



# Intergenerational Trauma and Legal Injustice for Women and Girls in Post-Conflict Settings

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## ABSTRACT

This study investigates the enduring and intergenerational trauma experienced by women and children who have survived war crimes, with particular focus on sexual violence. It examines how unresolved trauma coupled with systemic displacement and institutional shortcomings sustains cycles of vulnerability and impedes reconciliation efforts long after conflict ends. The central research question explores how psychological harm and legal inadequacies interact to shape the post-conflict realities of survivors and their descendants. Guided by Judith Herman's trauma theory, the study employs a qualitative, library-based methodology, relying on both primary and secondary legal sources to interrogate international humanitarian law's response to war-related sexual violence. It critically assesses the effectiveness of existing legal frameworks in addressing trauma transmission, delivering justice, and supporting recovery. The study finds that although international legal instruments provide mechanisms for prosecuting war crimes, they often neglect the psychosocial needs of survivors. Key challenges include gender-insensitive reparations, poor implementation of justice measures, and the lack of trauma-informed care. These shortcomings hinder the healing process and prolong intergenerational suffering. By centering the experiences of women and children, this research highlights the need for transitional justice systems that are not only legally robust but also responsive to the emotional and psychological needs of survivors. It advocates for comprehensive institutional reforms that embed gender sensitivity and trauma awareness into post-conflict recovery efforts. Ultimately, the study contributes to ongoing debates on human rights, justice, and the long-term consequences of conflict on vulnerable populations.

**Keywords:** *Intergenerational trauma, Justice, Post-conflict, Transmission.*

## 1 INTRODUCTION

Women and children are disproportionately affected by systemic brutality, sexual crimes, forced displacement, and significant mental trauma in conflict zones around the world. This initial pain frequently results in a complicated phenomenon known as intergenerational trauma, in which the psychological, social, and even biological scars of war are passed down from one generation to the next. This terrible legacy perpetuates cycles of suffering, hurting mental health, eroding communal relationships, and impacting views toward justice long after the guns have been silenced and formal disagreements have been legally resolved.<sup>1</sup>

Trauma can be expressed through various mechanisms beyond direct exposure, including secondary trauma, where

individuals internalize the suffering of others through empathetic involvement, frequently observed among caregivers and intergenerational trauma, which involves the psychological and potentially biological repercussions of an ancestor's trauma being transmitted through parenting practices, familial narratives, or epigenetic alterations.<sup>2</sup>

Intergenerational Trauma describes how trauma in one generation impacts the health and wellbeing of subsequent generations' offspring.<sup>3</sup> This notion emphasizes how the repercussions of war, violence, and other traumatic events can be transmitted through families and communities, possibly influencing people, family contexts, and larger social systems. This is also referred to as transgenerational or historical trauma.<sup>4</sup>

<sup>1</sup> United Nations. (n.d.). *Sexual violence in conflict*. United Nations Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict. Retrieved May 24, 2025, from <https://www.un.org/sexualviolenceinconflict/our-work/>

<sup>2</sup> Yehuda, R., & Lehmer, A. (2018). Intergenerational transmission of trauma effects: Putative mechanisms and empirical findings in clinical and nonclinical samples. *Annual Review of Clinical Psychology*, 14, 141–163.

<sup>3</sup> Dekel, R., & Goldblatt, H. (2008). Is there intergenerational transmission of trauma? The case of combat veterans' children. *American Journal of Orthopsychiatry*, 78(3), 281. <https://doi.org/10.1037/a0013955>

<sup>4</sup> The Legacy of Trauma: Can Trauma be Transmitted Across Generations? (n.d.). Xcept Research. Retrieved May 25, 2025, from <https://www.xcept-research.org/the-legacy-of-trauma-can-trauma-be-transmitted-across-generations/#:~:text=Research%20on%20intergenerational%20trauma%2C%20also,ecologies%2C%20and%20wider%20historical%20narratives.>



Despite the existence of a robust international legal framework designed to address these grave violations, including the Rome Statute of the International Criminal Court (ICC), females remain particularly vulnerable due to their social status in many conflict-affected societies. In 2023, above 170 armed conflicts occurred. About 612 million women and girls were resident within 50 kilometers of these wars, which is a huge 50 per cent increase compared to 10 years ago.<sup>5</sup>

