



HAL
open science

Holistic Reparation for Child Victims of Conflict-Related Sexual Violence

Bérangère Taxil, Coralie Klipfel, Isabelle Fouchard

► **To cite this version:**

Bérangère Taxil, Coralie Klipfel, Isabelle Fouchard. Holistic Reparation for Child Victims of Conflict-Related Sexual Violence. ANR Violences sexuelles et enfance en guerre. 2024. ⟨hal-04840388v2⟩

HAL Id: hal-04840388

<https://hal.science/hal-04840388v2>

Submitted on 7 Apr 2025

HAL is a multi-disciplinary open access archive for the deposit and dissemination of scientific research documents, whether they are published or not. The documents may come from teaching and research institutions in France or abroad, or from public or private research centers.

L'archive ouverte pluridisciplinaire **HAL**, est destinée au dépôt et à la diffusion de documents scientifiques de niveau recherche, publiés ou non, émanant des établissements d'enseignement et de recherche français ou étrangers, des laboratoires publics ou privés.



Distributed under a Creative Commons CC BY-NC-SA 4.0 - Attribution - Non-commercial use - ShareAlike - International License



HAL
open science

Holistic Reparation for Child Victims of Conflict-Related Sexual Violence

Bérangère Taxil, Coralie Klipfel, Isabelle Fouchard

► **To cite this version:**

Bérangère Taxil, Coralie Klipfel, Isabelle Fouchard. Holistic Reparation for Child Victims of Conflict-Related Sexual Violence. ANR Violences sexuelles et enfance en guerre. 2024. hal-04840388

HAL Id: hal-04840388

<https://hal.science/hal-04840388v1>

Submitted on 16 Dec 2024

HAL is a multi-disciplinary open access archive for the deposit and dissemination of scientific research documents, whether they are published or not. The documents may come from teaching and research institutions in France or abroad, or from public or private research centers.

L'archive ouverte pluridisciplinaire **HAL**, est destinée au dépôt et à la diffusion de documents scientifiques de niveau recherche, publiés ou non, émanant des établissements d'enseignement et de recherche français ou étrangers, des laboratoires publics ou privés.



Distributed under a Creative Commons Attribution - NonCommercial - NoDerivatives 4.0
International License



Holistic Reparation for Child Victims of Conflict-Related Sexual Violence

Workshop 3 report¹

Venue: Salle des Professeurs, University of Liège (Belgium)

Date: November 23, 2023 (9am-3.30pm)

Organisers

- Bérangère Taxil (Professor of International Law, University of Angers, Scientific Director of the VSEG project)
- Adélaïde Blavier (Professor of Psychology, University of Liège, scientific co-director of the VSEG project)
- Isabelle Fouchard (CNRS researcher, Paris 1 Panthéon-Sorbonne, scientific co-director of the VSEG project)

¹ This work was conducted as part of the VSEG project (ANR-22-CE53-0003-01), funded by the French National Research Agency. The initial draft of this report was prepared by Julien Hellio, VSEG research engineer, and subsequently reviewed by all participants and the ANR VSEG project leaders. The team would also extends thanks to Sylvain Keller, VSEG intern in late 2023, for his assistance with note-taking during the event.

-
- Coralie Klipfel (Post-doctoral researcher, VSEG project, Université Paris 1 Panthéon-Sorbonne)
 - Magali Bessone (Professor of political philosophy, University of Paris 1 Panthéon-Sorbonne)

Experts

- Paolina Massida (Legal Representative of Victims, International Criminal Court)
- Danaé van der Straten Ponthoz (Head of Advocacy and International Policy, *Global Survivors Fund*)
- Claudine Combier (Professor of Psychology, University of Angers)
- Benoît Van Keirsbilck (Member of the UN Committee on the Rights of the Child)
- Muriel Salmona (Psychiatrist)
- Sokhna Fall (Ethnologist and psychotraumatologist)

VSEG Research Network

- Ségolène Busi (doctoral student in international law at the Université de Pau et des pays de l'Adour working on transgenerational harm in transitional justice)
- Julie Roux (doctoral student in international law at the University of Paris Nanterre working on gender-based violence in international criminal law)
- Pascal Murhula (doctoral student in psychology at the University of Liège working on the transgenerational aspect of trauma)
- Jacqueline Spitz (Clinical psychologist at the University of Liège working on family issues)
- Augustine Atry (doctoral student in international law at the University of Lille, working on the status of women in transitional justice)
- Cecilia Agino (doctoral student in psychology at the University of Liège, working on the psychological suffering of children born of rape)
- Ravel Ouattara (doctoral student in international criminal law at Panthéon Sorbonne University, working on the subject of persecution)
- Séverine Louwette (Senior lecturer in psychology at the University of Liège)

