BREAKING THE CYCLE: JUSTICE AND REINTEGRATION FOR CHILDREN BORN OF CONFLICT-RELATED SEXUAL VIOLENCE

ROMPERE GLI SCHEMI: GIUSTIZIA E PROTEZIONE PER I BAMBINI NATI DA STUPRI DURANTE I CONFLITTI ARMATI [(*)]

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Abstract (En) *Children Born of Conflict-Related Sexual Violence (CBCRSV) face unique challenges stemming from the trauma of their conception and social stigma. This article examines issues of legal recognition, psychosocial consequences, and reintegration challenges, focusing on international frameworks such as the International Criminal Court (ICC), the UN Comprehensive Strategy, and Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support, and protection of victims of crime. Case studies from Uganda, Peru, and Kosovo highlight the need for targeted, trauma-informed interventions. Ukraine is urged to recognize CBCRSV as victims, ensuring access to justice, reparations, and psychosocial support. A survivor-centered approach is crucial to breaking the cycle of trauma and exclusion, fostering inclusive post-conflict recovery.*

Abstract **(it)** I bambini nati da violenze sessuali legate ai conflitti (CBCRSV) devono affrontare sfide uniche, a causa del trauma legato al loro concepimento e alla loro nascita, con annesso stigma sociale. Questo articolo affronta le questioni relative al riconoscimento giuridico, alle conseguenze psicosociali e alle sfide di reinserimento dei minori, concentrandosi sulle politiche internazionali, seguite dalla Corte penale internazionale (CPI), dalla Strategia globale delle Nazioni Unite, dalla direttiva 2012/29/UE del Parlamento europeo e del Consiglio, per la tutela normativa delle vittime di reati. Casi di studio relativi agli Stati dell' Uganda, del Perù e del Kosovo evidenziano la necessità di interventi mirati e informati sulla complessa e drammatica vicenda. Anche l'Ucraina è esortata a riconoscere le vittime di CBCRSV come tali, garantendo loro l'accesso alla giustizia, al risarcimento e al sostegno psicosociale. Un approccio incentrato sui sopravvissuti è fondamentale per rompere il ciclo del trauma e dell'esclusione, favorendo una ripresa inclusiva dopo il conflitto.

Keywords: *War-born children, Reintegration, Stigma, Sexual violence, Justice.*
Parole chiave: Bambini nati in guerra, Reinserimento, Stigmatizzazione, Violenza sessuale, Giustizia.

SUMMARY: 1. Introduction. **- 2.** Empowering CBCRSV Through Justice and Support. **- 3.** Children Born of Wartime Rape: Intergenerational Impacts and Recognition. **- 4.**

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1. Introduction

Victims of Conflict-Related Sexual Violence (CRSV) include both individuals and groups who have been subjected to such violence, as well as children born of conflict-related sexual violence. Unfortunately, this category of children is largely overlooked in legal discourse, with their status often being considered only within the broader context of CRSV.

Conflict-related sexual violence occurs in homes, fields, places of detention, military sites, and camps for refugees and displaced persons. It occurs at the height of conflict, during population displacement, and continues after conflict. Acts of sexual violence are committed during attacks on civilian centers or during looting raids[1].

Children born of conflict-related sexual violence (CBCRSV) represent a distinct and vulnerable group within the broader category of victims of CRSV. Born from acts such as rape, sexual slavery, forced prostitution, or forced pregnancy during armed conflicts, these children face unique challenges shaped by the trauma of their conception and compounded by societal stigma and institutional neglect[2]. Despite their specific needs, CBCRSV are often overlooked in legal discourse, their status subsumed under the general framework of CRSV victims. This article examines the legal recognition, physical, psychological, and social impacts, as well as the reintegration challenges faced by CBCRSV, with a focus on international frameworks such as the International Criminal Court (ICC) and the United Nations (UN) Comprehensive Strategy and EU Directive 2012/29/EU, which establishes minimum standards for victims' rights, support, and protection[3].

From a broader theoretical perspective, this discussion may also be situated within the framework of *jus post bellum* and transitional justice. Addressing CBCRSV thus contributes to debates on how post-conflict societies restore legal and moral order after mass atrocities.

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See M. Bastick, K. Grimm, R. Kunz *Sexual Violence in Armed Conflict: Global Overview and Implications for the Security Sector* Centre for the Democratic Control of Armed Forces, Geneva, 2007; S. Lee, H. Glaesmer, *Children Born of War: a critical appraisal of the terminology,* in S. Lee, H. Glaesmer, and B. Stelzl-Marx (eds.) *Children Born of War: Past, Present and Future,* 2021, Abingdon: Routledge, pp.12–34; C. Agino Foussiakda, K. Anderson, L. Pasquero, A.Blavier, *Children Born of Conflict-Related Sexual Violence: A Review of Interdisciplinary Responses to Their Needs and Experiences*, in *Journal of Human Trafficking Enslavement and Conflict-Related Sexual Violence*, 2023, 4(1), pp. 59-82; E. Stachow, *Conflict-Related Sexual Violence: A Review,* in *BMJ Mil Health.* 2020, vol. 166(3, pp.183-186; KA Kyriakides, AK Demetriades *Survivor-Centered Approaches to Conflict-Related Sexual Violence in International Humanitarian and Human Rights Law.*, in *AMA J Ethics. 2*022, vol. 24(6), pp. 495-517.

