Expert roundtable on children born of conflict-related sexual violence

Breaking down barriers to accessing the rights to identity and nationality

OUTCOME REPORT
June 2023
Background

In line with the Global Survivors Fund (GSF)’s advocacy strategy prioritising reparations for children affected by conflict-related sexual violence and as part of its commitments under the Platform for Action for Promoting the rights and well-being of Children Born of Conflict-Related Sexual Violence, GSF hosted a solution-oriented expert roundtable in June 2023 focused on breaking down barriers for children born of conflict-related sexual violence to accessing their rights to identity and nationality. The roundtable gathered a wide range of stakeholders from the humanitarian, transitional justice, child-protection sectors and beyond, including civil society representatives, victim-survivor activists, academics, and experts from UN missions in Geneva and other UN bodies. By gathering experts with different perspectives and knowledge, the roundtable aimed to identify actionable, comprehensive recommendations to break down barriers for children born of conflict-related sexual violence to accessing the rights to identity and nationality. These recommendations are contained in this report. This paper further provides a reflection on challenges, good practices, and ongoing initiatives. It is based on inputs from participants of the roundtable, desk research, and GSF’s Global Reparations Study.

Introduction

IMPACT OF THE LACK OF LEGAL IDENTITY ON CHILDREN BORN OF CONFLICT-RELATED SEXUAL VIOLENCE

Among the victims of conflict-related sexual violence, children born of conflict-related sexual violence face a unique set of psychological, social, economic, and other challenges. The child’s relationship to, and the trauma of, their mother interact with and compound all of these challenges. Often, the mother and her child born of conflict-related sexual violence have a strained relationship and the mother may reject them due to the associated trauma of being constantly reminded of the violence she experienced, fear of stigma, family or community pressure or otherwise.

In addition, not knowing or wanting to reveal the identity of their genitor, as is frequently the case for these children, creates an additional myriad of issues relating to the child’s identity and relationships with their family and community. These issues and numerous other legal, administrative, and practical barriers often prevent children born of conflict-related sexual violence from being registered at birth, which leads to those children being denied their right to a legal identity and nationality.

The fundamental right to be recognised everywhere as a person before the law is enshrined in numerous human rights conventions, in particular in article 6 of the Universal Declaration of Human Rights and article 16 of the International Covenant on Civil and Political Rights, and included as the standalone target 16.9 in the 2030 Agenda for Sustainable Development under Sustainable Development Goal 16. Article 8 of the Convention on the Rights of the Child further

1 The Platform for Action for Promoting the rights and well-being of Children Born of Conflict-Related Sexual Violence is part of the UK Preventing Sexual Violence in Conflict Initiative (PSVI).

2 Recognising the lack of comprehensive research and documentation of reparation practices around the world, GSF has undertaken a global study on reparation for survivors of conflict-related sexual violence (Global Reparations Study, GRS). The GRS focuses on the status of and opportunities for reparation for survivors of conflict-related sexual violence in more than 20 countries. All country reports are available on GSF’s website.

3 Legal identity is defined by the United Nations as the basic characteristics of an individual’s identity, e.g. name, sex, place and date of birth conferred through registration and the issuance of a certificate by an authorised civil registration authority following the occurrence of birth.

4 The preferred language used by survivors to refer to this category of children or preferred by children themselves is context specific and depends in particular on the circumstances of the conception, and stigmatisation by the community. Mothers and children should be asked how they want to be referred to and their wishes should determine the best terminology to use (e.g. children born of rape, children born of war, children born of conflict-related sexual violence, other). For the purposes of this report, we are using “children born of conflict-related sexual violence” but this terminology does not prejudice the use of a more appropriate terminology in a specific context based on the wishes of survivors and their children. Children born of conflict-related sexual violence refers to children born of rape, sexual slavery, forced prostitution, forced pregnancy, forced marriage and any other form of sexual violence of comparable gravity that is directly or indirectly linked to a conflict. Children born of war is broader and refers to both children conceived through conflict-related sexual violence and through consensual relationships, including love relationships. This document is focused on children born of conflict-related sexual violence but contains references to children born of war as many research and other initiatives on children born of war are relevant for children born of conflict-related sexual violence.

5 The word “genitor” is used in this document to avoid sole use of the word “father.” Genitor means the male biological parent. The aim of using this word is to acknowledge that a man who conceives a child by committing sexual violence during conflict is not socially recognised as a father figure and has no father role, only a biological one.
provides that state parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognised by law without unlawful interference. The provision of legal identity, including birth registration, is usually required to benefit from other human rights and to obtain access to essential services. A legal identity is often mandatory to access fundamental rights and services, including the right to nationality and access to education, health, social protection, property, or inheritance, and the absence of legal identity leads to increased vulnerability, exclusion, discrimination, stigmatisation, statelessness, lack of freedom of movement, further emotional trauma, missing out on important opportunities and economic hardship for children born of conflict-related sexual violence. Legal identity is further critical for access to care and custody rights since children without legal documentation face potential loss of maternal custody due to the challenge of proving their maternal connection. This is notably the case in Iraq and in the Syrian Arab Republic, where children born of conflict-related sexual violence frequently lack access to health care, education, and housing owing to a lack of civil documentation. In Uganda, paternal clan membership determines access to identity and belonging, social status, land and resources' and birth registration is of particular importance to facilitate access to services, employment in the formal sector, and financial assistance including access to credit, loans and micro-finance schemes. In addition, without official evidence of their existence, unregistered children born of conflict-related sexual violence are not visible in society, which increases their vulnerability to discrimination, abandonment, abuse and exploitation, including trafficking, illegal adoption, child labour, aggression and violence, exposure to inadequate government care including in orphanages, child marriage and child recruitment and use, and the lack of civil documentation constitutes a further obstacle to accessing justice in response to these violations.

