

# BORN OF WAR

Protecting Children of  
Sexual Violence Survivors  
in Conflict Zones

EDITED BY **R. Charli Carpenter**

  
**Kumarian**  
Press, Inc.

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—R. Charli Carpenter

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# 1

## Gender, Ethnicity, and Children's Human Rights

### *Theorizing Babies Born of Wartime Rape and Sexual Exploitation*

R. CHARLI CARPENTER

"We Want to Make a Light Baby," screamed the *Washington Post* headline in late June 2004 (Wax 2004). The story: mass rape and forced impregnation of black African women and girls in Darfur by Arab militiamen associated with the Khartoum government (Human Rights Watch 2004). Since 2003, "janjaweed" forces on horseback have swept through villages in the Darfur region of Western Sudan, burning, killing, looting, and gang-raping women and girls with the stated intent of causing them to bear Arab-looking babies (Raghavan 2004). The military logic of this mass rape campaign is in part to encourage the cleansing of Darfur by terrorizing civilians into fleeing (Amnesty International 2004). But forced pregnancy is also expected by the perpetrators and the news media that report on their crimes to exert long-term effects on Darfur's non-Arab population as well by visibly marking the rape victims with the ongoing humiliation of enemy-induced pregnancy. It will inflict a generation of unwanted children on the victimized civilian population. And it will have devastating effects on the children themselves, as they grow up in a community that associates them with their janjaweed fathers (Matheson 2004).

When stories about babies born of systematic rape hit the newsstands, the media often present this crime against humanity as unprecedented in horror and scope (Stanley 1999). But the creation of children as a result of wartime sexual violence is not a phenomenon isolated to the contemporary world's particularly brutal hotspots. The intentional



production of babies by enemy rape is an ancient tool of war (Brownmiller 1976), with recent examples in conflicts as diverse as Bangladesh (d'Costa 2003), Bosnia-Herzegovina (Stiglmeier 1994), and Darfur (Wax 2004). Moreover, sexual violence and exploitation of other, less-trumpeted varieties are endemic in war-affected regions, and babies are often born as a result of these acts, whether or not their conception was systematically planned by the perpetrators (Rehn and Sirleaf 2002). Overall, it has been estimated that tens of thousands of children have resulted from mass rape campaigns or sexual exploitation and abuse during times of war in the last decade alone (Grieg 2001).

Anecdotal reports such as those now pouring out of Darfur suggest that these children born of war often face stigma, discrimination, and even infanticide. Conceived in conflicts around the globe—East Timor, Bosnia, Rwanda, Kosovo, Liberia, to name a few—children born of war-time rape and sexual exploitation are often viewed as children “of the enemy” (Powell 2001; Rozario 1997; Smith 2000; Weitsman 2003; Gaylor 2001). Local and international actors contest their ethnic identities and citizenship rights (Carpenter 2000a); their rights to education, family, identity, physical security, and even survival may be severely curtailed.<sup>1</sup>

This is the picture that emerges from the press, from conversations within the aid community, and from the literature on war rape. But beyond such anecdotes, very little scholarship exists to date that systematically tracks these children's status and fate from a human rights perspective, assesses the efficacy of attempts to protect them, or evaluates the global and local politics surrounding their births. We know, for example, that the rejection of these children by their communities is not uniform, but we do not fully understand the conditions under which rape survivors and their families are empowered to accept them (Rehn and Sirleaf 2002). Despite the burgeoning interest of the international humanitarian community, both in sexual violence as a problem in conflict situations and to the protection of war-affected children, to date there have been no systematic fact-finding missions at the global level to assess the needs and interests of children born of war in different contexts and to establish best practices with respect to advocating for and securing their human rights. This lack of research and legal attention to the fate and well-being of these children is problematic. Without a better understanding of the scope and nature of the problem, best practices regarding their care cannot be established, promoted, or evaluated. This requires theorizing children born of war as subjects of human rights law and beneficiaries of the protection that the humanitarian community claims to afford war-affected civilian populations.