[2] J. Neenan *Closing the Protection Gap for Children Born of War. Addressing stigmatisation and the intergenerational impact of sexual violence in conflict,* Ceasefire Centre for Civilian Rights and LSE Centre for Women, Peace and Security, London, 2017.

[3]See Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA [2012] OJ L 315/57.

Moreover, the recognition of children born of conflict-related sexual violence (CBCRSV) aligns with contemporary developments in victimology and restorative justice within international criminal law, emphasizing reparation, participation, and reintegration.

The recognition of CBCRSV as a distinct victim category is essential for ensuring their access to justice, reparations, and support services. Their lives are deeply intertwined with the legacy of war, necessitating targeted interventions to integrate them into traumatized communities. By analyzing case studies from Uganda and Peru and drawing on Ukraine's context, this study aims to contribute to a more inclusive and effective approach to supporting CBCRSV.

A distinct category is Children born of wartime rape (CBOWR). They are facing numerous problems tied to their identity, including stigmatisation, marginalisation, and isolation. Mothers often raised them in difficult socio-economic conditions, without any additional support. Therefore, the recent recognition is not only significant for the children themselves but also for their mothers.

2. Empowering CBCRSV Through Justice and Support

Children born of conflict-related sexual violence (CBCRSV) represent a uniquely vulnerable group in post-conflict societies, facing profound challenges that stem from the circumstances of their birth and the enduring legacies of war. These children, often stigmatized and marginalized, navigate complex social, psychological, and legal landscapes that demand targeted interventions to ensure their rights and dignity are upheld. This section explores the multifaceted issues surrounding CBCRSV, drawing on global case studies, legal frameworks, and practical recommendations to advocate for their inclusion and empowerment in post-conflict recovery processes.

Unlike other children affected by armed conflict, CBCRSV face unique challenges tied to their origins, often being labeled as "children of the enemy" or "war babies," which can lead to social exclusion, discrimination, and identity crises[4]. These children are deeply intertwined with the legacy of war, navigating fractured family structures and traumatized communities that may reject them due to their association with perpetrators[5]. The Convention on the Rights of the Child (CRC) provides a normative framework for addressing these challenges, emphasizing principles such as non-discrimination (Article 2), the best interests of the child (Article 3), the right to survival and development (Article 6), and the right to participation (Article 12)[6]. However, the application of these principles to CBCRSV remains inconsistent, leaving significant gaps in protection and support. For instance, the failure to recognize

[4] K. Theidon, *Hidden in Plain Sight: Children Born of Wartime Sexual Violence* in *Current Anthropology*, 2015, vol. 56, Supplement 12, online; M. Denon, *Children born of wartime rape: The intergenerational realities of sexual violence and abuse,* in *Ethics Medicine and Public Health,* 2014, vol.1(1), online.

[5] E. Apio, *Uganda's forgotten children of war,* in R. C. Carpenter, *(eds.) Born of war: protecting children of sexual violence survivors in conflict zones*, Bloomfield, 2007, p. 94–108. See also *Remarks for CSW69 Side-Event: The Forgotten Victims: Addressing CRSV and Children Born of Wartime Rape*, 13 March 2025, New York.

[6] UNICEF, *The Convention on the Rights of the Child: Guiding Principles,* UNICEF 2010, online.

CBCRSV as direct victims in legal frameworks, such as the ICC's Policy on Children[7], limits their access to reparations and perpetuates their marginalization.

This article seeks to address these gaps by adopting a multi-disciplinary approach to understanding CBCRSVs' experiences. It draws on legal analyses of ICC jurisprudence, particularly the *Prosecutor v. Dominic Ongwen*[8] and *Ntaganda*[9] cases, which highlight the evolving recognition of CBCRSV as direct victims of conflict-related sexual violence (CRSV). It also evaluates the UN's Comprehensive Strategy[10] as a model for trauma-informed support, while critiquing its limited implementation in addressing the holistic needs of CBCRSVs. By analyzing case studies from Uganda and Peru, the study identifies critical lessons, including the importance of avoiding re-traumatization during truth-telling processes and the need for community-based reintegration programs. For Ukraine, the article proposes actionable recommendations, including amending national legislation to recognize CBCRSV as victims of armed conflict and developing comprehensive support strategies grounded in CRC principles. These strategies aim to address the physical, psychological, and social impacts of CRSV, ensuring CBCRSVs' access to healthcare, education, and alternative care, while fostering their inclusion in post-conflict societies. Ultimately, this study advocates for amplifying CBCRSVs' voices, ensuring their right to justice, dignity, and a future unburdened by the legacies of war.

