

MOVING FORWARD: ENABLING A CHILD-CENTRED APPROACH AT THE ICC AND BEYOND

SUMMARY AND RECOMMENDATIONS
9 DECEMBER 2021



I. OVERVIEW

The high-level panel discussion, lauded as important, focused on identifying practical solutions for strengthening accountability for crimes committed against children and ensuring their visibility in international justice processes. Expert panellists, including the Prosecutor to the International Criminal Court (ICC) Karim Asad Ahmad Khan QC, Ambassadors, academics, lawyers, and representatives from civil society, all contributed their views and proposed recommendations on how to better ensure a child-centred approach. Veronique Aubert, Lead on Children and Armed Conflict at Save the Children and Special Adviser on Crimes Against and Affecting Children to the Prosecutor, moderated the lively discussion.

This short summary outlines the key points of the discussion, with a view to focusing on key recommendations. All panellists agreed that this is the first of many discussions and have committed to further support the implementation of the identified recommendations.

II. KEY RECOMMENDATIONS

TO THE INTERNATIONAL CRIMINAL COURT

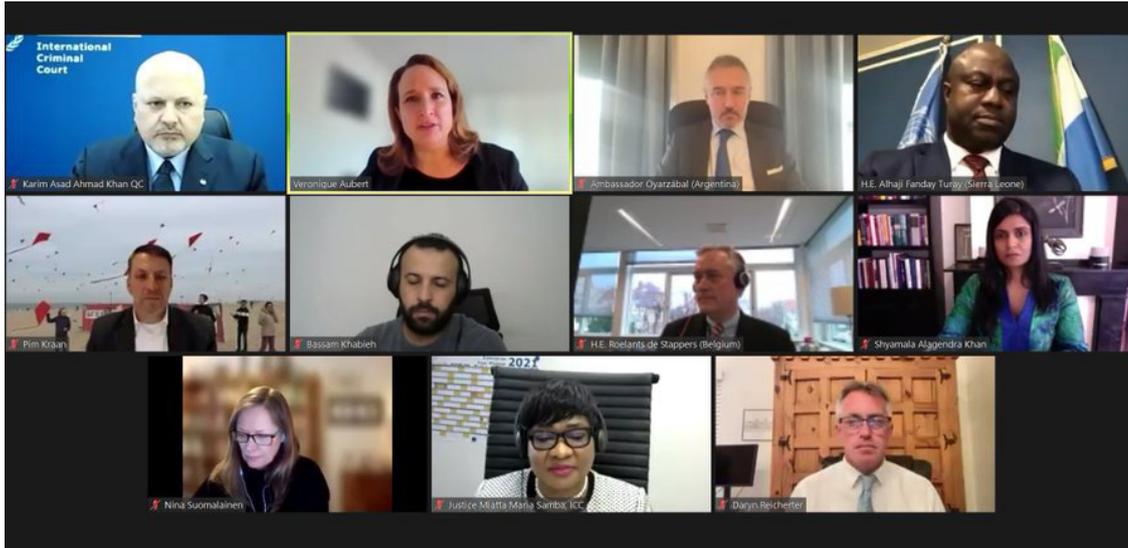
- **Work with all relevant actors to implement key measures and actions from the 2016 Policy on Children** of the Office of the Prosecutor (OTP), including the development of an Action Plan to ensure adequate dedicated staffing within OTP and effective processes.
- **Build a network of national experts**, and work on bringing in local police, medical personnel, and others, who can contribute to a balanced evaluation for crimes against children.
- **Include experts from the situation country** into the investigations team to ensure cultural knowledge and social norms is taken into consideration, including when providing outreach to affected children and communities.
- **Include child rights expert in every investigation team and other relevant sections.**
- **Change recruitment practices** to ensure that previous experience in international courts and mechanisms is not a requirement.
- **Ensure cases are conducted fairly**, with due regard to effective case management and case progression, while prioritising the needs and best interests of the child:
 - Ensure child victims get immediate support, including psychological, to aid their recovery;
 - Support better coordination across units and centralise child victim participation to the justice processes in an appropriate way. This includes making all efforts for children who are taking part in Court processes to be familiarised with the environs and actors involved in the hearing;
 - Explore how the procedure as per Article 56 of the Rome Statute could be systematically used when child witnesses are involved. This not only prevents the need for children having to publicly relive their trauma several times, but it also minimises the risk of contamination;
 - Explore ways in which children's testimony can be heard in different settings than the courtroom;
 - Support the development of child-friendly material including the judgments.

