

Children Born of Wartime Rape and Human Rights Culture

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[...] One woman [...] made a sweeping movement with her hand in the direction of all the widows gathered around the exhumation site. She said, "All the women were raped. The soldiers raped us all. Some of us had babies from these rapes and some of us used remedies to stop the pregnancy." Sometimes, when I admired a baby or child, a woman would say, "Un soldado me lo regalo," a soldier gave him/her to me, meaning she was raped by a soldier or soldiers.¹

‘War babies’ (Carpenter 2004, 1) exist, and often die, on the margins of the already marginal. Although the exact figures are contested, it is clear that in many war-zones a significant population of children are born as a result of forced maternity or pregnancy incidental to rape. In Rwanda, for example, as many as 10,000 babies were born as a result of the rape campaigns of 1994, according to the Rwandan government (Wax 2004; Donovan 2002).² But as R. Charli Carpenter notes, they ‘have yet to penetrate legal discourses on the rights of civilians in war’ (Carpenter 2000, 476). Indeed, Carpenter’s work is the first to draw attention to this neglect. ‘War babies’ are all but invisible too in the literature on war-affected children (see Becirbasic and Secic 2002; McEvoy-Levy 2005). The babies born as a result of wartime rape slide into view only obliquely. They are the space between the lines recognizing rape as a weapon of war, a tool of genocide, and a gross violation of human rights. They are implied but rarely identified as a distinct group or in detail in studies of child soldiers and refugees³.

¹ Anthropologist Victoria Sanford shared this recollection with the author in a personal communication on May 7, 2004. Sanford’s research on Mayan women in Guatemala is published in her book Buried Secrets (2003).

² Paula Donovan (2002) provides figures of between 2000 and 5000 and Emily Wax (2004) ‘more than 10,000’ (A01).

³ It needs to be noted that these areas of inquiry - rape as a weapon of war and the special situation of children in war – are themselves fairly new. Feminists helped push war rape onto the international agenda while noting it as evidence of the gendered nature of war (see Enloe 1990; Stiglmayer 1994; Brownmiller 1975; and Reardon 1985). Still, as Katrina Lee Koo notes in an article highlighting the continued ‘disciplinary [gender] blindness’ of international politics, while ‘war rape is as old as war itself [...] traditional forms of theorising about international politics fails to identify or vocalize the violent insecurities of women in domestic and international space’ (2002, 525).

In reality, many children conceived as a result of rape are aborted before birth and others are killed in infancy. The survivors are vulnerable to all the perils of other displaced, orphaned, and stigmatized children in regions of turmoil: more likely, then, to become child soldiers, child laborers, and sexually enslaved and exploited, as cycles of war and peace turn (McEvoy-Levy 2005; Machel 1996). Yet, as Victoria Sanford's conversations with the Mayan widows above suggests, in some situations, such children are integrated into communities and seemingly embraced, while embodying permanent reminders of the horrors of the past.⁴

When wars end, among the most frequently declared aspirations of internal and external actors is the development of a human rights culture.⁵ A human rights culture, it is theorized, will prevent gross violations of human rights in the future and, sometimes, it is suggested (or cautiously theorized) that a human rights culture will help produce 'a reconciled society' (Slye 2000, 182). The texts of truth commissions in particular include this recommendation.⁶ Yet, the aspirations in these documents come up against an enormous challenge in the (seemingly) agency-less person of the child born of forced maternity. Hidden, denied, and (at least temporarily) voiceless, these children are configured out of the picture at precisely the moment when they are most vulnerable and, perhaps, most salient as symbols of the need, difficulty, and, paradoxically, the potential for building a new society.⁷

⁴ For a further example, see Wax (2004).

⁵ This is different from the idea of an international or transnational culture of human rights or global human rights regime but not unrelated. Apart from the scope of each endeavor, a significant difference between the two exists in the role of 'shame'. As Andrew Hurrell (1999) argues human rights regimes function through 'the mobilization of shame' (283). In post-war, transitional, or violently divided societies the internal construction of a human rights culture seems to often require a different encounter with shame one that either pragmatically bypasses it, or in the case of Truth Commissions, may make shame the penalty for societal forgiveness. At the same time, the two (international or transnational human rights regimes and internal human rights culture) are 'a conscious and artificial construction designed to uphold human dignity and prevent human suffering in the face of persistent human bestiality' (Carlos Santiago Nino, quoted in Hurrell 1999, 299). So they share the same normative framework.

⁶ See for example the report of the Chilean Truth Commission which notes: "The legal and institutional reforms proposed in the previous section do not in themselves offer sufficient assurance that either government officials or politically motivated private citizens will actually respect human rights. Such an assurance can only be achieved in a society whose culture is truly inspired by unrestricted acknowledgement of the essential rights of the human being. Respect for such rights flows naturally out of such a culture as a part of everyday life and is manifested throughout the whole range of the nation's activity, political and otherwise" (Chilean Truth Commission 1993, Part 4, Chapter 2).

⁷ As far as potential inherent to 'war babies' is concerned, it is possible that they might even offer a road-map for transformation involving radical social change, because, for example, as Lynda E. Boose writes about the Balkans, there was "a bitter irony inherent in the relationship among rape, patriarchy, and the vulnerability of a culture to the devastation of its identity: the more patriarchal the culture, the more vulnerable it becomes, because all the more likely are the women within it to become targets for enemy rape' (Boose 2002, 93-4).

The primary question addressed through this chapter is: what does a 'war babies' lens reveal about the challenges of developing human rights culture? The first section of the chapter surveys existing ideas of human rights culture. The second section identifies and examines some of the key dilemmas for human rights raised by a 'war babies' lens. The chapter argues that a 'war babies' lens reveals new and asymmetrical conflicts over rights: conflicts between the rights of children born of rape and the survivors of gender-based violence and conflicts between the rights of children born of rape and of ex-combatants. And a 'war babies' lens reveals tensions and dilemmas about the role of silence versus human rights storytelling, and about post-conflict education. While these conflicts and dilemmas create barriers to the development of human rights culture, they also possess the capacity to 'start something new' (Arendt 1970, 80), because competing rights can 'transform each other in each complex strategic situation' (Wilson 1997, 18). Out of the conflicts over rights, and out of the lived experience of 'war babies,' values supportive of human rights culture may be crafted and passed on, because the children born of rape are carriers of memory and creators of culture. As well, new constructions of the child and of human rights culture emerge in these struggles over rights.

Cynthia Enloe writes: 'no person, no community, no national movement can be militarized without changing the ways in which femininity and masculinity are brought to bear on daily life' (Enloe 1995, 25). She argues that militarization changes what it means to be a man which changes what it means to be a woman (27). At what point does militarization change what it means to be a child? Is childhood transformed when children witness violence, when they become child soldiers, when they are in the womb conceived as a result of rape? And how is the child changed? Conspicuously absent from theorizing and planning for human rights culture (and from the more general discourse of peace processes and peacebuilding) is any deep and critical problematizing of 'childhood' and gender-based-violence as intersecting with war.