The unique challenges faced by CBCRSV necessitate tailored interventions that go beyond generic child protection frameworks. In Kosovo, community-based reintegration programs, such as those implemented by the NGO Medica Gjakova in Gjakova[11], have proven effective by engaging local leaders and cultural practices to promote acceptance of CBCRSV, reduce stigma, and enhance social cohesion. These programs often incorporate traditional ceremonies and community dialogue workshops to facilitate reintegration while respecting the region's cultural specificities. For instance, Medica Gjakova's psychosocial groups provide safe spaces where survivors and their families can address stigma through shared experiences, fostering community acceptance. Additionally, psychosocial support initiatives, such as those provided by the Kosovo Rehabilitation Center for Torture Victims[12], offer psychological and legal assistance to survivors and their families, addressing both individual and collective trauma. KRCT's multidisciplinary approach, including counseling and legal aid, has supported over 10,000 individuals since 1999, with a focus on trauma-informed care. A notable case in Pristina involves a survivor mother who, with the support of microgrants from UN Women, established a greenhouse to grow and sell vegetables, securing financial

[7] See International Criminal Court, Office of the Prosecutor, *Policy on Children,* International Criminal Court 2023, online. E. Dowds,*Children Born of Sexual and Gender-Based Violence in Conflict: The International Criminal Court, Ecological Environments and Human Development,* in *Children & Society,* 2019, vol. 33(3), pp. 226-238.

[8] *Prosecutor v Dominic Ongwen* (Judgment) ICC-02/04-01/15 (International Criminal Court, 2021).

[9] *Prosecutor v Bosco Ntaganda* (Judgment) ICC-01/04-02/06 (International Criminal Court, 2021).

[10] United Nations General Assembly, *Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse* UNGA Res 62/214 (7 March 2008).

[11] Medica Gjakova, UN Women, *Women-Led Organizations Drive Support for Survivors of Conflict-Related Sexual Violence in Kosovo* (UN Trust Fund to End Violence against Women 2024).

[12] M. Kersten *Justice in Conflict: The Effects of the International Criminal Court's Interventions on Ending Wars and Building Peace* , Oxford University Press 2017.

independence and education for her children, including a child born of sexual violence. However, these programs face significant challenges, including insufficient funding and scalability issues, which limit their impact. These examples underscore the importance of context-specific approaches that respect local cultures while adhering to universal human rights principles.

For Ukraine, the ongoing conflict underscores the urgent need to recognize Children Born of Conflict-Related Sexual Violence (CBCRSV) as victims of armed conflict. Amending national legislation to this effect would ensure their access to reparations, healthcare, education, and social integration. These measures should be guided by a victim-centered approach that prioritizes the participation of CBCRSV in shaping the policies and programs that affect them, by Article 12 of the Convention on the Rights of the Child (CRC)[13].

Although Ukraine does not directly apply Directive 2012/29/EU[14], being a non-EU member and not formally obligated to implement it, the Directive is increasingly referenced in national policy and legal reform efforts as a model for aligning with EU standards. Within the broader context of harmonizing Ukrainian legislation with the *acquis communautaire*, the Directive offers valuable guidance for developing a comprehensive framework to protect and support victims, including CBCRSV.

Finally, international cooperation and advocacy are critical to closing the protection gaps for CBCRSV. The ICC's evolving jurisprudence offers a foundation for recognizing these children as direct victims, but global efforts must extend beyond legal frameworks to include practical, on-the-ground support. Partnerships between governments, NGOs, and local communities can drive the implementation of comprehensive strategies that address the physical, emotional, and social needs of CBCRSV. By centering their dignity and rights, post-conflict societies can break the cycle of exclusion and trauma, paving the way for a future where CBCRSV are fully integrated and empowered to thrive.

3. Children born of wartime rape: intergenerational impacts and recognition

Children born of wartime rape (CBOWR) represent a distinct and highly vulnerable group in conflict-affected societies, facing profound challenges tied to their identity and social integration. CBOWR endures profound challenges that extend beyond its traumatic origins. The stigma associated with their birth often leads to exclusion from community life, education, and economic opportunities, perpetuating cycles of poverty and isolation. Their mothers, frequently survivors of CRSV, struggle to provide care amidst social rejection and economic hardship, lacking access to psychological or financial support. Recognizing CBOWR as a distinct victim group under international frameworks, such as the ICC's reparative mechanisms, is crucial to addressing their unique needs and validating their mothers' experiences, fostering healing and reintegration.