A lack of legal identity also hinders the ability of children born of conflict-related sexual violence to access justice and their right to reparation, a particular concern of GSF. Under international law, victims of conflict-related sexual violence, including child survivors and children born of conflict-related sexual violence, have a right to a remedy and reparation for the harms they have suffered. Yet, children born of conflict-related sexual violence face important barriers accessing reparation. This is due in particular to their difficulties in accessing their right to a legal identity, as some programmes requires victims to have a legal identity to access reparation. In addition, governments do not always include children born of conflict-related sexual violence as a category of victims eligible for reparation or do not recognise them as direct victims, viewing them as mere byproducts of crimes. This is the case for instance in Iraq, where the Yazidi Female Survivor’s Law of 2021, providing a reparation framework to Yazidi, Christian, Shabak and Turkmen survivors of sexual violence and other ISIS crimes, does not recognise children born of rape as victims eligible for reparation. When reparation is available for children born of conflict-related sexual violence, mothers or other caregivers may not want them to be identified as children born of conflict-related sexual violence, to protect themselves and the child.

Therefore, raising awareness and breaking down the social, societal, legal, administrative, financial and other barriers preventing children born of conflict-related sexual violence from accessing their rights to a legal identity and nationality are critical for facilitating their equal access to other rights, including their right to reparation. Broader questions of identity are also critical for the mental, social, and economic well-being of children born of conflict-related sexual violence but are beyond the scope of this report.

Children born of conflict-related sexual violence have long been neglected in the discourse around conflict-related sexual violence and reparation. Yet there is growing momentum to address their particular needs, rights, and challenges, as shown by recent political and civil society initiatives, and a keen interest by numerous stakeholders in moving forward the agenda for children born of conflict-related sexual violence at both international and national levels.

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1 Existing barriers to the rights of children to legal identity and nationality
Children born of conflict-related sexual violence encounter unique challenges in accessing their rights to identity and nationality, owing to a multitude of distinct barriers. Common barriers include:

I. LIVED REALITIES OF THE MOTHERS AND CHILDREN, AND TRAUMA RELATED BARRIERS

Children born of conflict-related sexual violence and their mothers often face social invisibility and are marginalised and overlooked by society. The stigma associated with conflict-related sexual violence can lead to isolation and lack of support, making it even more difficult for the child and mother to access their rights.

The stigma, trauma and fear of the mother often prevent the registration of her children born of conflict-related sexual violence, including to avoid the possible traumatic consequences of revealing the circumstances of the conception of her children. The mother may not want the child, and may have attempted to abort it, which can add further stress to the mother-child relationship. Often, the mother may not want to register her child and would rather hide her or his existence. Some mothers may further abandon their children without registering them. The impact of trauma can also affect the mother’s ability to accept and formalise the child’s identity. In addition, some mothers fear registration will reconnect the child and mother with the genitor.

Mothers, children or both are often rejected and ostracised by their families and communities. The relatives and community of the mother often take issue with the children, who they view as children of the enemy, thus refusing to support the mother or help her to overcome potential other barriers to registration. Families may exert pressure on the mother to hide or deny the circumstances of the child’s conception to protect the family’s reputation. This pressure can prevent the mother from taking action to secure the child’s identity and nationality, leaving the child without legal recognition. In addition, children born of conflict-related sexual violence can face security risks and discrimination related to being associated with the "enemy". This association can deter unregistered children from seeking registration services. In Iraq, for example, a lack of identification documents exposes children to a risk of arrest and detention, as security forces interpret it as resulting from a denial of security clearance owing to past association with ISIS.

In some countries, information about the genitor is required to register a child (see below 2. Legal and administrative barriers). Even if the mother has such information, she may not want to share it given the traumatic nature and symbolic significance of registering a child whose genitor sexually abused and mistreated her and who may, in some instances, be part of a recognised terrorist organisation, armed group, or enemy faction, in addition to the stigma associated with speaking about the abuse or acknowledging she is not married to the genitor. Some countries offer the possibility for children to be registered in the name of a mother’s relative, such as her brother, father, or uncle. However, the male relatives often resist this, as the child is associated with the enemy. In addition, if the male relatives do allow for the child to be registered in their name, this may have implications for the child’s future, specifically concerning the mother’s decision-making power and her parental authority, which may be reduced.

In many cases, securing legal identity documents is not the priority of the mother and the persons surrounding her. Instead, mothers are focused on surviving despite loss of livelihoods. Oftentimes the mothers are children themselves, with limited access to information and a sole focus on survival. The issue of birth registration generally only surfaces when it becomes necessary for accessing essential services such as education, healthcare, or protection.

In addition, mothers often lack awareness and education about their rights and the importance of birth registration, and some may not be registered themselves, which can further hinder their ability to navigate the bureaucratic systems required for registering the child’s birth and obtaining nationality. This is particularly the case for mothers who come from remote or marginalised areas with limited access to information. They may further face language barriers.

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to register the birth of their children, in particular in regions with diverse linguistic communities where language barriers may impede communication with registration officials and understanding registration procedures. In Iraq, for example, mothers need to go to many different authorities and can get lost in the process of obtaining identity and nationality documents. The process is time-consuming and complex, requiring mothers to interact with multiple authorities and navigate through various administrative procedures. In addition, many civil ID official offices were attacked or destroyed during the conflict, which added another layer of challenges for the mothers to access their own documents.

