

**THE JUSTICE AND RECONCILIATION PROJECT: FIELD NOTES**

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## Young Mothers, Marriage, and Reintegration in Northern Uganda: Considerations for the Juba Peace Talks

### INTRODUCTION

This issue of *Field Notes* focuses on young mothers who have returned from the captivity of the Lord's Resistance Army (LRA). Mothers are a social group that has not figured widely in the justice, reintegration or reconciliation debate in northern Uganda.<sup>1</sup> Yet a number of justice related concerns were raised by young mothers during the course of JRP research,<sup>2</sup> suggesting the urgent need for a more forward-thinking approach at the Juba Peace Talks.

First, marriage is the most important socio-economic institution of support for mothers and children. However, cultural taboos regarding a young mother's time in the 'bush' has made marriage on return difficult, leaving some vulnerable to exploitation. For example, some resorted to working as laborers in controversial government-sponsored agricultural programs headed by former LRA high commanders; thus exposing the young mothers to coercion and hardship, and reproducing old 'bush' ideologies.<sup>3</sup>

<sup>1</sup> Most major works on justice in northern Uganda tend to be gender neutral or blind. For instance see Allen, T. *Trial Justice: The ICC and the LRA*. Zed Books, 2006; L. Hovil and J. Quinn. *Peace First, Justice Later: Traditional Justice in Acholi*. Refugee Law Project, 2005; ITCJ and HRC, *Forgotten Voices: A Population Based Survey on Peace and Justice in Northern Uganda*, 2005. One exception is D. Mazurana and S. Mackay. *Where are the Girls?*, Canada International Center for Human Rights and Democratic Development. 2004.

<sup>2</sup> See Annex A for the interview and methodology.

<sup>3</sup> One such project, the Labora farm, was reorganized to protect young mothers after NGO lobbying.

Second, there is also a question of reunion with former LRA combatants, whom young mothers were forced to marry. In 2005, a number of high level commanders returned to Uganda in large groups and began searching for the women they had forced to be their 'wives' in the 'bush' with the expectation of rejoining them. Others were instantly reunited in army barracks where the commanders were being 'debriefed.' When pushed on the unethical nature of these reunions, some army officials harshly told critics they were spoiling the amnesty process and stood in the way of 'peacemaking'. The need to uphold the ideals of the Amnesty Act and to cull home commanders considering defection placed in jeopardy the right of victims. Indeed, an overwhelming desire to end the conflict has persuaded many to 'look the other way' and fall into silence.

For instance, it is well known in Gulu Town that a former high ranking commander is living with an underage girl who was abducted at the age of 12 and served as his 'wife' while in captivity. By law, this is statutory rape, violating the terms of the Amnesty Act. However, the status of former commanders in Gulu Town has meant this and similar types of situations have gone without remark in public forums.

Third, there is also the question of children born in captivity and their identities. Young mother's often felt the identity of their children, and where they belonged, was one of the most pressing issues they face in reintegrating.

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However, there is speculation that other farms still continue to exist.

The current Juba peace talks and negotiations between the Government of Uganda (GoU) and LRA present an opportunity to begin to debate these ongoing challenges to reintegration for young mothers and to establish protocols and laws on how to protect the rights of mothers.<sup>4</sup>

To stimulate this discussion, the *Field Note* focuses on the following questions: a) What are the cultural norms, beliefs and practices around marriage in Acholi-land, and how have these been affected by the conflict?; b) What implications have abduction, forced soldiering and forced marriage had on the practice of marriage for young mothers who are no longer in captivity?; c) What are the possible justice and reconciliation issues policy makers need to be aware of and address in the current peace process?

## SUMMARY OF FINDINGS

- The institution of marriage was once highly respected in Acholi, maintaining strict codes of social and sexual behavior. While cultural beliefs on marriage continue to be held, most can no longer be practiced in the context of conflict, displacement, and poverty. The number of forced marriages, ‘elopements’<sup>5</sup>, and divorce appear to be much higher than in the past.
- Over 90 percent of girls and young women abducted by the LRA in our sample were forced into marriage. Of these, at least 73 percent continued to fight as soldiers even if ‘married’. Findings showed that ‘marriage’ in the ‘bush’ provided some protection within the LRA by extending to women certain privileges based upon the rank of one’s ‘bush husband’. However, it was also the site of

violence for girls and women, who were raped, beaten and tortured for breaking sexual and domestic codes of conduct in the LRA.

- Just over half of young mothers returning from captivity choose to remain single, and struggle to make economic ends meet. Another 37 percent choose to remarry, although marriages to non-abducted persons tend not to last due to stigma related to time spent in captivity and social pressure on new husbands to force their wives out.
- Approximately 59 percent of young mothers have knowledge that their ‘bush husbands’ are still alive and at large. Ninety seven percent stated that they are uninterested in reuniting with former LRA ‘husbands’.
- Although the majority of young mothers interviewed were aware of Amnesty, traditional rituals for reconciliation and prayer ceremonies (and have benefited from at least one of them), 94 percent felt no justice has been realized in relation to their experiences.
- A central recommendation is to ensure that cultural and religious leaders and legal practitioners address the rights of young mothers and their children within the context of agenda item 3 (Reconciliation and Accountability) of the Juba Peace Talks.<sup>6</sup>
- Other recommendations include: the need to create protection mechanisms to ensure forced reunion does not occur in peace time; create an initiative/system to identify the lineage of children; and to devise a compensation fund for all young mothers to help them cope with raising children on their own.

