

22nd annual session of the Assembly of States Parties to the Rome Statute  
General Debate  
Tuesday December 5<sup>th</sup> 2023 - New York, USA

Joint Statement by Global Justice Center and Women's Initiatives for Gender Justice

Your excellencies, dear colleagues, dear friends,

Understanding gender justice in international criminal law is a fast and ever evolving field.

It begins by seeing that gender justice has always been broader than accountability for sexual violence. We must be alert to the gendered impact of all Rome Statute crimes, strive for gender equality in peacetime as well as armed conflict, and listen closely to what justice means for women and other marginalised groups. Indeed, it must embrace a broader understanding that goes beyond the binary concepts that underpin our shared harmful traditions in ICL.

A broader understanding of gender justice is becoming well anchored in the work of the policy, jurisprudential, and institutional developments at the ICC and in the Feminist Foreign Policy considerations that an increasing amount of you, states parties, are bringing to the ASP.

These developments are particularly evidenced at this ASP session, where there is one or more gender justice side-events scheduled each day.

Let me draw a parallel with the ongoing discussions in the UN General Assembly on a crimes against humanity treaty. Many of us, along with our NGO colleagues, are advocating for a treaty that is not only gender-competent but also survivor-centric and intersectional. This discussion builds upon 25 years of the Rome Statute and the Court's jurisprudence, prompting us, in turn, to update our understanding and application of the Statute.

This move toward survivor-centered and intersectional gender justice is essential. Seeing that fuller picture means seeing how gender hierarchies interact with racial, economic and other hierarchies. What gender justice requires for a stateless Rohingya woman, for example, will be different to what it means for a mother in Uganda who has escaped the LRA with children born "in the bush".

Indeed, efforts to advance gender mainstreaming at the ICC and at the ASP must be expanded beyond the single axis of 'gender' to avoid overshadowing the structural transformation that is needed to ensure equity and anti-discrimination practices.

As such, we call on you, states, to be mindful of the impact of your decisions over the next two weeks. In matters related to the Court's budget, the selection of new ICC Judges, state cooperation with the Court, participation in panels and side-events, and engagement with civil society colleagues, let us move from reactivity to proactivity.

Many of our civil society colleagues present here are the voices of the victims of ICC crimes. I urge you to keep the civil society space open, here at the ASP and beyond, recognizing its vital role in amplifying these voices and contributing to a more just and inclusive world.

The ASP stands to benefit from a wealth of advocacy, amicus briefs and scholarship that illuminates paths for strengthening gender justice in the ICC. Recent works, whose authors are represented here at this ASP include:

- **“Judicial Approaches to Sexual and Gender-Based Crimes at the International Criminal Court”**, a report by Women’s Initiatives for Gender Justice comprehensively reviewing all ICC jurisprudential developments on SGBC to date. It reveals structural shortcomings, critical improvements and future opportunities of intersectional justice. The report features analysis per specific crime, but also some thematic considerations, including on charging matters, modes of liability, and reparations. 7 key recommendations to the ICC Judiciary are offered.
- The Global Justice Center offers a breadth of resources on [“Gendering the Draft Treaty on Crimes against Humanity”](#), including a [letter](#) from more than 80 civil society organizations and international legal experts urging UN member states to take a gender-competent, survivor-centric, and intersectional approach to the draft crimes against humanity treaty, as well as five legal briefs by international legal experts on how the draft treaty should be improved, including by strengthening protections against [reproductive violence](#), specifically enumerating [forced marriage](#), codifying [gender apartheid](#), strengthening protections for [victims and survivors](#), and enumerating the [slave trade](#).
- The book **“Gender and International Criminal Law”**, published in 2022, analyses past and current narrow understandings of gender, and considers how best to implement a more nuanced understanding of gender in the practice of international criminal law, including in respect of reproductive crimes, slavery crimes, sexual crimes against men, women and children, persecution on by reason of sexual orientation and gender identity, among others.
- The book **“Feminist Judgments: Reimagining the International Criminal Court”**, coming out in 2024, demonstrates new possibilities for gender analysis by re-writing existing ICC judgments in a more gender sensitive way. With contributions from nearly fifty authors from the Global North and Global South, including ICC situation countries, it showcases intersectional gender analysis in relation to diverse crimes — not only those typically understood as ‘sexual and gender-based crimes’ — and seemingly gender-neutral concepts such as complementarity, head of state immunity, duress, command responsibility and more.
- The filing of amicus briefs in the appeal of the *Prosecutor v. Ongwen* case on gender justice topics [including](#) forced pregnancy, forced marriage, sexual slavery, cumulative convictions, duress as a defense, and evidentiary standards for sexual violence.

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**Events related to gender justice and/or accountability for SGBC at the 22<sup>nd</sup> ASP Session include:**

- **Launch of the Office of the Prosecutor’s Revised Policy on Gender-based Crimes**  
(co-hosted by Canada, Colombia, Sierra Leone, Sweden, the United Kingdom and the Office of the Prosecutor)  
Monday, 4 December 2023, 13:15 – 14:30, location tbc.
- **Geographical Representation and Gender Balance (GRGB) at the International Criminal Court**  
(co-hosted by Uganda and the ICC Registry).

Tuesday, 5 December 2023, 13:15 – 14:30, Conference room 7.

- **New Draft Principles on Gender Persecution: Prevention, Protection and Survivor Participation**  
(co-hosted by the United Kingdom and the Office of the Prosecutor)  
Tuesday, 5 December 2023, 13:15 – 14:30, Conference room 12.
- **Addressing conflict-related sexual and gender-based crimes in Ukraine - insights from national and international jurisdictions**  
(co-hosted by the Netherlands, Ukraine, Global Rights Compliance, UN Women and the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Team of Experts).  
Wednesday, 6 December 2023, 13:15 – 14:30, location tbc.
- **Bringing Justice Home: The Ongwen case, catalysing survivor-centred and inclusive approaches to domestic accountability for SGBV where it matters most**  
(co-hosted by Uganda, the United States, Center for Justice and Accountability (CJA), Center for Victims of Torture (CVT), Gulu Women Economic Development and Globalisation and Tallawah Justice for Women).  
Thursday, 7 December 2023, 13:15 – 14:30, location tbc.
- **Judicial Approaches to Sexual and Gender-Based Crimes at the International Criminal Court - Report Launch**  
(co-hosted by Canada, Chile, the International Gender Champions and Women's Initiatives for Gender Justice)  
Friday, 8 December 2023, 13:15 – 14:30, Conference room 8.
- **Ensuring a Survivor-Centric Approach to Justice and Accountability – from Sudan to Myanmar**  
(co-hosted by Estonia, Latvia, Darfur Women Action Group, Global Justice Center, and Asia Justice Coalition)  
Monday, 11 December 2023, 13:15 – 14:30, Conference room C