II. LEGAL AND ADMINISTRATIVE BARRIERS

Some countries have gender discriminatory birth registration and nationality laws and practices12 making it difficult for children to be registered by their mother13 alone or to acquire nationality through their mother. For instance in Iraq, Libya, Somalia, Sudan, the Syrian Arab Republic and elsewhere, laws and practices generally require the involvement of genitors in conferring birth or identity papers. They may also prevent women from passing on their citizenship, nationality or both to their children14. In countries such as Afghanistan, Bhutan, Kenya, and the Maldives, both parents are required to be present to register their child. Some countries require the mother to provide information about the genitor’s identity for the registration, but in cases of conflict-related sexual violence she may not know the identity, real name or other required information of the genitor such as his place of birth. Even if she has such information, she may not want to share it. For example, in the Democratic Republic of the Congo (DRC), as in some other countries, an unmarried woman cannot pass on the father’s name without his consent. In practice, this means the birth of a child born of conflict-related sexual violence is very likely to remain unregistered due to a survivor’s inability or unwillingness to obtain this consent15.

Discriminatory nationality laws and practices relating to marital status further prevent mothers from registering their child. In some countries, the law requires a marriage certificate to register a birth, and therefore children born out of wedlock face discrimination and difficulties in obtaining identity and nationality documents. This is particularly an issue in Iraq, for instance, where under ISIS’s control, sexual slavery was widespread and many so-called marriages took place according to the armed group’s provisions or outside of the official court system, either through an oral contract or by a cleric, and are not recognised by the Government of Iraq, the Kurdistan Regional government, and other governments. In practice, the process to certify the so-called marriage, prove the parentage of the children, and thus obtain their identity documents is exceedingly difficult if not impossible, particularly in cases where the slaveholder ‘husband’ died, went missing or denies the so-called marriage16. In addition, most mothers do not want to register forced marriages to their enslavers, and similarly

12 UN High Commissioner for Refugees (UNHCR), UNHCR and UNICEF: Background Note on Sex Discrimination in Birth Registration (6 July 2021), https://www.refworld.org/docid/60e2d0554.html accessed 29 November 2023.
do not want to register their enslaver as the father to their child or the religion of the genitor, when the mother is from a different religion than the genitor.

In addition, in some countries such as Bosnia and Herzegovina (BiH), to access public services, discriminatory administrative forms require the name and identification number of both parents, creating an additional barrier even if the child is legally registered and hindering access to basic rights for children born of conflict-related sexual violence. This requirement has no legal foundation and is caused by patriarchal discrimination.

In some countries, giving birth out of wedlock is criminalised. For example, in Afghanistan, Libya and Yemen, and other countries, a child born out of wedlock could be seen as a proof of adultery, which is a criminal offense. In such circumstances, it is not safe for a woman to disclose and register the child’s birth. While in other countries, giving birth to children out of wedlock is culturally inappropriate as the child’s paternal clan that identifies them is not known hence an increased risk of trauma.

III. PRACTICAL BARRIERS

During conflict, the state administration is often weakened, and birth registration disrupted, affecting the provision of registration services and support for vulnerable populations. Civil registries often lack resources. In Syria, for instance, mothers face significant challenges in obtaining identity and nationality documentation for their children due to disruptions in government services and other bureaucratic obstacles. In Iraq, mothers and children face protection risks, and discrimination in the event they initiate a legal process to register the child, raising question marks on the affiliation of the mother and child regardless of the fact that they are survivors of sexual violence.

Another barrier often faced by underage mothers is the requirement for legal representation to register her child. In some countries, such as Ecuador, adolescent mothers need a legal representative or an adult to assist in the birth registration process, which can pose additional challenges in accessing identity and nationality rights. In addition, civil registry officers in some countries like Costa Rica and Guatemala are obliged to report cases of adolescent mothers to the prosecutor’s office, a potential deterrent for child mothers to register the birth of their children.

Finally, discriminatory laws or practices may deny certain racial, ethnic, or gendered groups the right to nationality or make it more challenging for them to prove their identity, which can create an additional barrier for children born of conflict-related sexual violence in accessing legal identity documents. For instance, in Myanmar, laws prevent Rohingya from accessing citizenship, and as a result most of the group's members have no legal documentation, making them stateless.

Access to a state-controlled area to register the birth of a child is in some cases impossible, and governments might refuse to recognise documents issued by de facto authorities. Some mothers cannot reach registration offices due to ongoing violence, checkpoints, and movement restrictions, or the mother may live in a remote location without viable access to a registration office. In addition, mothers and children are sometimes separated during conflicts, and the physical barriers to reconnecting can make it impossible or challenging to register the child.

In some countries, women may be unable to access hospitals or discriminatory policies may render them
unable to avail themselves of health care services during pregnancy and childbirth, thus adding an additional layer of complications in registering the birth of the child. For example, in Iraq, women and girls are required to show proof they are married to give birth in hospitals. As a result, unmarried women and girls, including those pregnant as a result of conflict-related sexual violence, are forced to opt for at-home births without access to emergency obstetrics services and without a hospital-issued birth certificate, thus creating additional complications for the mother in obtaining the child’s documents.

The child may also be born in circumstances that do not allow the mother to register the birth within the legally required timeframe. For example, mothers who were held captive during conflict or living in a refugee camp, face time constraints in accessing registration services, further hindering their efforts to secure their child’s identity and nationality.

Financial constraints, including the cost of transportation to registration offices, birth certificate fees, and the cost associated with late registration fees, further prevent mothers, already in vulnerable economic situations, from accessing registration services. For example, in the DRC, parents need to register their child within three months from the birth. If the child is not registered within that time frame, there is an additional legal process which incurs a fee of $250. In Ukraine, while there is a specific judicial procedure to register children born in areas occupied by Russia since 2014, this procedure can be expensive and is therefore underused.

