a critical need and a desired form of reparation. As demonstrated by the project currently implemented by GSF and the Neem Foundation in Nigeria, effective education-focused reparation requires trauma-responsive approaches, flexible, accessible and inclusive learning environments, financial support and engagement with caregivers and communities.
- **Access to medical and psychological support:** Given the seriousness of the harms suffered, children affected by conflict-related sexual violence must have access to adequate and timely

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<sup>6</sup> [UN 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](#), (2005).

<sup>7</sup> Committee on the Rights of the Child, General Comment No.5 General measures of implementation of the convention on the rights of the child (2003)

<sup>8</sup> UNICEF Innocenti Research Centre, Children and Reparation : Past lessons and new directions, 2010, p.v

<sup>9</sup> Amnesty, 'Iraq: Yazidi reparations law progress welcome, but more must be done to assist survivors/#:~:text=On%201%20March%202021%2C%20the,before%20the%20age%20of%2018', <https://www.amnesty.org/en/latest/news/2021/11/iraq-yezidi-reparations-law-progress-welcome-but-more-must-be-done-to-assist-survivors/#:~:text=On%201%20March%202021%2C%20the,before%20the%20age%20of%2018>

<sup>10</sup> Law 1448, 'Victims and Land Restitution Law' (10 June 2011), art. 181, <https://www.suin-juriscol.gov.co/viewDocument.asp?ruta=Leyes/1680697>.

mental and physical health services. Once they reach adulthood, if their traumas have not been addressed, they may suffer from various mental health conditions such as depression.<sup>11</sup>

- **Collective and symbolic measures:** These include apologies, commemoration initiatives, such as the creation of memorials dedicated to children affected by conflict-related sexual violence.
- **Encourage community acceptance and inclusion:** Addressing stigmatisation and discrimination at the community level, including in schools, is crucial. Survivor networks and women-led organisations play a key role in raising awareness through targeted programmatic, policy and advocacy support, including fostering peer support and solidarity networks.

This list is non-exhaustive and does not include other, more traditional forms of reparation, such as financial compensation. In every case, they must be designed with survivors and adapted to suit the needs of children.<sup>12</sup>

### III. Barriers to effective protection

9. Children affected by conflict-related sexual violence face particularly difficult challenges when seeking to access reparation, as the issues arising from being a victim of sexual violence are compounded by the vulnerabilities of being a child. The main barriers identified by GSF, in addition to the lack of awareness and commitment mentioned above, are the following:

- Legal and bureaucratic barriers:** children are often required to navigate convoluted legal and administrative procedures, with burdensome requirements to register as victims and receive reparation. They also face challenges related to costs, lengthy proceedings, and poorly structured, inadequate, and unclear reparation programmes. Moreover, reparation mechanisms may not be child-specific nor child-friendly. They may even be discriminatory towards children or specific groups of children.<sup>13</sup> Children may also be unaware of their rights and lack essential information in a child-friendly format on how to access reparation.
- Prioritisation of judicial reparation over administrative reparation:** too often, the only path to reparation is through judicial proceedings. However, reparation that can be solely accessed through courts poses additional challenges for survivors, and in particular for children, as many are prevented from accessing them and are left behind in judicial proceedings because they are not believed and considered as credible witnesses and because they are denied legal capacity or legal assistance, which can be especially problematic in case of a conflict of interest between the child and his parents or caregiver. This is a significant challenge in the context of conflict-related sexual violence due to the stigma and possible rejection of the child by his parents or caregivers. Prioritising administrative reparation programmes over judicial reparation would benefit a larger number of child victims with minimal formality and child-friendly procedures.

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<sup>11</sup> United Nations Security Council, 'Report of the Secretary General on Women and girls who become pregnant as a result of sexual violence in conflict and children born of sexual violence in conflict', doc S/2022/77, (2022), <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2022/02/report/auto-draft/N2223437.pdf>

<sup>12</sup> GSF, 'The Time for Reparations is Now' (2022),

[https://www.globalsurvivorsfund.org/fileadmin/uploads/gsf/Documents/Resources/Reports/GSF\\_PSVI\\_The\\_Time\\_for\\_Reparation\\_is\\_Now\\_EN\\_Nov2022\\_WEB\\_1.pdf](https://www.globalsurvivorsfund.org/fileadmin/uploads/gsf/Documents/Resources/Reports/GSF_PSVI_The_Time_for_Reparation_is_Now_EN_Nov2022_WEB_1.pdf).

<sup>13</sup> Ton Liefwaard, 'Access to Justice for Children: Towards a Specific Research and Implementation Agenda' (2019), International Journal of Children's Rights p. 203.