9am-12pm. First Roundtable: the Harm to be Repaired

Introduction to the Conference

Coralie Klipfel, moderator of the first part of the conference, began with a detailed presentation of the VSEG project and recent initiatives, highlighting the transdisciplinary collaboration between the Université Paris-Panthéon Sorbonne, the Université d'Angers and the Université de Liège.

9h15-10h30. Transgenerational Harm and Trauma²

Interventions

- **Ségolène Busi**, *doctoral student in international law at the Université de Pau et des pays de l'Adour; working on transgenerational harm in transitional justice.*

How can we improve holistic reparation for child victims of conflict-related sexual violence?

In her speech, Ségolène Busi focused on the legal recognition of transgenerational harm by the International Criminal Court (ICC). The concept of transgenerational harm refers to the phenomenon of the transmission of trauma, whether it is described as transgenerational or intergenerational. The former refers to a transmission that takes place over several generations, sometimes far away and unconsciously, while the latter refers to a transmission of clear content between generations who know each other. The concept of transgenerational harm thus encompasses all the suffering resulting from the transmission of a parental trauma, whether intergenerational or transgenerational.

The speaker referred to the challenges in establishing a clear causal link between crimes committed and their impact on future generations. In particular, she highlighted the difficulty for the ICC to provide direct evidence of this link, thus hindering formal recognition of the harm. She cited several examples, mentioning that this concept has recently emerged in various judicial contexts, such as transitional justice processes and cases before the International Criminal Court. In the *Katanga*

² Each discipline applies its own terminology to study the same phenomenon: psychologists refer to the "trauma" suffered by individuals, in order to deal with it as carers. Legal professionals, on the other hand, use "harm" to specify what is legally and/or judicially reparable.

case, the suffering of children born after the Bogoro village attack in the Democratic Republic of Congo was thus recognised by the Trial Chamber on July 19, 2018, as transgenerational harm.

Ségolène Busi then described the ICC's efforts to develop a specific legal framework for this harm, focusing specifically on the *Ntaganda* case. In an Addendum of 14 July 2023 to the Reparations Order of 8 March 2021, the judges ruling on this case set out in detail four crucial conditions for the recognition of transgenerational harm. These conditions include the need to prove that the parent suffers harm, that the child also endures harm and that there is not only a causal link between the two harms, but also a parent-child relationship between the parent and the child. The children of direct victims suffering transgenerational harm could, under these conditions, obtain the status of indirect victims. The ICC has also recognised the specific harm (distinct from transgenerational harm) suffered by children born of rape or sexual slavery. These children were even classified as direct victims in the *Ntaganda* case.

She concluded that, despite the ICC's framework for recognising transgenerational harm, challenges in establishing a causal link persist. Nevertheless, this recognition provides a legal basis for repairing the suffering of the generations affected by the crimes.

- **Pascal Murhula**, *doctoral student in psychology and education at the University of Liège*

Transgenerational Trauma

Pascal Murhula's presentation centered on the transgenerational nature of trauma. He highlighted the existence of emotional trauma transmitted to individuals who were not yet born at the time of the traumatic events, thus implying an inherited and implicit trauma. He suggested that this trauma is transmitted through various "channels", such as genetic inheritance, words, body language and the way people keep silent. He also addressed epigenetics, highlighting the changes in the expression of genetic heritage resulting from exposure to traumatic events, which may be passed down to the victims' children.

Pascal Murhula spoke of the transmission of trauma, which can occur in two ways. Firstly, the mechanism of direct transmission, which involves unconscious trauma transmission. This occurs when the child, often without even realising it, reproduces or imitates the behaviour of parents who have suffered trauma, by unconsciously imitating their behaviour. Then there is the indirect

transmission mechanism, characterised by the influence of mirror neurons and the secure or insecure nature of the attachment between parent and child. In this context, if the parent has difficulty adopting a secure attachment because of their previous trauma, which is often the case, this can lead to a feeling of insecurity in the child. He emphasised the communication difficulties faced by parents who have suffered this trauma and try to hide it from their children, while at the same time indirectly passing on this information.