### IV. BARRIERS RELATED TO GIVING BIRTH IN DISPLACEMENT SETTINGS

Children born during conflict in a country other than their mother’s home country may encounter significant additional challenges in obtaining identity and nationality documentation in either country. This is the case for instance of children born to a Ugandan mother who was kidnapped and forced to give birth in the Central African Republic, Sudan or the DRC. These children, often born outside of a formal clinic, face difficulties registering in Uganda as they often do not have the documents required to obtain a birth certificate, including a medical birth certificate, copy of parents’ national identification cards, citizen cards proving one is Ugandan by birth, and details about one’s biological parents and family clans, leading to statelessness.

Additionally, children born in a country other than their mother’s home country often lack documentation from their home countries or face difficulties in obtaining identity documents in the host countries. Countries of asylum sometimes don’t apply birth-right citizenship to children born on the territory who are otherwise stateless and do not have other legal safeguards to prevent statelessness, making these children at risk of statelessness. Child refugees who are able to access birth registration in the country of asylum often face discrimination and issues related to the type of birth certificate issued and the rights attached to it. For example, in Türkiye, Syrian children are overwhelmingly denied citizenship. A Syrian mother can only confer her nationality to her child if her child is born in Syria. Due to the conflict, there has been mass displacement of Syrians into Türkiye, and many children have been born there. While Turkish law allows for birthright citizenship for children born to foreign parents in Türkiye, this law has not been applied equally to Syrian refugees.

Cross-border recognition of birth certificates is also a significant challenge in conflict-affected regions or areas with strained diplomatic relations. This impacts refugee children born of conflict-related sexual violence that face difficulties having their birth certificates recognised across borders. In this regard, the International Commission on Civil Status is a promising tool as it promotes international cooperation in civil status matters.

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2 Promising initiatives and good practices
Addressing these barriers requires comprehensive strategies, including legal and policy reforms, awareness raising and advocacy campaigns, capacity-building and targeted interventions, as well as initiatives to secure reparation. Additionally, providing support to mothers to help them accept and recognise their child, despite the incredibly difficult and retraumatising situation, as well as providing them with practical support to overcome administrative hurdles, is crucial to enhance access to legal identity and nationality for children born of conflict-related sexual violence.

The following collection of initiatives is by no means exhaustive; its purpose is to offer an overview of successful or promising endeavours that promote access to identity and nationality for children born of conflict-related sexual violence. GSF recognises and respects the diversity and sensitivity of grassroots initiatives, which often thrive with discretion.

I. LEGAL AND POLICY REFORMS

In BiH, the association Forgotten Children of War, which aims to achieve social and legal recognition of children born of conflict-related sexual violence, launched the Name of one parent initiative in 2019 for all the communities in BiH to advocate for the possibility to state the name of only one parent on administrative forms. To fill out any document with the authorities in BiH, including administrative forms or during the process of issuing personal documents, one had to provide the father’s name. Following this advocacy campaign, more than 15 municipalities in the Federation of BiH have changed their administrative forms and beneficiaries are no longer required to provide the father’s name, but the name of one parent. The struggle continues to extend this initiative to educational institutions, employers, etc. The association further organised a conference in February 2023 to launch the International Advocacy Network for the Rights and Needs of Children Born of War.

In the DRC, in North Kivu, the governor has taken action to address the issue of high fees for late birth registration after the three months standard deadline. A provincial act was signed in 2016 to give authority to the Department of Social Affairs to issue an “indigence certificate”, which allows for the issuance of the necessary supplementary judgment to obtain a birth certificate at a reduced cost of $5, instead of the original amount of $250. This is a local initiative that does not apply everywhere in the country.

In addition, in the Kasai-Central province, an edict was passed in 2022 in the framework of the implementation of the Justice, Empowerment and Dignity of Women and Girls in the DRC programme, to put in place a legal framework to protect the rights to education for children who are survivors of sexual violence or born of rape to promote their development and social inclusion. The edict provides in particular that all children born from rape benefit from financial support from the provincial government or technical partners to cover direct and indirect school costs.

In Mozambique, the 2004 Civil Registration Code was reformed in 2018 to allow either the mother or father to register the birth of a child and obtain a birth certificate, and to give the ability to single mothers to register their children under their maiden name, and to register a child as having a father other than her husband.

In Nepal, the president certified the Citizenship Act Amendment bill on 31 May 2023, which will grant citizenship by descent to children born to a Nepali woman in Nepal and whose father is unidentified.

In South Sudan, the Civil Registry Act of 2018 now enables a mother to register the birth of a child without the presence of the father and obtain a birth certificate.

In Uganda, acknowledging the existence of children born of conflict-related sexual violence, in 2019, the government started to discuss the roll out of a special birth certificate registration programme for children born during the war in Northern Uganda. This initiative still needs to materialise. The International Center for Transitional Justice is continuing to advocate with the government for a fair birth registration form that does not ask for too many details about the parents and addresses the issue of children born of conflict-related sexual violence to Ugandan mothers abroad.

Advocacy campaigns were also successful for legal reforms related to birth registration regulations and nationality law in numerous countries in recent years, including in Afghanistan, Guinea, Indonesia, Indonesia, Iraq, Kenya, Liberia, Madagascar, Morocco, and Sierra Leone.

II. AWARENESS RAISING AND ADVOCACY CAMPAIGNS

In BiH, in March 2019, a documentary-dance-theatre play titled “In the name of the father” was released, a project located at the intersection of performance art, politically relevant theatre and academic research. The project was developed in collaboration with the University of Birmingham (UK), the University of Leipzig (DE), and the Forgotten Children of War Association (BiH). The performance takes the audience on a journey deep into the world of children born of war and creates a facilitated space where spectators and actors engage in conversation. The theatre presents itself as a forum for dialogue, community and peace building, where Bosnian citizens of all ages find their voices, and break their walls of silence with empathy, respect and understanding for the children born of war.