TO MEMBER STATES

- **Allocate resources to increase child rights expertise** in the investigation and prosecution.
- **Increase funding to Justice Rapid Response (JRR)** to enable deployment of more child experts in international investigation mechanisms.
- **Allocate funding to an expert agency to develop the child report card.**

TO ALL STAKEHOLDERS INVOLVED IN JUSTICE PROCESSES

- **Plan for the psychological trauma of the children involved.** This includes provision of sustained training on trauma informed models and ensuring integrated approaches for strengthened participation of children in justice processes.
- **A specialised agency to consider the development of a child report card**, similar to a gender report card that focuses on jurisprudence.



Panel participants. Top row: Karim Asad Ahmad Khan QC, Veronique Aubert, H.E. Mario Oyarzábal, H.E. Alhaji Fanday Turay. Middle row: Pim Kraan, Bassam Khabieh, H.E. Roelants de Stappers, Shyamala Alagendra. Bottom row: Nina Suomalainen, Justice Miatta Maria Samba, Daryn Reichert.

III. MAIN DISCUSSION

OPENING REMARKS:

H.E. Roelants de Stappers,
Ambassador and Permanent Representative of Belgium,
 and H.E. Alhaji Fanday Turay, *Permanent Representative of Sierra Leone to the United Nations*

Both H.E. Roelant de Stappers and H. E. Fanday Turay provided opening remarks. H.E. Roelants de Stappers set out the stark situation outlining that although every child should have a childhood of innocent, happiness, and joy, this is not the case for the millions of children living in countries with armed conflict. He further articulated that in 2020 the United Nations has reported more than 26,000 grave violations. While acknowledging that international mechanisms, including Commission of Inquiries, Fact Finding Missions, and the International Criminal Court, have developed policies in link with the most vulnerable victims, such as the 2016 Policy on Children of the Office of the Prosecutor (OTP), he highlighted that more needs to be done to ensure sustained attention on children to ensure they are not rendered invisible in courts and judicial proceedings. H.E. Fanday Turay reiterated this message, noting that children remain mostly invisible in justice and accountability around the world. He urged the need for the international community to step up and address the challenges associated with the investigation and prosecution of crimes against children, stating examples and lessons learned that could be taken from the hybrid Court in Sierra Leone.

KEYNOTE ADDRESS:

Karim Asad Ahmad Khan QC
ICC Prosecutor

Khan opened by stating the importance and timeliness of a discussion focusing on crimes against children. He reiterated the need to ensure that crimes against and affecting children are investigated and that the collected evidence meets the necessary standards. He reiterated his commitment to the prioritisation of children but also recalled that it is the responsibility of all actors. He highlighted the importance of the 2016 OTP Policy on Children as a first step, but acknowledged the challenge is in the implementation, and called for an action plan to be triggered by this event.

Khan outlined some of the concrete plans and approaches that his office has already started to implement, including moving Gender and Children Unit to report to one of the Deputies. and ensuring all investigative plans are reviewed by the Head of Gender and Children's Unit. In terms of staffing, he has plans for the employment of at least one new P5s that will be focused on children. He noted that crimes against children continue to be conflated with gender and SGBV crimes. He reiter-

“ I WANT AN ACTION PLAN, WHICH THIS ROUND TABLE IS GOING TO TRIGGER...”

ated the importance of learning from national authorities, and the need to ensure the inclusion of psychologists and experts, especially those from the situation country. Khan emphasised the need to have people from the situation country in the investigations team. Finally, he noted that there is a need to move away from the traditional, paternalistic narratives of not interviewing children. Instead, there is need to equip ourselves better with the skills needed to ensure a child-centred intersectional approach, which not only considers the needs of the children, various factors, including religious orientation, but also the perceived identity markers of their parents. One example he mentioned was the work that Sesame Street Foundation and Save the Children have undertaken where they have utilised technological tools to better access children and their needs.