'War babies' prod us to address the impact of militarization and patriarchy not only on the rights but also on the social agency of children. But 'war babies' also make us think differently about the perpetrators of rape, the meaning of infanticide and abortion, and the value and justice of including the subaltern in practices to foster human rights and peace. Because they stimulate difficult questions, 'war babies' complicate rather than clarify the concept of human rights culture. But, potentially, the treatment of 'war babies', their survival or deaths, displacement or reintegration in societies undergoing transition, their marginalization or inclusion in the new national narrative and new institutions, and their economic and social fates, can act as a test of the depth and permanence of human rights culture in post-war societies.

What is Human Rights Culture?

Scholars and practitioners writing about human rights culture tend to conceptualize it in three interlocking forms that involve both cultural and institutional (Gibson 2004), or 'individual and [a] governmental' (Howland 2004, 2), levels of activity. First, the development of human rights culture entails the creation of legal and political institutions that protect the population from human rights violations. An independent judiciary,

reformed police and military, democratic political institutions, human rights commissions and specific inquiries and bodies to oversee, for example, land reform or victims' compensation, are included.

Second, a human rights culture is theorized to require a transformation of culture and values. As James L. Gibson puts it, the aim is to 'nurture' values in the populace that would make 'gross violations of human rights' in the future impossible (Gibson 2004, 6). For Gibson the relevant values are: support for rule of law, political tolerance, rights consciousness, support for due process, commitment to individual freedom, and commitment to democratic institutions and processes. Gibson's definition of culture is useful here, too. He defines it as 'the politically relevant beliefs, values, attitudes, and behaviors of ordinary citizens' (Gibson 2004, 9). If this political science definition of culture is combined with an anthropological definition, the full extent of the challenge of creating human rights culture is revealed. Kim Hopper (2003) states that:

[Culture] is not a tight, hypercoherent program for action and thought, but rather a 'tool kit' of images, frames, skills and worldviews from which people assemble heuristic "strategies of action." Though these stores of motives and explanatory constructs, of reasons for doing and compulsion to do, have inertial force (tradition, received lore), they are also subject to editing and correction in the daily round of living (163-4).

Mahmood Mamdani (2004) has noted that anthropological culture, which is 'face-to-face, intimate, local and *lived*,' contrasts with what he calls 'culture talk,' which is 'highly politicized and comes in large geo-packages' (17). All of these views of culture are important to the discussion of developing human rights culture because they envision a body of accepted but always changing values that, emerging in the convergence of lived experience at the grassroots with the functions of official institutions, impact people's behavior. And, with Mamdani's (2004) cautions against conflating cultural and political history at hand, we are challenged to investigate human rights culture for how it is lived locally, and for how it is politicized, and for how these processes interact.

The cultural transformation aspect of the development of human rights culture is seen throughout the human rights literature to support the first aspect of institution building. Susan Dicklitch and Doreen Lwanga (2003) argue that the components of a 'positive human rights culture' are 'a rights-protective regime' and 'a rights-respective society' (484). This formulation creates the possibility for negative human rights culture⁸ and demonstrates a link with the peace studies literature on positive and negative peace (Galtung 1969). Francesca Marotta (2000) describes the same linkage between the building of legal frameworks and institutions and a cultural underpinning in terms of 'human rights awareness among the general population' (Marotta 69).⁹

⁸ A negative human rights culture could be defined as one in which political rights are emphasized and gross violations of human rights are prohibited and vigorously guarded against by state authorities. A positive human rights culture would be one in which, additionally, the provision of economic, social and cultural rights were guaranteed and in which all of these rights were embraced as inherent to the dignity of human beings.

⁹ Marotta's argument on this point in full is as follows: "In practical terms, integrating human rights in post-conflict reconstruction efforts means assisting war-torn countries in establishing a sound legal

Education in human rights and practice in political participation are considered central to this initiative. As Todd Howland writes, a human rights culture exists where the populace has ‘a history of participation in political decisions affecting them’ and practice in demanding their rights (Howland 2004, 12). In Angola, he argues, the problem is a lack of formal education. ‘It is difficult to imagine a human rights culture developing without formal education’ (Howland 2004, 12, footnote 53). The education component has also been recommended in several Truth Commission Reports. Priscilla Hayner (2001) records the following examples in her review of Truth Commission recommendations:

Argentina: Laws should be passed to make the teaching and diffusion of human rights obligatory in state educational establishments, including civilian, military, and police academies.

Uganda: Qualifications in human rights education should be a requirement for admission to all stages of education after primary education, for appointment to public offices, and for standing for elective office at local and national levels.[...] The people of Uganda should overcome their passive response to government abuses and develop a culture of solidarity to fend for their rights and protect those whose rights are violated.

South Africa: The Truth commission report, as well as accompanying video and audio tapes, should be made widely available as a resource for human rights education (Hayner 2001, app. I, 308-9).

Third, human rights culture is often considered intimately linked with dealing with the past, a process towards, and sometimes synonymous with, reconciliation.¹⁰ Ronald C. Slye (2000), for example, seems to view human rights culture in this way as ‘a reconciled society’ which he further defines as ‘one that strives to respect the dignity of all its members’ (182). Julie A. Mertus (2004) writes that ‘instead of merely helping to *manage* conflict, human rights norms and institutions may actually perform a transformative role. [...] Human rights thus play a role in reconciliation by providing the means for transforming relationships through acknowledgement of the past and by providing a shared vision for the future’ (Mertus 2004, 336). While the literature on reconciliation is too large to review here, most discussions of human rights culture place it as a

framework for the protection of human rights, backed up by adequate institutions with a sustainable capacity to ensure respect for those rights on a long-term basis. It also requires fostering human rights awareness among the general population so as to increase the level of accountability of government authorities and institutions’ (Marotta 2000, 69-70).

¹⁰ Reconciliation is a highly contested concept and there is not the space here to it discuss it in depth. But briefly, it is necessary to point to two different approaches – one focusing on individual reconciliation and the other on national reconciliation. John Paul Lederach, for example, defines reconciliation as ‘the redefinition and restoration of broken relationships’ (1997, 84). Hizkias Assefa (2001) defines reconciliation as a conflict handling process that leads to healing and entails eight different core elements. Assefa locates healing as the effect of reconciliation. Others, such as Alex Boraine (2000, 151-2) would seem to find healing to be more integral to the steps of a reconciliation process as a national process.

mechanism for effecting national rather than individual reconciliation. Terence Duffy (1994), in a discussion of Cambodia, links ‘creating national reconciliation and human rights culture’ together in the following way:

Cambodia must confront the worst of its past if it is to move from negatively apportioning blame for past wrongs to recognizing that a whole society has been victimized. The challenge now for Cambodia is to transmute itself so that it can find in its most tragic events the emotional stairway to national forgiveness and economic reconstruction. It is vital that societies like Cambodia find ways of confronting the physical legacies of their pasts so that they can extricate themselves from the weight of human suffering by finding in their human experience the potential for reconciliation. [...] ultimately it is Cambodian society that must confront the task of nurturing and sustaining a human rights culture (Duffy 2004, 82-3).

