

Planning and Budgeting for the Well-Being of the Child

Considerations for Peace, Justice and Reconciliation

This year, as we join Africa in celebration of the *Day of the African Child (DAC)*, JRP wishes to emphasize the need to reflect on the unique peace, justice and reconciliation issues hindering the well-being of children affected by conflict. In line with this year's theme, we offer specific recommendations for planning and budgeting for the well-being of children affected by conflict, with critical reflections on the situation of children in northern Uganda and lessons for other contexts.

Since 1991, Uganda has joined the world in celebrating the *Day of the African Child (DAC)* annually on the 16th of June. This year, as we commemorate the day under the theme, "Planning and Budgeting for the Well-Being of the Child: A Collective Responsibility," we need to remember that for children in northern Uganda, whose **right to peace and security** has been greatly compromised by one of the longest-running conflicts in Africa, a unique approach to planning and budgeting for their well-being must be explored. Those children who bore the most tragedy during the conflict need to be factored into contemporary planning processes. We strongly argue that sustainable peace in Uganda requires not only forward-looking planning and development, but also stakeholders who address past abuses and feelings of injustice.

It is a commonly held fact that in the conflict in northern Uganda, children were one of the most affected demographics. As of April 2006, reports estimated that 24,000 to 38,000 children had been abducted and forcibly conscripted into the Lord's Resistance Army (LRA) as child soldiers.¹ While in captivity, they experienced torture, forced labour, starvation, killings, rape and forced marriages. Even those not abducted lived their childhood under the burden of economic deprivations and psychological trauma caused by the conflict.

To prevent the perpetration of these crimes on another generation of children, we must put accountability, truth-seeking, justice and reconciliation at the centre of post-conflict recovery and development. Moreover, children must be engaged during post-conflict transition. If children are excluded, they may become vulnerable to continuing cycles of violence affecting future generations. In contrast, through their active involvement in transitional mechanisms, children and adolescents can be catalysts for justice, reconciliation, and peace building within their own families and communities.

CONSEQUENCES OF CONFLICT ON CHILDREN

Children Born in Captivity: As a uniquely vulnerable group of children who were born out of forced marriages or rape and into the LRA, they face a number of challenges, including a lack of cultural identity and sense of belonging. Because of the extraordinary circumstances of their birth and the atypical relationship between their parents, many are treated as illegitimate and regarded as an additional

economic burden on the mother's family. Sometimes, they are not acknowledged at all by their parents' families. Many children born in captivity are often denied access to land, have no access to education, and when they do, lack basic scholastic materials and fees to remain in school.

Unaccompanied Children: A number of children once with the LRA, especially those born in captivity, have returned to the communities to find themselves homeless with no one to take care of them. While some are being catered for by well-wishers, others find themselves as street children. For those who agree to take care of unaccompanied children, it is usually difficult for them to fend for themselves and at the same time look after the children.

"I have joined school, and I'm now in primary six. I would like to finish my formal education—there are a number of my colleagues who would like to be educated, too—but we do not have anyone to take care of the children as we go to school. I wish there was a place where the children could stay while we study." -Plea of a formerly abducted child to a visiting delegate from the ICC Review Conference, 5 June 2010.

Mass Displacement: In addition to the economic hardships brought on by life in internally displaced persons (IDP) camps, children born during the period of forced displacement have experienced an utter breakdown in social and cultural norms. Moreover, reports of children being born as a result of prostitution, rape, kidnapping and abandonment by government soldiers have also left many children from the camps with an added sense of identity loss.

Psychosocial Trauma: After more than two decades of conflict, the rate of Post-Traumatic Stress Disorder (PTSD) and depression recorded in northern Uganda is said to be among the highest in the world.² Given their age during captivity and the burden to contend with the high level of torture and indoctrination, children have been the principal victims of psychological trauma resulting from abduction, massacres, mass displacement, and the contrast between life in captivity and life upon return.

Experiences of Cen³: In some cases, conflict-related psychosocial experiences in children have been related to their actions or to the actions of their parents in the bush. It is believed that *cen* continue to possess and haunt the children because they or their parents committed numerous

1. Pham, Phuong, Vinck, Patrick, & Stover, Eric. (2007). *Abducted: The Lord's Resistance Army and Forced Conscripted in Northern Uganda*. UC Berkeley: Human Rights Center.
2. Roberts, Bayard, et al. "Factors associated with post-traumatic stress disorder and depression amongst internally displaced persons in northern Uganda." *BMC Psychiatry* 8.38 (18 May 2008).
3. Ghostly vengeance hastened by ill treatment of the dying or dead; involves the entrance of an angry spirit into the physical body of a person or persons and requires appeasement, often through a sacrifice or compensation/reconciliation in the case of wrongful death.

atrocities in captivity. In such cases, community members have often sought the help of traditional leaders to perform cleansing ceremonies such as *ryemo cen*, which translates to ‘chasing away the vengeful spirits,’ to rid such children of *cen*.

