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Reception to mark the International Day for the Elimination of Violence Against Women

Women's Initiatives for Gender Justice and the Swedish Ministry for Foreign Affairs

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Ladies and Gentlemen,

Let me begin by thanking the Swedish Ambassador and Brigid for inviting me to address you on this important occasion marking the *International Day for the Elimination of Violence Against Women*.

I am aware that you have been particularly busy discussing issues of utmost importance during this Assembly, and I am pleased that we have all taken the time to convene to deliberate on yet another fundamental topic for discussion and to mark this important occasion.

Today, we remember the three Mirabal sisters, whose assassination in the Dominican Republic on this very day in November 1960, provided impetus for commemorating this day by the United Nations General Assembly as an international day to remind us of the sacrifices and suffering of millions of women around the world who have been and continue to be targets and victims of unspeakable violence.

Let us be reminded of the words of Secretary-General Ban Ki-moon last year on this occasion, when he stated:

“...millions of women and girls around the world are assaulted, beaten, raped, mutilated or even murdered in what constitutes appalling violations of their human rights. [...] We must fundamentally challenge the culture of discrimination that allows violence to continue.”

It is a universal truth that as long as this repugnant culture is not reversed, human society cannot claim higher moral authority or for that matter, reach its full potential.

The question for us today is what can we do to challenge this archaic culture? For me as Prosecutor of the International Criminal Court, challenging the culture of discrimination that allows violence against women to persist entails investigating and prosecuting those responsible for these crimes. This is a challenge, more importantly, a duty rooted in firm personal convictions that I am committed to address without fear or favour.

I believe that the law and judicial proceedings are powerful tools available to us not only to highlight the brutality and barbaric nature of these crimes against girls and women, but also to give a voice to the far too often voiceless victims of these crimes and punish their perpetrators. I am convinced that in time, the law through its deterrent and disciplining effect will help to change behaviour and will establish new norms of acceptable conduct.

As a new complementary and comprehensive system of justice that has been developed since the 1990s, the International Criminal Court has a crucial role to play in addressing this challenge at the international level whilst also cooperatively working together with national judicial systems with the aim of contributing to the prevention of these egregious crimes.

Primarily, while proscribing what can be characterised as gender crimes – such as rape, sexual slavery, enforced prostitution, forced pregnancy, as a war crime and/or crime against humanity - the

Rome Statute built upon the recognition that sexual violence is a most serious international crime and expanded its scope by specifying a greater number of gender based crimes.

In short, the fight to curb the culture of impunity for violence against women is very much part of the DNA of the Rome Statute framework.

In particular, as we know, Article 54 of the Rome Statute specifically provides that the Prosecutor shall “take into account the nature of the crime, in particular where it involves sexual violence, gender violence or violence against children.”

In addition, Article 21(3) makes clear that the application and interpretation of the Statute must be consistent with internationally recognized human rights, and therefore be without any adverse distinction founded on several grounds including gender.

All these provisions and principles have been translated into practice at the ICC and have resulted in charges for gender based crimes being brought in various cases before Chambers.

Ladies and Gentlemen,

Despite the unflinching dedication of the Office of the Prosecutor, the Court’s prosecutions alone will not be sufficient to close the impunity gap and ensure complete accountability for all authors of these crimes.

As custodians of the Rome Statute system, all States Parties must put the provisions regarding sexual and gender crimes into practice by effectively exercising their primacy of jurisdiction and investigating and prosecuting these crimes at the national level.

In this sense, the multi-annual funding provided by Sweden to the ICC Trust Fund for Victims is contributing to programmes supporting victims/survivors of sexual and gender-based crimes and is allowing the Trust Fund to make a difference in the lives of thousands of girls and women - providing survivors with trauma-based counselling, access to medical services, and livelihood assistance programmes.

In addition, the complementarity initiatives by States Parties, including the United Kingdom initiative on preventing sexual violence in conflict and post- conflict situations, are all critical for reinforcing the normative framework of the Rome Statute for the accountability of gender-based crimes.

The United Kingdom’s engagement to commit resources and to use its G8 Presidency to push for stronger international action on this issue and the support this is attracting are welcome developments in the campaign to correct the misperception that sexual violence is an unavoidable consequence of armed conflict and to ensure that such crimes are not given a lesser priority in investigations and prosecutions than other offences.

This and other complementarity initiatives by States Parties, including domestic investigations and prosecutions, cooperation for the execution of ICC arrest warrants, and political support for these

issues through a range of initiatives are all critical for reinforcing the normative framework of the Rome Statute for the accountability of gender-based crimes.

Ladies and Gentlemen,

As elaborated in our recently unveiled Strategic Plan, the Office of the Prosecutor will continue to explore innovative methods to boost the prosecutions of sexual and gender-based crimes, further strengthening not only the strategic gender analysis and the collection of evidence, but also improving the institutional approach to a range of gender issues and enhancing relations with critical actors.

In the same context, as I stated in my opening speech to the ASP, I am happy to highlight that my Office will soon finalise its draft policy paper on sexual and gender crimes. This is a very important document for the Office, which we have been working on for a year now, with the valuable input from our hardworking Special Gender Adviser, Brigid. The draft is going to be shared with Office staff for input in the coming weeks, and once we have received their comments and revised the document accordingly, it will then be circulated to external partners. We very much look forward to receiving your views on this document, and to continue our exchanges on this extremely important topic.

Ladies and Gentlemen,

Let me reiterate that this is a battle that neither of us can win alone: the collective efforts and dedication of us all is the only way we can send a clear, strong and consistent message that in this new century, in this new era for criminal justice, violence against women is a serious crime, the punishment of which we shall relentlessly pursue at both the national and international arenas.

Let me conclude by stating that human beings, regardless of gender, are born free and equal, and have a great capacity to build and cultivate peace and champion the protection of human rights. The litmus test is whether human societies – the world over – finally embrace and cultivate both sexes and afford them equal edification and opportunity. Doing so will create the nurturing environment that inevitably breeds the ‘constructive citizen’ – man and woman alike – who aims to build and positively contribute to human society and the human experiment. Violence and discrimination against women and other vulnerable groups handicap this evolutionary necessity, and therefore should have no place in our 21st century ethos. That is an article of faith, to which I proudly proclaim my allegiance.

I hope I can count on the support of all those present here today to continue our joint efforts and advance this crucially important message.

I thank you for your attention.