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25 Nov 2013

Access to gender justice for victims/survivors of sexual and gender-based crimes

I am pleased that we Sweden could co-host this event together with Women's Initiative for Gender Justice. It will address access to justice for victims of sexual and gender-based crimes, which can help in promoting gender justice at the national level. Gender justice is fundamental to the rule of law and - as stated by the UN ASG Jan Eliason at a seminar on transitional justice in New York last month - delivering justice through the rule of law makes human rights enforceable in practice.

It is also encouraging that the UN Security Council's focus on women, the rule of law and transitional justice in conflict-affected situations. Only a month ago, the council adopted the resolution 2122 which reiterates the importance of women's participation in shaping transitional justice as well as women's access to measures to address the full range of human rights violations. This adds to the crucial commitments demonstrated at the UN Commission on the Status of Women in March 2013 to eliminate and prevent all forms of violence against women and girls, including in times of conflict and include action to end impunity and put perpetrators to trial.

Concerted action in the area is also pointed out by the G8 Foreign Ministers, who, subsequent to consultations including with the ICC, have agreed on a historic declaration on preventing sexual violence in conflicts which two months ago was supported by a wide range of countries at the UN GA. The declaration contains legal, practical and political commitments in regard to rape and sexual violence in times of war, and advocate a protocol to investigate and document conflict related sexual violence.

Needless to say, the ICC and the Rome Statute has always been at the forefront in addressing these matters. In article 7.1 of the Statute, rape, sexual slavery, enforced prostitution, forced pregnancies, enforced sterilization and any other form of sexual violence are defined as crimes against humanity when committed as parts of wide-spread or systematic attacks. Furthermore, article 8 on war crimes points that these acts can constitute grave breaches of the Geneva Convention.

The experiences of ICC demonstrate that justice and the rule of law are applicable to all, women and men alike and that effective criminal justice systems are needed to reduce violence - for both women and men. Independent judges must protect the rights of all without discrimination on grounds of sex. And this must be ensured also at national level.

We thus welcome these discussions as an opportunity to further explore how the ICC can contribute to strategic work on gender justice, at all levels. It is imperative for all women and girls who have been sexually violated, and by far too often also maimed in cruel, devastating acts which often appear to meet the criteria otherwise set for torture. It is also crucial for all those who have lost their homes and land as a result of conflicts.

The ICC has by now considerable experience in terms of how the court has dealt with cases of rape, sexual slavery, enforced prostitution, forced pregnancies, enforced sterilization and other form of

sexual violence and to what extent they have been defined as crimes against humanity - when committed as parts of wide-spread or systematic attacks, or have been considered to constitute grave breaches to the Geneva Convention.

It would indeed be valuable to summarize and analyse the experiences so far. And to summarize and analyse experiences at national levels of aiming at putting an end to rape and all forms of sexual and other violence against women and girls and to end impunity by putting perpetrators to trial. We assume that some cases in point in this regard could be experiences from Rwanda, given the strong commitment to gender equality by president Kagame, and also to high-light experiences from Guatemala including from the Rios Montt-process.

We are very open in regard to by who the action should be taken to summarize and analyse the experiences we have.

Another venue to pursue might be collecting and analysing experiences in regard to gender-training of judges and prosecutors which often is put forward as key aspects for change. Thus, the Rome Statue in article 36.8 b stresses the need for gender-training of judges. Such training could be pivotal in helping judges understand how underlying gender stereotypes and power-structures often are root causes to violence against women and girls.

Again, experiences in this regard – from both state actors and women’s rights groups - could be collected to form good practices which could be shared and applied by several actors.

Needless to say, such information could be shared over the net on web-sites, including at the ICC, and also possibly through work-shops in different settings, including here in The Hague if the ICC is to be identified as an actor in this regard.

By doing so, we can address the imperative matters of ensuring access to justice for women – including women human rights defenders - and all victims of sexual crimes in times on armed conflict, and at all levels help uphold states responsibility to act to prevent, investigate, prosecute and punish perpetrators of criminal violence against women and girls, committed in armed conflict and post-conflict situations.