While research on war crimes and trauma exists, major gaps remain in understanding how systematic injustice fosters intergenerational trauma, particularly among women and girls.<sup>6</sup> Despite rising knowledge of trauma's psychological impacts, most solutions, such as crisis counseling, short-term therapies, legal prosecutions, and medical procedures, prioritise short-term rehabilitation above the long-term, intergenerational implications of violence and oppression.<sup>7</sup> The majority of study focuses on male soldiers/veterans or immediate survivors, ignoring how trauma affects women and girls throughout generations.<sup>8</sup> There is also limited research into how denied justice, institutional silence, and retraumatizing legal processes exacerbate intergenerational scars. Social rejection, such as ostracism of women and girls, has also become a systematic weapon, exacerbating suffering across generations. Without addressing these systemic and gendered features, recovery efforts are useless, trapping generations of women and girls in cycles of suppressed misery.

This research sets out to explore how the legal system, especially in post-conflict settings, often fails the very survivors it is meant to protect. A central aim is to examine how adversarial legal processes can end up re-traumatizing survivors of sexual and gender-based violence (SGBV), particularly women and girls, rather than supporting their path to justice. The study also calls for the consistent use of trauma-informed approaches at every stage of the legal process from the moment survivors first report an incident, through court proceedings, and even beyond, during the implementation of reparations or reintegration programs. Without such practices, the justice system risks deepening the wounds it seeks to heal. Finally, this work draws attention to a critical but often overlooked issue: the long-term and intergenerational impacts of trauma. It argues that post-conflict justice systems must go beyond legal remedies and begin to take seriously the healing and recovery needs of

women and girls not just for today, but for generations to come.

This study adopts a library-based, qualitative approach because of the nature and sensitivity of the topic. Conducting fieldwork on such issues often presents significant ethical and practical challenges, particularly in accessing survivors or affected communities without causing further harm or retraumatization. This library-based design allows for a careful and respectful exploration of the subject by relying on existing literature, international legal instruments, case reports, and scholarly analyses. It provides a safe and comprehensive way to understand how trauma is transmitted across generations and how justice systems have responded, or failed to respond to gender-specific harms in post-conflict cases.

This article begins by introducing the core themes of intergenerational trauma and the persistent legal injustices faced by women and girls in post-conflict settings. It then outlines the methodology used primarily a qualitative, library-based approach to guide the research. The discussion moves into an exploration of how the legal system, often rooted in adversarial processes, can unintentionally re-traumatize survivors at various stages: before, during, and after legal proceedings. From there, the paper delves into the deeper, long-term consequences of conflict-related trauma, highlighting how it can ripple across generations when not properly addressed. The final section draws conclusions from these insights and offers recommendations on how justice systems can evolve to better support healing and break the cycle of inherited harm.

## 2 LITERATURE REVIEW/RELATED WORK

The impact of trauma in post-conflict settings, particularly on women and girls, has been explored across various disciplines including psychology, international law, and gender studies. Early literature focused primarily on the individual psychological aftermath of violence, especially sexual violence, during and after conflict. Pioneering works by Herman<sup>9</sup> and Van der Kolk<sup>10</sup> laid the groundwork for understanding trauma not just as a psychological wound but as a disruption of memory, identity, and social trust.

<sup>5</sup> Peace Research Institute Oslo. (n.d.). *Analysis based on Uppsala Conflict Data Program Georeferenced Event Dataset, Global version 24.1. and CIESIN (2018) Gridded Population of the World v.4.11.* [Data analysis report].

<sup>6</sup> Understanding War and Intergenerational Trauma's Impact, 2024. *Understanding War and Intergenerational Trauma's Impact - Total Military Insight*

<sup>7</sup> Center for Substance Abuse Treatment (US). (2014). Chapter 3, Understanding the Impact of Trauma. In *Trauma-informed care in*

behavioral health services (Treatment Improvement Protocol (TIP) Series, No. 57). Substance Abuse and Mental Health Services Administration (US). <https://www.ncbi.nlm.nih.gov/books/NBK207191/>

<sup>8</sup> Herman, J. (2015). *Trauma and recovery: The aftermath of violence—from domestic abuse to political terror.* Basic Books/Hachette Book Group.

<sup>9</sup> Herman, J. L. (1992). *Trauma and Recovery: The Aftermath of Violence—from Domestic Abuse to Political Terror.* Basic Books.

