

AGENDA

Gender and International Criminal Law

16 - 17 January 2024

Day 1 - Tuesday 16 January 2024

08.00 – Doors open

09.00 – 09.30

Welcoming remarks

The co-organisers of the conference will welcome the audience and set the stage for the next two days: Antonia Mulvey, Legal Action Worldwide; Alix Vuillemin, Women's Initiatives for Gender Justice and representing the 'International Gender Champions The Hague'; Susana SáCouto, Indira Rosenthal, Valerie Oosterveld, co-editors of the book "Gender and International Criminal Law"; Katherine Arditto, Australian Embassy to The Netherlands; Pauline Brosch, UNWomen; and Joe Powderly, Leiden University.

09.30 – 10.15

Understanding gender is vital. Why does it matter that we get it right?

The opening session will introduce the impetus behind both the Gender and International Criminal Law book and this conference. Following the presentation, a conversation with the audience will be held about the critical importance of gender in the context of international criminal law (ICL). This conversation will lead to discussions about understandings of gender, perceptions of gender within existing ICL frameworks, what makes a crime gendered, and more.

Presentation:

- Indira Rosenthal, co-editor of the book "Gender and International Criminal Law" and Adviser in Gender, Law & Justice

Speaker:

- Susana SáCouto, co-editor of the book "Gender and International Criminal Law" and Director of the War Crimes Research Office of the Washington College of Law

10.15 – 10.30 *Break*

10.30 – 11.30

Survivor perspectives and activism on gender and international criminal law

This session will delve into survivors' and survivor activists' lived experience as they navigate the pursuit of justice, truth, and reparations within the realm of International Criminal Law. The discussion will explore the utility of gender-sensitive approaches and nuanced understandings of gendered crimes in achieving these goals.

Gender and International Criminal Law

Leiden University - Schouwburgstraat 2 - The Hague

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Chair:

- Lorraine Smith-van Lin, Founder of Tallawah Justice for Women

Speakers:

- Pamela Angwech, Program Director at Gulu Women's Economic Development and Globalization, Uganda
- Sylvia Acan, Managing Director at Golden Women Vision, Uganda
- Kamila Sidiqi, Founder of the Kamila Sidiqi Foundation, Afghanistan

11.30 – 12.30

Practitioners' perspectives – National and international experiences on adopting a survivor-centred approach

This session will feature a conversation between national and international ICL practitioners as they reflect on the challenges and opportunities of working from a survivor-centered approach. The session aims to share valuable experiences, best practices, and insights within the realm of ICL. It will explore the complexities of centering survivors' needs and perspectives, fostering an inclusive dialogue that spans across national and international contexts.

Chair:

- Antonia Mulvey, Founder and Executive Director of Legal Action Worldwide

Speakers:

- Kateryna Busol, Lawyer and Associate Professor at the National University of Kyiv-Mohyla Academy, Ukraine
- Angela Mudukuti, Legal Advocacy Director on Waging Justice for Women, Clooney Foundation for Justice
- Naw Hser Hser, Advisory Board Member of the Women's League of Burma
- Natia Navrouzov, Legal Advocacy Director at Yazda, Iraq

12.30 – 13.30 Lunch break

12.45 – 13.15 Lunch lecture

The International Development Law Organization (IDLO) will offer its perspectives and methodology on survivor-centred justice for gender-based violence in complex situations.

13.30 – 14.00

Responding to the anti-trans and anti-gender movements in international justice

This conversation will discuss how increasing domestic and transnational attacks on issues relating to gender, and specifically LGBTQIA+ (lesbian, gay, bisexual, transgender, queer, intersex and asexual) lives, have co-opted sites of international criminal law, women's human rights, and international human rights law more broadly. Discussants will propose transnational and coalitional feminist strategies for reorienting responses to these attacks on women and the lives of lesbian, gay, bisexual, transgender and queer people towards structural critique, non-punitive accountability, and transformative justice. In part the discussion will focus on what domestic responses are needed to strengthen the possibility for transnational feminist work for gender, peace and security.