[13] Convention on the Rights of the Child, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990).

[14] Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA [2012] OJ L315/57.

These children often endure stigmatization, marginalization, and isolation due to the circumstances of their birth, which are rooted in the trauma of sexual violence. As Denov[15] notes, tens of thousands of such children have been born in the last decade alone, resulting from mass rape campaigns in conflicts worldwide. The societal rejection they face is compounded by derogatory labels, such as "Chetnik bastard" in Bosnia reflects "the patriarchal premium on paternal heritage" that obscures maternal lineage and ethnicizes their identity. This lack of resources exacerbates the psychological and social toll on both mother and child, perpetuating cycles of exclusion and trauma[16].

The intergenerational effects of wartime sexual violence are particularly underexplored, yet they are critical to understanding the broader impact of conflict-related sexual violence (CRSV). The genocide against the Tutsi in Rwanda has had profound effects on humanity that go beyond its primary victims to include the children who were born as a result. While the exact number is unknown, it is estimated that between 2,000 and 10,000 individuals, now aged 25–26 years old[17], were conceived via genocidal rape[18]. CBOWR not only bears the stigma of their origins but also inherits the psychological and social burdens of their mothers' trauma. Mothers, often survivors of brutal violence, face ongoing challenges such as poverty, community ostracism, and limited access to mental health or economic support, which hinder their ability to provide stable environments for their children. This dynamic creates a complex web of intergenerational trauma, where unresolved pain and societal rejection shape the lives of both generations. The lack of targeted interventions for CBOWR and their mothers further entrenches their marginalization, limiting opportunities for education, social integration, and economic stability.

Recent recognition of CBOWR as a distinct category within international humanitarian and legal frameworks marks a significant step toward addressing these challenges. Acknowledging their unique status is crucial not only for the children, who require protection from stigma and access to reparative measures, but also for their mothers, who benefit from validation of their experiences and access to support services. Initiatives such as the UN's 2007 Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation emphasize non-discriminatory, trauma-informed care, yet implementation remains limited for CBOWR. Integrating these children and their mothers into broader survivor-centered policies, including psychological counseling, educational support, and

[15] M. Denov, *Children Born of Wartime Rape: The Intergenerational Realities of Sexual Violence and Abuse*, in *Ethics, Medicine and Public Health* , 2015, pp. 61.

[16] A. Schwartz, T. Takševa, *Between Trauma and Resilience: A Transnational Reading of Women's Life Writing about Wartime Rape in Germany and Bosnia and Herzegovina'*, in *Aspasia,* 2020, vol.14, (1) pp. 124.

[17] B. Nowrojee, *Shattered Lives: Sexual Violence during the Rwandan Genocide and its Aftermath* (Human Rights Watch 1996); Carpenter, C. et al.,Protecting *Children Born of Sexual Violence and Exploitation in Conflict Zones: Existing Practice and Knowledge Gaps,* 2005, University of Pittsburgh, Ford Institute Of Human Security, Pittsburgh, online.

[18] C. Bijleveld, A. Morssinkhof, A. Smeulers, *Counting the Countless: Rape Victimization during the Rwandan Genocide,* in *International Criminal Justice Review,* 2009, vol. 19(2), pp. 208 ss.; M.Denov, *Children Born of Conflict-Related Sexual Violence in Rwanda:In Search of Recognition and Advocacy,, in* C. Molima Bameka, J. C. Barrett, M. Kamara, K, Hanson, M. A. Drumbl (eds.) *Children and Violence, Agency, Experience, and Representation in and beyond Armed Conflict,* Routledge, 2025, pp.213-228.

community reintegration programs, is essential to breaking the cycle of marginalization and fostering resilience in post-conflict settings.

It should be emphasised that there is an urgent need to prioritise CBOWR and their mothers in post-conflict recovery efforts. By promoting their legal recognition and special support programmes, including trauma-informed care and community reintegration initiatives, we can mitigate the long-term consequences of sexual violence in conflict. Drawing on global case studies and international legal standards, this study calls for a survivor-centered approach to ensure justice, dignity, and hope for children who have been victims of sexual violence in conflict and their families, paving the way for sustainable and inclusive societies.

4. Naming and stigma in post-conflict societies

In post-conflict societies worldwide, children born of conflict-related sexual violence (CBCRSV) are often burdened with derogatory and stigmatizing names that reflect deep-seated societal trauma and rejection. From Rwanda to Peru, these labels-ranging from "children of hate" to "nobody's child"-reveal the complex interplay of shame, pain, and kinship, challenging the notion that sexual violence is shrouded in silence and underscoring the urgent need for inclusive reintegration efforts.