<sup>10</sup> Van der Kolk, B. (1996). *The Body Keeps the Score: Brain, Mind, and Body in the Healing of Trauma.* Viking.



However, over time, researchers have begun to investigate how this trauma does not simply end with the survivor but may be passed on to future generations, both biologically and socially.

Recent interdisciplinary studies have shown that trauma experienced by women during conflict can be transmitted to their children and grandchildren. The concept of intergenerational trauma, once largely associated with Holocaust survivors<sup>11</sup>, has now been applied to other war-affected populations, such as Rwandan genocide survivors<sup>12</sup> and Syrian refugee families<sup>13</sup>. These studies explore how trauma is not only communicated through parenting, family narratives, and community silence but also through epigenetic changes alterations in gene expression caused by traumatic stress. This biological dimension of trauma transmission adds a compelling layer to understanding how legal systems must do more than just prosecute crimes; they must also acknowledge long-term and inherited harm.

On the legal front, feminist legal scholars have long critiqued the inadequate treatment of women's experiences within international justice mechanisms. Chinkin and Charlesworth,<sup>14</sup> MacKinnon,<sup>15</sup> and Buss<sup>16</sup> have all pointed to the marginalization of sexual and gender-based violence (SGBV) in international criminal law. Although international courts, including the International Criminal Court (ICC), have made progress in prosecuting these crimes, many argue that justice remains largely symbolic. The ICC's updated *Policy on Gender-Based Crimes*<sup>17</sup> and the establishment of the *Victims and Witnesses Section (VWS)* reflect an institutional recognition of trauma, but critics contend that these measures are inconsistently applied and often fall short of meaningful, survivor-centered justice<sup>18</sup>.

There is also growing scholarly attention to the idea of trauma-informed justice, which calls for legal systems to actively recognize and accommodate the psychological effects of trauma throughout the judicial process. This includes understanding how trauma affects memory, testimony, and survivor engagement with courts. Scholars such as Mégret<sup>19</sup> and Clark<sup>20</sup> argue that without these considerations, legal proceedings can inadvertently retraumatize survivors or deter them from seeking justice altogether. However, literature that explicitly connects

trauma-informed justice with intergenerational healing is still limited. Much of the research remains fragmented psychological studies do not always engage with legal theory, and legal scholarship often overlooks the biological and social dimensions of inherited trauma.

This study attempts to bridge that gap by focusing on the long-term consequences of legal inaction or insensitivity. While many papers acknowledge that post-conflict legal systems often fail women and girls, few go further to examine how those failures ripple through families and communities for generations. Moreover, the unique vulnerabilities of girl survivors especially in terms of stigma, silence, and exclusion have not been given adequate scholarly attention, particularly within legal discourse. To guide this analysis the paper draws on trauma theory as propounded by Judith Herman, as its conceptual framework. Trauma theory especially when extended to epigenetics and collective memory helps explain how violence endured in one generation becomes embedded in the next.

Judith Herman's<sup>21</sup> significant research *Trauma and Recovery* (1992) provides a critical paradigm for understanding how trauma appears and continues, particularly in the contexts of war and gender-based abuse. This study investigates Herman's core concepts and their application to the intergenerational trauma suffered by women and girls affected by war.

Herman's trauma theory is based on three key foundations that are particularly pertinent to comprehending war-related trauma.<sup>22</sup> First, she defines trauma as a psychological injury that occurs when people are subjected to excessive violence that destroys their sense of safety and agency. In the case of conflicts, this shows not just in direct survivors, but also through generations, as grandchildren inherit both the psychological and social implications of their forefathers' suffering. Second, Herman emphasizes the importance of cultural factors in producing and tackling trauma. For women and girls in post-conflict cultures, this entails acknowledging how structural injustices, ranging from legal impunity to societal stigma, actively exacerbate trauma rather than acting as unbiased background conditions. Third, her triphasic model of recovery (safety, remembering, and reconnection) gives a framework for understanding how

<sup>11</sup> Yehuda, R., Daskalakis, N. P., Lehmer, A., Desarnaud, F., Bader, H. N., Makotkine, I., ... & Bierer, L. M. (2016).

<sup>12</sup> Kumar, A., Ntiwunka, C., & Nduka-Agwu, A. (2020). *Trauma and Mental Health in Post-Genocide Rwanda*. *African Journal of Trauma Studies*, 3(1), 18–34.