Bassam Khabieh:
Witnesses to War: The Children of Syria

Khabieh, a photographer and artist, presented some very powerful photos from his book *Witnesses to War: The Children of Syria*. Khabieh's photos capture the suffering and resilience of Syrian's children and youth. By portraying such powerful imagery, participants were brought from dialogue around approaches and methodology of investigations and prosecutions to gaining an insight into what children go through daily in conflict countries. With Syria neither a preliminary examination or a situation country, such images can speak on behalf of all children in wars around the world, reminding us of the need for accountability and justice.



Photograph by Bassam Khabieh.

PANELLIST 1:

Pim Kraan,

Chief Executive Officer, Save the Children Netherlands

Kraan set the scene by outlining the three main barriers affecting the ability and likelihood of international accountability mechanisms to pursue accountability for children affected by armed conflict.¹ These barriers can be categorised into 1) attitudinal 2) financial and 3) structural.

In terms of attitudinal barriers, he noted again as previous speakers had around the “invisibility” of children within justice processes. He noted that this is due to their legal disenfranchisement, where children are effectively unstated and erased from the narrative. This he linked back to the harmful perceptions that children are incapable or unreliable witnesses. He also noted that investigation is conflated with interviewing children, which he argued needs to be perceived as two different things. Whilst acknowledging that the inclusion of children requires highly specialised expertise, he urged that the blanket assumption that evidence as per children’s recollection is not correct. He further noted that children’s suffering tends to be reduced to the crime of us and recruitment of children in con-

flict and there is no collection of evidence for other crimes. In terms of financial barriers, Kraan noted that two issues remain; the first being the lack of political investment to get this topic firmly into the political agenda; while the second is focused on the lack of funds for expertise in the investigation and documentation of crimes against children, which effectively means that no structures can be created. Finally, in terms of structural barriers, there is lack of strategic guidance on the implementation of the OTP Policy on Children, limited collaboration between child rights experts at the national and international level, and only rare examples that can be pointed to in terms of collaboration between multi-disciplinary experts, including the ICC, medical actors, and the local police.

“ INVESTIGATING AND PROSECUTING CRIMES AGAINST CHILDREN FACE A VARIETY OF ATTITUDINAL, FINANCIAL AND STRUCTURAL BARRIERS”

PANELLIST 2:

Justice Miatta Maria Samba,

Judge, International Criminal Court

Justice Samba focused her intervention on what the ICC can do to further advance justice for crimes against children and ensure that trials where children are involved are conducted fairly and safely. She specifically focused her intervention on three topics: 1) The speed of trials; (2) The protection of children in the courtroom; (3) Recruitment of experts and therefore, budget.

First, she noted that trials in the field of international criminal law are long and take time. While acknowledging that the length of time is somewhat inevitable, she also urged that such proceedings are conducted expeditiously, not least for children. She used the example of the case of Thomas Lubanga to illustrate this point. In this case, there was almost a 20-year gap between

¹ Save the Children, “Advancing Justice for Children: Innovations to strengthen accountability for violations and crimes affecting children in conflict” (2021) Available at: <https://resourcecentre.savethechildren.net/document/advancing-justice-children-innovations-strengthen-accountability-violations-and-crimes/>

the time crimes took place and the child victims receiving some form of psychological support measures. This explicitly means that the child victims are no longer children but are adults. She further noted that such delays have a knock-on effect for the quality of evidence, as memories fade naturally over time, which is more acute for children who are still developing physically and mentally. In this regard, Justice Samba provided three recommendations on the need to 1) ensure investigations are not unduly prolonged 2) ensure that cases are conducted fairly, with due regard to effective case management and case progression and 3) reform the Court's reparations model to ensure child victims receive the support they need. She specifically noted the need to explore alternative options for child victims as currently formal reparations can only be awarded after the conclusion of the criminal trial.