Doing so is the goal of this book. The chapters that follow are the result of a two-year collaborative project that brought together twenty-five scholars from fourteen disciplines and ten countries to consider how

to better protect the human rights of children born of wartime rape and exploitation. For the purposes of this book, we use the term *children born of war* to refer to persons of any age conceived as a result of violent, coercive, or exploitative sexual relations in conflict zones.<sup>2</sup> Although this definition is broad enough to include births resulting from various forms of gender-based violence, we are particularly concerned in this volume with births resulting from rape and sexual slavery deployed by soldiers as a practice of organized warfare (Enloe 2000), and (to a lesser extent) from sexual exploitation by occupation forces, peacekeepers, and humanitarian workers (UN 2003).<sup>3</sup> This is because we are interested in the specific social stigma that attaches to children whose fathers are perceived to come from outside a conflict-affected community, a stigma that is of particular importance to understanding the obstacles to securing the human rights of children born of war.

This book aims to highlight the distinctive vulnerability of this population relative to other children born during or affected by armed conflict. We present case studies amalgamating what is known about these children's whereabouts, status, and needs in different country contexts and theoretical essays considering the human security dimensions of this issue for the first time. Important and difficult questions must be asked in order to begin crafting an appropriate policy response to these children and their mothers in line with international standards on child rights. How can the stigma against children of rape or sexual exploitation—often by the very communities who are understood as the victims of massive human rights violations—be best understood, and how can it be alleviated? How does it manifest differently in different contexts, regions, and cultures? Humanitarian practitioners and human rights activists need to know why some rape survivors kill their children, and what enables others to embrace them; why some postwar governments prefer to sequester children born of war in orphanages rather than allow them to be adopted abroad; why there is such a silence on this issue in major humanitarian organizations; and how to integrate a respect for the needs and rights of rape survivors with those of their children in the aftermath of armed conflict.

These important questions must be taken seriously by local and global actors claiming an interest in the “protection of war-affected civilians” or “human security” as we move into the twenty-first century (McRae and Hubert 2001). Indeed, other questions must also be asked about the role of actors and discourses throughout global civil society in producing and mitigating these outcomes. Are the legal norms and political practices surrounding children's rights and wartime sexual violence and exploitation sufficient to protect this category of child, or are they fundamentally complicated by issues such as these? In what ways are states, international organizations, and well-intentioned transnational

actors implicated in the mistreatment or misrepresentation of these children? Why have children born of war by and large remained invisible on the international agenda, and how can this be changed?

The chapters in this book develop preliminary answers to some of these questions. Each is informed by two fundamental underlying questions: (1) what are the obstacles to securing human rights for this category of children, and (2) in what ways can these obstacles be overcome? Chapters 2 through 6 consist of region-specific case analyses on these children's human rights and efforts to respond to them; chapters 7 through 9 critically reexamine conceptual and legal frameworks for addressing their rights, with an eye to the role of local and global political actors in promoting or, indeed, blocking positive change. We conclude the volume with a discussion of ethical dilemmas attending research on vulnerable populations in conflict-affected areas, and a critical analysis of the entire project of "constructing" *children born of war* as a category of concern.

Contributors to the volume take different positions on all these questions and come at the subject from diverse disciplinary orientations. Each chapter in this volume, however, aims to theorize children born of war as subjects of human rights law and beneficiaries of the protection that the humanitarian community claims to afford war-affected civilian populations.

### Children Born of War in Multi-Country Context

Though systematic data on this issue is generally lacking, there exists a fair amount of anecdotal evidence pointing to a general pattern of severe discrimination against children born of wartime rape and sexual exploitation. The case studies in this volume attempt to evaluate these patterns in depth, as well as to determine the extent to which children of somewhat different origins experience these outcomes differently and how their situation overlaps with that of all small children growing up in a conflict situation. These chapters describe children born along a continuum of violence—from genocidal rape in Rwanda and Bosnia-Herzegovina, to "incidental" rape during post-referendum violence in East Timor, to sexual exploitation and slavery in the case of abducted girls in Uganda and Sierra Leone, to women in forced "marriages" during the Indonesian occupation of East Timor. The case studies also span continents and cultural/religious contexts, and each yields new insights regarding the contextual specificity of this crime against children and women.

The situation of children in some contexts (between and within country cases) is less acute than in others. For example, it seems that children are

most at risk where their origins are visibly marked on their features, as with the "Vietnamese" children born of exploitation by US troops, or the visibly half-Arab children born of janjaweed gang-rapes in Darfur; in conflict situations where ethnicity is less racialized or where rape lacked an ethnic basis, children of rape are easier to hide within the general population, a strategy adopted, for example, in Bosnia-Herzegovina. Other factors mitigating the various harms to which these children may be subject in specific country cases include the availability of psychosocial and economic support to the mothers, the extent to which extended families honor the children's existence and extend a safety net to support rape survivors, and the availability of alternative means of care for those mothers wishing to give up their children.