Rwanda: collectively labeled "unwanted children," "children of bad memories," "children of hate," "genocidal children," and individual names include "little killer," "child of hate," "I'm at a loss," and "the intruder." Kosovo: "children of shame." East Timor: "children of the enemy." Vietnam: "dust of life" and "American infected babies." Nicaragua: "monster babies." Guatemala: "soldadito." Uganda: "Only God knows why this happened to me," "I am unfortunate," "Things have gone bad." Colombia: "paraquitos." In Peru, among other names, children are referred to as "los regalos de los soldados" (the soldiers' gifts), "hijo de nadie" (nobody's child), "fulano" (what's his name), and "chatarra" (stray cat). Linguistic or cultural variation alone does not explain this widespread phenomenon in post-conflict settings. Time and again, across regions, names reveal the conjuncture of painful kinship and "poisonous knowledge." As Schwartz and Takševa[19] note, derogatory names like "Chetnik bastard" in Bosnia signal "the patriarchal premium on paternal heritage" that ethnicizes rape and alienates CBCRSV from their maternal lineage (p. 5). These naming practices seem strikingly at odds with the secrecy and silence assumed to surround rape and other forms of sexual violence. Concealment is a leitmotif in the findings of research conducted on the topic and is generally understood as a way to avoid stigma for both the mother and her child[20].

These names, steeped in trauma, serve as a public marker of the violence endured by their mothers and the broader community. They externalize the pain of conflict, projecting it onto the children who, through no fault of their own, become symbols of a fractured past. This naming practice is not merely linguistic but a social act that reinforces exclusion, embedding stigma into the very identity of the child. The labels often reflect the perpetrators' identity-

[19] A. Schwartz, T. Takševa *Between Trauma and Resilience: A Transnational Reading of Women's Life Writing about Wartime Rape in Germany and Bosnia and Herzegovina,* cit.

[20] Theidon, *Hidden in Plain Sight: Children Born of Wartime Sexual Violence,* cit.

soldiers, enemies, or outsiders-further alienating the child from their community and complicating their sense of belonging.

The impact of such naming extends beyond the individual to shape familial and societal dynamics. Mothers, often grappling with their trauma, face the dual burden of societal judgment and the challenge of raising a child marked by such labels. In many cases, these names are not chosen by the mothers but imposed by the community, reflecting collective anger or shame. This external naming can deepen the mother's isolation, as she navigates both her healing and her child's integration into a society that may reject them both.

Addressing this issue requires a multifaceted approach to reintegration that prioritizes both the child and the mother. Community-based programs that foster dialogue and challenge stigmatizing narratives are essential. By reframing these children as individuals with inherent worth, rather than symbols of conflict, societies can begin to heal the wounds of the past. Education and awareness campaigns can also play a critical role in dismantling the "poisonous knowledge" embedded in these names, promoting acceptance and understanding. Ultimately, inclusive reintegration efforts must recognize the resilience of these children and their mothers, offering them a pathway to reclaim their identities and place within their communities[21].

5. Legal recognition at the International Criminal Court

The International Criminal Court (ICC) has increasingly acknowledged the harms caused by Conflict-Related Sexual Violence (CRSV), but its approach to Children Born of Conflict-Related Sexual Violence (CBCRSV) remains inconsistent, highlighting the need for clearer legal frameworks to address their unique vulnerabilities. The ICC's *Policy on Children*[22] recognizes CRSV as a crime affecting children, often framing CBCRSV as indirectly impacted rather than direct victims. This approach risks overlooking the distinct challenges faced by CBCRSV, such as social stigma, identity struggles, and transgenerational trauma, which require specialized interventions beyond generic child protection measures.

In *Prosecutor v. Dominic Ongwen*[23], the ICC recognized forced marriage, forced pregnancy, and coerced motherhood as inhumane acts under Article 7(1)(k) of the Rome Statute, emphasizing the profound emotional, psychological, and social harms to survivors and their children. However, CBCRSV were not explicitly identified as a distinct victim category, limiting the focus on their specific needs, such as targeted psychosocial support and community reintegration. This gap underscores the necessity for a more nuanced legal approach to ensure CBCRSV receive adequate recognition and reparations.

The *Prosecutor v. Bosco Ntaganda* case[24] marked a significant advancement by classifying CBCRSV as direct victims of CRSV, acknowledging their transgenerational harm. The Trial Chamber highlighted that CBCRSV endure unique psychological and social consequences,

[21] R. Nordås E. López *Recent Advances in the Study of Conflict-Related Sexual Violence,* in *Curr Psychiatry Rep.* 2025 vol.27(1), pp. 66-75.
[22] International Criminal Court, Office of the Prosecutor, *Policy on Children* (International Criminal Court 2016).
[23] *Prosecutor v Dominic Ongwen,* (Judgment) ICC-02/04-01/15, cit.
[24] *Prosecutor v. Bosco Ntaganda,* (Judgment) ICC-01/04-02/06, cit.

such as stigmatization and exclusion, warranting tailored reparative measures like education access and community-based reintegration programs. The reparations order, valued at USD 30 million, emphasized collective rehabilitation, setting a precedent for addressing CBCRSV-specific needs. Children born of SGBV [sexual and gender-based violence] occupy a unique position as they can be viewed as both direct and indirect victims of the crimes committed against their mothers, necessitating an approach that accounts for their complex identities and experiences[25]. This perspective reinforces the need for the ICC to integrate CBCRSV's distinct experiences into its legal and reparative frameworks.