Secondly, in relation to the protection of children, she outlined that the courtroom can be a very intimidating environment. The role of judges, she highlighted, is to strike the balance between ensuring that the process of being in court is not overly stressful or re-traumatising for children, whilst at the same time safeguarding the rights of the accused to challenge evidence against him or her. She outlined some very practical steps that can be taken, including allowing the child to familiarise themselves with the Courtroom, see where everyone sits and get to know that other people will be involved in the hearing. During the testimony, it is essential that the Court is mindful of the well-being of the child, with judges needing to consider if special measures are necessary. Her overall suggestion was to avoid the need for children to appear in formal hearings at all. In this regard, she proposed two recommendations. Firstly, she advised for the more systematic use of the procedure outlined in Article 56 of the Statute when child witnesses are involved. This not only prevents the need for children having to publicly relive their trauma several times, but it also minimises the risk of contamination, which is in everyone's interest. Second, whenever possible, she advocates

“ FUNDS MUST BE SPECIFICALLY ALLOCATED FOR INVESTIGATING AND PROSECUTING CRIMES AGAINST CHILDREN SO THAT THE INTERNATIONAL CRIMINAL COURT CAN EFFICIENTLY BE PROVIDED WITH EXPERTISE”

that we should hear children's testimony in a different setting than the courtroom. Further, instead of subjecting the child to formal examination by the parties, she purports that the testimony should be elicited by a trained psychologist who is alone with the child (and possibly a person of confidence). The whole process is followed and supervised remotely by a judge and the parties via video link. The judge is in contact with the psychologist and the parties can suggest lines of questioning either real-time or during breaks. She notes that such an approach is far less damaging to the child and, crucially, also yields more and more reliable evidence. If done right, she also noted that it should not cause any prejudice to the rights of the Defendants.

Her third and final point focused on experts and budgets, with Justice Samba calling for investigators, including national investigators and psychologists from situation countries with knowledge of international human rights, humanitarian, and criminal law to be recruited or trained on how to investigate and interview child victims in a child friendly atmosphere. She used the example of Sierra Leone where Sierra Leonean prosecutors were seconded to the SCSL/OTP and helped in the investigation of crimes against children and with security of these children before, during and after prosecutions. She noted that such calls however need budget, with her reiterating the need for allocated funds for child expertise within the ICC. She concluded by highlighting that children, by nature, are more vulnerable and require extra care, and that it is in all of our interests to ensure that children are catered for and protected.

PANELLIST 3:

Nina Suomalainen,
Executive Director, Justice Rapid Response

Suomalainen focused her intervention on what Justice Rapid Response (JRR) does to address the identified challenges. In relation to the lack of proper child-competent expertise and the tendency to focus on the recruitment and use of children in hostilities – two challenges outlined by Kraan, she highlighted the need to use a child lens throughout all investigations. This, she stressed, will better ensure the uncovering of all other crimes affecting children – including but not limited to killing, to persecution, maiming, sexual violence, and deprivation of the rights to education and health. To ensure the incorporation of this child lens, JRR has recruited specific expertise on child rights and has engaged all relevant mechanisms and investigations on strategies to integrate this expertise in their operations. Suomalainen explained that the deployment of child rights expertise from the JRR Roster of experts had significantly increased in the last few years, with last year 18 child rights experts deployed, and that this was made possible because JRR had received dedicated funding for addressing crimes affecting children. These deployments supported investigations of crimes affecting children in different contexts, with such deployments are slowly leading to encouraging results.

From the deployment of such experts, there has been two main lessons: 1) it is critical to have a dedicated focal point for child rights in each investigation team and 2) it is critical to remember that children's value should not be based on how well their testimony will do in a court of law. In relation to the first point, having team members with expertise in child rights is not enough. Unless at least one person on the team with the right expertise and training is specifically assigned as focal point for child rights, a child rights lens is unlikely to be integrated. In relation to the second point, Suomalainen noted that we all have a responsibility to find ways to include chil-

dren in justice processes and that we must prioritise the cooperation with child protection actors in a responsible and meaningful way.

JRR has had a successful collaboration with the Court, especially in the SGBV investigations, and she gave the example of how JRR deployed three investigators to the ICC investigations into militia commander Bosco Ntaganda, including an SGBC expert deployed in partnership with UN Women. These investigators helped collect evidence that was used to secure Bosco Ntaganda's 2019 conviction by the ICC. In relation to the ICC investigations on crimes against children, she noted that there have been several discussions with the Office of the Prosecutor on ways to integrate child rights expertise. This included best practices for interviewing children, a skill that is mostly found in criminal investigators working in national jurisdictions and practicing it daily. She concluded with a note on how JRR remains committed to working with the ICC in 2022 and beyond to improve and implement a child-centred strategy through the deployment of a child rights specialist who will focus on capacity sharing and building wherever they can have a lasting impact on children's lives and well-being, contributing to more inclusive and long-lasting justice and peace processes.