Yet the examination of this population across very different cases also allows us to see general patterns with respect to the way in which these children's biological origins affect the likelihood that their human rights will be secured. One of the clearest human rights issues faced by children born of war, upon which all the cases touch, is infanticide, a violation of infants' survival rights under Article 6(2) of the 1989 Convention on the Rights of the Child. As Daniel's chapter details in more depth, babies born of systematic rape campaigns during the war in the former Yugoslavia were neglected, abandoned, and sometimes killed (Niarchos 1995; Stiglmeier 1994, 137; Salzman 1998). Reports of infanticide infuse testimonies about births by rape in war zones, beyond the case studies described here; in Kosovo, one woman snapped her baby's neck in the presence of the WHO nurses who attended his birth (Smith 2000). According to a report by Human Rights Watch, some of the two thousand to five thousand children born as a result of the sexual violence during the 1994 Rwandan genocide have been killed (Nowrojee 1996). Death by neglect may also result if rape survivors are psychologically unable to care for their infants and community or humanitarian resources are unavailable to fill the gap (Aaldrich and Baarda 1994). The evidence from the cases suggests that it is crucial to begin establishing the scope of this fundamental child protection problem in conflict zones and then to identify effective strategies for prevention.

Children of rape who survive infancy may face severe stigma within their communities. In Rwanda, some have been maligned as "devil's children" (Nowrojee 1996); in Kosovo, "children of shame" (Smith 2000); in East Timor, "children of the enemy" (Powell 2001); in Nicaragua, "monster babies" (Weitsman 2003, 11). Some reports suggest that male babies are particularly at risk of being viewed not merely as illegitimate or as reminders of sexual torture and national humiliation, but in fact as fifth-column enemy combatants growing up within the community (Toomey 2003). The sources of this stigma are varied. In her chapter on identity, Patricia Weitsman notes the role of the global media as well as



local postwar discourses in constructing these children as "other." Eunice Apio's discussion of naming practices in Uganda demonstrates that mothers themselves may be complicit in marking their children with the stigma of birth by rape. Michael Goodhart points out that all groups define themselves by reference to excluded members, rendering such stigma perhaps inevitable in times during which groups are asserting and redefining their identities. Yet as an unpublished report by UNICEF in the former Yugoslavia has found, such social exclusion exerts a psychosocial toll on these children, both when they are young, and when, as older children, they begin to search for meaningful social identities and to ask questions about their roots (see Balorda 2004).

Children born of sexual exploitation or sexual slavery during armed conflict face problems similar to those conceived in genocidal rape campaigns. Babies born to girl soldiers held as "wives" in slavery-like conditions are reported to be rejected by extended families when they escape the armed forces with their mothers, as chapters by Eunice Apio and by Giulia Baldi and Megan MacKenzie demonstrate (see also Bennett 2002, 74; Mazurana and McKay 2003, 21). Those children born to mothers who have been sexually exploited by peacekeepers, occupation forces, or humanitarian workers may grow up without claims to paternal rights, child support or a name (Naik 2002; Grieg 2001, 11; UN 2005). Deprived of extended family and other social networks, it has been suggested that these children are particularly vulnerable to being trafficked or becoming street children (Carpenter et al. 2005). They may also be maligned as mixed or different, particularly in contexts where their biological origins are evident in their physical features.

In political contexts where nationality and citizenship rights are determined according to ethnicity or patrilineal descent, children of sexual violence or exploitation are at risk of statelessness. According to Rehn and Sirleaf, Liberia is one of the very few countries whose constitution recognizes children born of war as citizens (2002, 18). Some children of Bosnian refugee mothers in neighboring Croatia were originally denied citizenship (Jordan 1995, 20A; Pine and Mertus 1994). Because international law on children's human rights is based on the assumption of state responsibility, this problematizes the possibilities of securing fundamental social benefits such as an education. Yet as Michael Goodhart notes in his concluding chapter, even where states satisfy children's rights to name and nationality under international law, the problem of social exclusion and the right to be a meaningful member of a social or ethnic group are more ambiguous and difficult to legislate or control. Indeed, as children born of wartime rape or exploitation grow older, the question of how to construct a meaningful social identity in this "deep" sense seems to be paramount (Balorda 2004). If Donnelly and Howard are right that "to exist as a human being, one must exist as a part of a community" (1998,

223), then practitioners thinking about the psychosocial dimension of child protection in conflict zones need to take stock of this ambivalence in law and practice on international children's rights.