- iii. **Stigma, discrimination and ostracisation faced by children:** Stigma, discrimination and ostracisation faced by children affected by conflict-related sexual violence lead to shame, secrecy and reluctance to seek reparation. There is often a lack of empathy and understanding in communities about children's trauma and needs, resulting in fears of public exposure. Additionally, insecurity, fear of retaliation and safety concerns, and lack of trust in national authorities, severely hinders their access to reparation. It is therefore crucial to foster an environment of social awareness and destigmatisation, where communities are educated on the rights of child survivors and the importance of reparations in their healing process. Strategies must also be established to enable child victims to come forward in a safe and confidential manner.
- iv. **Lack of legal identity and nationality for children born of rape:** for children born of conflict-related sexual violence, specific additional challenges can arise from a lack of legal identity and nationality, rights often denied to them. Legal, administrative, and practical barriers, including gender discrimination, combined with psychological, social, and economic difficulties, often prevent children born of conflict-related sexual violence from being registered at birth.<sup>14</sup> In addition, the stigma and trauma associated with the violence often leads to strained mother-child relationships, with some mothers rejecting their children, further complicating the process of birth registration. Without a legal identity, their access to justice and reparation, as well as to other fundamental rights, including to education, health, social protection, property, or inheritance, is severely hindered.<sup>15</sup> A lack of legal identity further leads to increased vulnerability, exclusion, discrimination, abuse and exploitation.<sup>16</sup>

#### IV. Recommendations for strengthened protection and accountability

##### 1. Specific action to ensure children affected by conflict-related sexual violence have access to reparation

10. To improve access to reparation for children affected by conflict-related sexual violence, GSF calls upon Governments to:
- i. **Explicitly recognise the right to adequate, effective and prompt reparation of children affected by conflict-related sexual violence** and include them as a specific category of victims in reparation programmes.
  - ii. **Put in place practical measures to enable children to access reparation.** Before children affected by conflict-related sexual violence can access reparation, several critical steps must be taken to ensure they are physically and emotionally capable of engaging in reparation processes. Urgent medical care is paramount to address the often-devastating physical injuries or health complications, including access to sexual and reproductive health services. Alongside this, psychological support must be provided to help children process their trauma. Additional practical enabling measures must also be taken, such as information about

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<sup>14</sup> GSF, 'Outcome Report, Expert roundtable on children born of conflict-related sexual violence Breaking down barriers to accessing the rights to identity and nationality', (June 2023),

[https://www.globalsurvivorsfund.org/fileadmin/uploads/gsf/Documents/Resources/Policy\\_Briefs/Outcome\\_report\\_roundtable\\_children\\_born\\_of\\_CRSV\\_March24\\_web.pdf](https://www.globalsurvivorsfund.org/fileadmin/uploads/gsf/Documents/Resources/Policy_Briefs/Outcome_report_roundtable_children_born_of_CRSV_March24_web.pdf)

<sup>15</sup> Ibid.

<sup>16</sup> UNICEF Innocenti Research Centre, 'Birth registration and armed conflict' (2007), p.27 <https://www.unicef-irc.org/publications/pdf/insight-br-eng.pdf>

services in a child-friendly format, and transportation allowances, paying special attention to the specific needs of victims with additional vulnerabilities.

- iii. **Establish child-friendly mechanisms** fostering the best interests of the child that recognise the specific needs and vulnerabilities of child victims. This involves guaranteeing that children are well informed of their rights during the course of proceedings. Mechanisms must be gender-sensitive and age-appropriate, as children's needs evolve significantly depending on their gender, age and abilities. Reparation programmes must also be accessible, confidential and implemented in a trauma-informed manner, with specialised support services. The emotional well-being, safety and security of children must be safeguarded at all times, including by implementing preventive measures to reduce the risk of further harm or re-victimisation. Programmes must not lead to further discrimination, stigmatisation or ostracisation. Singling out certain victims as entitled to special measures can lead to further stigmatisation if they are not designed and implemented sensibly. They can also result in backlash in the community against child victims.<sup>17</sup> Mitigating measures include the provision of collective and symbolic forms of reparation and including in programmes all children of survivors of conflict-related sexual violence.
- iv. **Address the barriers mentioned above (see III), and in particular:**
- Increase awareness and commitment to establish comprehensive victim-centred reparation programmes for all children affected by conflict-related sexual violence;
  - Address legal and bureaucratic barriers;
  - Prioritise administrative reparation over judicial reparation;
  - Address the stigma, discrimination and ostracisation faced by children;
  - Address the lack of legal identity and nationality for children born of rape.

## **2. Recommendations to ensure that the views of children affected by conflict-related sexual violence are heard and considered in reparation processes**

In line with Article 12 of the CRC, children should be enabled to participate in every stage of the reparation process, including in the design and implementation of reparation programmes. Consultation with children is not enough.<sup>18</sup> Children must fully and effectively participate in reparation processes to increase ownership and to ensure that reparation has its intended impact, as they are best placed to identify their needs. The active participation of children in reparation processes also has a reparative value in itself, by recognising victims as right-holder.

The UN Committee on the Rights of the Child defined a set of requirements which should be respected to guarantee children's effective, ethical and meaningful participation. In particular, the process should be transparent and informative, voluntary, respectful, relevant, child friendly, inclusive, supported by training, safe, sensitive to risk and accountable.<sup>19</sup>

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<sup>17</sup> Mazurana, D., & Carlson, K., "Reparations as a Means for Recognizing and Addressing Crimes and Grave Rights Violations against Girls and Boys during Situations of Armed Conflict and under Authoritarian and Dictatorial Regimes", in Rubio-Marín, R., (ed) *The Gender of Reparations: Unsettling Sexual Hierarchies while Redressing Human Rights Violations*, CUP (2009), p. 202.

<sup>18</sup> United Nations, Note by the Secretary-General, doc A/79/181, 18 July 2024, para. 80 (b)

<sup>19</sup> UN Committee on the Rights of the Child, 'General comment No. 12', (2009), para. 133—134, <https://www.refworld.org/legal/general/crc/2009/en/70207>