Following a trauma, "parentification" is important, as it is a process during which children take the place of the parent who is unable to meet their needs. This can make the child fear inadequate care. The speaker also mentioned the difference in impact on the child depending on which parent is affected by the trauma, stressing that the effect is less severe when the trauma involves the father.

In conclusion, Pascal Murhula underscored the need to provide holistic care for traumatised children, noting that their psychomotor development largely depends on their environment and in particular their relationships with caregivers, especially their mothers.

Discussions with the Experts

Following these two speeches, a discussion ensued, including several experts in law and psychology. Here are the main points to remember:

Referring to her role as counsel in the ICC's Office of Public Counsel for Victims, **Paolina Massida** highlighted the challenges the ICC faces in recognising transgenerational harm in ongoing cases. In her opinion, these difficulties are linked to the Court judges' difficulties in understanding, apprehending and even resisting the notion of transgenerational harm. She referred the Appeals Chamber's interpretation of this concept, applied in case of murder and rape. She noted that the Court can apply it only under specific criteria, such as a coherent and credible account of what the victim had experienced, massive victimisation or documents supporting the claim. Seeking to explain this, she mentioned that several researchers agree that this phenomenon is more likely in the context of extreme violence and mass violations, and that a presumption could therefore be established. Nevertheless, victims still face the additional burden of proving harm to the judges. Paolina Massida then turned her attention to the assessment of harm, particularly with regard to direct victims and their children. For the ICC, it is necessary to consider the causal link, in particular

the possibility of a delayed onset of the trauma for some people, and also the fact that the trauma may have been hidden by the parents for an indeterminate period of time. She then concluded by stressing the need for a holistic approach to developing a reparation framework. The most important thing, in her view, is to understand the different components of each type of harm for different categories of victims, including differentiating them according to the age of the victims.

The discussions proceeded with a presentation by **Claudine Combier** (Professor of Psychology at the University of Angers). She focused on the different types of prejudice that are possible in a transgenerational context, including legal, social, economic or health-related impacts. She emphasised the personal and "multi-dimensional" nature of the harm caused by extreme violence, encompassing both family and community dimensions. She spoke of an "interconnectedness of harms".

The speaker also focused on the notion of transgenerational transmission, which refers to the transmission of objects alien to the subjectivity of individuals and which have a traumatic impact, such as anxieties, ideals and suffering. She also touched on the impact of shame, highlighting how a victim can feel guilty about the acts committed by the aggressor, then incorporate guilt into his or her life, all of which can then lead to self-sabotage or risky behaviour. In this context, Claudine Combier described children as "emotional sponges", extremely sensitive to their environment. She also emphasised the significant role of the mother, noting that a mother who has experienced rape may remain captive to her trauma and become psychologically unavailable to her child. In such cases, the child may feel "left behind", meaning that he or she will have to adapt to an environment that does not adapt to him or her. This can lead to a loss of subjectivity and identity for the child, and sometimes even to "psychic murder", meaning that the mother will be psychologically absent for the child.

Bérangère Taxil then highlighted the potential adverse effects of judicial recognition of transgenerational harm. She pointed to the risk of children potentially reproducing the pattern of violence suffered by their parents. In this context, it is crucial that the harm suffered by the child neither exonerates nor reduces their responsibility if they commit crimes as an adult. It is also necessary to distinguish between harm and injury by focusing on the quantifiable and reparable characteristics of harm as opposed to the more complex nature of injury. Looking at the reparability

of harm, Bérangère Taxil mentioned the *Katanga* case to illustrate how harm can manifest itself in different forms such as the loss of a life project, transgenerational harm or collective harm. She raised the question of whether this was a typology of the same psychological harm or three separate harms. She also highlighted the current limits of compensation, pointing out that only the biological children of the first generation are entitled to compensation, while some studies claim that the trauma is observable over three generations, thus limiting the scope of the transgenerational character. In addition, Bérangère Taxil mentioned the fact that, before the ICC (and certain national jurisdictions), the legal representatives of victims are calling on the courts to establish presumptions and to use the criterion of balance of probabilities, considering that it is more likely than not that there has been harm in this context of mass crimes.

