

Conference Report

Reproductive Violence in International Criminal Law

11 June 2024

**International Institute for Social
Studies, The Hague**

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1. Overview

On 11 June 2024, a conference on reproductive violence in international criminal law was convened by Women's Initiatives for Gender Justice, in conjunction with the International Institute of Social Studies, Legal Mobilization Platform, the University of Sydney Centre for International Law, Strategic Litigation Project, and Global Justice Center.

A hybrid format enabled online participation, as well as in-person participation in The Hague. Over 60 people attended in person, with a further 230 online.

Participants including judges and lawyers from the International Criminal Court (ICC) and other courts, as well as scholars, activists, and survivors. The discussions highlighted a wide spectrum of reproductive violence, considered accountability options within the existing ICL framework, and explored the need for potential legal reform in order to strengthen justice and accountability for survivors.

In the week before the conference, the organizers convened a symposium on reproductive violence on the international law blog *Opinio Juris* (Annex 1). Posts considered: advocacy by Women's Initiatives for Gender Justice and its predecessor, the Women's Caucus for Gender Justice; lessons from the Reproductive Justice movement in the USA; justice for children born from reproductive violence; cases in the ICC; cases in the Extraordinary Chambers in the Courts of Cambodia; the Rohingya people in Myanmar; and the Ukraine/Russia conflict.

In addition, the organizers facilitated an introductory webinar by Alexandra Lily Kather (Co-founder, Emergent Justice Collective) and Ammaarah Z (abortion & miscarriage doula, Co-Director of Ad'iyah Collective) about the principles and history of reproductive justice and implications in the wider struggle for liberation, including in international law.

Recordings of the conference panels and related educational resources are available at this [LINK](#)

2. Background

Violations of reproductive autonomy and reproductive health are quickly garnering increased attention in international criminal law (ICL), including in appellate jurisprudence of the International Criminal Court (ICC), and proceedings at the International Court of Justice (ICJ), but also scholarship.

Reflecting this shift, the ICC Office of the Prosecutor's (OTP's) 2023 Policy on Gender Crimes consistently refers to 'reproductive violence' – a concept that was absent from the OTP's previous 2014 Policy Paper on Sexual and Gender-Based Crimes.

Recent years have also seen advances in the recognition of reproductive violence in domestic proceedings for war crimes, crimes against humanity and genocide (including both local universal jurisdiction cases), and a push by several states to increase protections for forced pregnancy and other forms of reproductive justice in the United Nations' Sixth Committee deliberations on a possible Convention on the Prevention and Prosecution of Crimes Against Humanity.

In this context, an expert forum on strategies to effectively understand, investigate and prosecute reproductive violence was an important and timely initiative.



Image: Alix Vuillemin, Executive Director of Women's Initiatives for Gender Justice, chairing the panel on 'Past approaches: Gaps and legal milestones'.

3. Agenda

9:00-9:05 Introductory remarks

Bilge Sahin, Assistant Professor, International Institute of Social Studies

9:05-9:10 Opening address

Rosalba Icaza, International Institute of Social Studies, Deputy Rector of Research Affairs, Professor of Global Politics, Feminisms and Decoloniality

9:10-9:25 Civil society advocacy on reproductive violations in the Rome Statute and beyond

- The role of the Women's Caucus for Gender Justice, Alix Vuillemin, Executive Director, Women's Initiatives for Gender Justice
- Reflections in light of contemporary challenges, Rosemary Grey, Senior Lecturer, Sydney Law School, the University of Sydney

9:25 – 10:45 Expert perspectives

This session will provide a platform for survivor-experts to share experiences, facilitating a deeper understanding of the multifaceted impacts of reproductive violence. Experts and activists will discuss key gaps and challenges, localized and holistic response strategies, including legal representation, psychological support, and community reintegration programs, emphasizing survivor-centered approaches in the justice process.

- Facilitated by Lorraine Smith van Lin, International Justice Consultant, Founder and Executive Director, Tallawah Justice for Women
- Jacqueline Mutere, Founder and Director of Grace Agenda, Kenya
- Pamela Angwech, Executive Director, Gulu Women Economic Development and Globalisation, Uganda
- Fatuma Abiya (Survivor activist, Uganda)
- Liudmyla Huseinova, Member of the Ukraine Chapter of SEMA, the Global Network of Victims and Survivors of Wartime Sexual Violence
- Nadine Tunasi, Survivor Speak Out Manager, Freedom from Torture
- Amrita Kapur (participating in personal capacity), Head of Gender Section, UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and Director, Amripur Consulting
- Gulchen Kshtow, Emma Organization, Kurdistan

10:45 – 11:00 Coffee break

11:00 – 12:15 Past approaches: Gaps and legal milestones

This session will spotlight legal advancements and the recognition of reproductive violence across various jurisdictions and cases, including specific challenges and ways to overcome them.