“ BY USING A CHILD-CENTRED APPROACH, INVESTIGATIONS WILL BE ABLE TO UNCOVER A WIDER RANGE OF CRIMES AFFECTING CHILDREN”

PANELLIST 4:

Shyamala Alagendra Khan,
*Gender and Child Rights Advisor, Independent Investigative
Mechanism for Myanmar (IIMM) and former Assistant
Director of Public Prosecutions of Fiji*

Alagendra Khan focused her intervention on how best to implement existing policies and provided concrete suggestions in that regard, including drawing from lessons learned at the domestic level. She noted the OTP 2016 Policy on Children as a monumental step and an important initiative. However, she also noted that the policy was initiated five years ago, and it is about time now to act more fully and deliver on the promises that were made in 2016. Now is the time for a stock take, where she articulated on the need to reflect on what we have done for children and how we can create a path for a different future for them in terms of accountability. She noted that children are not only targeted along with adults, but children are also specifically targeted to punish, terrorise, persecute or destroy the community. Children represent the future and cultural continuity of the targeted group which make them high priority targets in conflicts. Echoing Kraan, Alagendra Khan noted that the child specific prosecutions in the ICC has thus far been focused on the use and recruitment of children under 15, which she ultimately declared as being only a “tiny step”. She noted that children between 15 and 18 are also recruited and subjected to brutal training regimes and subjected to other groups but this was included in charges. She noted that children are also victims of other crimes, including sexual violence and are being left out of the accountability equation. Crimes targeting babies and children are subsumed into attacks against civilian populations, and sexual violence have been focussed on gender categories. The OTP Policy on children recognises that torture may cause greater pain and suffering

to children than adults, yet torture against children have never been charged in any case to date, despite the factual justifications that were present.

She then noted that age-based persecution has not been charged despite there being a good basis to do so. Using the example of the Ongwen case, children born of rape were used as evidence of rape rather than as a separate category of victims. By including charges specifically addressing the plight and victimisation of children, the Court would be able to affirm that children have a right to a full measure of international criminal justice, just as adults have. Failure to do contributes to the invisibility of children in accountability processes and thus also prevents the deterrent effects of justice. She further noted that invisibility of children is also a result of the fact that they are not considered as active participants, with her highlighting that apart from former child soldiers, children are invariably, not called as witnesses. She outlined that by not listening to children, we are continuing to perpetrate cultural and social norms which excludes them, and more needs to be done to proactively reach out to them. She reiterated that do no harm does not translate to do not interview children, with her calling for the need to listen to the experts and appropriate guidance at the national level, and the need to leave the “bubble of international criminal justice” and tap into expertise that exists in domestic jurisdictions such as in Fiji. In relation to expertise, she highlighted the need for the conversation to extend to the ICCBA to victims and defence counsel and the registrar, with a

**“ BY NOT LISTENING TO CHILDREN, WE ARE CONTINUING TO
PERPETRATE CULTURAL AND SOCIAL NORMS WHICH EXCLUDES THEM”**

need for mandatory training for counsel in handling child witnesses.

Alagenda Khan noted that the Sierra Leone Truth and Reconciliation (TRC) model was a great example of a mechanism which successfully integrated children in its processes and deserves recognition. The Commission had agreements with child protection agencies (CPAs) which would do the needed assessments and seek approval of the children and their families. Children were prepared for the hearing and provisions were made for appropriate emotional support with social workers. The Special Court for Sierra Leone (SCSL) had guidance on how to work with child witnesses, which included a similar approach of engaging with child protection agencies. This included a requirement that any investigator or prosecutor interacting with children had to have expertise and experience in this regard. In SCSL international prosecutors worked hand in hand with their Sierra Leonean colleagues and through

them learned how to interact with children meaningfully with due regard for their cultural and social background. She noted that such a model is currently lacking at the ICC OTP where professionals from situations countries are not many. Further, the TRC of Sierra Leone was also unique in the sense that it published a child friendly version of the TRC Report so that the children of Sierra Leone could read and understand the report and know their history. There is a need to draw valuable lessons from this exercise, with the need for the ICC to have child-friendly material including final judgments. Alagenda Khan also recommended the use of the children's report card for the Court, same as the gender report card developed by the Women's Initiative for Gender Justice to assess the progress for the Court. Alagenda Khan stated that there are so many possibilities that could allow us to do better, with her concluding that as children are high priorities targets in conflicts, they must be even higher priority focus in accountability processes.