Other speakers followed. In particular, **Adélaïde Blavier** pointed out that the justice system often overlooks the "delayed effects" of prolonged legal proceedings and reviving people's traumas over a long period. Lengthy legal proceedings can cause considerable suffering, plunging the parties back into their initial trauma. She went on to talk about reparation without punishment, which is currently a subject of debate, with some stressing the need to separate the criminal phase from reparation, while others have emphasised the importance of punishment in guaranteeing justice.

Paolina Massida then reiterated the need for a holistic approach, which would enable the diversity of experiences to be taken into account, particularly in their psychological aspect, since suffering murder, rape or trauma as a result of gender-related persecution represents distinct realities.

Pascal Murhula pointed out that appropriate care could prevent the intergenerational transmission of trauma. In response, **Ségolène Busi** stressed the need to distinguish between intergenerational and transgenerational trauma.

Lastly, **Claudine Combier** spoke of the transgenerational trauma arising from acts of genocide, manifesting in some descendants of the victims. Some people choose to become parents in order to put an end to the genocidal project. On the other hand, others avoid parenthood, fearing their children may suffer what the direct victims of the genocidaires endured.

10.45am-12pm. Children Born of Rape

Interventions

- **Cecilia Agino**, *doctoral student in psychology at the University of Liège*

Children Born of Rape: Psychosocial Dimensions

In her speech, Cecilia Agino focused on the subject of children born in the context of armed conflict, regardless of whether they are the result of consensual intercourse. In her view, rape is a strategy aimed at destroying the enemy by desecrating his wife's body (his honour), with severe consequences for both survivors and the children born of such acts. These children are often stigmatised, referred to as "snakes" or "misfortunes" depending on the culture. They suffer abuse, marginalisation and humiliation. This isolation separates them from the community and even from their own siblings. Mothers face major challenges in reintegrating into society, often leading to strained relationships with their children and families.

Rejection often leads these children toward reproducing cycles of violence, such as joining criminal gangs or even resorting to rape. These traumatic experiences accumulate, often compounded by delayed prenatal care and high-risk deliveries, which are frequently due to mothers' decisions to conceal their pregnancies. This stigma is compounded by certain cultural beliefs. In the DRC, for instance, there is a belief that the breast milk of a woman who has been raped is toxic.

Cécilia Agino stressed the urgent need to give these children civil recognition and protection, suggesting adoption as a means to ensure their care and meet their basic needs.

- **Augustine Atry**, *doctoral student on the status of women in transitional justice*

Augustine Atry highlighted the situation of children born of rape, citing the regional law adopted on July 14, 2022, in the District of Brcko, Bosnia-Herzegovina, as an example. This law granted victim status to these children, affording them rights similar to those of civilian war victims, including access to healthcare, employment, priority housing, and free legal assistance. She highlighted the recurring tendency not to consider these children as victims of armed conflict. Historically, these children have been neglected, mainly in contexts where sexual violence was a weapon of war, such as during the genocides in Rwanda and the conflict in Bosnia-Herzegovina.

Augustine Atry also pointed out that the issue of reparations for these children had received little attention until very recently. The international legal framework lacks specific provisions for these children, even though some rights are granted to them. She mentioned a number of harms suffered by these children, affecting their fundamental rights such as the right to life, identity, education and reparation, which are often ignored by existing systems.

Regarding reparations, she underscored the inadequacies of international law on this issue, citing examples of soft law and reports that briefly mention children born of rape but fall short of providing concrete reparations. Augustine Atry discussed the limits of the reparations granted to children by the ICC, although it is beginning to consider them. She mentioned the specific cases of the ICC and the convictions of Jean-Pierre Bemba, Dominic Ongwen and Bosco Ntaganda, where the recognition of children born of rape as direct victims or their right to reparation were considered. At national level, the speaker highlighted recent advances, detailing forms of state reparations – symbolic or normative – citing examples of Bosnia-Herzegovina and Peru. Non-state reparations were then discussed, using the example of the *Global Survivors Fund*.

In conclusion, she emphasised the critical need of reparation programmes for these children, while noting that current progress remains insufficient to address the substantial needs of today's victims.