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<sup>4</sup> This *Field Note* does not explicitly address justice issues surrounding the occurrence of sexual and gender based violence against women and girls, an issue that is deserving of its own investigation and which is therefore the topic of a separate, future JRP *Field Note*.

<sup>5</sup> Elopement generally involves a young man and woman living together without the blessing of the families involved, without payment of bride price or ceremony. Some couples may relocate to a neighboring region to avoid pressure of families to separate.

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<sup>6</sup> While cultural and religious leaders from northern Uganda and south Sudan have both presented preliminary papers on this topic, neither addressed the question of young mothers. Discussions on agenda item three had not yet commenced at the time of writing this *Field Note*.

## THE CHANGING INSTITUTION OF MARRIAGE

*There is a new conflict that has broken out in the family, one of the institutions that used to be more stable in most communities in northern Uganda, where divorce was rare and children were well protected and nurtured by their parents, grandparents, elder brothers and sisters, uncles and aunts. Every time I find a child telling me: "I don't know my father, my mother lives with another man who does not want me, so I stay with my granny," I feel it is like a bomb blast in the middle of the night.<sup>7</sup>*

The status of the institution of marriage is not always considered a pressing protection or development issue. Yet marriage is the primary unit of individual social and economic security, upon which families, communities and nations depend.

In traditional Acholi settings, courtship was a process of verifying the health (physical and spiritual) of one's spouse. The extended family actively investigated the background of one's suitor. A boy would move into a 'bachelor's hut' at a young age, and begin his search for a partner he admired. He might meet with the young girl in public places where he would try to persuade her of his good intentions; a girl would often act coy, repeatedly refusing his offer in order to protect her reputation of being an 'upstanding' young woman. Several encounters were therefore expected in the process leading to consent by the girl when she offered the boy an engagement bead or bracelet.

Acholi marriage laws involve the payment of a bride price<sup>8</sup> to the family of the bride. Upon payment, she becomes a part of the new clan she has married into, leaving her family home forever. Bride price is paid to acknowledge the effort parents undertook in raising her properly, and is given to the brother of the young bride to keep for his own marriage.

<sup>7</sup> Father Carlos Rodriguez, *War will continue in people's hearts*. The Weekly Observer. August 10<sup>th</sup>-16<sup>th</sup> 2006.

<sup>8</sup> Bride price traditionally consists of ten or more cows and other agreed to items; more recently, it is paid for in cash, the value depending on the status of the woman (if she is educated or not).

A good wife is one that 'respects' her husband and in-laws, is 'hardworking', and raises daughters to be good wives. A good husband, on the other hand, is one that meets the needs of his immediate and extended family well. He pays 'respect' to his family by contributing productively.

Acholi traditional institutions have bi-laws which reproduce the norms and practices of marriage, including laws relating to elopement, bride price, marriage, child custody, divorce and widowhood. Customary clan laws governing appropriate relationships between husband and wife exist and continue to be practiced in camps. For instance, should a quarrel between couples result in the eating of ash, chasing one from the home, or the throwing of money, food or pots at each other, it is considered an abomination (*kiir*) to the ancestors and curse to the family. Elders become active in smoothing over differences and reconciling the couple, followed by rituals to appease ancestors and chase away any misfortune that might follow.<sup>9</sup>

Divorce was considered to be rare in Acholi, but the grounds for divorce reveal certain expectations of women that are relevant to date. A man would be considered justified in divorcing his wife if she failed to give birth<sup>10</sup>, practiced prostitution or witchcraft, or was possessed by demons.

The primary role of women is to reproduce children and to remain respectable, with high social morals, and to be considered spiritually clean. Lack of respect was cited as a main reason for divorce: 'A man was considered supreme in his home and his decision was not questionable.' Should divorce occur, it was expected that bride price would be returned. These norms and

<sup>9</sup> JRP works with committees of elders, youth and women in camps who document acts of *kiir*, rituals, conflicts and cultural recourses in camp settings on an on-going basis. A draft of these is available at Gulu District NGO Forum.

<sup>10</sup> This situation does not always culminate into divorce. Usually if she is a 'good woman', the man often will be expected to maintain her but look for another wife who can give birth to children

expectations make marriage for young mothers returning from the LRA more difficult.

At the same time, within the current context of mass internal displacement, traditional practices relating to marriage have been gravely affected. As extended families are displaced to different areas and no longer live in the same compounds, they no longer play active roles in 'background checks'. Although a commonly held view was that bride price was necessary to officiate a marriage (to make it 'proper'), extreme poverty has meant few are able to afford it.

In some cases this has led to consensual 'elopement', where men and women may take up living together, without an official ceremony or payment of bride price. In extreme cases, young men resort to violence to force girls into marriage, including rape.<sup>11</sup>

Out of respect, by tradition adolescent girls and boys leave the parents' hut at night to sleep in separate huts. This tradition continues in camps, but the close proximity of families to each other means increased vulnerability of girls who are often unsupervised at night. Girls might be forced into or chose to engage in sexual relations: parents reported that their daughters often 'go' with UPDF soldiers who have relatively more to offer them than can be provided at home. Conversely, it was reported that some parents have begun to view girls and young women as a potential source of income: the bride price in camps has been driven to a high of more than 400.00 USD (Ushs. 800,000/=).