<sup>13</sup> Sengupta, S. (2023). *Trauma Travels Through Generations, Study Finds*. *The New York Times*. <https://www.nytimes.com/2023/06/22/health/trauma-syrian-refugees.html>

<sup>14</sup> Chinkin, C., & Charlesworth, H. (1995). *The Boundaries of International Law: A Feminist Analysis*. Manchester University Press.

<sup>15</sup> MacKinnon, C. A. (2006). *Are Women Human? And Other International Dialogues*. Harvard University Press.

<sup>16</sup> Buss, D. (2009). *Rethinking 'Rape as a Weapon of War'*. *Feminist Legal Studies*, 17(2), 145–163. <https://doi.org/10.1007/s10691-009-9118-5>

<sup>17</sup> International Criminal Court (ICC). (2023). *Policy on Gender-Based Crimes* (Updated). The Hague.

<sup>18</sup> Grey, R., & Shepherd, L. J. (2013). *Stop Rape Now? The Responsibility to Protect and the UN Campaigns Against Sexual Violence in Conflict*. *International Feminist Journal of Politics*, 15(1), 36–54.

<sup>19</sup> Mégret, F. (2018). *The trauma of international criminal justice*. *International Journal of Transitional Justice*, 12(1), 1–20.

<sup>20</sup> Clark, J. N. (2011). *Transitional justice, truth and reconciliation: An under-explored relationship*. *International Criminal Law Review*, 11(2), 241–261. <https://doi.org/10.1163/157181211X559460>

<sup>21</sup> Herman, J. L. (1992). *Trauma and Recovery: The Aftermath of Violence—from Domestic Abuse to Political Terror*. Basic Books.

<sup>22</sup> ibid



healing might occur while also exposing institutional hurdles to full recovery.<sup>23</sup>

The application of Herman's theory to shows several important findings. Her concept of "safety" as the first stage of recovery is especially relevant when studying post-conflict nations where physical security remains insecure and institutional safeguards are inadequate or nonexistent. The remembrance and mourning stage become more problematic when official narratives suppress some experiences, notably those of women, or when legal systems refuse to recognise specific forms of violence as valid war crimes. The reconnection phase is especially difficult when entire communities have been broken by violence and survivors endure persistent societal stigma. Herman's focus on institutional betrayal explains how seemingly neutral organizations such as courts or government programs frequently exacerbate rather than alleviate trauma, particularly for women seeking justice for sexual violence or displacement.<sup>24</sup>

While Herman's framework offers crucial tools for understanding trauma, its limitations emerge when applied to intergenerational and gendered war trauma. Her model, primarily developed in American clinical settings, may not adequately address culturally specific manifestations of trauma or indigenous healing practices in some areas. The theory's emphasis on individual recovery processes may inadequately address the collective aspects of trauma in communities affected by war.<sup>25</sup>

### 3 METHODOLOGY

This study adopts a qualitative, library-based research design to examine the intergenerational transmission of trauma and the persistent legal injustices faced by women and girls in post-conflict settings. This method allows for a deep, reflective exploration of how trauma and legal marginalization intersect across time, particularly in societies emerging from war or political violence. Rather than relying on empirical fieldwork, this approach centers on critical engagement with existing literature, case law, and documentary sources to uncover recurring themes, patterns, and silences within legal and social narratives.

A wide range of texts were consulted, including academic books, peer-reviewed journal articles, legal judgments, international instruments, historical documents, and reports from human rights organizations and global institutions. These sources were selected based on their relevance to the central themes of the research, their scholarly or legal

credibility, and their capacity to illuminate both the structural and personal dimensions of post-conflict injustice. Priority was given to materials that provide insight into gendered experiences of violence, legal exclusion, and trauma within transitional justice processes.

In analysing the selected texts, the study combines thematic analysis with a hermeneutic approach. This allows for the identification of dominant themes such as the silencing of survivors, intergenerational suffering, and gaps in legal redress while also interpreting the deeper meanings embedded in the language, structure, and framing of legal and historical narratives. The aim is not merely to describe existing scholarship, but to interrogate the assumptions, omissions, and normative frameworks that shape it.

There are, however, limitations to this approach. The reliance on secondary texts means that the analysis may not capture the full diversity of lived experiences, particularly those underrepresented in literature. Additionally, access to region-specific data, including non-digitized or non-English sources, was sometimes constrained, potentially narrowing the geographic and cultural scope of the study. Despite these limitations, the methodology provides a critical and context-sensitive lens through which to examine how trauma and injustice are perpetuated across generations and legal systems.