We can see here the connection between dealing with the past and cultural change and values change, as all involve interconnected psycho-social processes. However, the idea of dealing with the past mostly is envisioned broadly as a national, societal process, and also entails ‘a contract to the effect that *this cannot happen again*’ [italics in the original, Osborne 2003, 528]. Thomas Osborne (2003) calls this a ‘politico-ethical’ agreement on the obligations and rights of the governing and the governed, reaffirming the notion of human rights culture as an institutional arrangement rather than at the level of individual transformation. Human rights culture is political, ethical, psychological, and social in nature, and it involves the provision of concrete rights and protections and the fostering of more amorphous ‘reconciliation’ – which is mostly conceived in national (rather than individual) terms. The theorized and desired outcomes are both short term and long term. The priority would seem to be a situation in which gross violations of human rights are no longer possible (Gibson 2004). This has come to be known in shorthand as the *Nunca Mas* (Never Again) principle, after the report of that title on the practice of mass kidnapping, torture, and murder by the Argentine military in the 1970s (see, Argentine National Commission on the Disappeared 1996). While priority is given to institutional transformation (see Gibson 2004), in the long-term it is expected/hoped that a ‘reconciled society’ will emerge (Slye 2000, 182).

Human rights culture exists, then, in the intersection of formal institutions and ‘society’ writ large. Where this leaves local and personal processes is not clear – and this is one underdeveloped aspect of the theory of human rights culture that a ‘war babies’ lens may help clarify. Second, a further problem that a ‘war babies’ lens helps underline, if not exactly clarify, is the problem that rights discourse always involves privilege, whether local, global or both (Mamdani 2004; Nhlapo 2000). Finally, it is important to note that human rights culture, like other culture(s), is not seen as a static endpoint but part of a *process* of post-conflict peacebuilding. Human rights culture can exist in stages and states.¹¹ But given the hierarchies of privilege in ‘post-conflict’ situations, an acceptable state or stage of human rights culture is likely to be one in which the powerless secure the least tangible benefits. Can such a creation rightly be called human rights culture?

¹¹ James L. Gibson (2004), for example, describes South Africa as having a degree of human rights culture.

So, while a considerable theoretical consensus seems to exist on the need for three interlocking pillars - the creation of legal and political institutions to guarantee human rights, cultural and values transformation, and a human rights-positive reckoning with the past – many questions remain. Great value exists in looking at human rights through the lens of a most vulnerable social group, and in examining and refining assumptions about human rights culture through an analysis of a vulnerable group's experience. 'Representations of violence whether political or structural, that are detached from the concrete and specific experiences of people, and in particular, from the complex consequences of suffering, have tended to reduce theorizing to an autonomous, disembodied activity' (Green 1999, 11). Few would dispute the suffering of war-rape victims, their children, and their communities. But how can that suffering be operative in human rights protection mechanisms and peacebuilding? The next section of the chapter attempts to throw some light on this problem using a 'war babies' lens.

'War Babies' and Human Rights Culture

This part of the chapter explores what 'war babies' teach us about human rights culture and to what extent a 'war babies' lens can lead us towards an expanded and better understanding of human rights culture in theory and practice. A comprehensive exploration of the intersections between human rights culture and 'war babies' would take volumes. As a beginning, this chapter focuses on some of the most perplexing problems that a 'war babies' lens exposes.

Theorists and practitioners seem to agree that the first aspect of human rights culture is the building of new legal and political institutions to protect human rights. New and reformed institutions are considered necessary to make a break with the past, stabilize society, create popular confidence, and, most importantly, to ensure that gross violations of human rights do not reoccur. But, as examined in the next section, a 'war babies' lens exposes at least three sets of conflicts that are pertinent to this first dimension of building human rights culture: tensions between the rights of 'war babies' and their mothers, between the rights of 'war babies' and former combatants, and tensions surrounding the recognition of the human rights of rapists. A number of conceptual and practical dilemmas also emerge in relation to the second and third dimensions of human rights culture – the need for values transformation and for dealing with the past. These are examined in part two, in sections on the social agency of war babies, education and human rights culture, and the role of strategic versus imposed silence in post-war societies.

I Conflicts Over Rights

'War Babies' and Their Mothers

While rape and sexual violence are listed as offenses under international humanitarian law,¹² usually the pragmatic politics of war to peace transitions work

¹² The International Criminal Tribunals for the Former Yugoslavia (ICTY) and for Rwanda (ICTR) recognized rape and sexual violence as specific crimes and acts of genocide providing good legal basis for arguing that rape and sexual violence are crimes against humanity. Prior to this rape was already prohibited under the Geneva Conventions (see Mertus 2000, 79-81).

against their prosecution, and 'war babies' further complicate the rights of survivors of rape and vice versa. The institution of rape as a war crime has the potentially negative counter-effect of forcing 'war babies' even deeper underground, because the fear of international criticism (and reprisal or prosecution) may contribute to the masking of 'war babies' by military and political elites.¹³ Providing incentives to those elites to recognize and address 'war babies' is to potentially deprive the survivors of rape with justice.

The killing of 'war babies' at birth by their mothers (or other family members) further complicates matters, because infanticide is a violation of a child's survival rights under the Convention of the Rights of the Child (1989). Yet, the 'choice' of women resorting to infanticide is deeply suspect. Post-rape infanticides may be seen as ambiguous exertions of limited power by women at sea in chaos. The notion of extending prosecutions against such women would seem cruel and unjust to many. And the protection of 'war babies' from such deaths is practically very difficult both during war and afterwards, given the instability of most post-conflict situations. Yet, infanticide is also the classic form of scapegoating, almost always associated with the girding of patriarchal power.¹⁴ And if the reproduction of militarism and patriarchy in post-war societies is to be short-circuited, infanticide after war rape must somehow emerge in a narrative supporting human rights culture.

For this to happen, the killing of neonates by their mothers would need to be publicly addressed in ways that respect the traumatic memories of women who were raped, affirming their dignity, and in ways that transform such acts into reconciling mechanisms. How could this be possible? Perhaps it is not possible, until at least the time when surviving 'war babies' are adults, and probably only as secondary (and indirect) reconciliation, when the children born of rape, or their children, revisit and deal with the past, similar to the process followed by the offspring of some Holocaust survivors (see Bar-On 1989).