*Courtship today is like robbery; a boy could organize with other boys and kidnap a girl and take her to their home. Boys here in the camp kidnap and abuse girls and due to fear of shame if the issue is discovered, the girls even keep quiet.<sup>12</sup>*

Meanwhile, the vast majority of girls and women tend to remain silent if raped, which illustrates the continued importance of traditional cultural norms

<sup>11</sup> Raised in focus group discussions with Elders and with youth in all four districts.

<sup>12</sup> Focus Group Discussion with Elders at Kalongo camp, Pader District, 17 August 2006.

on gender relations, sex, and marriage. In the case of rape, culturally the woman will be considered to be 'unclean', rather than the perpetrator. In fact, if rape is discovered, the girls will be considered to have been 'spoiled' and 'unsuitable' for marriage.<sup>13</sup>

In summary, the breakdown of marriage in Acholi stems from forced displacement and extreme poverty due to the conflict. Due to the breakdown of traditional family protection mechanisms such as courtship practices, violence against women has increased. In the meantime, expectations about the roles of women and men in marriage continue, even if people are no longer able to practice or fulfill these roles.

### **ABDUCTION AND FORCED MARRIAGE IN THE 'BUSH'**

*"I used to fight with a baby on my back."<sup>14</sup>*

The majority of young mothers in our sample were abducted when they were adolescents and 69 percent spent between 5-8 years in captivity.

All young mothers in the sample reported they had learned to use a gun, or at one point carried a gun. Seventy three percent described themselves as soldiers as well as 'housewives', who had fought in either offensive or defensive battles against the UPDF, or participated in raids against civilians and in a few cases, committed atrocities against civilians.<sup>15</sup> When asked what differences existed between their roles and that of boys or men, they reported that the division of labor and privileges was afforded based on marital status, gender, and military rank.

Married women could achieve a position of authority vis-à-vis lower ranking and unmarried

<sup>13</sup> See also UNICEF. *Suffering in Silence: A Study of Sexual and Gender-based Violence*. 2005.

<sup>14</sup> Interview with young mother, Kalongo IDP camp, Pader District, ND April 2006.

<sup>15</sup> This confirms the finding by Dyan Mazurana and Susan MacKay that contrary to popular assumption, girls in the LRA were also soldiers as well as sexual slaves or 'wives' in *Where are the Girls*, 2004.

boys or men, who were responsible not only for military operations but also domestic labor for themselves and the group at large. Unmarried boys and girls were responsible for the heaviest and most dangerous workloads such as carrying supplies or moving at the front of a military deployment in battle.

Men were refused sexual relations outside their assigned 'wives', and ability to 'take' a 'wife' was forbidden until they had achieved a specific rank, usually after several years of combat and proving a loyalty to the LRA. Young boys and premenstrual girls acted as *ting-ting*, caregivers to young children. Following menstruation, young girls or women were immediately forced into marriage.<sup>16</sup>

Of the 147 young mothers in our study, 97 percent stated they were forced into marriage and to have sex against their will. If they resisted they were beaten, tortured, and threatened with death.

*I stayed for long in the bush without being given to a man. I think for a period of about five years. Then one day I was shown the man who had been chosen for me as my husband. I rejected him. I was heavily beaten until I had to accept him.<sup>17</sup>*

*There was a brief ceremony in which all the girls were gathered together and then the men were ordered to pick the girls they wanted.<sup>18</sup>*

*After abduction, all the ladies in our brigade were selected and ordered to strip. A man then came and sprinkled water on our heads, chest, fingers, and legs. We were then anointed with shea nut oil. After that we were considered to be pure enough and we were given away to men. Some of the girls refused and they were immediately killed. I accepted because I did not want to die.<sup>19</sup>*

<sup>16</sup> In traditional Acholi culture, pre-menstrual sex is considered a grave taboo that could result in death, infertility, or sickness.

<sup>17</sup> Interview with young mother, Omiyanyima, Kitgum District. 25 August 2006.

<sup>18</sup> Interview with young mother, Omiyanyima, Kitgum District 25 August 2006.

<sup>19</sup> Interview with young mother, Oryang Camp, Kitgum District, 25 August 2006.

*Immediately after choosing me he demanded for sex. I refused. He beat me brutally with a stick, but I still resisted him. Then he heated a Panga, and asked me if I would still resist. I resisted. He then tortured me with the Panga, which was now red hot from the fire. I lost consciousness. I woke up in the morning and realized that they had been taking care of me in his hut. I recovered after a while, and before I was even strong enough to walk, he made his demand again. I was too weak to resist this time. He forced me into sex, and from then on I resisted no more.<sup>20</sup>*

Commanders had first choice of which girls they wanted. At times young girls were specifically reserved for members of the high command. Otherwise, girls were assigned to men of different ranks according to the brigade or group they were with. The study showed that 47 percent of men had between one to three women<sup>21</sup>, and 41 percent had between one to three children.<sup>22</sup>

The LRA has strict taboos on sex and sexual relations in the LRA. Having sex during banned periods such as wartime or religious days is punishable by death. Courtship and adultery can also be punishable by death. Women had one reprieve from domestic work: she was forbidden from interacting with others or touching food during menstruation. Sex during menstruation was also forbidden.

During Operation Iron Fist (I and II, 2001-2006) thousands of women and children were released by the LRA or escaped captivity. The vast majority return to camp settings.