EU Directive 2012/29/EU, which establishes minimum standards on the rights, support, and protection of victims of crime, provides a robust framework to guide the ICC in developing standardized protocols recognizing CBCRSV as direct victims. Specifically, Article 8 ensures victims' right to access support services, including psychological and social assistance, tailored to their needs. Article 9 mandates specialized support for vulnerable victims, such as children, to address their unique circumstances. Article 22 requires an individual assessment to identify specific protection needs, preventing secondary victimization, which is critical for CBCRSV facing stigma and transgenerational trauma. Article 23 provides for protective measures during criminal proceedings, such as shielding victims from contact with perpetrators, while Article 24 emphasizes additional safeguards for child victims, ensuring their participation in proceedings is age-appropriate and trauma-informed[26]. These provisions can inform ICC protocols to ensure trauma-informed care and culturally sensitive reintegration for CBCRSV, balancing universal human rights principles with local context, where community acceptance is crucial. By adopting consistent and inclusive frameworks, the ICC can better address the unique vulnerabilities of CBCRSV, fostering equitable justice and long-term societal healing.

Despite these developments, inconsistencies in the ICC's approach across cases underscore the need to establish comprehensive guidelines within the *Policy on Children*. The *Ongwen* reparations order[27], allocating €52.4 million for collective community-based reparations, including symbolic payments of €750 per eligible victim, did not sufficiently prioritize CBCRSV-specific interventions. To address this, the ICC must develop clear protocols recognizing CBCRSV as direct victims, ensuring access to trauma-informed care, psychological support, and culturally sensitive reintegration programs. Such measures should strike a balance between universal human rights principles and local contexts, particularly in post-conflict settings like Kosovo, where community acceptance is crucial. By adopting consistent and inclusive frameworks, the ICC can better address the unique vulnerabilities of CBCRSV, fostering equitable justice and long-term societal healing.

A deeper connection can be drawn between the ICC's jurisprudence and the procedural standards set by the EU Directive 2012/29/EU. While the ICC's *Policy on Children* outlines general principles of participation and protection, the Directive provides detailed procedural

[25]Dowds, *Children Born of Sexual and Gender-Based Violence in Conflict: The International Criminal Court, Ecological Environments and Human Development*, cit., 230.

[26] Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, cit.

[27] International Criminal Court, Office of the Prosecutor, *Policy on Children* (International Criminal Court 2023).

guarantees that could fill existing gaps in ICC practice. These include specific rights of victims to participate in proceedings, to submit victim impact statements, and to be protected from secondary victimization through trauma-informed procedures and tailored communication. Integrating such EU standards into the ICC's reparative and procedural framework would enhance consistency, strengthen victims' agency, and ensure a more comprehensive, child-centered approach to justice for CBCRSV.

6. The UN Comprehensive Strategy and Global Standards

The United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel[28] is the primary UN framework addressing the needs of Children Born of Conflict-Related Sexual Violence (CBCRSV). "The Strategy should be implemented to assist and support complainants, victims and children born as a result of sexual exploitation and abuse by United Nations staff and related personnel in a manner appropriate to the relevant circumstances of each location with due respect to host country legislation" (para 4). Developed in response to sexual violence by UN peacekeepers, the Strategy mandates trauma-informed, non-discriminatory support, including medical, legal, psychological, and social assistance tailored to the child's best interests. It facilitates paternity claims and child support through partnerships with member states, aiming to mitigate the immediate and long-term consequences of CBCRSV's circumstances of birth. However, implementation has been limited, primarily focusing on legal aid for paternity claims, medical care during childbirth, and one-time financial compensation[29]. These measures fail to address CBCRSV's holistic needs, such as sustained psychosocial support, education, and social reintegration, which are critical for overcoming stigma and marginalization. CBCRSV occupy a unique position as both direct and indirect victims, necessitating comprehensive interventions to address their complex identities and societal exclusion[30].