Inevitably, questions about whether 'war babies' as fetuses have rights will emerge in local discussions of human rights culture. While interest in and approach to this question will vary considerably according to context, it is important that this dialogue is not suppressed in practice (or ignored here) because a genuine human rights culture should promote, not only tolerance and free expression, but a space to civilly consider (and mediate) the multiplicity of competing rights claims that can be imagined. At the same time, a genuine human rights culture cannot accommodate forced maternity; it cannot justify it, rationalize it, or attempt to make women the villains. Where abortion is the strategy of 'choice' for raped women, the freedom from forced maternity it provides is an important right. Yet, a vision of human rights culture must take into consideration how such freedom may be mitigated by the moral, spiritual, and communal effects of abortion in response to war rape in the long-term. This is very much dependent on how

¹³ A similar problem has been documented in the demobilization of child soldiers, many children being hidden by armed groups during peace processes to avoid international condemnation (See Sultan 2000). But, conversely, the absence of enforcement and of media coverage enables the continuation of war rape with seeming impunity, as it has done recently in the Congo (Goodwin 2004).

¹⁴ See Girard (1993) for an illustration of this dynamic in Greek myth.

abortion is viewed within a local cultural and religious framework, not only related to beliefs on the beginnings of life but also to beliefs about the spiritual fate of dead children and their effects on communities. For example, are the spirits of aborted fetuses reborn in future children? Or, do they remain as angry spirits plaguing communities with ill-health and bad luck?¹⁵

Moreover, the precarious economic and security situations in war-zones means that various indigenous methods of abortion are used with a variety of medical complications for women that may then mean additional injury to reproductive capabilities, and physical and mental health.¹⁶ Further complications exist in late-term abortions and the particular vulnerability of disabled children born as a result of failed abortion attempts (Hess 2004). These, in particular, may create a tension between the reproductive rights of women and the protection of children. The western 'choice' debate does not adequately encompass the moral, spiritual, political, and health issues at stake here.

Much of the impetus for mass rape in wartime on the part of the aggressor is to create new human beings that form living reminders of subjugation and humiliation and dilute culture. Abortion, then, may be seen as an active rejection of that attempt to subjugate. But it can be argued, too, that to destroy or purge the 'evil seed' or 'evil gene' (Balorda 2004) is to give credibility to the aggressor's strategy, to reproduce it, and to lose a potentially positive role of children born of rape in building human rights culture (a topic returned to later). Like infanticide, stopping post-rape abortions, even if desirable, which is not the argument here, would be impossible given the contexts. The rights of fetuses and neonates killed following war-rape may be less clearly significant for human rights culture in the short term, then, than the agency of these children (although discussions about their rights ought to remain open). When we ask questions about 'war babies,' we create claims for power on their behalf. To what extent do 'war babies' exert their own claims for power? This will be explored in part two. First, though, we must examine other conflicts over rights exposed by the 'war babies' lens.

'War Babies' and Ex-Combatants

Removing war rapists from the streets is logistically impossible in post-war contexts. It is inevitable that some of them will reappear, in new police and military uniforms, as cornerstones of the new human rights culture. In fact, as a broad literature details (see for example, Brett and McCallin 1996; Darby 2001; Stedman, Rothchild, and Cousens 2002; Darby and McGinty 2003; Crocker, Hampson and Aall 2004; Özerdem 2004), the integration of ex-combatants is desirable for both the success of negotiations and for sustainable peace. As a practicality, even where prosecutions of perpetrators of wartime atrocities are extended, they are of limited numbers. When Truth Commissions provide amnesty for disclosure and apology, they can deal with more but still limited numbers of offenders, and many perpetrators remain at large. The pragmatic need to

¹⁵ And as Nhlapo (2000) has argued the attempted importation of international human rights norms may be counterproductive in many contexts if they are associated in people's minds with other 'western thought' and values (137).

¹⁶ Brownmiller (1975) reports numerous medical complications from indigenous abortions methods in Bangladesh, as well as suicide and infanticide attempts involving 'rat poison and drowning' (84).

prioritize militants in transitions from war to peace perhaps explains why, in a review of the texts of peace accords¹⁷ (where the seeds of new human rights institutions are sown), rape and 'war babies' are nowhere to be seen. Perhaps this is also why sexual violence is not included in any official list of violence that would constitute a violation of a ceasefire agreement. The basic asymmetry of rights that this implies, establishes woman and children as subordinate to military males in the post-conflict period.

'War babies' oblige us to remember that, for rape victims, some of these reintegrating combatants are the perpetrators of their torture, the dictators of their most extreme powerlessness. The prioritization of combatant rights means that survivors of rape are less likely to receive justice and that, in post-war contexts, domestic and sexual violence are unlikely to be treated seriously and sensitively.¹⁸ But a 'war babies' perspective does more than underline the familiar but important tension between peace and justice,¹⁹ and the dangers of a culture of impunity. 'War babies' complicate the issue considerably by suggesting that human rights culture must mediate the rights of 'war babies' to be free from discrimination in law and order institutions and to be protected,

¹⁷ 40 Peace Accord texts were consulted on the United States Institute of Peace (USIP) Peace Agreements Digital Collection. <http://usip.org/library/pa.html>

¹⁸ Gender-based violence continues in peacetime and impacts women and communities in complex and multiple ways, as shown in recent studies on sexual violence in the Former Yugoslavia (Copic 2004). How likely is the former war rapist, or colleague of a war rapist, to recognize gender-based-violence as a problem? Special professional training is essential, which is often a low priority. In Sierra Leone, for example, only approximately 16 police officers have received training in dealing with sexual and domestic violence since the Lome accord. This training is part of a developing nationwide system of Family Support Units (FSUs) set up to deal with sexual and domestic violence and funded by the British Commonwealth Community Safety and Security Project (HWR 2003 a, Section IX). This neglect is not exclusive to transitional societies - as in the United States, for example, only 30% of Army bases have a victims' advocate to deal with spousal abuse cases (See Cloud et al. 2002). Impunity for perpetrators of domestic violence is also a problem of the US military (See Lutz and Elliston, 2002). Moreover, there is a strong predisposition for male authority figures to dispute accusations of rape and deny paternity. Military commanders in Burundi, for example, recently claimed that women cried rape only after having consensual sex in hope of money which was not forthcoming (HRW 2003 c).