<sup>20</sup> Interview with young mother, Kitgum Matidi IDP camp, Kitgum District, ND August 2006.

<sup>21</sup> In interviews with young mothers, they were asked the number of co-wives a commander had; 47 percent stated 1-3; 21 percent had 4-6 wives; and, 32 percent had 7 and above wives.

<sup>22</sup> The interviews with young mothers found that 41 percent had between 1-3 children; 21 percent had between 4-6 children; and, 32 percent had 7 children or more.

## THE QUESTION OF REUNION ON RETURN FROM THE 'BUSH'

Only 3 percent of the young mothers in the sample returned with their 'bush husband' and remained with him after return. The majority interviewed stated they had no intentions of reuniting with their former 'bush husbands'. However, a few expressed the willingness to reunite for the following reasons: they already had their children and felt they should stay together; they felt they had no other choice; and, some stated that they have developed love for the husbands.

Most young mothers acknowledged the role their parents could play in reunion with former spouses. They said they would consider their parents' advice when it comes to deciding whether or not to reunite with their spouses. A majority of these respondents were younger mothers who greatly depend on their parents for economic support of their children and themselves.

For many young mothers, their parents' decision often hinges on whether or not the returning 'husband' can pay a bride price. In cases where parents do not approve of their reunion against the wishes of the woman, she has either fled the home or lives on bad terms with them.

*'Miriam', 17, left home and went back to the World Vision rehabilitation centre in Kalongo because her disabled mother Juliana refused her to reunite with her former LRA husband who was unable to pay bride price. In Miriam's view, her husband could provide a source of economic security to her and her child. Her uncle quoted her as saying, "we used to eat a variety of food from the bush. [Here]...we are always feeding on "a lot" (boiled greens). This is all because my relatives denied him to take me. We surely need a man in a home to provide.'<sup>23</sup> Miriam's view seems to highlight the fact that some of the young mothers who come home and join their poor parents may seek remarriage with their spouses who might provide for them and their children.*

Findings showed that 6 percent of the young mothers in the sample reported they were married prior to abduction. Of these, only 33 percent

<sup>23</sup> Interview with young mother, Kalongo IDP camp, Pader District, 18 August 2006.

reunited with the husbands they had prior to abduction. In the remaining 67 percent of cases, the woman was commonly rejected and considered 'unclean' or shamed for bringing home new 'bush' children. In such cases, the man's family has demanded repayment of bride price, as demanded by customary law.

For men who returned from captivity but were married prior, if they had been absent for a long period of time, they often returned to learn their wives had remarried out of economic and social necessity, particularly when they thought their husband had died in captivity.

*A young man was abducted from Wol. He did not return until 9 years later to learn his wife had remarried and moved their two children to Kalongo camp. He began to demand for his wife back, threatening to kill the new husband and his wife. 'I love her' he said. His clan brother intervened and calmed his brother, promising to help raise the money for a new bride.*

Abduction of married men has had a negative impact on their families as their wives have to carry the burden of providing for their families on their own. The family and clan systems in the camps do not have the resources to cater for the children who are left behind by their fathers. Therefore, pressure to remarry is high for women seeking economic security in a new clan.

## RETURN, REINTEGRATION AND NEW MARRIAGES

Findings demonstrate that 36 percent of young mothers have remarried or live in cohabitation with a man since returning from the 'bush'. According to interviews with formerly abducted men and women, as well as with officials at rehabilitation centres, while marriage between a formerly abducted person and a person within the community (the never abducted) does occur, it rarely results in a sustainable union. Three major reasons were given.

First, and in accordance with Acholi culture, the once abducted person is considered to come from

a 'poor background', having participated (willingly or not) in fighting and massacre of civilians while with the LRA. Indeed, the potential new wife is deemed to be spiritually 'unclean' and marriage with such a person could result in misfortunes and illness within their families. Consequently, social pressure from family, relatives, or friends often leads a spouse to abandon his new partner. Some young mothers are forced to leave when their in-laws virtually torture them or their children, while telling them they are a curse to the clan.

The majority of respondents argued that at least on one occasion since their return, they have been accused of having *cen* (evil spirit). In focus group discussions held with non-abducted Acholi youth, they argued formerly abducted youth are to be feared and rejected on the assumption that they have *cen*. As one explained, "You may hear them saying that leave that man alone, he has a strange character [he has *cen*], you better be careful with him."<sup>24</sup>

Acholi clans believe that *cen* affecting persons from the 'bush' can lead them to behave in violent and irrational manners: "You are from the bush, you are sick, you want to kill my brother. I do not want a rebel for a sister-in-law."<sup>25</sup> In turn, this fear often creates family pressure on sons and daughters to leave their partners.

*When I returned home, I got a man from within the camp here. He was loving and caring initially. Unfortunately he deserted me on the advice of his friend. He used to complain that I shouted at night, and had bad dreams in which I used to call the names of different people he did not know. I think he worried that one day I would hurt him, since I had been in the bush.*<sup>26</sup>

Focus group discussions and interviews with social workers revealed that isolated cases of

<sup>24</sup> Young man returned from captivity, during a focus group discussion on relationships in the camp, Potogali camp, 17 August 2006.

<sup>25</sup> Interview with young mother, 27, once 'married' to one of the LRA High Command, Palabek Kal, IDP Camp, Kitgum District, 20 August 2006.