### 4 THE INTERSECTION OF LEGAL SYSTEMS AND TRAUMA

The legal system significantly shapes how we regulate and respond to human actions. However, the useful insight that psychology provides is not continually incorporated into legal practitioners' curriculum or daily practice. This deficit must be remedied immediately. The legal system, which is frequently considered as a vehicle for justice and accountability, can paradoxically become a tool of retraumatization for survivors of wartime sexual violence.<sup>26</sup> This begs the question how does institutional failures in the justice process compound the intergenerational trauma experienced by women and girls in post-conflict societies?

The International Criminal Court (ICC) has made *some* efforts to adopt a survivor-centered and trauma-informed practices for survivors of gender-based violence (GBV), but systemic gaps in implementation, cultural sensitivity, and institutional priorities have limited their effectiveness.

To comprehensively understand the complex relationship between legal systems and the experience of trauma,

<sup>23</sup> Herman, J. L. (1992). *Trauma and Recovery: The Aftermath of Violence—from Domestic Abuse to Political Terror*. Basic Books.

<sup>24</sup> Psychology in the Real World, Judith Herman's three stages of recovery from severe trauma [PDF]. Retrieved May 25, 2025, from [https://www.psychologyintherealworld.co.uk/resources/Judith\\_Hermans\\_the\\_three\\_stages\\_recovery\\_severe\\_trauma.pdf](https://www.psychologyintherealworld.co.uk/resources/Judith_Hermans_the_three_stages_recovery_severe_trauma.pdf)

<sup>25</sup> *ibid*

<sup>26</sup> Blue Knot Foundation. (n.d.). Trauma and the law: Applying trauma-informed practice to legal and judicial contexts. Retrieved May 24, 2025, from <https://blueknot.org.au/>



particularly in the context of grave crimes like sexual violence in war, it is crucial to disaggregate this intersection into distinct phases. This paper will analyse the interplay of legal frameworks and trauma through three critical lenses: the pre-judicial phase, which encompasses the initial reporting and investigation; the judicial process itself, focusing on the courtroom experience and testimony; and the post-judicial phase, addressing the aftermath of legal proceedings and its long-term implications for survivors.

#### 4.1 PRE-JUDICIAL PROCESS AND TRAUMA

Prior to a matter being initiated in courts, a survivor's first encounters the legal system in a number of ways. This includes; reporting, inquiry, and evidence collection. Survivors of sexual violence, especially women and children in conflict-affected areas, have specific obstacles that can compound existing trauma or generate additional levels of distress.<sup>27</sup> The demand for quick, flawless forensic proof, often unattainable due to inadequate medical facilities, instability, or the elapse of time, imposes an unbearable burden on survivors.<sup>28</sup> Moreover, initial interviews done by law enforcement or investigators, if lacking a trauma-informed methodology, may compel individuals to prematurely or repeatedly recall the traumatic incident, resulting in re-victimization, feelings of humiliation, and fear over stigmatization.<sup>29</sup> The legal system's primary "gatekeeping" function typically inadequately addresses the psychological implications of trauma, resulting in increasing cases of attrition<sup>30</sup> and further discriminating against survivors prior to their entry into the formal judicial process.<sup>31</sup>

#### 4.2 THE JUDICIAL PROCESS AND TRAUMA

For survivors of conflict-related sexual abuse, especially women and girls, the legal system itself from pre-trial hearings to the actual trial often offers a very hostile and potentially re-traumatizing setting.<sup>32</sup> People must naturally relive their most traumatic experiences during this stage, frequently while being closely watched and subjected to cross-examination that is specifically intended to refute and even discredit their evidence.<sup>33</sup> The traditional court system's emphasis on witnesses' straightforward, and accurate testimony frequently conflicts with the fragmented, chaotic structure of a painful memory, creating perceptions of

inconsistency that can unfairly undermine a survivor's credibility. For women and girls who have been through such traumatic situations, addressing perpetrators or their defense teams in public can be scary, causing enormous anxiety, fear of retaliation, and significant mental pain.<sup>34</sup> The formal, often impersonal style of court proceedings can further alienate survivors, making them feel like mere evidence rather than individual's integral to the quest of justice. If trauma-sensitive legal techniques are not used to minimize this adversarial crucible, it risks creating a cycle of secondary victimization, endangering survivors and justice.