In April 2022, the Forgotten Children of War association launched an exhibition entitled “Breaking Free”, highlighting the struggles and strength of children born of war and their mothers. The exhibition was created to fight the marginalisation of these children and their mothers. It is composed of three parts: the first part presents the portraits of children born of war, members of the Forgotten Children of War Association, and their mothers. The second part is a series of portraits of actors who have told the stories of children born of war in the documentary-dance-theatre play “In the name of the father”. The third part is a video projection that summarises the entire exhibition. This exhibition enabled the creation of a safe space in which children created a foundation of trust towards society.

In Iraq, Iraqi non-governmental organisations, including People’s Development Organization PDO and Emma, launched the My Name is My Mother’s campaign in 2018 to advocate for legal reforms to allow for the recognition of maternal lineage in the Civil Registration, in particular by amending the National Card Law No. 3 (2016), which provides, among other things, that children must be registered in the name of their father (or under a name made up by the court) and that those of “unknown” paternal parentage shall be registered as Muslims. This grassroot campaign adopted a broad approach for the recognition of the maternal lineage in order to avoid further stigmatisation of children born of conflict-related sexual violence. Since the registration of children is a family matter regulated in the Personal Status Law, of which Sharia is the only source, advocacy efforts should strive for a contemporary interpretation of Sharia provisions.

In addition, some Iraqi civil society organisations have engaged in direct discreet advocacy with key executive and judicial stakeholders to press for flexibility in identifying non-stigmatising solutions for access to identity for children born of conflict-related sexual violence under the existing legislative framework.

Human Rights Watch published a report on the impact of unregistered marriages on women’s and children’s rights in Iraq, including as it relates to civil documentation, and is engaged in advocacy to remove bureaucratic and administrative barriers to these rights. The aim is to reframe the issue as one that is affecting a broader and less stigmatised segment of Iraqi society and thus open less sensitive avenues for advocacy that result in positive policy changes that will benefit children born of conflict-related sexual violence as well.

III. CAPACITY-BUILDING AND OTHER TARGETED INTERVENTIONS

In Cameroon, the Children Born of War Project supported the Global Welfare Association Cameroon (GLOWA) in a project to promote and protect the rights of children born or war, in the North West and South West regions of Cameroon. Through this project GLOWA facilitated the registration of over 300 children born of conflict-related sexual violence in the first six months, delivered community education and awareness campaigns and supported some of the most vulnerable mothers with livelihood activities.

In the DRC, Enfants de Panzi et d’Ailleurs conducts activities and provides support to help mothers bond with their children born of conflict-related sexual violence as a mother is unlikely to register her child if she doesn’t feel a connection and a bond. Fostering that connection and providing psychological support to mothers is therefore essential to ensuring legal identity for all children born of conflict-related sexual violence. The organisation further works with husbands of survivors to help shift the views of the whole community and facilitate integration of children born of conflict-related sexual violence.

World Vision UK created peer-to-peer advocates who are part of the community and classmates with children born from conflict-related sexual violence and who can help advocate for these children and
fight stigmatisation, in particular within the education system. They also hosted an event that worked with mothers and children together to help tackle stigma.

**In Norway**, the War and Children Identity Project, established in Bergen in 1999, aimed at creating a registry for children born of war. This data collection exercise was published as a report by Kai Grieg *The War Children of the World*.

**In Senegal**, Child Identity Protection (CHIP), in collaboration with UNICEF Senegal, the Ministry of National Education and other key stakeholders, is currently working on a project to strengthen the civil registration system and improve the process of obtaining birth certificates for students who do not have them through the school system. The project aims to provide legal registration to children already within the education system, including by establishing routine mechanisms for identification of students without birth registration, and regular catch-up registration in coordination between civil registration and education. CHIP is also working with UNICEF in West and Central Africa to see how birth registration can be used as a protective factor against child marriage.

Other initiatives focus on supporting access to fundamental rights and services for children or individuals lacking legal identity, rather than specifically tackling the issue of birth registration. This is for instance the case in Iraq, where advocacy is conducted to allow children to access services, including education, without being registered.

### IV. REPARATION

**In BIH**, in July 2023, the Law on the Protection of Civilian War Victims of the Federation of Bosnia and Herzegovina was adopted, recognising children born of conflict-related sexual violence as a specific category of civilian victims of war.

**In Colombia**, the Victims and Land Restitution Law recognises victims of conflict-related sexual violence, including children born of rape, as war victims, therefore making them eligible for reparation27.

**In Iraq**, while the 2021 Yazidi Female Survivor’s Law entails measures for compensation, rehabilitation, and reintegration of survivors of sexual violence under ISIS, it does not include children born of rape. The Coalition for Just Reparations, an alliance of Iraqi nongovernmental organisations calling for comprehensive reparation for survivors of atrocity crimes perpetrated during the ISIS conflict in Iraq, advocated strongly for the recognition of children born of conflict-related sexual violence as eligible survivors under the Yazidi Survivors Law No. 8 (2021), in partnership with IOM and other international actors. However, this campaign was ultimately unsuccessful. The Yazidi Survivor’s Law committee, which is mandated to review applications for reparation, also has a narrow interpretation of the provisions of the law.

**In Norway**, children born of war were granted compensation in 2005 for the hardship they experienced after World War II. However, this was criticised by civil society organisations as the compensation was very low, leading to further discrimination against these children.

**In Peru**, many children were born of conflict-related sexual violence between 1980 and 2000. These children were recognised as victims entitled to reparation. Nevertheless, they were considered indirect victims, as opposed to direct victims28.