<sup>26</sup> Interview with young mother, 20, Kitgum Matidi IDP Camp, Kitgum District, 15 August 2006.

violence do occur, including in the process of courtship. One youth stated that young men who had returned from the LRA 'do not want courtship to delay [and] if a boy wants you and you refuse, they can even 'beat you up'...they want things to happen very fast the way it used to happen in the bush."<sup>27</sup> Respondents also reported that the in-laws of new husbands also feared that their 'rebel husbands', if still alive in the 'bush', might pose future threats to the family: "I have trouble with [my husband's] aunt...she says one day the rebel father of the children will come back and cause trouble for them all."<sup>28</sup>

A second reason why the marriages rarely result in sustainable unions is simply that spouses who had never experienced abduction or life in the 'bush' are unable to empathize or relate with those who did.<sup>29</sup> Sharing similar experiences in the 'bush' makes marriage between the formerly abducted socially easier. For example, many formerly abducted women and men argued their peer groups in camp settings consisted of other former LRA. In Kalongo, it was noted that one 'returnee' group continued to reinforce LRA hierarchical structures. For example, LRA ranks were noted and reinforced, and those that had senior ranks were treated with more respect and acted as the group leader. It has also been observed that formerly abducted youth will often visit previous commanders of their units when they are released, and pay respect to them if moving in the same social space.<sup>30</sup>

A third reason cited as leading to the failure of a new marriage to a 'never abducted' person is the status of children. Respondents argued that their children born in the 'bush' were discriminated against in their new families, and often considered

<sup>27</sup> Focus group discussion with 10 young women, Koch Goma IDP Camp, Gulu Camp, 17 August 2006.

<sup>28</sup> Interview with a 25 year old woman returned from 7 years in captivity, Palabek-Kal, IDP Camp, Kitgum District, 18 August 2006.

<sup>29</sup> This observation was made by formerly abducted persons in interviews, but also caregivers and Elders interviewed.

<sup>30</sup> More investigation in this area is required, as it may provide insights into the challenges of the reintegration process.

an economic burden or a threat that could potentially bring *cen* into the family.

Children born in the ‘bush’ are sometimes viewed by the community to be a source of misfortune, such as bringing illness into the home. As illnesses require relatively expensive medical treatment, they are considered a drain to the family’s economic resources.

Being unable to conceive, miscarriages, or the sudden death of infants is also blamed on *cen* ‘got in the bush’ and is thus considered by the clan to be a legitimate reason to ‘chase’ a woman from the home.<sup>31</sup> Some respondents abandoned their children or left them with other family members rather than bring them into a new clan that does not welcome them.<sup>32</sup>

However, women do not always choose men and marriage over their children, and in fact, some choose to remain single: “Men have come telling me that they love me and asking for my hand in marriage. I have resisted because there will be no one to take care of my children, my parents are now aged.”<sup>33</sup> Nonetheless, women who remain single because they want their ‘bush’ children to be treated fairly are often trapped in difficult dilemma: on the one hand, if they choose marriage, their children will be rejected and stigmatized, on the other hand, if they remain single they have difficulties raising the child on their own and with little economic and social support.

Close to 55 percent of those in the study chose to remain or are single. Reasons for this included: the need to protect their children, their desire to first finish their education or vocational training, that they were waiting for their ‘bush husbands’ to

<sup>31</sup> Interview with young mother, 25, Palabek Kal IDP Camp, Kitgum District, 22 August 2006.

<sup>32</sup> This observation of JRP team is based on collective interviews with young mothers, and interviews with Arach Grace, CARITAS, Kitgum, 18 August 2006. The JRP team has observed that if formerly abducted youth who return home and discover one of their parents has remarried, they are sometimes forced from the home or refused entry by the step-parent.

<sup>33</sup> Interview with young mother, 20, Kitgum Matidi IDP Camp, Kitgum District, 25 August 2006.

return home (eight percent stated they intended to reunite with their former spouse) or finally, that they had experienced too much trauma to consider marriage with anyone.

## JUSTICE, ACCOUNTABILITY AND RECONCILIATION

*The higher level commanders who returned back from the bush have mostly avoided responsibility.*<sup>34</sup>

One of the most pressing policy issues in northern Uganda now, and even more so should peace prevail, will be the question of re-union with former spouses. Despite this, a gendered perspective and analysis has often been excluded from the current debates on justice in Uganda.

While the vast majority of young mothers interviewed in this survey did not wish to reunite with their husbands, it is important to note that 59 percent of their ‘bush husbands’ are still alive, but have not yet returned. Moreover, findings revealed that some men send their families to meet with young mothers in rehabilitation centres or in camps. In other cases, the ‘bush husband’ will release their ‘wives’ with instructions to go and meet his family to judge how they and the community will receive them, if they chose to return.<sup>35</sup> Some made inquiries into the family background of the girl, as a first step in the process leading to formal marriage.

If LRA commanders return, it is likely some may attempt to force their wives to stay with them or come in search of their former wives and children in camps and rehabilitation centres. At the very least, policy makers, cultural and religious leaders need to make clear what choices and rights these young women are entitled to.

<sup>34</sup> Comment during Focus Group Discussion with Elders, Anaka IDP camp, 25 April 2006.