#### 4.3 POST-JUDICIAL PROCESS AND TRAUMA

The final, often neglected crossroads of legal systems and trauma is post-judicial. This includes the long-term psychological and societal effects of conviction or acquittal on survivors. Victims can find closure and healing in a conviction.<sup>35</sup> Even after a successful conviction, the trauma does not go away; survivors require continuous psychosocial treatment, compensation, and community reintegration initiatives. In contrast, an acquittal, a dismissed case, or even the incapacity of the judicial system to pursue charges, can be immensely tragic.<sup>36</sup> It can diminish trust in the judicial system and social institutions, invalidate their suffering, and intensify emotions of injustice, guilt, and powerlessness. Lack of legal recourse can further marginalize women and girls, who may have already experienced severe stigma and social rejection for coming forward. If their trauma is not addressed, it may have long-term effects on their relationships, mental health, and sense of safety, as well as possibly have an effect on future generations.<sup>37</sup> This stage emphasises that, although important, judicial decisions are only one part of a survivor's protracted path to recovery and fortitude, necessitating a comprehensive view of justice that goes beyond the courtroom.

### 5 INTERGENERATIONAL CONSEQUENCES

Legal injustice transmits trauma across generations. When survivors, particularly women and girls who have experienced conflict-related sexual abuse, are denied meaningful legal recourse, whether through dismissed cases, acquitted perpetrators, or processes that re-traumatize them, the trauma stays unacknowledged, unvalidated, and

<sup>27</sup> Engle, K. (2010). Calling for a Feminist Future: The ICC and the Politics of Gender. *Harvard Human Rights Journal*, 23, 187-200.

<sup>28</sup> Theidon, K. (2013). *Intimate Enemies: Violence and Reconciliation in Peru*. University of Pennsylvania Press.

<sup>29</sup> Strezov, A. (2018). *Investigating and Prosecuting International Sex Crimes: Navigating the Obstacles*. Routledge

<sup>30</sup> Attrition refers to the gradual loss or reduction of cases as they move through the various stages of the legal process.

<sup>31</sup> Grey, R. (2019). *Prosecuting Sexual and Gender-Based Crimes at the International Criminal Court: Practice, Progress and Potential*. Cambridge University Press.

<sup>32</sup> Herman, J. L. (1992). *Trauma and Recovery: The Aftermath of Violence—From Domestic Abuse to Political Terror*. Basic Books.

<sup>33</sup> *ibid*

<sup>34</sup> Campbell, R. (2008). The forensic examination of sexual assault: An introduction to the complexities. *Journal of Interpersonal Violence*, 23(1), 5-15.

<sup>35</sup> Herman, J. L. (1992) *ibid*

<sup>36</sup> Mertus, J. A. (2004). *Bosnia and Herzegovina: The Dayton Agreement and beyond*. Pluto Press.

<sup>37</sup> Taylor & Francis Online. (2025, March 6). "I see it running through my family": The intergenerational and collective trauma of gender-based violence.



neglected by society.<sup>38</sup> This systemic failure to hold abusers accountable and to validate survivors' stories promotes a deep sense of injustice, humiliation, and powerlessness. War crimes, particularly sexual violence, have a far-reaching and catastrophic impact on families and communities, causing intergenerational trauma that can last decades, if not centuries. This type of trauma is more than just the transmission of stories or memories.<sup>39</sup> It includes complex It involves complicated psychological, social, and biological elements that affect future generations who did not witness the crimes. Women and girls are routinely targeted for sexual violence during conflict, which can have long-term effects on family relationships, mental health, and societal standards.<sup>40</sup>

The parent-child relationship is one main way intergenerational trauma is passed on.<sup>41</sup> Mothers who have been sexually abused during wartime may suffer from chronic psychological problems such as PTSD, depression, and anxiety, limiting their capacity to offer constant, nurturing care. This can result in challenges with emotional management, bonding issues, and behavioral problems in their children. Secondary trauma can also occur when children observe their moms' suffering or grow up in an environment immersed in unresolved anguish, fear, or silence about past crimes. For girls, this can be exacerbated by the transmission of gendered vulnerabilities, internalized shame, or a mistaken sense of relationships and safety, thereby raising their risk of future victimization or perpetuating cycles of violence in their own lives.<sup>42</sup> Studies on populations affected by mass crimes, such as Bosnia or Rwanda, demonstrate that children and grandchildren of survivors struggle with symptoms of trauma, humiliation, and a generalized unsolved melancholy even when they have no direct experience with the conflict.<sup>43</sup> Many children born of rape endure identity crises, stigma, and economic marginalization.<sup>44</sup>