- Facilitated by Alix Vuillemin, Executive Director, Women's Initiatives for Gender Justice
- Adjudicating reproductive violence at the ICC, Judge Luz del Carmen Ibáñez Carranza, International Criminal Court
- Historical recognition of reproductive violence: from Tokyo/Nuremberg to the ad hoc tribunals, Aldo Zammit Borda, Reader in Law at City, University of London
- The use of forced pregnancy by the Khmer Rouge in Cambodia, Joanna Buckley, Barrister at Matrix Chambers
- Investigating reproductive violence at the IIMM, Gaia Guastella, SGBC Investigator, Independent Investigative Mechanism for Myanmar
- Reproductive violence at the Colombian Constitutional Court, Juliana Laguna Trujillo, Colombian lawyer

12:15 – 12:35 Fireside chat: Reproductive crimes in the draft Crimes Against Humanity Convention

- Akila Radhakrishnan, Strategic legal advisor for gender justice for the Atlantic Council's Strategic Litigation Project
- Valerie Oosterveld, Professor of Law at the University of Western Ontario and Special Advisor to the ICC Prosecutor on Crimes Against Humanity

12:35 – 13:05 Lunch

13:05 – 14:35 Existing law, new strategies

In this interactive session, participants will learn about and 'workshop' new legal strategies for prosecuting reproductive crimes in both conflict settings and peacetime, using the existing framework of war crimes, crimes against humanity, aggression, and genocide.

- Reproductive violence and slavery crimes, Patricia Viseur Sellers, Special Advisor to the ICC Prosecutor on Slavery Crimes
- Reproductive violence against child soldiers, Dato' Shyamala Alagendra, International Criminal Lawyer and specialist in SGBC and Crimes Against Children
- Reproductive violence and the crime of aggression, Kateryna Busol, Associate Professor, National University of Kyiv-Mohyla Academy
- Reproductive violence in the ICC-OTP Policy on Gender Based Crimes, Kim Thuy Seelinger, Senior coordinator for gender-based crimes and crimes against children, ICC OTP
- Abortion restrictions as crimes against humanity, Indira Rosenthal, Adviser in Gender, Law and Justice, Co-editor of the book 'Gender and International Criminal Law'
- Reproductive violence as genocide, Rosemary Grey, Senior Lecturer, Sydney Law School, the University of Sydney

14:35 – 14:50 Overlooked reproductive violence in UN Fact finding missions: ICL, IHL and IHRL analysis

- Ashita Alag, Legal Advisor, Global Justice Center

14:50 – 15:10 Fireside chat: Reparations for reproductive crimes

- Wendy Harcourt, Professor of Gender, Diversity and Sustainable Development, International Institute of Social Studies
- Giovanna Di Chiro, Professor of Environmental Studies, Swarthmore College, US

15:10 – 15:30 Coffee break

15:30 – 16:45 Country-specific experiences of reproductive violence

- Facilitated by Bilge Sahin, Assistant Professor, International Institute of Social Studies
- Reproductive violence at the Colombian Special Jurisdiction for Peace (JEP), Judge Alexandra Sandoval Mantilla, JEP
- Obstetric violence in Gaza and Beyond, Fionnuala Ní Aoláin, former UN Special Rapporteur on counter-terrorism and human rights (2017-2023)
- Enhancing recognition of wartime obstetric and reproductive violence as a crime of international concern, Letitia Anderson, United Nations, Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict
- Reproductive violence in Ethiopia and Syria, Payal Shah, Director Program on Sexual Violence in Conflict Zones, Physicians for Human Rights
- Gaps around enforced sterilization in Peru's Truth and Reconciliation Commission, Jocelyn Getgen Kestenbaum, Professor of Law, Benjamin N. Cardozo School of Law

16:45 – 17:25 Innovative approaches to reproductive justice: collective voices and decolonizing strategies

- Facilitated by Alexandra Lily Kather, Co-founder, Emergent Justice Collective
- Ammaarah Z, Founder, co-director and abortion and miscarriage doula, Ad'iyah Collective
- Lila Sharif, Palestinian Feminist Collective
- Sagaree Jain, Poet, writer, educator, and visual artist – on decolonizing reproductive justice

17:25 – 17:30 Closing remarks

- Alix Vuillemin, Executive Director, Women's Initiatives for Gender Justice
- Bilge Sahin, Assistant Professor, International Institute of Social Studies

17:30 Informal reception – Butterfly Bar, International Institute of Social Studies

4. Summaries of interventions

Bilge Sahin (Assistant Professor, International Institute of Social Studies) welcomed participants and introduced the conference themes and objectives.