The Strategy aligns with the Convention on the Rights of the Child (CRC), embedding principles of non-discrimination (Article 2), the best interests of the child (Article 3), survival and development (Article 6), and participation (Article 12). To fully support CBCRSV, it must ensure rights to the highest attainable standard of health (Article 24), adequate living standards (Article 27), education (Articles 28–29), and protection from violence, exploitation, and abuse (Articles 19, 32, 34). Vulnerable groups, such as refugee children (Article 22), children with disabilities (Article 23), and those without family environments requiring alternative care or adoption (Articles 20–21), need special attention. Recovery and reintegration in environments fostering health, self-respect, and dignity (Article 39) are essential for CBCRSV facing societal rejection. The social exclusion of children born of war rape often stems from community perceptions that tie their identity to the perpetrator,

[28] United Nations General Assembly, *Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse* UNGA Res 62/214 (7 March 2008).
[29] United Nations General Assembly, *Report on the Implementation of the Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse* (2020).
[30] Dowds, *Children Born of Sexual and Gender-Based Violence in Conflict: The International Criminal Court, Ecological Environments and Human Development*, 232-3.

necessitating targeted interventions to foster acceptance[31]. The Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime enhances these principles by providing a framework for victim-centered support (Articles 8, 9, 22, 23, 24). These provisions, rooted in the Charter of Fundamental Rights of the EU (Article 24) and Revised European Social Charter (RESC) principles of non-discrimination and social inclusion, can guide the Strategy's implementation to address CBCRSV's complex identities and societal exclusion.

In Ukraine, the absence of legal recognition for CBCRSV as "children affected by armed conflict" under Part 6 of Article 30-1 of the Law of Ukraine "On Child Protection" highlights a critical gap. The 2022 Framework of Cooperation between the Government of Ukraine and the United Nations on the Prevention and Response to Conflict-Related Sexual Violence includes provisions for survivors' families and their children, with Section XII emphasizing support for civil society organizations to facilitate reintegration. However, without explicit recognition of CBCRSV, their needs remain unaddressed. Amending Part 3 of the Procedure for Granting the Status of a Child Affected by Armed Hostilities and Armed Conflicts (No. 268, 2017) to include "children born as a result of CRSV" is essential, guided by Directive 2012/29/EU's standards for victim protection and support.

Comparative case studies underscore the challenges of effective CBCRSV policies. In Uganda, the 2008 National Transitional Justice Policy failed to recognize CBCRSV as a distinct victim group, exacerbating their stigmatization and exclusion (Denov, 2020). In Peru, the Truth and Reconciliation Commission (2001–2003) risked retraumatization by linking pregnancy questions to sexually transmitted infections, framing CBCRSV as mere products of violence[32]. These cases highlight the need for trauma-informed, context-specific strategies. Community-based programs, like Medica Gjakova's in Kosovo, which involve local leaders and cultural practices to reduce stigma, offer a model for Ukraine[33]. Economic empowerment initiatives, such as microgrants for survivor mothers, can support CBCRSV by ensuring family stability.

CBCRSV must be actively involved in policy-making, per CRC Article 12 and Directive 2012/29/EU Article 24, through youth-led forums or consultations to shape interventions. Legal reforms in Ukraine should be complemented by public awareness campaigns to combat stigma, drawing lessons from Uganda's failures. International support, including UN funding, is crucial to address the Strategy's gaps in long-term care. Ukraine's post-war context, with disrupted infrastructure and displaced populations, necessitates a multi-level approach incorporating local NGOs, as outlined in the 2022 Framework. Training service providers on trauma-informed care, as emphasized in Article 9 of Directive 2012/29/EU, is

[31]R.C. Carpenter, *Forgetting Children Born of War: Setting the Human Rights Agenda in Bosnia and Beyond* , Columbia University Press 2010.

[32]J. Boesten , *The State And Violence Against Women In Peru: Intersecting Inequalities And Patriarchal Rule,* in *Social Politics: International Studies in Gender, State and Society*, 2012, vol. 19 (3), pp.361–82; Theidon, *Hidden in Plain Sight: Children Born of Wartime Sexual Violence,* cit.

[33] United Nations Women, *Women-led Organizations Drive Support for Survivors of Conflict-Related Sexual Violence in Kosovo* (UN Trust Fund to End Violence against Women, 2024).

essential to avoid retraumatization. Reparative justice mechanisms, inspired by the ICC's *Ntaganda* case[34], can further ensure CBCRSV's rights and dignity are upheld, fostering equitable justice and societal healing.

The authors firmly believe that addressing the challenges faced by children born of conflict-related sexual violence (CBCRSV) requires a holistic and empathetic approach that prioritizes their unique vulnerabilities and inherent rights. The call for stronger legal recognition within international frameworks, such as the International Criminal Court (ICC) and the UN Comprehensive Strategy, is not just necessary but urgent. These children must be acknowledged as direct victims, deserving of tailored reparations and comprehensive support systems that address their physical, emotional, and social needs.

Authors are particularly convinced that community-based interventions, rooted in cultural sensitivity and guided by the principles of the Convention on the Rights of the Child (CRC), are critical to dismantling the stigma that often isolates CBCRSV and their mothers. These programs should be designed to foster reintegration and empower these children to reclaim their place in society. In the context of Ukraine, we strongly advocate for immediate legal and policy reforms, bolstered by international cooperation, to deliver equitable justice and promote societal healing.