- **Danaé van der Straten Ponthoz, *Head of Advocacy and International Policy at the Global Survivors Fund***

Presentation of the *Global Survivors Fund*

In her speech, **Danaé van der Straten Ponthoz** presented the ongoing work of the *Global Survivors Fund* (GSF), a foundation established in Geneva in 2019 by Dr. Mukwege and Nadia Murad. The organisation aims to bridge the evident gap between States' obligations for reparation and their practical implementation for victims of sexual violence and children born of rape. Rather than focusing on judicial reparations, the *Global Survivor Funds* advocates for the implementation of administrative reparations programmes, emphasising the urgency of victims' needs. Such initiatives are essential to prevent further harm and to curb transgenerational transmission of trauma.

She also emphasised the importance of interim reparative measures to hold governments accountable. She stressed that children affected by sexual violence, especially those held captive with their mothers, are a primary focus for the *Global Survivors Fund*. Specific programmes have been established for child victims, notably in Nigeria, which also encourage active child participation.

The stigmatisation of child victims was then addressed by Danaé van der Straten Ponthoz, who highlighted the long-term consequences of lacking access to identity and nationality. This lack can heighten vulnerability to child trafficking, early marriage or forced labour. The *Global Survivors Fund* seeks to address these challenges by advocating for a basic protective framework that guarantees certain fundamental rights for victims. The organisation is also working on the issue of civil registration, particularly encouraging governments to enable mothers to register their children.

In conclusion, Danaé van der Straten Ponthoz announced the forthcoming publication of a report containing specific recommendations. These include ensuring gender equality in civil registration (allowing mothers to register their child independently), abolishing laws requiring proof of marriage for registration, and revising legal identity requirements to grant child victims access to essential rights.

[Discussions with the Experts](#)

These two presentations sparked a discussion among several experts in law and psychology.

Claudine Combier has highlighted the disruption in community membership for children born of rape and raised questions about filiation. This issue, which is sometimes addressed decades after the fact, raises fundamental questions about the very definition of fatherhood: can a violent father be considered a father? In her view, the complexity of terms in this context complicates finding a clear answer. A crucial aspect of this issue is the need to provide reparation for both mother and child, hence the importance of dealing with the harm suffered simultaneously. She also noted differences in treatment within communities, particularly between girls and boys born of rape, highlighting disparities in their perception and integration.

In response, **Paolina Massida** identified several sources of stigmatisation affecting children born of rape. Conception in captivity is a source of prejudice and exclusion, while association with a

movement and illegitimacy at birth also contribute to this stigmatisation. In Acholi society (an East African population living mainly in Uganda), social identity is closely tied to the father, determining social status, possessions, and land ownership. Consequently, "leaving the bush" without a father means a lack of a social standing within the Acholi community. The *Ongwen* case highlights this issue, as D. Ongwen fathered children through rape of women. The speaker noted that the judges recognized Ongwen as the father, granting him the right to see and contact his children, even from his detention centre in The Hague. The consequences of this recognition for the children raise major questions about their well-being and identity. **Paolina Massida** also emphasised the importance of the notion of direct victim. Direct victims hold broader rights to services and reparations than indirect victims. For example, it is crucial that children born of rape are classified as direct victims in order to be able to claim reparations before the ICC.

Following this presentation, three questions were put by members of the public:

- How can we explain the origins and birth of children without burdening them with the traumatic circumstances that surround them?
- What distinction can be made between the terms "born of rape" and "born as a result of rape", taking into account everything that may have happened between the traumatic event of rape and birth, such as the support received, for example?
- How could children born of rape be better named, given the importance of the notion of the genitor?

In response to these questions, **Cecilia Agino** referred to children born of rape as "children born of rape". She underlined the need for more precise terminology to demonstrate their reality. She examined how gender shapes the community's perception of girls and boys. Girls are often confined to the domestic sphere, directly exposed to violence and persecution, and denied access to education. For them, the community represents not integration but rejection. This rejection is reinforced, among other things, by community and religious councils, including biblical arguments invoked by the Church. Awareness of these social obstacles is crucial to understanding the challenges faced by these children born of rape in their reintegration and acceptance into society, particularly in the DRC.

1pm-3.30pm. Second Roundtable: the Answers

This round table was chaired by Magali Bessone (Professor of Philosophy at the University of Paris 1 Panthéon-Sorbonne - ISJPS).