Opening Address

Rosalba Icaza (Deputy Rector of Research Affairs and Professor of Global Politics, Feminism and Decoloniality at the International Institute of Social Studies) emphasized that feminism is fundamental to the ISS mission, particularly through legal mobilization amidst a challenging global context marked by anti-gender and neo-fascist movements. She noted that this focus on feminist ideals will shape the ISS agenda for the next five years and encouraged collaboration and mutual learning among participants.

Civil society advocacy on reproductive violations in the Rome Statute and beyond

Alix Vuillemin (Executive Director, Women's Initiatives for Gender Justice) and Rosemary Grey (Senior Lecturer, Sydney Law School) discussed civil society advocacy on reproductive violations within the Rome Statute and beyond, emphasizing the crucial role of feminist activists in ensuring the International Criminal Court (ICC) adopted a feminist perspective.

Alix highlighted the importance of activism and the historical context of reproductive justice, noting its long-standing roots prior to its inclusion in criminal law. She referenced colonial legacies and their ongoing impact. She thanked all co-hosts and gave particular mention to **Valeria Babără (Legal and Advocacy Officer, Women's Initiatives for Gender Justice)** for organizing.

Rosemary underscored that reproductive justice efforts predate international law, involving extensive, often unrecognized work, and praised the Women's Caucus for its pivotal role in including enforced pregnancy and sterilization as crimes in the Rome Statute. She reflected on the progress and omissions in reproductive justice over the past 25 years, particularly around violations of reproductive autonomy that are not expressly listed in the Rome Statute. She noted that the topic holds personal significance to many in the room, and acknowledged the privileges that reproductive health and autonomy has afforded to her.

Expert Perspectives



Image: Survivor-experts participate from diverse locations, chaired by Lorraine Smith van Lin.

Lorraine Smith van Lin (International Justice Consultant, Founder and Executive Director, Tallawah Justice for Women) facilitating the expert panel, noted the global representation of participants and the importance of addressing reproductive violence. She underscored the importance of this dialogue, and recognized that patience and persistence with technical difficulties was a necessary part of ensuring that we create space to listen to survivors voices.

Pamela Angwech (Executive Director, Gulu Women Economic Development and Globalisation, Uganda) discussed the challenges in Northern Uganda, where reproductive violence is used by rebel groups to demonstrate power. She highlighted the issues faced by women as survivors as well as their children, who are often seen as outsiders, lacking identity, citizenship, and access to education and healthcare. These challenges hinder their reintegration into society, emphasizing the need for recognition and support for both women and their children born of violence.

Jacqueline Mutere (Founder and Director of Grace Agenda, Kenya) focused on the dignity and choice of survivors. She stressed the need for acknowledgment, compensation through reparations, and the empowerment of survivors to voice their experiences. Jacqueline highlighted the extreme stigma faced by male survivors and the importance of justice for children, who struggle with issues around disclosure, stigma and community acceptance.

Fatuma Abiya (Survivor activist, Uganda) shared her experience as a child born of war, detailing her mother's abduction and continuous sexual violence. She described the harsh realities of living in captivity, the ongoing cycles of violence, and the severe challenges faced upon release. Fatuma emphasized the need for opportunities and support for survivors and their children to break the cycle of violence.

Gulchen Kshtow (Emma Organization, Kurdistan) recounted the 2014 ISIS capture of Yazidi women and girls, highlighting forced marriages and pregnancies. She discussed the stigma and difficult choices faced by mothers in the Yazidi community, which does not accept children fathered by Muslims, forcing women to choose between giving up their child or their community. She called attention to the lack of support for these women, stressing the need for organizations to help with reintegration and finding missing women and children.

Liudmyla Huseinova (Member of the Ukraine Chapter of SEMA, the Global Network of Victims and Survivors of Wartime Sexual Violence) spoke about the previously invisible issue of rape and abductions in Ukraine, which became prominent during the full-scale invasion. She highlighted the severe physical and psychological toll on women in captivity, including the lack of hygiene and medical care, as well as the trauma experienced by men. Liudmyla called for justice and international condemnation of the atrocities committed by Russian soldiers.