**In Rwanda**, the Survivors Fund SURF is currently addressing the education and psychosocial support needs of young people born of conflict-related sexual violence during and under circumstances directly related to the 1994 genocide. The challenge for mothers whose children were born after the genocide (and for the children) is that the Fonds national d’assistance aux rescapés du génocide et des massacres (FARG), the government body that assists vulnerable survivors of the genocide, does not consider these young people eligible for support because they were born after the genocide and thus are not by definition survivors. However, they are recognised to be a particularly vulnerable and marginalised group.

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27 Law 1448 of 2011 by which measures of attention, assistance, and integral reparation are set forth for the victims of the internal armed conflict and other provisions are established (June 2010) art. 181.

In the Ntaganda Reparations Order, the International Criminal Court recognised children born of rape and sexual slavery as direct victims eligible and deserving reparation, as well as indirect victims of transgenerational harm. However, reparation programmes for these children have not yet been put in place, which implies their best hopes for reparation remain today in national policies.

V. Initiatives at the international level

Other recent initiatives at the international level show strong commitment to improve the rights and well-being of children born of conflict-related sexual violence, including the rights to legal identity and nationality, in particular:

- **The “I Belong” campaign**, launched by UNHCR in 2014, constitutes a global endeavour aimed at eliminating statelessness. Through targeted advocacy and policy reforms in various countries, the “I Belong” campaign endeavours to secure the right for every person to attain nationality, ensuring equitable access to education, health care, and essential services.

- In November 2021, the Convention on the Elimination of all Forms of Discrimination Against Women and the Committee on the Rights of the Child issued a joint statement on “Ensuring prevention, protection and assistance for children born of conflict-related rape and their mothers”. The statement called for urgent implementation of the legal commitments contained in the conventions related to children born of conflict-related sexual violence and denouncing the lack of birth registration and nationality or citizenship for those children.

- At the International Ministerial Conference on Preventing Sexual Violence in Conflict Initiative 2022, many states made commitments to support survivors and children born as a result of conflict-related sexual violence. In particular, the government of Mexico committed to “Organise a side event in the UN General Assembly to make visible the importance of addressing the right to identity of children affected by sexual violence in the context of armed conflict”.

- **The Kinshasa Declaration** on the Rights to Reparation and Co-creation of Survivors and Victims of Conflict-Related Sexual and Gender-Based Violence, drafted by survivors of conflict-related sexual violence from 12 African countries and launched in 2022, calls for action for children born of conflict-related sexual violence, including recognition and respect for their rights to identity, nationality, and citizenship.

- The Global Campaign for Equal Nationality Rights mobilises international action to achieve law reform in the 25 countries that prevent mothers from conferring their nationality on their children on an equal basis with fathers, including Iraq, Libya, Somalia, Sudan, and Syria. On 13 June 2023, a Global Summit on Gender Equality in Nationality Laws was organised by the Global Campaign for Equal Nationality Rights, UNHCR, UNICEF, and UN Women. The goal was to heighten attention on the costs of gender discrimination in nationality laws and expedite action to achieve gender equality rights around the globe, thereby advancing state commitments and global goals pertaining to gender equality, children’s rights and wellbeing, sustainable development, and ending statelessness. The Child Identity Protection (CHIP) works on ensuring integrity, transparency, and accessibility for every child’s identity in name, nationality, and family relations. CHIP collaborates with states, international organisations, and UN agencies to bolster civil registration.

- The Institute on Statelessness and Inclusion works on eradicating statelessness by promoting the right to nationality through advocacy campaigns, fostering a global movement to eradicate statelessness, and raising awareness on the issue of statelessness.

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Other initiatives further promote research such as:

- The **International Network for Interdisciplinary Research on Children Born of War**. The aim of this network is to collect data and information on children born of war, gather research results, literature, as well as ongoing research on children born of war and promote collaborative research projects on the topic. The network develops recommendations of best practices to secure the rights of children born of war in co-operation with nongovernmental and governmental organisations.

- The **EuroWARCHILD** project by the Centre for Gender Research at the University of Oslo, in partnership with the PRIO Centre on Gender, Peace and Security, aims to explore the experiences and needs of three generations of children born of war in Europe: children fathered by enemy soldiers during World War II, children conceived through conflict-related sexual violence during the Bosnian war, and children born of European foreign fighters to ISIS.

- The **Children Born of War Project** is a Norwegian-based foundation whose work is to promote and safeguard the needs and rights of children born of war as a means of alleviating the personal, social, economic, and legal-political challenges they face. They work towards developing evidence-based solutions that adequately address the needs and rights of children born of war, and do so by engaging in information gathering, training and research.

- The **Children Born of War network** is an informal research network where academic and non-academic partners research and work on the experiences of children born of conflict-related sexual violence. This network has helped train researchers to work in an effective and transversal manner to research the issues faced by children born of conflict-related sexual violence and children who were fathered by peacekeepers.

- The **Born of War International Network of national Children Born of War associations** aims at supporting and coordinating efforts related to general and common issues faced by national organisations.

- The **Refugee Law Project** primarily promotes the protection, well-being and dignity of forced migrants. They also focus on conflict-related sexual violence, with a strong emphasis on the experiences of male survivors. The Refugee Law Project also provides a repository for research from Ugandan and East African researchers. Some of this research includes writings on children born of conflict-related sexual violence and their unique challenges and vulnerabilities. They also produced the movie *Bringing Up Our Enemies' Child*, which captures their work with the Banyamulenge community in the DRC and focuses on the issues related to fathering children born of conflict-related sexual violence.