¹⁹ Legitimizing previously demonized armed actors as partners in peace is seen to be a good in terms of promoting 'reconciliation' (perhaps illustrating how reconciliation is gendered). It is often seen to be justice, depending on one's view of the legitimacy/morality of a particular struggle, or a practical necessity, and a custom; when wars end, POWs are released, recruits return to the civilian economy, and standing armies are recomposed. In practice, this often means the protection of armed actors from prosecution or other penalties (such as social exclusion or vigilante reprisals). Some scholars, peace practitioners, and human rights advocates argue that prosecutions for war criminals/gross violators of human rights and lustration for political officials of the old regime have a vital place in transforming society and demonstrating a clear break with the past and its atrocities. Others argue that only reintegration of combatants, attending to economic, psychological, and social needs, and amnesty and truth-telling, processes, can truly heal a war-torn society and create not only stability but a sustainable peace. While this has been the basis for a significant tension between scholars and practitioners of human rights and those in the field of peacebuilding, most recently the literature has emphasized the complementarity of truth and justice mechanisms, such as truth commissions and war crimes tribunals (see Borer 2005). Yet the difficulties of implementing such dual strategies in practice are underlined by the privilege extended to armed actors in peace processes. And what has not been investigated is how the viewpoint of a most vulnerable group, in this case 'war babies', might inform the discussion.

with the human rights of ex-combatants (in many cases rapists), and with the rights of survivors of rape.

Where systematic mass rape was a military strategy, the police and military are practically and symbolically associated not only with the subjugation of women but with the neglect and denial of children. For the children whose very origins are in their new ‘protectors’ prior crimes, the reform of police and military institutions pose an ambiguous break with the past. Instituted as the ‘protectors’ of society, of law and order, of minority rights, and human rights in general, these new police and military can have significant power to shape the fate of ‘war babies’.

The 1989 United Nations Convention on the Rights of the Child (OHCHR a.) holds that the basic human rights of children should be pursued according to four general principles (see OHCHR b.). In two of those areas, the right to survival (article 6) and the right to non-discrimination (article 2), the roles of law and order institutions are central.²⁰ Yet, how likely are the new police and military to protect the rights of minority children under their jurisdiction, children whose existence may pose a reminder of their past crimes and (a) their immunity from or (b) their vulnerability to prosecution? Are they more or less likely are they to protect the universal rights of children to freedom from discrimination irrespective of the status of child’s parents, as held in article 2 of the convention? Whether the police and military are in actuality policing minority children or the children they forcibly fathered, they are policing children. Will the power differential inherent in the original crime of forced maternity be encoded in the new institutions and reproduced in new social relationships and with what consequences for human rights culture?²¹ Would questions about compensation for ‘war babies’ ever be heard in these institutions? A ‘war babies’ lens effects questions not just about the rights of children born of rape but also about the values being fostered for the long term by the way in which these conflicts play out.

Just as significantly, the Convention of the Rights of the Child identifies as the basic human rights of children, ‘the right to develop to the fullest’ and ‘the right to participate fully in family, cultural and social life’, the priority institutions in post-war transitions - police, military and judiciary - only have limited jurisdiction. A ‘war babies’ lens suggests, then, that human rights culture must immediately prioritize institutions that are not only legal and political but serve economic, educational, and public health needs and rights, and that recognize ‘war babies’ as specific category. However, this may be, quite paradoxically, problematic for women’s rights, because when a ‘war babies’ lens is used to examine rights to family, culture, and society, the war rapist is recast not only as an ex-combatant with needs and rights to rehabilitation, but also as a father.

The human rights of rapists

A ‘war babies’ lens humanizes and complicates the perpetrators of war rape, reminding us that rapists have human rights too. Nowhere is this recognition more important and more troubling to accommodate than in the real world of developing

²⁰ The other two general principles are the ‘best interests of the child’ principle (art. 3) and ‘the views of the child’ principle (article 12) (see OHCHR b.)

²¹ Domestic violence post-war may be even more hidden than war rape (Copic 2004).

human rights culture. While a 'war babies' lens highlights the plight of victimized women and children, it also forces us to make an uncomfortable reckoning with the other side of rape: the perpetrator. The tendency to highlight the mass rape campaigns in the Balkans may allow the heterogeneity of the rapist to be ignored. A major tension exists between the literature on child soldiers, for example, and the human rights literature on war rape. Just as we have to read between the lines in official texts to find rape and rape victims and 'war babies,' we often have to read between the lines of the war rape literature to find any indication of who the rapist is, and that they have human characteristics, a history, and a traceable pathway into armed conflict. But this is a tension that has to be bridged if a human rights culture that lives up to that name is to be possible in any situation where rape has been a weapon of war.

There are cases where the war rapist is also a child soldier - forcibly abducted in armed groups, drugged, and brutalized (including being raped) as prior steps to participation in rape campaigns.²² They may be made to commit rape, including incest, on pain of death as a means of severing their links from their communities and from accepted moral values. Men are also raped and sexually abused. Female soldiers have been recorded as rapists of both men and women.²³ If we accept, as the literature on child soldiers does, that the line between victim and perpetrator is blurred, we are left with another layer to the conundrum of how to serve justice to perpetrators and compensation to victims. This is one complication.

A second is that war rapists have human rights not just when they are children or child soldiers but throughout their lives, because of the nature of human rights and those rights are not forfeited because of criminal acts, even the most violent. A third complication is that a strict prosecutorial sensibility doesn't accommodate the human capacity for remorse, contrition, and transformation.²⁴ When the viewpoint is relocated

²² See, for example, Rachel Brett and Margaret McCallin, (1996) and UNIRIN (2004).

²³ However, both of these occur in lesser numbers than male rape of women (See HRW 2003 a; Brett and McCallin 1996).

²⁴ Constanza Ardila Galvis (2002) quotes a Colombian father who sexually abused his daughter and fathered a child with her. A political activist, his admission emerges from process of collaborative reflection, and in response to a woman's story of her own abuse at hands of men.

'Companeros' he said with a broken voice, without lifting his eyes. 'I have something to confess to you. I abused my daughter'. His sobs shook him and stopped him from speaking. [...] 'The truth is that two men live within me and one of them is very bad. I apologise, I only told a part of my story, the heroic side, but not how despicable I've been, a man who took advantage of his daughter's innocence'.

'Now she has a son of mine and I am jealous because she lives with another man. I'm a miserable coward and a bad father. [...] I thought that my daughter wouldn't suffer, that by being her man, I would prevent her from being taken away by men like Jacinto. [...] She went to live with a man who humiliates and mistreats her because she allows him to. Listening to Antonia I realise how my daughter must suffer because of me' (201-2).