1pm-2.15pm. Repairing without Punishing? Interim/Administrative Reparation Mechanisms

Interventions

- **Séverine Louwette**, *lecturer in psychology at the University of Liège*

In her speech, Séverine Louwette highlighted the critical importance of victims' right to protection within the framework of reparation. She stressed that when others assess the situation, victims can unfortunately be re-positioned as victims, thereby reawaking their trauma. She also underscored the current imbalance in the relationship between the victim and those responsible for alleviating the trauma, pointing to prejudices and gaps in understanding of the victim's actual needs.

- **Ravel Ouattara**, *doctoral student in international criminal law on the subject of persecution at the University of Paris 1 - Panthéon Sorbonne*

Interim or Other Repair Mechanisms

Ravel Ouattara discussed reparation for victims of sexual violence in the context of armed conflict. He began by highlighting the consequences of lacking a State structure to guarantee real justice among subjects of international law. He then emphasised the role of international humanitarian law in organising rules to be respected during armed conflicts and in sanctioning violations of victims' rights. However, he pointed out the limitations of these mechanisms and the reluctance of state authorities to apply them. He then examined reparation mechanisms, distinguishing between judicial mechanisms linked to a court decision and non-judicial mechanisms, such as interim reparations. He highlighted the benefits and drawbacks of these two approaches, warning against dissociating reparation from criminal sanctions, as this could result in impunity for criminals and deepen social divides.

He highlighted the role of the *Global Survivors Fund*, which he considered to be an example of an interim reparation mechanism, offering assistance to survivors of sexual violence in times of armed conflict, while for state responsibility in providing reparations to victims. He also examined a specific case of a reparation mechanism in Côte d'Ivoire, offering financial compensation to victims. He highlighted the mixed perceptions of this initiative, viewed both as genuine support for victims and as a political strategy by the State to avoid legal accountability.

In conclusion, he called for us not to be content with existing models of interim reparation and suggested an approach that integrates both reparation and accountability for perpetrators.

Discussions with the Experts

Following these two speeches, a discussion was held with a number of experts in the fields of law and psychology.

Danaé van der Straten Ponthoz pointed out that in many cases, reparations were conditional on evidence being provided by the victims. To alleviate this problem, she highlighted the UN's endorsement of administrative procedures, which are less formal, faster and require less evidence, thus offering advantages over judicial procedures. However, despite these advances, recent reports reveal a gap between the authorities' declarations and promises, and actual actions, justifying the GSF's intervention.

Bérangère Taxil emphasised the concept of reparation without punishment. She emphasised that reparation could coexist with punishment, while insisting that procedures should and could first focus on reparation independently of punitive measures. This is the case for victims of terrorist acts in France. She thus explained the dissociation between the criminal and civil phases in domestic law, stressing that, even in the absence of a clearly designated culprit, justice must respond to victims' demands for reparation.

Benoit Van Keirsbilck highlighted the absence of social control mechanisms, leaving children to fend for themselves – often orphaned and unprotected by society- creating a breeding ground for various forms of abuse. In contexts where violence is permanent, such as in eastern DRC, individual reconstruction becomes almost impossible when society neglects its obligations towards children. The question of the *timing* of reparation is therefore crucial, especially in the context of

systematic violations. Nevertheless, the justice system, often rigid in its deadlines and prescriptions, fails to adequately address the individual needs of children. Benoît Van Keirsbilck also pointed to the instrumentalisation of victims when certain national actors use victims to obtain evidence, thereby subjecting children to painful procedures and risking retraumatization. He then mentioned the difficulty of calculating compensation for children, especially when the harm cannot be quantified financially. In his view, it is crucial for legal institutions to identify the consequences of the harm suffered in order to consider appropriate compensation. Although there is some degree of follow-up, it is still difficult to guarantee that the reparations requested will be implemented, both by the State and by the victims.

Sokhna Fall then raised the issue of the tension between reparation and punishment, suggesting that there could be two distinct phases in the judicial process. She stressed that a secure victim would be a more reliable witness for the criminal justice system than one still plunged into trauma. From a psychological perspective, however, she pointed out that regardless of when the justice system intervenes, insufficient emphasis is placed on the illegality of these acts and the need for condemnation. Children are taught from an early age that breaking the rules leads to punishment. It is therefore dangerously contradictory not to impose punishment and instead attempt to rationalize flaws within the legal system and in society. Sokhna Fall also highlighted the difference between the factual reality and the psychological reality of victims. She underscored the symptomatology of victims, in particular the critical role of testimonies. She discussed the need to refine how symptoms serve as forensic evidence, mentioning in particular the work of the Mukwege Chair in this area.