PANELLIST 5:

Daryn Reicherter,

Director, Human Rights in Trauma Mental Health Laboratory

Reicherter challenged the narratives about re-traumatising a child witnesses or that their accounts are inaccurate, thus leading to unreliable testimonies. Reicherter, with years of expertise in cross-cultural trauma psychiatry, including the intersection between psychology and justice processes, noted that child trauma is part of any process. Regardless if there is an accountability process or not, trauma harm still exists. The only difference is that without an accountability process, their harm and trauma are just unaccounted for. He outlined that survivors of trauma are people and putting them in categories based on age 18 or below makes no sense, as perpetrators of the crimes do not acknowledge any age cut off. Types of trauma, protective systems in life, cognitive age and capacity are necessary factors any survivor, with him reminding us that the psychology of survivors is not that

fragile. Psychological factors must be considered, and children can participate in all accountability processes. He further highlighted that excluding survivors based on age can disenfranchise them, and in turn impede the justice mechanism.

He noted that there continues to be a fear that allowing children to participate in such mechanisms is going to cause irreparable harm or retraumatisation. While he appreciates such concern as it shows sensitivity, he argued that he is less fearful about that

“ EXCLUDING SURVIVORS BASED ON AGE CAN DISENFRANCHISE THEM, AND IN TURN IMPEDE THE JUSTICE MECHANISM ”

than lawyers are. The risk of revictimization is real but is not the only concern, with him stating that allowing people, including children, to participate in their own justice processes can also be helpful. With such exclusion, there is a real fear that risks us silencing these children, with him highlighting that children can tell their own stories. Children can understand what is happening to them and to provide useful information that is true and accurate information.

With a view to focusing on solutions, Reicherter noted that the main way that we can ensure children are included is the need for expert planning. He noted the need for all involved in the justice processes to plan for the psychological trauma of the children involved. He urged that we cannot ignore it, and that there is aftermath and trauma for every child that has been traumatised. He

advocated for the need to have an integrated approach that is realistic, successful, and helpful. Trauma informed modes are necessary, and legal teams should be trained on it. He recognised there needs to be a serious adjustment on the way we think about and interact with child victims. He noted that this is not a once-off one hour training, but rather this is about building experience and resources for the involved legal teams to be consulted, trained and to be able to build their skillsets. He concluded with some powerful words around the need to recognise that while traumatised children are sensitive, they are also resilient like any other trauma survivor. There is no single strategy that will work for any one child. Similar to adults, it will have to be contextualised and specific to ensure that the needs of the child, including being able to participate in the justice processes, are catered for.

CONCLUDING REMARKS:

H.E. Mario Oyarzábal,
*Ambassador and Permanent Representative of Argentina
to the International Institutions in The Hague*

H. E. Oyarzábal concluded stating that children are often the target and called for an urgent need to strengthen strategies and bringing to justice those that are responsible. He noted that there are numerous barriers, but also reminded the audience that these are not insurmountable. We can work together to address them, including by changing mindsets and stereotypes on the crimes and the roles of children in justice processes and ensuring that dedicated and highly trained experts can be deployed to work in investigations. He noted that the ability for JRR to deploy such experts is the benchmark of JRR in the fight against impunity and called for increased resources for the investigation and prosecution of crimes against children. His closing words focused on examples from his own country, with him highlighting two Argentinian initiatives for addressing crimes against children in the last military dictatorship. This provided yet again another concrete example of best practices which

can be drawn from at the national level. He recalled the establishment in 1992 of a National Commission for the right to identity established in 1992 to promote the search of children of disappeared to know their whereabouts and to restore identity. He then highlighted the creation of a Specialised Prosecutorial Unit to ensure the implementation of the protocol of action for case of child abduction which sets guidelines for prosecutors to improve efficiency of investigations and reduce the duration of investigations. In addition to these processes, H. E. Oyarzábal highlighted that Argentina had created a reparations process dedicated to children and youth who were detail or born during the captivity of their mothers or who were victims of identity substitution. H. E. Oyarzábal concluded by highlighting that this event had raised awareness on this important topic at the Assembly of States Parties and beyond but also calls for concrete actions to come out of the discussion.