Admittedly, this father's conversation with women which begins his transformation is a conversation with 'campaneros' - equals - who were on the same side in war and the rape survivor is his daughter. Yet, the gender equality and storytelling dialogic which is at the heart of this exchange provides a thought-provoking model of a response to the multi-layered crime of war rape. The father goes on to say: 'I don't want to justify my self before you, but if someone had helped me, I wouldn't have continued' (202).

from rapist to father, as effected by the ‘war babies’ lens, the humanity of the rapist is recovered in ways that not only activate a target for prosecution, and a right to rehabilitation, but also a responsibility to be part of a process of reconciliation. This humanization of the perpetrator does not mean that perpetrators of war rape, particularly those who order such acts, should be immune from prosecution. On the contrary, confronting war rape as a male ‘choice’ enhances accountability because it clarifies that ‘[t]he perpetrators of war rape are not madmen or devils but ordinary men acting out of comprehensible motives’ (Price 2001, 212).

Moreover, difficult as it is to write, the possibility, indeed the guarantee, that the perpetrators of the most vicious acts of sexual torture, mutilation and murder are also vulnerable human beings requires us to empathize with the perpetrator, while remaining actively opposed to the institutional reproduction of militarism and patriarchy that lets war rape reoccur. And this insight is helped along by the literal ‘new life’ that sometimes emerges from the horror of war rape. In this sense, ‘war babies’ really do challenge us into what Arendt called the politics of ‘start[ing] something new’ (1970, 82).

II Conceptual and Practical Dilemmas: Agency, Education, and Silence

As discussed, the first aim of architects of human rights culture is to build legal and political institutions. But this aim is in tension with the second objective highlighted in this literature: transforming culture and values. Children are key sites of cultural reproduction/transformation. However, early in post-war reconstruction, a discourse takes shape that sets children’s issues as secondary and their roles as non-existent. The role of women in cultural reproduction is well acknowledged and one of the main reasons they are targeted for rape in war.²⁵ Less well recognized, but critical to this discussion, are the roles children have in cultural reproduction.

Children have multiple roles in armed groups, in workforces, in the home (even as heads of households), in schools and numerous other social and cultural institutions. And children also act as transmitters of knowledge and creators of meaning and culture as they interact (often simultaneously) in these spheres (McEvoy-Levy 2005). The children conceived and born as a result of systematic rape or sexual exploitation in wartime form a specific group within the category of war-affected children. They may have distinct potential and effects in terms of both cultural and conflict reproduction. But, so far, this has not been explored.

The Social Agency of ‘War Babies’

Do ‘war babies’ have agency and, if so, how does that agency affect human rights? If one defines agency as the capacity to shape social outcomes, then the children born of rape have a form of agency that is deeply significant for human rights culture. In the long term, the surviving children born of rape will have many of the multidimensional

25 Biological reproduction is one only element of that role which extends into numerous social arenas. As Elizabeth Porter (1998) shows, women function as: ‘biological reproducers of ethnic collectivities; as reproducers of the boundaries of ethnic and national groups; as actors in the ideological reproduction of the collectivity and as transmitters of its culture; as signifiers of ethnic and national difference; and as participants in national, economic, political and military struggles’ (Porter 1998, 42).

social, economic, and political roles of other militarized children in post-conflict societies (see McEvoy-Levy 2005). But, the agency of 'war babies' is not postponed until a time when they are physically able to commit acts of violence, labor, vote, or work for peace. Even as infants, anecdotal evidence suggests that, 'war babies' can foster micro-cultures of peace, as well as traumatic memories. One mother of two children conceived a result of war rape in Rwanda named each one 'Hope', noting: 'Some people had different hearts. But the whole time I was feeling happy for the first time in so long. Here I was with my son, and another child inside me. We had walked all of that way together. My love really grew for them, and I just wanted to get back to Rwanda and be together' (Wax 2004, A01). While many other survivors of forced maternity reject or abuse their children, this story is not an exception. Values supportive of human rights culture are inherent in the tolerance and transforming love that these children inspire in their mothers. Even children aborted or killed in infancy can have forms of agency because they too may remain as memories and symbols for their mothers, if for no one else.

Forced maternity can reconstruct the child in local contexts, making children born of rape into 'little killers,' 'the children of bad memories' (Wax 2004, A01), and carriers of 'evil genes' (Balorda 2004), stripping them of their humanity and making them increasingly vulnerable. But there is also the potential for 'war babies' to create bridges between divided communities, because the other side to their invisibility and stigma may be the power of transformative hybridity. The militarization of 'war babies' (they are the product of war rape), their innocence (they are bystanders, not victims or perpetrators of rape), and their mixed nationalities, races or ethnicities, construct them as complex participants in their own histories and in post-conflict reconstruction. 'War babies' are not enemies nor friends, but both. While that leads to their greater insecurity, it also holds the potential for new definitions of community, citizenship, and belonging that supports human rights culture. Moreover, the questions these children ask about their fathers can stimulate a form of human rights storytelling. The Rwandan government, now recognizing that many schools have students born as a result of war rape, is reported to be developing a national curriculum to explain the existence of children of rape (Wax 2004). In this case, the agency of 'war babies' may exist in their capacity to effect educational policy.

Yet, there is even less acknowledgement of the agency of such children than there is of their rights. A 'war babies' lens shows how a legal-political focus in terms of values transformation in support of human rights culture is related to a very narrow view of where and how cultures and values are formed and transformed. A 'war babies' lens challenges us to think more complexly about infants, and all children, as human beings and social agents, creators of culture in general, and of human rights culture. To attempt to foster the positive agency of 'war babies' is to counter the intentions of the war rapists who perceived that 'war babies' would create cultural disintegration.

Education for Human Rights Culture

In the context of a web of values that legitimize rape and sexual violence and gender inequality – local and global patriarchy and local and global militarism – post-conflict education is faced with extensive challenges. Post-conflict education in support of human rights cultures has on a practical level to address the structural impediments to 'war babies' and other children getting to school and being secure there, particularly girl

children. But it is also necessary to think broadly and creatively about the sites of delivery of post-conflict education. Formal schooling may not be an option for many – particularly, for the ex-combatants/war rapists, many of whom may still be youth, who are also part of the equation. Integrating ‘war babies’ into education curriculums would then mean not only addressing primary and secondary education, but placing gender and militarism issues into programs for adults that emphasize skills-training and livelihood. Such a holistic and comprehensive approach to integrating knowledge about ‘war babies’ into post-conflict education programs is likely to yield more effective results.

Existing findings on the effectiveness of trying to promote empathy and tolerance through peace education (Salomon 2004) would seem to recommend against literally exposing homegrown ‘war babies.’ These results suggest the benefit of indirect attention to contentious issues – a task that in the case of ‘war babies’ requires very careful maneuver around culture, traditions, and gendered and war-based habits.