2.15pm - 3.30pm. Children's Role in Legal Proceedings

Interventions

- **Julie Roux**, *doctoral student in international law at the University of Paris Nanterre, working on gender-based violence in international criminal law.*

The place of children in legal proceedings

Julie Roux developed the issue of children's participation in legal proceedings as victims and/or witnesses of crime. She emphasised the need to ensure that child victims and witnesses have an appropriate role in legal proceedings, taking into account their vulnerability and evolving capacities.

Her speech focused on the attention paid to children in such contexts, noting a change in external perception. Children have gone from being passive objects of protection to active subjects of the law. However, she highlighted the challenges faced by the courts in guaranteeing the effective protection and participation of children, particularly issues of evidence and witness protection.

The speaker went on to discuss the need for a child-centered approach to legal proceedings. She highlighted the protective measures implemented by specialized victim and witness support units. Julie Roux also stressed the need to prepare children to testify in court to avoid any re-victimisation, citing the example of the Barnahus system created in Iceland to ensure the safety of witnesses. She also referenced the use of a "*safe house*" by the Special Court for Sierra Leone.

In conclusion, she stressed the crucial importance of safeguarding children throughout legal proceedings, balancing their right to participate with their need for protection, which is heightened by their vulnerability. Julie Roux highlighted the role of children's testimonies in understanding the violence they experience and holding perpetrators accountable for their crimes, while stressing the need to safeguard the emotional, physical and psychological well-being of every child.

- **Jacqueline Spitz**, *clinical psychologist at the University of Liège working on family issues*

The place of children in legal proceedings

Jacqueline Spitz discussed the complexities involved when children are involved in legal proceedings. In particular, she highlighted the significant challenges faced by children, who are confronted with different situations such as civil proceedings (particularly in the case of parental disputes) or criminal cases (as victims, witnesses or alleged offenders). She emphasised the need for accurate and reliable evidence, which is often necessary to incriminate a perpetrator or guarantee the child's protection.

The speaker also spoke of the shortcomings of the current arrangements, demonstrating the difficulty of applying the law, given the wide range of ages and developmental stages among children, all grouped together under the legal term of "minors". She then explored the psychological impact of legal proceedings on children, particularly when they have to report instances of domestic violence.

Jacqueline Spitz went on to suggest measures to help children better navigate legal proceedings. She stressed the need to make information accessible and adapted to the age and level of understanding of each child. The presence of a neutral support person, specially trained to accompany the child throughout the legal process, would be a good initiative in her view.

Discussions with the experts

During this final discussion session, **Benoît Van Keirsbilck** addressed the current challenges faced by judicial systems in meeting children's needs. He stressed the need to train those involved in the justice system, to adapt physical spaces, and to ensure that professionals have an adequate understanding of children's needs, illustrating his remarks with numerous cases where children did not understand requests or questions posed to them. At a national level, he spoke of the difficulty for courts in reconciling fairness of justice with the protection of children. In his view, the use of filmed testimonies is a practical solution for protecting children from retraumatization during legal proceedings. Benoît Van Keirsbilck also highlighted the difficulties of balancing the accused's right to a defense with the need to protect victims, recalling the duty to protect victims in line with the decisions of the European Court of Human Rights. It is vital to give children access to justice, both nationally and internationally, while recognising their right to reparation in all circumstances.

In concluding the workshop, **Sokhna Fall** focused on the recording of testimonies as a means to prevent retraumatization by avoiding repeated recounting of traumatic events. However, this approach could also limit the child's future contribution by freezing their testimony at *one* point in time. To counter this limitation, she felt that the first filmed hearing should not be the only one, as relying solely on initial recordings could imply that these are children's only contributions in legal proceedings. She also emphasized the importance of distinguishing between a child's developmental immaturity and a state of psychotraumatic dissociation. In this way, a question asked could bring the child back to his or her traumatic experience without this being due to a lack

of understanding of the question itself. To improve support for children, Sokhna Fall proposed an adapted form of the current "triangulation" dynamic, involving both legal representatives and lawyers to ensure consistent support for the child.

Bérangère Taxil concluded the workshop by expressing gratitude to all the participants and speakers.