Participating in her personal capacity, **Amrita Kapur (Head of Gender Section, UN Relief and Works Agency for Palestine Refugees in the Near East)** discussed reproductive violence in Gaza, noting the increase in miscarriages and the impact of food scarcity and attacks on healthcare. She highlighted the universality of these struggles, drawing parallels with other conflict zones. Amrita emphasized the need for accurate data and statistics, humanitarian aid, and the inclusion of women in decision-making processes at all levels of conflict resolution.

Nadine Tunasi (Survivor Speak Out Manager, Freedom from Torture) questioned whether survivors' voices are genuinely heard or merely tokenistic, noting that she would have welcomed the opportunity to have greater input on the agenda for this conference. She shared her personal experience with a dismissive judge and the importance of including survivors in conversations from the outset. Nadine stressed the uniqueness of each survivor's experience and the need for inclusive policies that provide support and resources.

The panelists collectively emphasized the need for international condemnation of perpetrators, accurate data collection, and humanitarian aid. The calls to action highlighted the necessity of including survivors' voices in decision-making and providing comprehensive support to address the multifaceted challenges of reproductive violence. Several speakers emphasized the importance of including male victims of reproductive violence in these events to ensure that their experiences are also acknowledged and addressed.

Past Approaches: Gaps and Legal Milestones



Image: International Criminal Court Judge Luz del Carmen Ibáñez Carranza discussing the Ongwen case, which included the Court's first conviction for forced pregnancy.

Alix Vuillemin (Executive Director, Women's Initiatives for Gender Justice) facilitated the panel, focusing on legal perspectives following the testimonies of survivors. She introduced speakers who shared their insights on reproductive violence within the framework of international law. Alix emphasized the significance of addressing these issues comprehensively and recognizing the legal developments and challenges in adjudicating reproductive violence.

Judge Luz del Carmen Ibáñez Carranza (First Vice President of the International Criminal Court) discussed the importance of addressing reproductive violence within the context of structural societal issues such as discrimination based on sex and race, which are emphasized in times of conflict. She highlighted the role of the Rome Statute in setting the legal framework for crimes like forced pregnancy, forced sterilization, and genocide, which encompass reproductive violence. Judge Ibáñez cited the *Ongwen* case as a landmark for the ICC, being the first judgment for the crime of 'forced pregnancy'. She referred to potentially relevant provisions in the Rome Statute including the crime against humanity of 'other inhumane acts'.

Aldo Zammit Borda (Reader in Law at City, University of London) provided a historical overview of reproductive violence in international criminal law, noting the lack of recognition in past judicial decisions. He emphasized the importance of understanding the causes, mechanisms, and consequences of reproductive violence. Aldo highlighted examples from the Tokyo Tribunal as well as in Nazi Germany and Bangladesh, where forced impregnation and abortions were significant yet underrecognized issues. He pointed out that the ICTY did not prosecute reproductive violence despite evident cases, demonstrating the historical knowledge deficit and the need for greater legal acknowledgment.

Joanna Buckley (Barrister at Matrix Chambers, UK) discussed the use of reproductive violence by the Khmer Rouge, as considered by the Extraordinary Chambers in the Courts of Cambodia (ECCC). She described the coerced marriages, forced pregnancies, and brutal conditions imposed on women, leading to miscarriages and post-pregnancy complications, and she discussed the legal barriers to prosecuting such forms of reproductive violence in the ECCC. Joanna called for further investigation and legal recognition of reproductive violence, noting that the absence of specific laws during the Khmer Rouge era limited prosecutions.

Gaia Guastella (Sexual and Gender-Based Crimes Investigator with the Independent Investigative Mechanism for Myanmar) spoke about reproductive violence in Myanmar, highlighting the ongoing efforts of the IIMM. She discussed the mandate to collect evidence of crimes and build case files, emphasizing the impact of reproductive violence on women's autonomy. Gaia addressed issues such as birth restrictions, unwanted pregnancies from gang rapes, and unsafe abortions. She questioned whether acts not explicitly defined in the Rome Statute could still be prosecuted under implicit charges, stressing the need for comprehensive investigations to encompass all forms of reproductive violence.