The provided above list of research projects serves as a sampling rather than an exhaustive compilation, highlighting the ongoing extensive research pertaining to children born of conflict-related sexual violence and national identity. While indicative of the substantial work in this domain, there remains room for further exploration and investigation.
**Good practices**

**DO**

- All campaigns and initiatives pertaining to children born of conflict-related sexual violence should ensure they follow the **Do No Harm principle**. Every precaution should be taken to ensure these children do not suffer additional harm as a result of activities or initiatives considered. Organisations must prioritise the well-being and dignity of children born of conflict-related sexual violence while also assessing potential risks and benefits.

- Always keep in mind the **best interests of children born of conflict-related sexual violence** and take all the necessary precaution to avoid further stigmatisation and traumatisation.

- Ensure all solutions are **co-created with survivors of conflict-related sexual violence**, including those who have children born of conflict-related sexual violence, and with children.

- **Work with members of the community** to develop, implement, and evaluate programmes supporting children born from conflict-related sexual violence, including in accessing their right to legal identity. Involve religious and community leaders as well as peer advocates who can work in schools and across the community to tackle stigma and ostracisation while ensuring collective recognition takes place.

- **Foster collaboration with grassroots advocacy initiatives** wherever possible to speak in a unified and sustained voice.

- **Focus not only on the child, but also on the mother**. Strong mother = strong child.

- Before starting any work or implementing a programme, conduct **extensive research on the cultural, political, and social landscape of the country in which an organisation is working**. Map out political dynamics in each region, to further understand the context-specific challenges faced by children born of conflict-related sexual violence, as well as the gender dynamics in the country. For example, in very conservative countries, public campaigns can risk exposing the mother and the child to further ostracisation.

- Campaigns are sometimes more effective when they are not only targeting children born of conflict-related sexual violence. In some cases, **broad equal nationality and legal identity campaigns could be more efficient**.

- Use **large-scale international advocacy** to help raise awareness for children born of conflict-related sexual violence and the specific problems they face.

- National and local advocacy initiatives are most effective when the focus and priority is in **coordination with regional campaigns**.

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30 GSF define co-creation as a set of **processes whereby survivors, as rights-holders, have effective influence in conceptualising, designing, implementing, monitoring, and evaluating reparation initiatives**. This approach returns autonomy to those that have been stripped of it and ensures actions are relevant, impactful, and driven by the needs and aspirations of survivors of conflict-related sexual violence. Research has demonstrated the profound reparative value inherent in the co-creation methodology: **survivors consistently reported the process was a catalyst for healing in and of itself**.
• **Leverage the international community to support national and local initiatives.**

• **Advocate for urgent actions from the outbreak of a conflict**, when conflict-related sexual violence is knowingly taking place. Measures should be urgently and immediately taken to address the needs of women who become pregnant because of conflict-related sexual violence and their unborn children.

• Keep in mind when developing programmes that the **interests of the mother and the interests of the child** born of conflict-related sexual violence might not be aligned.

• Ensure confidentiality of all **data and information gathered** to avoid exposing mothers and children.

• **Work with the education system** to identify unregistered children and support their swift and effective registration.

**DO NOT**

• Do not set an agenda **without conducting a thorough risk assessment** of how it could potentially further stigmatise or otherwise harm children born from conflict-related sexual violence. Put in place relevant mitigating measures. Outreach, advocacy, and large-scale assistance must be assessed before being implemented.

• Do not rely only on your organisation without **involving local leaders or mapping out the political landscape** to understand the specific and vast challenges faced by children born of conflict-related sexual violence within the relevant context.

• **Do not work in silo** or adopt a top-down approach.

• Do not develop **initiatives that may conflict with the interest of the mothers or jeopardise their fragile bond with the child.**

• Do not **disclose children as children born from conflict-related sexual violence**, if the mother chose not to.

• Never assume **tactics that work in one context will work in another**. The challenges faced by children born from conflict-related sexual violence to access their right to legal identity varies from one context to another.

• **Do not forget the audience and do not push for legal standards** in an overly conservative context that can further backlash and increase stigmatisation.
3 Recommendations and way forward
The following recommendations are offered as a general framework. As there are no one-size-fits-all solutions, these suggestions must be tailored, customised, and refined to adjust to needs and dynamics in each specific context. Initiatives must always safeguard the best interests of the child and uphold the Do No Harm principle at all times.

I. TO GOVERNMENTS AND OTHER RELEVANT AUTHORITIES

- Governments should ensure children born of conflict-related sexual violence are recognised as direct victims and they are provided access to a remedy and victim-centred reparation for the harms they have suffered. Unhindered access to one's right to a legal identity and nationality should be included as a form of reparation. Such official documentation of their legal existence not only accords children recognition of their legal status as individuals and citizens, but also facilitate access to education, social services, property rights, and other economic benefits to improve their quality of life and enable their integration into their communities.

- Governments should promote and uphold the right to universal birth registration and ensure every child, including those born of conflict-related sexual violence, is officially recognised and provided with a legal identity. In this regard, authorities should establish efficient and accessible birth registration systems, in particular by simplifying procedures, eliminating barriers and discriminatory practices, establishing procedures for the registration of children where one or both parents is unknown, providing alternative means of registration, such as mobile registration units to reach remote and marginalised communities and raising awareness and sensitising communities about the importance of birth registration. Depending on the national context, mechanisms could directly target the registration of children born of conflict-related sexual violence or could focus on the birth registration of all children to avoid stigmatising children born of conflict-related sexual violence.

- Governments should remove laws requiring a proof of marriage for a mother to register her children born of conflict-related sexual violence, or access government services and social protection schemes in countries where it is required.

- Governments should revise the requirement of a legal identity as a prerequisite for accessing other fundamental rights like education and healthcare and ensure every individual, including children born of conflict-related sexual violence, regardless of their legal status, can equally exercise their fundamental rights.