Stigma: Despite efforts by civil society organizations (CSOs) and other institutions, stigmatisation towards children born in captivity and those who committed atrocities in the bush is still high among the communities. As a result, many children associated with the conflict fear to reveal their identities in anticipation of community retaliation for the crimes they or their parents committed.

Amnesty and Children: The Amnesty Commission did a commendable work in enabling the mass return of children from LRA captivity. However, when returning from the bush, a number of young mothers and their children born in captivity where issued amnesty certificates without fully understanding amnesty. As the discussions on justice and accountability continue to grow, these women are worried about the implication of these certificates on both them and their children. Some of them have also raised the question of who should seek forgiveness—them, the government, or the rebels—since they were abducted as children against their will. Amnesty is given to those who ‘denounce’ rebellion, a notion that is surprising to several amnesty beneficiaries we talked to who believe that the government of Uganda instead owes them an apology for failing to protect them.

RATIONALE FOR PEACE, JUSTICE AND RECONCILIATION FOR CHILDREN

“It’s only by reviewing the past will we know the present. Only by knowing the present will we make a perspective for the future.” –Samora Machel, late president of Mozambique

Children and youth are among the people most affected by the social, economic, political and psychological dislocation of conflict and legacies of abuse. The relative peace currently prevailing in northern Uganda presents a real opportunity to address the need for local and national reconciliation. The Juba Peace Agreement, while still unsigned, commits the Government of Uganda to implementing a range of transitional justice (TJ) activities under the Justice Law and Order Sector (JLOS), as well as to addressing the primary and the perceived causes of the conflict—the marginalisation and underdevelopment of the North.

It is therefore important to note that in order to promote justice and reconciliation—preconditions for sustainable peace for children in northern Uganda—there is need to put in place different instruments and conditions that ensure realisation of different children’s rights. The major pillars that should guide policy planning, budgeting and intervention include linking children’s rights to peace, security and justice to other rights such as survival, development, protection and participation.

RECOMMENDATIONS FOR PLANNING AND BUDGETING FOR THE WELL-BEING OF THE CHILD

1. The Justice Law and Order Sector (JLOS) and other relevant stakeholders must ensure that all TJ mechanisms/polices are child-friendly.

While planning and budgeting for transitional justice, there is need for an approach that establishes internal procedures and arrangements for protecting and ensuring the participation of children who are basically primary victims of conflict. These should respond to unique experiences of traumatised individuals, their mothers, children with disabilities as a result of torture and victims of sexual violence.

2. The capacity of judicial and non-judicial systems needs to be strengthened to guarantee the protection of children.

To design a judicial or non-judicial (e.g. truth-telling process) during transition is not a straightforward matter. Several issues need to be determined, among which include the relationship of these to other procedures (formal accountability, amnesty, traditional justice), and also special proceedings for children who were victims of sexual violence. Whether or not they were direct victims, children have a right to participate in such processes, yet extra precautions must be taken to ensure they are provided with adequate physical and emotional protection.

3. Government needs to introduce a holistic reparations program, with specific consideration for children.

According to JRP’s work in the field, reparations stands out as one of the measures most sought-after by victims.⁴ We therefore argue that reparations are critical avenues for redress and acknowledgement, helping the country to recognise the injuries children have suffered and make concrete efforts to chart a healing path to the future.

4. CSOs and government programmes need to support initiatives for children formerly associated with armed groups.

Through these initiatives, children can facilitate their own reintegration while at the same time contribute to the reparation and restoration of society.

5. Public outreach on the different justice systems available to children must be carried out to encourage their informed and meaningful participation.

Children have a right to make informed decisions as to whether or not they wish to participate in such processes.

6. Government and CSOs must undertake symbolic measures to promote remembrance, healing and closure.

Painting murals, organizing vigils of remembrance and/or erecting monuments can be a source of educational dialogue and healing for young people because they provide room for self-expression, enable a reclamation of public space, and instil a necessary spirit that ‘never again’ shall this happen to us.

4. For more on victims’ needs, see JRP’s special report, ‘Cooling of Hearts:’ Community Truth-telling in Acholi-land, July 2007.