### **Rethinking Human Security and Human Rights Law and Discourse**

The later chapters in this volume consider the question of these children's human rights in the context of existing knowledge and practice with respect to war-affected civilians and children in particular. As human beings, children born of war possess in theory all the rights articulated in the Universal Declaration of Human Rights and other major instruments, including notably the right to life and the right to be free of adverse discrimination. Additionally, a number of legal instruments regulate the treatment of children under international law, both in peacetime and in times of war, and all of these incorporate, in principle, the assumption of impartiality; that is, that children's human rights codified in law apply to all children, regardless of sex, nationality, religion, social, or biological origin.

The most important of these is the 1989 Convention on the Rights of the Child, which provides for all children's rights to know their parents (Article 7); to an adequate standard of living, social security, and health care (Article 6); to a nationality (Article 7); and to protection against abuse, maltreatment, or neglect (Article 19) (LeBlanc 1995). The Fourth Geneva Convention and its Additional Protocols also provide specific treatment for war-affected children, preventing forced recruitment of children, requiring families torn apart to be reunited, and laying down principles for rebuilding communities shattered by war, including the provision of basic needs and educational resources to children (Plattner 1984). Children's identity and family rights are also protected by Article 2(e) of the Genocide Convention, which considers forcibly transferring children from one group to another an act of genocide; and children are protected by refugee law, in theory, to the same extent as adults (UNHCR 1994).

Despite numerous legal instruments that supposedly apply to these children's human rights, serious questions must be raised about the sufficiency of these laws to secure basic survival and identity rights for children born of war. Certain of the rights in the Convention on the Rights of the Child seem to be in tension with respect to children born of war: for example, in some cases protecting children against mistreatment may mitigate their right to know their biological origins. In other respects, the Convention on the Rights of the Child might be said to be inapplicable, insofar as it does not outlaw discrimination against children born



out of wedlock as a social category. (One empirical question might be this: does stigma against these children stem primarily from their "illegitimate" status or from their association with "enemy" soldiers?). As Goodhart notes in his concluding chapter, it is unclear whether the human rights discourse is necessarily a useful tool in combating social exclusion, insofar as the same discourse can be used to promote group rights, which are themselves dependent on defining group membership in exclusionary terms.

There are more general issues at stake. International law, often based on an understanding of the state and of the biological family as guarantors of rights and identities, itself is inscribed with deeply entrenched cultural norms regarding gender and ethnicity (Charlesworth, Chinkin, and Wright 1996; Wing and Merchan 1993). This may explain why there is no specific legal protection for this category of children in international law, and why the human rights of children born of war have remained ambiguous throughout the process of codifying "forced pregnancy" and "sexual slavery" as international crimes (Carpenter 2000a). Attempts to frame forced pregnancy as genocide, for example, contradict aspects of the Genocide Convention pertaining to children and reproductive rights of groups.<sup>4</sup> Another question to be explored, then, is whether the international rules that have evolved to protect children's rights are adequate to address the particular harms to which children of forced maternity or wartime sexual exploitation may be subject.

Formulating answers to the questions above requires more than simply a critique of existing law. It entails spotlighting local, transnational, and global social and political institutions involved in structuring, interpreting, and responding to the particular patterns we are uncovering. Numerous actors, agendas, and discourses are brought to bear in creating a context in which rape survivors throw their infants into the river (Becirbasic and Sesic 2002); in which a state prioritizes the immigration of a "war baby" for domestic adoption, while placing barriers to refugee status for the child's birth mother (Stanley 1999); in which children of rape appear in the international press to suit a particular war narrative but are absent from the agendas of global institutions concerned with war-affected women and children (Carpenter 2000a). What are we to make of these contradictions? Evaluating the way in which children born of war are constructed, represented, or rendered invisible by different sectors of the world community will generate new insights—not only on how to address the issue, but also on the intersection of global, transnational, and local norms and interests regarding gender, ethnicity, sexuality, violence, and identity.