- Governments, in coordination with civil society organisations, should develop comprehensive education campaigns targeted towards survivors of conflict-related sexual violence and their families and communities to highlight the paramount significance of birth registration for children born of conflict-related sexual violence and their families.

- Governments should enhance the capacity of civil registration authorities, judicial personnel, and frontline workers to effectively handle cases of children born of conflict-related sexual violence and support their registration in a manner that prevents re-stigmatisation and traumatisation of children.

- Governments should provide specialised psychological care and accompaniment of pregnant women and mothers, as part of long-term psychological support to the mother and the child.

- Governments should build on the interoperability between the ministries responsible for civil registration and education. This can include establishing routine mechanisms for identification of students without birth registration, and regular catch-up registration in coordination between civil registration and education.
Governments should ensure all solutions are co-created with survivors of conflict-related sexual violence, including those who have children born of conflict-related sexual violence, and with children, youth and adults born of conflict-related sexual violence.

Governments should use education as an awareness raising, and a social and cultural transformation tool as it fits the context.

II. TO THE INTERNATIONAL COMMUNITY

The international community should promote universal birth registration and support national initiatives aimed at ensuring every child, including those born of conflict-related sexual violence, is provided with a legal identity, including by advocating and providing sustainable fundings for the establishment of efficient and accessible birth registration systems in every country.

The international community should raise awareness on the issue and difficulties faced by children born of conflict-related sexual violence, in particular on the barriers to accessing their rights to identity and nationality. This could be done through the organisation of meetings at the United Nations on this issue such as an Arria-formula meeting of the United Nations Security Council.

The international community should press governments to uphold the children's right to victim-centred reparation.

The international community, in particular the UN and mediators, along with parties to conflict, should ensure the specific needs of children born of conflict-related sexual violence are addressed and included in peace-processes and in post-conflict recovery policies.

The Committee on the Rights of the Child should adopt a General Comment followed by a Day of General Discussion on identity rights, including for children born of conflict-related sexual violence.

The international community should ensure programmes supporting mothers and solving administrative barriers to the right to identity and right to reparation are sufficiently and sustainably funded.

III. TO CIVIL SOCIETY ORGANISATIONS

Civil society organisations (CSOs) should conduct awareness-raising campaigns targeting the international community, government officials, service providers and communities to promote the understanding of the rights and needs of children born of conflict-related sexual violence and of their mothers, and to sensitise authorities and society at large about the importance of legal identity and nationality for these children. Putting the issue of children born from conflict-related sexual violence on the agenda will help break the stigma they are facing. In particular, awareness-raising campaigns should address the multiple and intersecting barriers faced by children born of conflict-related sexual violence, with a focus on the vulnerability and trauma of the mother. These campaigns must safeguard the best interests of the child and avoid stigmatisation of children born of conflict-related sexual violence.

In this regard, CSOs should publish a joint statement, with the support of member states, to call upon the Committee on the Rights of the Child, and other relevant international bodies, to do more on the issue of children born from conflict-related sexual violence.

CSOs, in collaboration with governments and other stakeholders, should provide support to conflict-related sexual violence survivors and their children in obtaining necessary identification documents, such as birth certificates, passports, and identification cards, including by offering legal aid, guidance, and administrative services to navigate bureaucratic processes.

CSOs should raise awareness and promote community and peer-to-peer engagement to challenge social norms, reduce stigma, and create a safe environment of acceptance and support for children born of conflict-related sexual violence and their mothers. CSOs should support the governments’ efforts to enhance the capacity of civil registration authorities, judicial personnel,
and frontline workers to effectively handle cases of children born of conflict-related sexual violence and support their registration in a manner that prevents children’s re-stigmatisation and traumatisation.

- CSOs should raise awareness with mothers of children born of conflict-related sexual violence on the importance of child registration and provide them with support, including psychological support, as they endure the associated traumas of raising the child of their abusers. Supporting the mothers in dealing with the trauma and accepting the child is sometimes a first step towards the registration of their children.

- Similarly, CSOs should provide psychological support to children born of conflict-related sexual violence as they cope with the unique challenges and barriers linked to the context they have been born into.

- CSOs should ensure all solutions are co-created with survivors of conflict-related sexual violence, including those who have children born of Conflict-related sexual violence, and with children, youth and adults born of conflict-related sexual violence.

- From the outbreak of a conflict, CSOs, in cooperation with other stakeholders, including the UN, should form working groups that immediately start addressing the needs of pregnant mothers and new-borns at all levels, such as registration, psychological support, legislation, and awareness raising.

IV. TO COMMUNITY AND RELIGIOUS LEADERS

- Community and religious leaders, in cooperation and with the support of CSOs, should initiate programmes and activities that actively involve survivors and their children born of conflict-related sexual violence to help foster their bond. These initiatives could include support groups, educational workshops, and recreational activities that provide a safe and supportive environment for survivors and their children to connect and build a sense of belonging and make them feel heard in safe ways.

- Community and religious leaders should set an example by welcoming children born of conflict-related sexual violence into the community and working with the communities to ensure their acceptance as members of the community. Religious leaders should be mindful of the willingness, or lack thereof, of the community to welcome children born of conflict-related sexual violence and work with its members to foster acceptance.

- Community and religious leaders should urge peers to join in fostering acceptance of children born of conflict-related sexual violence into the community and challenge stigmatisation. They should further work with other religious and community leaders to foster acceptance towards these children.

V. WAY FORWARD

This outcome report is a valuable resource to support efforts aimed at addressing the complex challenges faced by children born of conflict-related sexual violence in accessing their rights to identity and nationality. By making this report public, we invite all stakeholders to actively engage with its findings and take action to implement its recommendations.