<sup>35</sup> For more on this, please refer to: Quaker Peace and Social Witness and Resource Conciliation, *Coming Home, Understanding Why Commanders of the Lord’s Resistance Army Choose to Return to Civilian Life*, May 2006.



It is critical that protocols or laws be laid out in the peace agreement between the LRA and GoU that ensures that any process of reunion is transparent, voluntary, and agreed upon by all parties involved. To ensure this, it will require increasing security around rehabilitation centres where 'bush husbands' will initially go and search for their 'wives' and children. In addition, a more serious and challenging task will require protection of young mothers in camp settings.

The security and protection of young mothers cannot be guaranteed from a traditional military or police approach. Given the sensitivity of these issues, it may require a referral and counseling system where young mothers could report for assistance. These types of structures and systems can be built into the newly emerging human rights programmes, projects, and centres being implemented in the north.<sup>36</sup> Alternatively, traditional means of resolving conflict through elder women and men could be adapted to such cases, with sensitization.

Additionally, commanders returning home might also be taught about the rights of young mothers and their obligations under the Amnesty Law. At the very least, provisions forbidding them from reuniting with under-age girls should be built into the law and enforced by the Government of Uganda. While it appears as if the Acholi are willing to accept peace, almost at any expense, the delicate peace that is being created will not be sustainable if these types of incidents continue.

While cultural by-laws exist on forced marriage, these have not been articulated well in the context of abduction and forced marriage during the war. In other words, no system for accountability exists in cultural by-laws that are appropriate to this situation.

### **Children**

Another major challenge arises with respect to children born in the 'bush'. While it has been

<sup>36</sup> In contrast with other post war settings, there is a surprising lack of women's centres in northern Uganda. Given the nature of the war, this is another important area that deserves further research and attention.

observed that the majority of mothers embrace these children with love and care, they also struggle to provide for them. Mothers in the survey noted that former commanders have refused any economic and social responsibility for their 'wives' or their children. While the majority of 'wives' are not bothered by this situation, others stated that they should provide assistance to these children.

The paternal identity of children is another challenge and source of stigma for these young mothers. Some mothers never learned the true identity of the man who fathered their children, as their 'husband' may have concealed this information and has since died, or he remained in the bush. In the 'bush', most 'husbands' do not use their true name but an alias. In addition, many 'husbands' refused to reveal which part of the region they came from, thus making them untraceable. Consequently, this has become a source of stigma for children, and some mothers reported their children are called names by their peers, in schools or in the communities for lack of identity.

*According to 'Jennifer' who lives with another man, her children once questioned her the whereabouts of their father when it appeared to them that the man whom they regarded as a father was not caring and constantly harassing them while drunk. Her husband said he did not want her and the children because they were rebels. "Today when they insist on the whereabouts of their father I burst into tears and they all join me crying."<sup>37</sup>*

The identity of children becomes an important legal issue when one considers that land is passed through the paternal clan. "Sometimes when they get to know that I am a returnee, they say 'where will the children of the young mothers coming from the bush and have no land in this camp will stay? Their mothers cannot also get men to marry them.' They sometimes ask me where I will put my children."

<sup>37</sup> Interview with young mother, Amuru IDP camp, Gulu District, 26 April 2006.

## AMNESTY LAW AND TRADITIONAL CEREMONIES

Under the Amnesty Act a legal pardon is offered to former LRA combatants, which is accompanied by a very basic reinsertion package. These provisions have, arguably, been a good means to encourage people to come out of the ‘bush’ as they provide a way for ex-combatants to return without fear of retribution. Our findings showed that 78 percent of young mothers in the sample were aware of Amnesty packages, but had little to no knowledge of Amnesty as a mechanism of reconciliation. Many were bitter about not receiving the Amnesty package. In particular, the lack of Amnesty Commissioners in Kitgum and Pader Districts has made it difficult for young mothers in this region to access this resource. It is also important to note that the Amnesty packages are sometimes viewed by community members as a ‘reward’ to abducted persons, generating resentment and leading to stigma.

Regardless of these challenges, civil society in northern Uganda has touted Amnesty as a highly desirable alternative to the military campaign, and is vocally in favour of GoU’s extension of the amnesty to the indicted in the current peace talks.<sup>38</sup> By contrast, the International Criminal Court (ICC) has been accused of imposing a ‘Western’ (retributive) form of justice, and of jeopardizing the current peace talks. In fact, traditional justice, which is restorative, is often touted as the preferable alternative to the ICC.

In theory, the Amnesty Act is supposed to support and complement traditional ceremonies. In practice, the Commission has done very little to support traditional reconciliation practices in camps outside of attending ceremonies as witnesses.

As documented previously<sup>39</sup> cultural leaders have revived traditional rituals to ‘welcome home’

<sup>38</sup> On August 2006 President Museveni announced the extension of Amnesty to the LRA top commanders indicted by ICC in favour of the on-going peace talks in Juba.

<sup>39</sup> Liu Institute, GDNF and KKA. *Roco Wat I Acoli: Restoring Relationships in Acholi-land*, 2005.

returnees and, in some cases, cleanse them of abnormal behaviours, which are believed to be the result of the terrible acts encountered or committed in the ‘bush’. For many returnees, these rituals have had a positive therapeutic effect, especially if the returnee is knowledgeable about the process and underpinnings of the ritual.<sup>40</sup>

For example, at the family and communal level, many continue to practice *nyono tongweno* (stepping on an egg ceremony) as a means of initially cleansing someone who had stayed away from home for a long period of time, and officially welcoming them back into the family.