Gender and International Criminal Law

Leiden University - Schouwburgstraat 2 - The Hague

Speakers:

- Alexandra Lily Kather (they/-), Co-Founder of the Emergent Justice Collective
- Jamie Hagen (she/her), Lecturer (Assistant Professor) in International Relations at Queen's University Belfast & founding co-director of the Centre for Gender in Politics

14.00 – 15.00

Intersectional gender justice and queer liberation: Beyond “meaningful participation”

In this session, speakers will share their visions of intersectional gender justice and queer liberation through international criminal law and beyond. From a discussion about the historical and structural exclusion of LGBTQIA+ to today’s reckoning with mass violence committed against LGBTQIA+ people, what are the opportunities and limitations of international criminal law as a framework? What are strategies to divest from understanding harm solely through a heteropatriarchal lens? How can our safety, security and wellbeing as LGBTQIA+ communities be ensured and how must the languages and cultures of existing international (criminal) law mechanisms be transformed to support queer liberation?

Speakers:

- Alexandra Lily Kather (they/-), Co-Founder of the Emergent Justice Collective
- Jamie Hagen (she/her), Lecturer (Assistant Professor) in International Relations at Queen's University Belfast & founding co-director of the Centre for Gender in Politics
- Tarek Zeidan, Executive Director of Helem, Lebanon
- Katrim de la Hoz, Deputy Director, Caribe Afirmativo, Colombia
- Madeleine Rees, Secretary-General of the Women's International League for Peace and Freedom

15.00 – 15.15 *Break*

15.15 – 16.15

Breaking the continuum of structural discrimination: prosecuting gender persecution

Despite the international legal recognition of gender persecution, a persistent gap in prosecutions is evident across diverse tribunals and jurisdictions. This void not only hampers the visibility of gender-based crimes but also perpetuates cycles of violence. Join us in this session for a comprehensive presentation on gender persecution, exploring recent efforts and advancements at the international criminal level.

Speakers:

- Lisa Davis, Special Adviser on Gender Persecution to the ICC Prosecutor; Professor of Law and Co-Director of the Human Rights and Gender Justice Clinic at the City University of New York (CUNY) School of Law
- Kim Thuy Seelinger, the ICC Office of the Prosecutor’s Senior Coordinator for Gender-based Crimes & Crimes Against or Affecting Children

16.15 – 16.30

Day 1 Closing Session

Day 2 - Wednesday 17 January 2024

9.00 – 10.00

Shaping gender-sensitive accountability

This session will offer a panel discussion on the factors – legal and political – that shape prosecutorial decisions around charging gendered crimes. Why are some contexts/ conflicts/ perpetrators selected for prosecution while others are not? We will explore how the gendered impacts of crimes, beyond sexual and gender-based violence crimes, can be better reflected in investigations and prosecutions.

Chair:

- Susana SáCouto, co-editor of the book “Gender and International Criminal Law” and Director of the War Crimes Research Office of the Washington College of Law

Speakers:

- Michelle Jarvis, Deputy Head at the United Nations International Impartial and Independent Mechanism – Syria
- Marta Valiñas, Chairperson of the UN-backed Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela

10.00 – 10.15 Break

10.15 – 11.15

Act local, think global? A discussion around national practice

Practitioners working at the national level will discuss their experiences pursuing justice for international crimes from a gender perspective. The panel will explore challenges, best practices, opportunities for collaboration with international practitioners, and most pressing needs to work to ensure gender justice at the national level through the application of international criminal law.

Chair:

- Susana SáCouto, co-editor of the book “Gender and International Criminal Law” and Director of the War Crimes Research Office of the Washington College of Law

Speakers:

- Oscar Parra Vera, Magistrate at Jurisdicción Especial para la Paz, Colombia
- Randa Siniora, General Director of the Women's Center for Legal Aid and Counselling (WCLAC), Palestine
- Prashanthi Mahindaratne, Former Prosecutor at the United Nations International Criminal Tribunal for the former Yugoslavia (ICTY)
- Susan Okalany, Judge of the International Crimes Division of the High Court, Uganda

11.15 – 12.15

Voices for change: Examining the case for criminalizing gender apartheid

One of the most society-stunting occurrences of gender oppression is gender apartheid. What is it, and would criminalising gender apartheid in current ICL tools extend legal protections and increase chances of accountability? A conversation on the arguments and nuances around the discussion to codify gender apartheid in ICL.