Juliana Laguna Trujillo (Colombian lawyer at the Colombian Constitutional Court) discussed transitional justice mechanisms established by the 2016 peace agreement. She emphasized the critical role of the feminist movement in Colombia, particularly in the decriminalization of abortion. Juliana shared the landmark case of Helena, a forcibly recruited girl subjected to forced contraception and abortion, who was initially denied reparations. The court ruled in Helena's favor, recognizing her suffering and establishing that forced abortions are illegal, even for militarized individuals. Juliana highlighted the broader implications of reproductive autonomy and the need for a legal framework that comprehensively addresses reproductive violence.

Fireside Chat: reproductive crimes in the draft Crimes Against Humanity Convention



Image: Oosterveld and Radhakrishnan compare and contrast the experience of advocating for gender justice provisions in the 1998 Rome Conference and the ongoing UN process for a convention to prevent and punish crimes against humanity.

Akila Radhakrishnan (Strategic legal advisor for gender justice for the Atlantic Council's Strategic Litigation Project) and **Valerie Oosterveld (Professor of Law at the University of Western Ontario and Special Advisor to the ICC Prosecutor on Crimes Against Humanity)** discussed the ongoing United Nations deliberations regarding a new convention on the prevention and punishment of Crimes Against Humanity.

This initiative has included the draft articles on crimes against humanity adopted by the International Law Commission in 2019, followed by ongoing discussions in the UN's legal committee, the Sixth Committee. As of April 2024, over 70 states have urged the adoption of this new treaty, with more than 120 states and over 400 NGOs expressing support.

Akila spoke about civil society advocacy to include an explicit reference to 'reproductive violence' in the list of prohibited acts, and to update the definition of 'forced pregnancy' to use more inclusive language than the current definition, which refers only to 'women'.

The panelists also discussed other proposed changes from the Rome Statute, including the removal of the definition of gender, the addition of gender apartheid and forced marriage, adjusted definitions of persecution, and the inclusion of crimes like the slave trade, ecocide, nuclear weapons use, and starvation of civilian populations. They argued that these and other crimes against humanity should all be viewed through a gendered lens.

The addition of a monitoring mechanism is a key feminist request, emphasizing the need for accountability. A victim-centered, trauma-informed approach that includes both human rights and criminal perspectives is necessary. The lack of specificity in the law has been a barrier, necessitating clear proposals, such as explicitly adding reproductive crimes and refining definitions related to forced pregnancy and gendered language.

Despite facing pushback similar to that experienced by the Women's Caucus during the drafting of the Rome Statute, there has been considerable support for gender-related proposals from states and NGOs. The next steps involve an October meeting of the Sixth Committee, where the decision will be made on whether to advance the draft for negotiation.

Existing law, new strategies



Image: Panelists in-person and online discuss how to make full use of existing international criminal law, in order to optimize accountability for reproductive violence.

Patricia Viseur Sellers (Special Advisor to the ICC Prosecutor on Slavery Crimes) discussed the concept of “social death” associated with slavery, highlighting the exercise of ownership over individuals, which includes the slave trade and sexual slavery as recognized in the Rome Statute. She explained the economic, cultural, political, and racist roots of slavery, emphasizing how societies historically regulated the enslaved to serve societal needs, including reproduction. She detailed specific abuses in the East African slave trade, such as castration and forced contraception, and the monitoring of reproductive health. Patricia also addressed the systemic violence and gynecological experimentation on enslaved women, stressing the need to recognize the full spectrum of reproductive harms experienced by slaves.

Her presentation showed that these acts and omissions relating to reproductive violence and slavery are outlawed under the 1926 Slavery Convention its 1956 because such reproductive violence was the means of exercising powers of ownership over the enslaved. Moreover, these reproduction-related harms and outputs (such as the intentional lightning of skin color to produce ‘fancy girls’) re-enforced and expanded the economic systems that were reliant on such harms perpetrated on enslaved people. As Sellers has explained, ‘allowing us to look back will increase our perceptiveness in the present.’

Kim Thuy Seelinger (Senior coordinator for gender-based crimes and crimes against children, ICC OTP) elaborated on the correlation and distinctions between sexual and reproductive violence, as detailed in the ICC Office of the Prosecutor’s 2023 Policy on Gender-Based Crimes. She cited forced in-arm contraception in Colombia and reproductive complications arising from exposure of chemical weapons as examples of reproductive violence that is not sexual in nature. She stressed the importance of charging crimes cumulatively under the Rome Statute to reflect the full scope of harms. She discussed the reproductive implications of various crimes, including torture and inadequate healthcare in detention, and how policies and tools are being developed to address these issues, ensuring that reproductive capacities are a focal point in understanding and prosecuting such crimes.