Ker Kwaro Acholi (KKA) does not have any particular ritual to cleanse a young mother who conceived and/or had children from the ‘bush’ but rather believes that rituals like ‘stepping of an egg’ (*nyono tongweno*), ‘cleansing of the body’ (*moyo kum*), blessings by elders (*goyo laa*, or *goyo ayoo*)<sup>41</sup> are sufficient. The majority of young mothers interviewed revealed that they participated in these rituals to cleanse themselves once they return home. These ceremonies are generally supported by parents, grandparents, and elders within a clan, and occasionally the clan chief.

*They carried out a cleansing ceremony called ‘Wero Kulu’ when I came back. It was intended to cleanse me of acts of having sex under big trees, stepping on dead*

<sup>40</sup> Most commonly, returnees that have undergone these cultural ceremonies are reported to be more accepted within their families and communities and express an appreciation for being officially ‘welcomed’ back to their communities, where they can once again contribute to the overall well-being of their community. For more on this refer to *Roco Wat I Acoli*.

<sup>41</sup> **Nyono tong gweno** (stepping on the egg) to welcome family members who have been away at communal and at family levels aimed at re-uniting returnees with their families and communities as well as to formally welcome them home.

**Moyo Kom** (cleansing of the body) is a process of cleansing a person of criminal and cultural ill deeds that has been adapted by persons who spent time in captivity and help restore family unity.

**Goyo laa or goyo ayoo:** Blessings by an Elder or Elders using saliva or water, which is typically spit on the chest or palm of a person.

*bodies, human bones and son. Before the ritual the 'jok' used to come in my child and haunted me but now I have improved.*<sup>42</sup>

Traditional rituals provide young mothers with a sense of relief by cleansing them of *cen* derived from cultural taboos experienced in the 'bush'. In a sense, rituals are a form of reconciliation with oneself and the spirit world which guides moral behavior and social codes of conduct in Acholiland. For young mothers, these rituals are a way to protect their children, whom they fear will inherit *cen* from their 'bush' experiences.

Despite some of the positive therapeutic effects, these cleansing ceremonies are not a form of 'justice' in the sense of accountability. Nor are the amnesty or religious ceremonies, which preach forgiveness.

In fact, in the survey, none of the mothers stated that they had realized justice. Some were angered by this, as one mother stated: 'No form of justice offered will be equal to the suffering that I went through. I am bitter with the government for their failure to protect young people and children from the hands of the LRA. If the army had been serious enough I would not have fallen into the hands of the LRA.'<sup>43</sup> Others felt justice was beyond their reach: "there is nothing that can be done at the moment to make me feel that justice has been done. I still have a lot of problems and burden of taking care of my children."<sup>44</sup>

In short, for young mothers who were tortured and raped in the bush, justice appears to be elusive. While international law protects their rights from rape, sexual slavery and forced pregnancy,<sup>45</sup> in reality, it is unlikely any will realize justice through national legal recourse. Nor will most participate in any form of an international justice

<sup>42</sup> Interview with a young mother, at Koch Goma IDP camp, Gulu District, 17 August 2006,

<sup>43</sup> Interview with a young mother, 20, Padibe IDP camp, Pader District, ND August 2006.

<sup>44</sup> Interview with a young mother with three children she got from captivity. August 2006, Palabek kal.

<sup>45</sup> See Articles 8 (2) (b) (xxii) 1-5, 8 (e) (vi) and 7 (1) g of the Rome Statute of the International Criminal Court.

process should the ICC's cases come to trial and even so, the responsibilities of the Ugandan Army are not clear. Some of the justice issues identified by young mothers in this *Field Note* do not correspond to international criminal laws, but are found in domestic or customary law, such as child custody or payments in the case of separation. Yet these laws are rarely enforced and compensation payments for forced abduction and pregnancy don't exist in customary law as yet. To this extent, it is not surprising most young mothers were skeptical of future justice or reconciliation prospects.

## CONCLUSIONS AND RECOMMENDATIONS

While practices of marriage may have devastated and destroyed during the course of the war and displacement, belief systems still widely hold within the Acholi population. This makes re-marriage for women and their children returning from the 'bush' difficult. Yet the prospects of also being a young woman raising a child on her own leaves her with few options but to seek out marriage or consider possibilities of other unions that may not be healthy for the family. These realities make all young mothers particularly vulnerable in northern Uganda. For those who were once in captivity, social and spiritual beliefs, as well as cultural beliefs about child identity, make them even more vulnerable to stigmatization and rejection by community members. However, young mothers demonstrate that they have the will to find solutions to protect themselves and their children – be it through cultural cleansing, seeking employment, or marriage arrangements. Cultural leaders and policy makers can assist young mothers in the reintegration process in the following ways, which were identified by young mothers themselves during the workshop with JRP researchers:

1. Peace talks should include ground rules for the reunion of former combatants and women who were forced to be their wives.
2. Commanders returning home should be advised of the rights of young mothers and their obligations under the amnesty law.

Violations of such rights should result in immediate intervention by legal institutions and cultural leaders.