An illuminating study examined the impact of war-related trauma among Bosnian mothers on their children, with a particular focus on the influence of their parenting techniques. Researchers discovered that mothers who endured greater trauma during the war exhibited increased

controlling behavior in their parenting. Although the degree of trauma did not directly influence maternal acceptance, it seemed that the trauma might be transmitted to the offspring, resulting in the manifestation of trauma symptoms in the children, partly due to these authoritarian parenting practices. The parenting approaches of mothers post-war significantly influenced their children's experiences of the conflict's residual consequences, highlighting the necessity of providing families with therapies that address both trauma and parenting techniques in war-affected regions.<sup>45</sup>

Other than the psychological, new studies point to epigenetic modifications as another means of transmission for intergenerational trauma. Without altering the underlying DNA sequence, traumatic events including high stress from sexual abuse during war can change gene expression. From parents to children, these epigenetic "marks" can subsequently be handed down influencing their stress response systems, mental health predispositions, even physical health, therefore increasing their vulnerability to trauma reactions themselves.<sup>46</sup>

The following diagram provides a visual representation of how the pervasive impact of conflict-related violence can leave inheritable biological markers across generations. This flowchart illustrates the key findings from the Yale-led study on Syrian refugee families, tracing the pathways through which direct and indirect exposure to trauma can lead to altered epigenetic markings (DNAm) in grandmothers, mothers, and even grandchildren who had no direct war exposure.<sup>47</sup>

<sup>38</sup> Cullen, C., & Wilson, A. (2016). *A fair way to go: Justice for victim-survivors of sexual violence*. ResearchGate. [https://www.researchgate.net/publication/303427475\\_A\\_Fair\\_Way\\_To\\_Go\\_Justice\\_for\\_Victim-Survivors\\_of\\_Sexual\\_Violence](https://www.researchgate.net/publication/303427475_A_Fair_Way_To_Go_Justice_for_Victim-Survivors_of_Sexual_Violence)

<sup>39</sup> Network for Public Health Law. (2024). *Healing across generations: Addressing the impact of intergenerational trauma through policy interventions*. <https://www.networkforphl.org/news-insights/healing-across-generations-addressing-the-impact-of-intergenerational-trauma-through-policy-interventions/>

<sup>40</sup> Ibid

<sup>41</sup> Medica Mondiale. (n.d.). *Transgenerational trauma – violence is inherited*. Retrieved May 25, 2025, from <https://medicamondiale.org/en/violence-against-women/consequences-of-violence/transgenerational-trauma>

<sup>42</sup> Ibid

<sup>43</sup> United Nations Development Programme. (2017, June 20). *Children born as a result of wartime rape get their first legal recognition in Bosnia and Herzegovina*. ReliefWeb. <https://reliefweb.int/report/bosnia-and-herzegovina/children-born-result-wartime-rape-get-their-first-legal-recognition-bosnia-and-herzegovina>

<sup>44</sup> Ibid

<sup>45</sup> Hasandedic-Dapo, L., & Cihan, H. (2025). The silent echoes of war: Parenting and trauma transmission in Bosnia and Herzegovina. *OPUS–Journal of Society Research*, 22(2), 280–296

<sup>46</sup> Yale News. (2025, March 6). *Violent experiences alter the genome in ways that persist for generations*. <https://news.yale.edu/2025/03/06/violent-experiences-alter-genome-ways-persist-generations>

<sup>47</sup> Mulligan, C. J., Quinn, E. B., Hamadmad, D., Al-Dabass, Z. E. H., & Ali, A. R. (2025). Epigenetic signatures of intergenerational exposure to violence in three generations of Syrian refugees. *Scientific Reports*, 15, 5945. <https://doi.org/10.1038/s41598-025-89818-z>