Moderation:

- Joe Powderly, Associate Professor of Public International Law, Leiden University

Speakers:

- Karima Bennoune, Lewis M. Simes Professor at the University of Michigan Law School
- Akila Radhakrishnan, Atlantic Council, Strategic Litigation Consultant
- Zubaida Akbar, Advisory Board Member at FEMENA

12.15 - 13.15 Lunch break

12.30 – 13.00 **Lunch lecture**

In this deep-dive lunch lecture, Lisa Davis will offer a presentation on LGBTQIA+ inclusion in the potential recognition of gender apartheid as a crime.

13.15 – 14.30

The Gender Justice Practitioners Hub

This interactive session invites audience participation in a collective exploration of the essential tools needed to enhance global support for gender and International Criminal Law (ICL) initiatives. We will critically assess the effectiveness of existing conceptual frameworks around gender and ICL, contemplating necessary adaptations to better serve the needs of survivors and practitioners. Conference participants are encouraged to share their valuable experiences and insights on 'what works.' Central to our discussions is the Gender Justice Practitioners (GJP) Hub initiative. We will scrutinize existing gaps that a GJP Hub could effectively address, focusing on a participatory approach to avoid the pitfalls of previous initiatives and frameworks. Questions guiding our conversation include: How can we prevent 'reinventing the wheel' with each new conflict or crisis? To what extent is a 'global' approach feasible or fitting? If a GJP Hub were established, how might it take shape, and what should be its functional aspects?"

Moderation:

- Antonia Mulvey, Founder and Executive Director of Legal Action Worldwide

Speakers:

- Michelle Jarvis, Deputy Head at United Nations International Impartial and Independent Mechanism – Syria
- Sangeetha Yogendran, Project Manager on Women Leaders in International Justice & Accountability at Asia Justice Coalition
- Julissa Mantilla Falcón, Former Commissioner of the Inter-American Commission on Human Rights (IACHR)

14.30 – 14.45 Break

14.45 – 16.00

A feminist critique of the international crime of slavery and the slave trade

A ‘deep dive’ into the crime of the slave trade, this session will offer a case study on the practice of gender competent international criminal law at the national level. This study will explore Lebanon, sexual slavery in the context of the crimes committed by ISIS/Daesh, and reproductive violence.

Chair:

- Jocelyn Getgen Ketsenbaum, Professor of Law at the Benjamin N. Cardozo School of Law

Speakers:

- Patricia Viseur Sellers, Special Adviser on Slavery Crimes to the ICC Prosecutor and Visiting Fellow of Kellogg College at the University of Oxford
- Annie Bunting, Law and Society Professor at York University
- Terry Flyte, Programme Manager for Syria and Lebanon, Legal Action Worldwide

16.00 – 16.30

The future is feminist: re-imagining International Criminal Law

A demonstration of the possibilities for gender analysis in ICL judicial decisions. This session will re-imagine the ICL field where an intersectional gender analysis in relation to diverse crimes is central to international jurisprudence – not only those typically understood as ‘SGBC’ but also the seemingly gender-neutral concepts such as complementarity, head of state immunity, duress, command responsibility and more.

Presentation:

- Rosemary Grey, Senior Lecturer at Sydney Law School
- Susana SáCouto, co-editor of the book “Gender and International Criminal Law” and Director of the War Crimes Research Office of the Washington College of Law

Conversation with the audience:

- Jack Torbet and Juliana Laguna Trujillo, Legal Action Worldwide

16.30 -17.00

Closing Session

This closing session will allow the conference to take stock of the discussions over the past two days and look ahead at next steps for change.

Speakers

- Judge Luz del Carmen Ibáñez Carranza, First Vice-President of the ICC
- Patricia Viseur Sellers, Special Adviser on Slavery Crimes to the ICC Prosecutor and Visiting Fellow of Kellogg College at the University of Oxford
- Co-organisers of the conference