3. Fathers of the children who have returned should be advised and held accountable on the need to take responsibility for the welfare of the children instead of abandoning/neglecting the children.
4. An initiative for family tracing for the children whose father or mother died, returned or is still in the bush should be developed to help resolve the question of the identity of children born in captivity.
5. Traditional leaders need to revise bylaws to facilitate the due process of justice questions raised by young mothers who escaped captivity, but also to strengthen marriage in their communities, including working alongside legal institutions to ensure punishment and reconciliation for rape or forced marriage.
6. The Amnesty Commission should sensitize the community on the tenets of the amnesty given to former combatants and improve accessibility across the region for the returnees.
7. A special compensation fund could be established to assist young mothers and their children. Where it is possible and desirable, elders should assist in individual cases to ensure compensation is made clan to clan. However, this should never be viewed as payment of bride price or *luk* (payment for children). This could be managed by cultural leaders, or under the purview of the Amnesty Commission. The Fund should be extended to include young mothers abandoned by military officers or who are struggling on their own.
8. Leaders need to address not only the needs of young mothers returning from captivity, but also single mothers in general in Acholi. Findings suggest the breakdown of marriage and abandonment of families by women – including by soldiers who live in camps

temporarily – means new legal and cultural law enforcement is required.

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*Field Notes is a series of reports by the JRP. Each issue features a new theme related to Acholi cultural justice practices based on research carried out with war-affected persons in camps. Drawing directly on their experiences and initiatives, results are intended to inform and improve local, national and international policies and programmes on justice and reconciliation. JRP field offices are hosted by the Gulu, Kitgum and Pader District NGO Forums.*

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**ANNEX A**

**Methods**

Research was conducted between April and September 2006 covering Gulu, Amuru, Kitgum and Pader districts. The primary respondents were young mothers who had returned from the LRA. Non-abducted youth and Elders were also interviewed on marriage issues in focus group discussions. Interviews with various stakeholders were also conducted to gather their insights into the process of reintegration for young mothers, including community service departments, local traditional leaders and civil society organization (CSOs).

Forty unstructured interviews with open-ended questions were first conducted to identify general areas of concern. On the basis of this, a structured interview was created and implemented with 147 young mothers from four districts (Gulu, Amuru, Kitgum and Pader). Quantifiable answers were later coded to interpret approximate percentages, with the limitation it is a small representative sample only. Respondents were randomly selected through cluster sampling and snowballing methods. A draft report of findings was verified in a workshop organized by JRP with 30 young mothers on 27 September 2006. The young mothers and JRP team together developed recommendations found in this *Field Note*.

**QUESTIONNAIRE FOR RETURNEES YOUNG MOTHERS**

**SECTION 1: IDENTIFICATION**

Name of Interviewer.....

Date of Interview.....District.....Camp.....

Name..... Age (Year).....Sex.....

Clan.....Date of Abduction.....Date of Return.....

**SECTION 2: SOCIO-DEMOGRAPHIC PROFILE**

Q1. What was your occupation before abduction?.....

Q2. Were you married before abduction?  
 a) Yes (Specify weather bride price was paid or elopement).....  
 b) No

Q3. During captivity, were you given to any man? If yes, explain whether forcefully or by mutual consent?

- Q4. Describe the background of the man you were given to? (Name, rank, still in the bush? killed? number of women, number of children).
- Q5. Have you had contact with the man since you returned from captivity? If yes, explain how?

### SECTION 3: EMERGING TREND & CHALLENGES IN MARRIAGE

- Q6. What were your major roles while in captivity from the time you were already with your “husband”? (Wife, porter, commander etc Explain!) Were the roles different for those who were married?
- Q7. Were you getting any support while in captivity after you were already with your husband? If yes, explain the kind of support?
- Q8. What kind of activities are you engaged in at the moment to earn a living? Explain? What are the challenges you are facing?
- Q9. If you belong to any group in the camp, what is the name of the group and your role as a member?
- Q10. Are you getting any support from any individuals, groups or organization in this community? If yes, explain from which organization and kind of support?
- Q11. Do you intend to reunite with?
- Your former spouse (*Ask only if Q2 is Yes*)
  - Spouse got from captivity? Give reasons for your answer?
- Q12. How do your parents/guardian view your intention expressed in **Q11.** above?
- Q13. While in captivity, were you discriminated against just because your were a lady/woman?
- Q14. How do you relationship with the following people?
- Spouse (**If living available**) (*abusive, loving Arrogant, negligent, etc*)
  - In-laws (*Name calling, call for separation, Chasing, etc*)
  - Parents (*Welcoming, support, name calling etc*)
  - Community (*rejection, supportive, etc*)
  - UPDF (*Arrogant etc*)
- Q15. How do the following treat your child/children?
- Family members/relatives
  - Other people in the community including your neighbors

**SECTION 4: THE CHALLENGE OF JUSTICE IN THE CONTEXT OF  
MARRIAGE, RETURN & REINTEGRATION**

- Q16. What are the traditional and formal measures (by the government) that have been taken to address the problem you experienced that you are aware of? (*Probe for knowledge of justice mechanisms*)
- Q17. Do you have easy access to the forms of measures identified in **Q16.** above?
- Q18. Which form of justice is more effective in your view?  
(*Ask the respondent to compare formal and traditional justice & give reasons for the preference*)
- Q19. Given what was done to you such as abduction, forced marriage, torture etc, do you feel that any justice has been done? Explain how you feel?
- Q20. Where do you report when you have cases that need resolution?
- Q21. Are you always satisfied with the way cases are handled by the system identified in **Q20** above?

**END**