In the existing literature, education is described as central to the cultural change aspect of human rights culture. Theorists of human rights culture emphasize the need to undertake values development, particularly through education, to create a ‘rights-respective’ society and the human rights-positive ‘dealing with the past’. Incorporating a deep understanding of the complex pathways of individuals and groups into horrific violence is a critical part of the construction of new national narratives after war – necessary for real values transformation that will prevent human rights abuses in the future. A narrative that accommodates the humanity of rapists, and of mothers who kill their children conceived as a result of rape, is one essential component of human rights culture, as noted above. A narrative that also respects the stories, privacy, and dignity of women who kept their ‘war babies’ is another. Moreover, a narrative that not only recognizes the existing agency of ‘war babies,’ but one that opens a possibility for the children born of rape to continue to contribute to the shaping of the human rights-positive values of society is another essential element. Post-conflict education reform may provide one of the best opportunities for both constructively addressing past horrors, and dealing with new contentious issues as they rise, through curricula that present complex, inclusive, and critical dialogues about how conflicts happen.

Yet, education is not prioritized in peace processes. And although increasingly presented as an element of post-conflict reconstruction plans, the implementation of education reforms lags behind other forms of institution-building. As a starting point, then, the development of a human rights culture requires the elevation of educational institutions at least on a par with legal and political ones, making them priorities in a post-war situation, and official policies of promoting ‘critical pluralism’²⁶ that guard against the reproduction of patriarchy and militarism in schools. Where Truth Commissions take place that recognize the children born of rape, there is place too for incorporating their findings into education curricula. But a strong human rights culture would be one in which the children born of rape were themselves eventually brought into

²⁶ A useful summary of the differences between conservative, liberal, and critical pluralism is provided by Alan Smyth and Toni Vaux (2003). In brief, conservative pluralism emphasizes similarities between people, liberal pluralism emphasizes differences/diversity, but a critical pluralism also recognizes ‘differences in status, privilege and power relations between groups’ (Smyth and Vaux 2003, 27).

the dialogues that create curricula. Such involvement would teach values of inclusion, and empower children born of rape by involving them in the processes of negotiating the telling of their own history.

Breaking the silence?

However, initiatives that involve surfacing 'war babies' for education for human rights must be able to justify breaking the strategic and positive silence that sometimes surrounds children born of rape. A 'war babies' lens once again reveals a conflict because it challenges our assumptions about the justice and practicality of including the voices of the subaltern. It challenges the notion that cultural transformation will occur if marginal groups are brought in from the margins, surfaced, and included. The (de)militarist logic of war to peace transitions, while the primary factor, is not the only factor responsible for the invisibility of 'war babies.' As a practicality, the children born of rape may not be the most immediate issue facing women (Mertus and Baxter 2004). Their invisibility may also be a product of the assumptions of humanitarian workers that 'silence is an important protection mechanism for children born of wartime rape' (Carpenter 2004, 6).

Can silence be compatible with the development of human rights culture? A 'war babies' lens shows that there is a difference between strategic or positive silence and imposed silence, and the effects of each form of silence on the project of human rights education and protection are potentially very different. Grassroots silence can be seen as a form of resistance on the part of raped women (and their communities), refusing to be colonized by international legal and humanitarian norms and agencies that do not serve their interests; in at least this case, they can exert some control over the uses and abuses of their bodies. While 'silencing is a powerful mechanism of control enforced through fear', it is also possible that 'silence can operate as a survival strategy' (Green 1999, 69). Secrecy, Allen Feldman writes in relation to Northern Ireland, is 'an assertion of identity and symbolic capital' as 'subaltern groups construct their own margins as fragile insulations from the "center"' (Feldman 1991, 11). While the chapter has noted that 'war babies' do have social agency, as infants they cannot actively construct such insulated positions for themselves. But when their mothers and communities do so for them, this must be respected and supported, because the self-determination of the individual, the right of a rape survivor to create her own reality, to protect her children by hiding their origins, for example, is an important element of human rights culture.

Communities terrorized and under siege often powerfully resist their subjugation by forming alternative societies characterized by co-operative principles, and social and economic justice.²⁷ Not all 'war babies' are stigmatized, as some have been silently integrated into communities throughout the history of warfare. Already, the chapter has

²⁷ Carolyn Nordstrom has spent an academic lifetime demonstrating this phenomenon and recently does so in a provocative study of among street children in Angola (2005). Victoria Sanford shows a similar process in her study of the Communities of Population in Resistance in Guatemala and Colombian Peace Communities (2005). Julie Mertus (2000) notes how in the Bosnian case 'the whirlwind of war opened up a space for the creation of local women's groups that could tackle oppression and work for a more just society' (36-7). Susan Brownmiller (1975) reports raped women in a clinic in post-colonial Congo whispering to each other about their rapes: 'how many times for you?' (137). In doing so, they quietly created solidarity, support, and community.

noted some powerful contemporary examples of this. So silence may offer protection and a means of resistance, a way of carving out a safe space within which to create new forms of family and perhaps new constructions of the child (as already discussed).

The notion of human rights culture seems inconsistent with the existence of refugee camps, poverty-stricken enclaves, and rape survivors living on the edge of subsistence. However, an exploration of what happens to the children born of rape reveals that, even within these spaces, human rights cultures can exist. The values which create and sustain these communities may be partially reflected in ideas such as 'political tolerance, rights consciousness, support for due process, respect for life, support for the rule of law, and [...] democratic institutions' (see Gibson 2004, 8). But they may be more completely defined with the addition of family responsibility, participatory democracy, cooperative economies, and gender solidarity. A 'war babies' lens challenges even some of these notions when one considers the killing of neonates by their mothers and/or extended family members. However, it confirms the importance of recognizing that the past is stored and shaped by social institutions, with family being key. These spaces are crucial to building the values that support and sustain human rights culture, for they are at the very center of conflict and cultural reproduction.

On the one hand, it may be deeply counterproductive for international agencies to intervene against the strategic silence that surrounds 'war babies,' with well-intentioned moves that only serve to disrupt existing support systems and increase the vulnerability of 'war babies' and their mothers. However, the oxygen of militarized societies is militarism – a value that becomes intrinsic to personal survival and that transmutes itself into domestic forms after wars end. So forms of silence that seem to protect the children born of rape must also be viewed with suspicion. Where mass rape has occurred, the collective desire to forget and obscure such horrors may be a shell resistant to dialogue about gender-based violence. When silence is imposed because of trauma, or because of a mother's fear of further victimization of herself or her children, it is perhaps not the positive and empowering silence of communities in resistance. 'Silence is not forgetting' (Amadiume and An-Naim 2000, 14), and it can enable renewed atrocity and quiet subjugation.

