

Gender Integration in the Statute of the International Criminal Court

Substantive Jurisdiction (Crimes of Sexual & Gender Violence)	Procedures	Structure
<p>- <u>Rape, Sexual Slavery, Enforced Prostitution, Forced Pregnancy, Enforced Sterilization and other Sexual Violence.</u> The ICC Statute explicitly recognizes rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization and other grave forms of sexual violence as war crimes in international and non-international armed conflict, as well as crimes against humanity. (Articles 8(2)(b)(xxii), 8(2)(e)(vi) and 7(1)(g))</p> <p>- <u>Persecution and Trafficking.</u> In addition to the crimes of sexual and gender violence discussed above, persecution is included in the ICC Statute as a crime against humanity and specifically includes for the first time the recognition of gender as a basis for persecution. The ICC Statute also includes for the first time the recognition of gender as a basis for persecution. The ICC Statute also includes trafficking as a crime against humanity as among the crimes of enslavement (Articles 7(1)(h), 7(1)(c) and 7(2)(c))</p> <p>- <u>Genocide.</u> The ICC Statute adopts the definition of genocide accepted in the Genocide Convention. However, in the negotiations held since the Rome Treaty conference to further elaborate upon the elements of offenses with the Court's jurisdiction, there is currently an explicit</p>	<p>- <u>Witness Participation and Protection.</u> The Court has an over-arching responsibility to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses, taking into account all relevant factors including age, gender, health and the nature of the crime. The Court may take appropriate protective measures in the course of trial, including in camera proceedings and allowing the presentation of evidence by electronic means. In addition, the Prosecutor is required to take these concerns into account in both the investigative and the trial stage. (Article 68)</p> <p>- <u>Victim Witness Unit.</u> The statute provides for the creation of a Victims and Witnesses Unit (VWU) within the Court's registry (not in the office of the Prosecutor in recognition that protection of witnesses should be independent of prosecutorial imperatives). The VWU will provide protective measures, security arrangements, counseling and other appropriate assistance for witnesses, victims and others at risk on account of their testimony (Article 43)</p> <p>- <u>Participation.</u> The statute explicitly recognizes the right survivors to participate in the justice process, directly or through</p>	<p>- <u>Women and Gender</u> statute requires for a "fair representation" of female and male victims taken into account in the selection process. The provision also allows for the selection of other organs of the Prosecutor (Article 36)</p> <p>- <u>Legal Experts Against Women</u> requires the presence of judges, prosecutors, staff, the national expertise of women, that at every level crimes are prosecuted with expertise in gender crimes, not necessarily by sex and that women can be appointed (Articles 44)</p> <p>- <u>Legal Advisors Gender Violence</u> Prosecutor can appoint advisors</p>

<p>statement in the commentary that rape and other sexual violence can constitute genocide (Article 6)</p> <p>- <i>Non-discrimination</i>. The Statute specifically states that the application and interpretation of law must be without adverse distinction on the basis of enumerated grounds, including gender (Article 21)</p>	<p>legal representatives, by presenting their views and concerns at all stages which affect their personal interests. (Article 68(3))</p> <p>- <i>Reparations</i>. The statute includes a provision enabling the Court to establish principles and, in certain cases, to award reparations to, or in respect of, victims, including restitution, compensation and rehabilitation. (Article 75)</p>	<p>expertise o including s violence. T mechanism that gende investigate and victims and protec</p>
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