Above all, we believe that centering the voices, dignity, and resilience of CBCRSV and their mothers is the cornerstone of breaking the cycle of intergenerational trauma. By doing so, post-conflict societies can build a foundation for sustainable recovery, where these children are not only supported but celebrated as valued members of their communities, with the opportunity to thrive.

7. **Conclusions**

Children born of conflict-related sexual violence face unique challenges due to the traumatic circumstances of their conception, compounded by social stigma, psychological trauma, and institutional neglect, perpetuating exclusion, marginalization, and intergenerational trauma. Recognizing them as a distinct victim category within international frameworks is critical to ensure access to justice, reparations, and tailored support.

The International Criminal Court (ICC) has advanced CBCRSV recognition, notably in the *Prosecutor v. Bosco Ntaganda* case[35], classifying them as direct victims of conflict-related sexual violence (CRSV) and ordering USD 30 million in reparations for education and reintegration programs. Conversely, the *Prosecutor v. Dominic Ongwen* case[36] failed to identify CBCRSV distinctly, limiting their access to support. The Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime provides a framework to standardize ICC protocols, ensuring trauma-informed care and culturally sensitive reintegration[37].

[34] International Criminal Court, *Prosecutor v Bosco Ntaganda* (Judgment, ICC-01/04-02/06, 2021), cit..
[35] International Criminal Court, *Prosecutor v Bosco Ntaganda* (Judgment, ICC-01/04-02/06, 2021), cit.
[36] International Criminal Court, *Prosecutor v Dominic Ongwen* (Judgment, ICC-02/04-01/15, 2021), cit.
[37] Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, cit.

The United Nations Comprehensive Strategy[38] aligns with Convention on the Rights of the Child (CRC) principles-non-discrimination (Article 2), best interests (Article 3), survival and development (Article 6), and participation (Article 12)-mandating medical, legal, psychological, and social assistance. However, its focus on paternity claims and one-time compensation neglects holistic needs like sustained psychosocial support and education. Directive 2012/29/EU's victim-centered standards can enhance the Strategy's implementation, ensuring comprehensive support for CBCRSV's complex needs.

Case studies from Uganda, Peru, and Kosovo highlight the need for context-specific interventions. Uganda's 2008 National Transitional Justice Policy overlooked CBCRSV, exacerbating their exclusion[39]. Peru's Truth and Reconciliation Commission (2001–2003) risked retraumatization by framing CBCRSV as byproducts of violence[40]. Kosovo's Medica Gjakova programs, supported by UN Women, engage local leaders and cultural practices to reduce stigma, offering a model for community-based reintegration[41]. Derogatory naming practices, such as "children of hate" in Rwanda or "los regalos de los soldados" in Peru, deepen exclusion, necessitating dialogue workshops and education campaigns to foster acceptance.

In Ukraine, the ongoing conflict amplifies CBCRSV's vulnerabilities due to disrupted infrastructure and displacement. The 2022 UN-Ukraine Framework on CRSV omits explicit CBCRSV recognition, necessitating amendments to the 2017 Procedure for Child Status (No. 268) to include them as victims, inspired by Directive 2012/29/EU's Articles 8, 9, and 24. Community-based support, like peer groups and counseling, aligned with Article 9's specialized support, can mitigate stigma, while training in trauma-informed care, per Article 22, prevents retraumatization. The ICC's *Ntaganda* case offers a model for reparative justice.

These reforms should recognize CBCRSV as victims of armed conflict, ensuring access to reparations, healthcare, and education. Community-based programs, inspired by Kosovo's Medica Gjakova model, and public awareness campaigns can combat stigma and derogatory naming, fostering societal acceptance. Enhanced UN funding and NGO coordination, alongside trauma-informed training, will address gaps in the Comprehensive Strategy. By centering CBCRSV's voices, dignity, and resilience, post-conflict societies, particularly Ukraine, can break the cycle of intergenerational trauma through equitable justice and inclusive recovery. Future international cooperation must ensure that children born in conflicts are no longer invisible victims, but are recognized as agents of peacebuilding and social renewal.

[38] United Nations General Assembly, *Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse* UNGA Res 62/214 (7 March 2008).

[39] M. Denov, *Children Born of War in Northern Uganda: Stigma, Marginalization, and Resistance* in *Child Soldiers in the Age of Fractured States,* Oxford University Press, 2020, p. 276.

[40] K.Theidon**,** *Hidden in Plain Sight: Children Born of Wartime Sexual Violence, op.loc. cit.*

[41] United Nations Women, *Women-led Organizations Drive Support for Survivors of Conflict-Related Sexual Violence in Kosovo* (UN Trust Fund to End Violence against Women, 2024).