IV. QUESTIONS AND ANSWERS

(Please note due to shortage of time, the Moderator only got the opportunity to ask one question. However, some questions were answered live. All questions have been documented in the Annex)

QUESTION FOR BASSAM:

It is so easy to be caught up in the legal jargon of accountability, can you share some experience that you were not able to capture with the camera? How does lack of accountability look for the children and the families?

Khabieh shared with the audience how the war invaded civilian neighbourhoods, and families struggled to survive. He spoke to the memories that he could not capture with his camera; those children who were shocked and terrified, injured, killed, burned, thrown into wells, slaughtered by knives, suffocated by chemical gas, and buried alive while they were sleeping in their cold beds. He then told us how he remembered the joy on the children's faces when they saw bananas and oranges for the first time in their life after long years of living under siege, isolated from the outside world. He then moved on to recollecting a time when he went to the medical point in my city Duma, after a

cluster bomb hit the city. There were dozens of injured children, as well as women and men. One thing he remembers as he stood near a bed stained with blood, where a small girl, with her eyes closed grabbed Khabieh's hand and said "Dad, don't leave me!". The girl's father was killed in that attack. Khabieh concluded by telling the audience how he remembers that moment and reminding us that we need to continue working together to protect this little girl, and the millions of innocent children. Khabieh reminded us that such perpetrators need to be held to account and we must do our best to prevent violations against children and innocent civilians.

QUESTIONS AND ANSWERS

(that we did not get time to answer live)

QUESTION FOR THE PROSECUTOR:

Will the Prosecutor consider proposing changes to the Statute that will provide better support within the framework of the legislation to children who will give testimony at the ICC?

There are no special measures bespoke to children in current existence, it would be good to bring some special measures in line with best practice throughout the world, for example the UK where the special measures have been introduced in line with Achieving Best Evidence.

QUESTION TO ALL:

How do we mobilise both the resources and the political will to 'take policy off the paper' at a time when there are more crises than ever before, more people in need than ever before, global economic stressors and widespread fatigue for humanitarian causes?

Working with children who have survived grave violations is incredibly complex, requires high levels of expertise, and requires a long-term commitment to supporting their recovery. And for the most part, it will have to take all of this needs to take place in very difficult environments including refugee 'camps' and urban low-income areas.

QUESTION TO JUSTICE SAMBA:

In national settings, there is not only expertise but critically, there are systems in place to support coordinated, multi-disciplinary child friendly holistic responses. **What can we do to ensure similar systems can support investigations for crimes against children - and in particular support children to be heard?**

QUESTION TO PIM KRAAN:

How can we tackle attitudinal barriers - stereotypes, myths and stigma around the credibility and reliability of child witnesses - as these are institutionalised, and pervade the whole process?

We can assign specialist to the evidence collection and investigative processes, to guide the way investigators deal with children witnesses. We also can build a network of national expert, and work on bringing in local police, medical personnel and others, who can contribute to a balanced evaluations of fact concerning crimes committed against children.

QUESTION TO JUSTICE SAMBA:

Can Justice Samba please elaborate further by providing further details on the suggested reform as this would help the work of the board of the Trust Fund for Victims?

At present, no help is given formally by the court unless there is a conviction. The SCSL had within the OTP, a Witness Management Unit which dealt with its child witnesses even before they could be used as witnesses. When the prosecutor gets to meet some of them, they could be sick; traumatised; still on drugs etc. Can one say they will not be helped. What you need is a healthy witness so the OTP will help even before they turn them over to the Registry as for as long as there is accountability for such expenses. So how can the TFV assist? I will refer to R98(5) of the Rules which provides that other resources of the Trust Fund may be used for the benefit of victims subject to the provisions on Art 79 of the Statute. In my view, R98(5) provides the Trust Fund with some latitude to assist victims without there needing to be specific conviction. The Trust Fund can use this provision to be creative in helping to assist child victims. I however acknowledge that funds are limited & that these things are not easy.

#ASP
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Ministry of Foreign Affairs,
International Trade and Worship
Argentina



The Permanent Mission of
Sierra Leone to the United Nations