One important area of inquiry is the way in which states respond to children born of sexual violence and exploitation as a humanitarian

concern. With respect to children born of sexual exploitation, more research is needed to track the ways in which states' policies enable or produce these outcomes; the conditions under which rape becomes a political issue; and the effect of state action (or non-action) regarding these children and their mothers. As Cynthia Enloe has documented, access to local women's bodies for soldiers and peacekeeping troops is often explicitly manufactured through negotiations between countries as a normalized aspect of international diplomatic/military culture (Enloe 2000). Such arrangements have often historically been contingent on the assumption that the state of which the soldiers were nationals would bear no responsibility for children fathered by liaisons with local women (Grieg 2001). This tradition of impunity has been challenged in some recent cases, with women and older war children organizing to achieve recognition and restitution from the fathers' countries (e.g., see Reuters 2003), and with the al-Hussein report to the General Assembly on accountability in peacekeeping operations arguing forcefully for a child's right to support from his or her foreign father (UN 2005). Comparative study is needed to understand why some of these efforts are more successful than others, and what, indeed, might be considered benchmarks for "success."

With respect to mass rape campaigns, the issue may be even more complex. While children born of sexual exploitation were, until very recently, generally ignored by official bodies, children born of mass rape have sometimes been exploited for their propaganda potential (Weitsman 2003; Stanley 1999). Specific narratives linking gender, ethnicity, and identity may in some cases provide the strategic logic behind mass rape campaigns in the first place, as in Bosnia (Allen 1996), East Pakistan (Brownmiller 1976), and Rwanda (Baines 2003). Governments of populations targeted by such campaigns may exploit stories of rape to encourage international intervention or justify military retaliation (Hansen 2001); in such narratives, sexual assault may be treated as a crime not against women but against communities (Yuval-Davis 1997), and the identities of the children involved may be represented in conflicting ways by different actors (Carpenter 2000a). Weitsman's chapter in this volume documents the multifaceted use of children born of war in postwar nationalist discourses and the implications for securing the human rights of these children.

States may also play an important role in responding to the needs of rape survivors and their children, though in the past they have typically done so out of a sense of their own strategic and ideational interests rather than a concern for women's or children's rights. Weitsman notes that the Rwandan government viewed the children as a means of repopulating the country after the genocide; the new Bengali government attempted to frame survivors of the 1971 rapes as "national heroines" to

counteract the stigma within communities that threatened the identity and reproductive future of the emerging nation (Rozario 1997). But even such efforts can have an ambivalent effect on the status of children born of war. Despite the Bengali government's efforts to counteract stigma against rape survivors, the government took the opposite position toward the children born of the mass rapes, possibly accounting for the futility of their efforts to reintegrate the women (d'Costa 2003). Anti-abortion exceptionalism has been documented in many contexts, where state prohibitions on reproductive rights have been rewritten to allow abortions for women carrying children "of the enemy" (Harris 1993). In some cases such discourses have empowered women in the aftermath of conflict but have also naturalized stigma against children born of war. The Kuwaiti government provided financial support to children born of war during the 1990 Iraqi occupation but denied them family names and thus various other social rights (Evans 1993). Considering the links between states' reproductive and social welfare policies and their nationalist agendas will be important for evaluating efforts to promote the rights of rape survivors and their children.

International organizations as a source of norms, discourses, and operational practices influencing war-affected populations must also be examined. The past decade has seen a remarkable transformation in multilateral discourses regarding gender, security, and human rights. Global institutions such as the United Nations Security Council now consider women's issues, children's issues, and the protection of war-affected civilian populations a fundamental part of their mandate (McRae and Hubert 2001); the need to "mainstream a gender perspective" is recognized, if not always implemented, within much of the humanitarian assistance community (Mertus 2001). In what ways does the issue of children born of war map onto or problematize these emergent norms?

At a glance there would appear to be little agenda space available for children born of war at the level of global institutions. To the extent that the gendered basis of international law has been challenged, it has generally been in the context of advocacy for women's human rights. An enormous literature has proliferated since the end of the Cold War on the ways in which women are targeted in armed conflict, and much greater attention is now being paid in international law and humanitarian policy to the psychosocial and protection needs of women and girls (Jacobs et al. 2000; Bennett, Bexley, and Warnock 1995; Moser and Clark 2001; Gardam and Jervis 2001; Mertus 2000; Lindsey 2001). Yet feminist literature on forced pregnancy and sexual exploitation has typically treated these as crimes against women only (e.g., Goldstein 1994; Copelon 1994); major documents articulating women's human rights in armed conflict make only cursory mention of the need to look at children born of sexual violence (see UN 2003, 28; Rehn and Sirleaf 2002, 17–18; Lindsey 2001, 56).