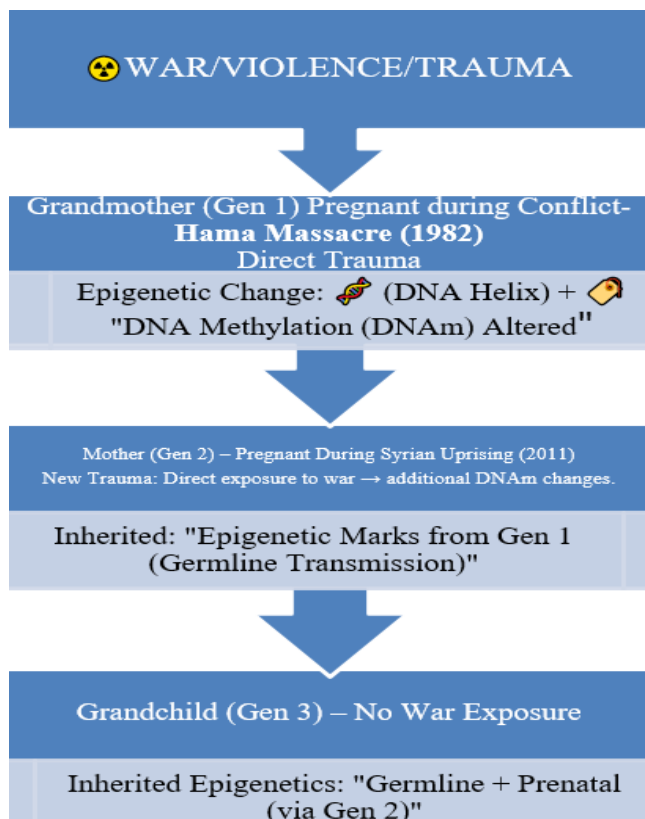


Figure 1: Intergenerational Epigenetic Transmission of Trauma Among Syrian Refugee Families

Furthermore, the severe suffering brought on by war extends beyond the original incident and the direct victims. Rather, it is frequently exacerbated and prolonged by social inaction and a lack of official recognition. A community or its legal system effectively represses the trauma when it ignores and does not legally acknowledge the atrocities that have been done, especially sexual violence. As a result of this repression, survivors frequently lack a public acknowledgement of their pain, which is an essential part of the healing process.<sup>48</sup>

## 6 CONCLUSION

This paper has explored the intersection of trauma and legal injustice, particularly how the failures of judicial systems to adequately support survivors of sexual and gender-based violence can deepen harm and contribute to the intergenerational transmission of trauma. A key insight from this analysis is the cyclical nature of trauma and legal neglect: when justice mechanisms are unresponsive or retraumatizing, they not only fail to deliver redress but may also perpetuate psychological harm across generations. The International Criminal Court (ICC), while making notable

progress particularly through its 2023 updated Policy on Gender-Based Crimes, the work of the Victims and Witnesses Section, and protective courtroom procedures still faces significant challenges in fully operationalizing trauma-informed justice.

Reflecting on the research question, it is evident that while legal frameworks like those of the ICC have acknowledged trauma as a serious concern, implementation gaps remain. The Court's efforts to integrate trauma sensitivity must be expanded beyond symbolic or procedural gestures. A truly survivor-centered approach requires consistent application of trauma-informed practices throughout all judicial stages, from initial investigation to final reparations. Without this, survivors especially women and girls may continue to experience retraumatization or exclusion, limiting both healing and accountability.

In terms of its contribution to existing literature, this review highlights the crucial link between legal accountability, survivor well-being, and the biological and social transmission of trauma. It brings attention to the often-overlooked fact that legal neglect is not just a short-term failure, but one with deep and lasting effects on future generations. The discussion contributes to evolving conversations in international law, feminist legal theory, and trauma studies by emphasizing the need for holistic legal responses that account for psychological, social, and intergenerational dimensions of harm.

Future research should investigate how trauma-informed practices can be institutionalized across diverse legal systems beyond the ICC, particularly in national or customary courts in post-conflict settings. Further empirical studies are also needed to evaluate the long-term impacts of trauma-sensitive legal procedures on survivors and their families. In addition, research could explore culturally rooted models of justice and healing that may complement or challenge international norms. Ultimately, addressing the intergenerational effects of conflict-related sexual violence demands a coordinated, multidisciplinary approach that links legal accountability with social support, community engagement, and long-term psychological care.

## REFERENCES

Captured as Footnotes because of Law peculiarity.

<sup>48</sup> Theidon, K. (2013). *Intimate Enemies: Violence and Reconciliation in Peru*. University of Pennsylvania Press.