Moreover, strategic, local silence is not the same as international silence. As Carpenter has very effectively argued, 'surfacing' the children born of war-time rape and sexual exploitation is essential if we are to see such children fully as bearers of human rights, victims of human rights violations and, thus, address 'the inadequacy of existing legal and theoretical approaches' to children's human rights (Carpenter 2000, 477). The invisibility of war-rape children in international law almost preordains their marginality in local attempts to build post-war human rights culture. But any human rights culture, whether theoretical or practical in construction, cannot have credibility without an active accommodation of these children. So, a 'war babies' lens suggests that building human rights culture requires a subtle identification of where imposed silences versus strategic, positive silences are operative. A more systematic approach to distinguishing between positive, protective silence and oppressive, victimizing silence is a challenge that, while difficult, ought to inform responsible post-conflict peacebuilding policies.

Conclusion: ‘Start[ing] Something New’?

What makes a man a political being is his faculty of action; it enables him to get together with his peers, to act in concert, and to reach out for goals and enterprises that would never enter his mind, let alone the desires of his heart, had he not been given this gift – to embark on something new. Philosophically speaking, to act is the human answer to the condition of natality. Since we all come into the world by virtue of birth, as newcomers and beginnings, we are able to start something new; without the fact of birth we would not even know what novelty is, all “action” would be either mere behavior or preservation (Arendt 1970, 82).

‘War babies’ challenge us to ‘start something new’: perhaps not about inclusion, nor intervention, nor about women’s and children’s rights, as conventionally understood. The male actor central to Arendt’s philosophy above is a reminder of how birth and maternity are ascribed a romanticized responsibility for transforming bad into good – saving ‘mankind’ – a vision that ultimately subordinates mothers (again). At the same time, attention to children as political and social beings, as bearers of human rights and agents of cultural and conflict reproduction and social change, pushes us towards the notion that new life actually contains potential for peacebuilding. This paradox or complication is at the heart of what a human rights culture needs to address – how complexly constructed ‘children’ might transform women’s rights and also require new ways of looking at women, childhood, motherhood, family, men, gender relations, human rights and peacebuilding.

The aim of this chapter has been to start a discussion about what ‘war babies’ can teach us about what a human rights culture could really mean. Existing theory identifies three aspects that are central to the development of human rights culture and the ‘war babies’ lens confirms their importance and their deep interconnectedness. However, the prioritizing of the first dimension – legal and political institutional change led by war elites – is a weakness, because it places women and, particularly, children, out of power. From the perspective of fostering a human rights culture, this exclusionary status quo begs action to create ‘something new.’

At the same time, enabling ‘war babies’ to emerge organically, as symbols of tolerance and reconciliation, and as active agents for sustaining human rights culture will require, in the first instance, creating institutions that protect children born of rape from victimization, and allow them to develop to their fullest potential. New legal and political institutions do have a vital role in this endeavor. But this only underlines the need to think critically about how well human rights institutions that emerge from male-dominated and military negotiations can fully accommodate the most vulnerable of society. Much more commitment to education mechanisms, to public health, and to addressing social and economic violence is necessary at the very beginning of peace negotiations or transition processes. Folding these concerns more deliberately into reconstruction plans at their earliest points would strengthen human rights culture.

‘War babies’ will be better recognized when post-conflict reconstruction means mainstreaming attention to gender relations²⁸ in all reconstruction activities. Knowledge of ‘war babies’ might be incorporated into efforts to develop human rights culture in post-war situations, without obliging local parties to literally expose their ‘war babies’, and this could be achieved through ‘Truth and Reconciliation’ or education processes. ‘War babies’ will have better informed theories of human rights culture when a commitment to addressing militarism and patriarchy at the root of culture is made through education mechanisms in a variety of arenas: legal, military, and political institutions, schools, workplaces, and religious institutions, as well as in informal community settings.

Yet, the meaning of ‘war babies’ in global politics will not have been understood until domestic and sexual violence by members of armed groups in a peace negotiation are considered a ceasefire violation and until children have active roles in processes of peace negotiation and post-conflict reconstruction. It is essential to recognize that the concept and the practice of building human rights culture are neither gender-neutral,²⁹ nor age-neutral. But acting for something new involves having access to sources of power and decision-making, and this heavily circumscribes the action of civilian women, children and civilian men in war-zones. It leaves out ‘war babies’ – seemingly agency-less infants - entirely. Children are rarely franchised in post-conflict societies (or globally) and have very little political voice through other means. Agency is also limited by trauma and the harsh everyday realities of survival. Yet, the chapter shows that ‘war babies’ do have social agency and, although their power is limited, this agency, whether it is recognized or not, will impact the quality and sustainability of human rights culture.

As Richard Wilson argues, ‘[h]uman rights are not founded in eternal moral categories of social philosophy, but are the result of concrete social struggles. Rights are embedded in local normative orders and yet are caught within webs of power and meaning which extend beyond the local’ (Wilson 1997, 23). The case of ‘war babies’ illustrates this only too well. The challenge to advocates for the rights and welfare of ‘war babies’ is to transform the questions about ‘war babies’ rights into concrete political struggles; to ask questions about rights that make claims for power on ‘war babies’ behalf, or that create the conditions for ‘war babies’ to do so for themselves in time.

A ‘war babies’ lens underlines the urgency of building human rights cultures in which complexly conceived children are centrally respected and involved. To do so we would need to know what war has done to them. And not just in terms of the physical and psychological damage to children over generations, but the damage war has done to the space in which it is possible to imagine children at all. When 2- and 3-year-olds are raped during war in the Congo and UN peacekeepers stand by out of fear for their own safety (Goodwin 2004), a remarkable inversion, subversion, and perversion of the ‘proper’ roles of children and adults has taken place – one that makes patriarchy and militarism, and perhaps even the politics of ‘protection,’ finally irrelevant to solving

²⁸ A gender approach should be understood not just as involving women’s issues, as Sultan Barakat (2002) argues is currently the case in Afghanistan, but ‘the relationships between women and men in family, community, work and education’ (Barakat 2002, 810).

²⁹ As Debra L. DeLaet (2005) shows the concept truth and the practice of truth-telling in transitional societies are not gender-neutral either.

violent conflict. Similarly, while the children born of war-time rape lead us down many competing and contradictory roads, they at least offer us this same assurance – ‘something new’ is long overdue.

An image of the militarized child, particularly one conceived through sexual torture, performs a powerful reminder of what is at stake when wars begin, and leads to a final conclusion about human rights culture. The development of a sustainable human rights culture entails a demilitarization that is much more thorough than the demobilization and reintegration of combatants. It entails a demilitarization of culture and values and a transformation at the interface of gender and lived experience, where relationships between men and women are constructed, and where family and child-rearing practices and children’s rights are located, that transforms attitudes and predilections to war. It also involves a transformation at the international level where so much lip-service is paid to children’s rights, participatory processes, and gender lenses³⁰ and so much expenditure laid on wars and militarized solutions to war.

³⁰ The historic UN Resolution 1325 on gender-mainstreaming and attention to gender-based violence has yet to be adequately implemented in programmatic ways which requires political commitment and funding.

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