Dato' Shyamala Alagendra (International Criminal Lawyer and specialist in SGBC and Crimes Against Children) emphasized that reproductive violence is newly recognized as a distinct crime, not merely an aggravating factor. She cited cases like that of Charles Taylor where reproductive violations went uncharged and detailed how girls recruited as child soldiers were subjected to sexual slavery, forced marriages, and pregnancies. Shyamala highlighted the often-overlooked suffering of boy soldiers forced into acts of sexual violence. She referenced significant cases such as the Ntaganda case at the ICC and a landmark case in Colombia to illustrate the dire need for early and comprehensive documentation of reproductive violence in conflicts, ensuring that both boys' and girls' experiences are addressed.

Kateryna Busol (Associate Professor, National University of Kyiv-Mohyla Academy) discussed the human-centric interpretation of the crime of aggression, noting how the Nuremberg Trials framed it as the crime that leads to all other war crimes. She highlighted the role of feminists in the Rome Statute debates and the evolving recognition of individuals as victims of aggression, beyond its state-centric view. Kateryna provided an example of a woman forced to relocate due to aggression, affecting her access to abortion, illustrating how aggression can directly impact personal reproductive rights.

Indira Rosenthal (Adviser in Gender, Law and Justice, Co-editor of the book 'Gender and International Criminal Law') argued that abortion bans should be seen as violations of international law and crimes against humanity due to the severe harm they inflict. She acknowledged that forced pregnancy under article 7(2)(f) of the Rome Statute is unlikely to be interpreted to include national abortion laws due to its negotiating history and the second sentence of the definition, and suggested alternative legal frameworks for accountability, such as Rome Statute charges of enslavement, torture, or gender persecution, and the use of customary international law. Indira emphasized the significant mental, physical, and economic harms caused by abortion bans and advocated for recognizing choice and autonomy as fundamental human rights, necessitating a robust legal response to protect these rights.

Rosemary Grey (Senior Lecturer, Sydney Law School, the University of Sydney) highlighted the unique intent behind genocide, which aims to destroy a national, ethnic, racial or religious group. She explained how genocide attacks both individuals and the continuity of the group, using cases from Darfur, Guatemala, and Myanmar to illustrate her points. She noted the relevance of a genocide analysis to current cases in the ICJ, including *South Africa v Israel*, *Ukraine v Russia*, and *The Gambia v Myanmar*. She noted that the fourth act listed in the 1948 Genocide Convention (genocide by imposing measures intended to prevent births within the targeted group) is yet to be charged in the ICC or any international criminal tribunal, and she identified a range of 'measures' that could fall within this crime, as outlined in her recent article in the *Journal of Genocide Research*. She further noted that, as she and Akila Radhakrishnan have discussed elsewhere, reproductive violence can be relevant to other acts of genocide including causing serious bodily or mental harm to members of the group, or imposing measures calculated to bring about the group's physical destruction. To illustrate this point, she referred to the reproductive impacts of starvation and the denial of humanitarian aid, as alluded to in Mexico's recent intervention in the ICJ's case on Gaza.

Overlooked reproductive violence in UN Fact finding missions: ICL, IHL and IHRL analysis



Image: The Global Justice Center's Ashita Alag.

Ashita Alag (Legal Advisor, Global Justice Center) provided an overview for the Global Justice Center's forthcoming report about reproductive violence & UN fact finding missions. The report addresses the dearth of documentation on reproductive violence in reports by UN fact-finding missions and commissions of inquiry, stressing the necessity for comprehensive records to reflect victims' experiences, guide community responses, and support justice efforts. It identifies barriers such as sensitivities, resource constraints, legal limits, and analytical complexities that have impeded documentation. The report also examines existing jurisprudence to highlight current approaches to addressing reproductive violence while advocating for a broader gender lens in understanding these issues. Scheduled for release in early 2025, the report aims to foster broader discussions on these critical issues and their cultural contexts.

Fireside Chat: Reparations for reproductive crimes



Professors Wendy Harcourt and Giovanna Di Chiro discuss the link between reproductive and environmental violence

Wendy Harcourt (Professor of Gender, Diversity and Sustainable Development, ISS) and **Giovanna Di Chiro (Professor of Environmental Studies, Swarthmore College, United States)** discussed the complexities of undoing harm and restoring reproductive lives. They emphasized that reparations are not only possible but essential, advocating for comprehensive efforts towards restorative justice. Giovanna highlighted the interconnectedness of environmental genocide with reproductive futures, linking environmental pollution, limited housing, and contamination to the curtailed possibilities of future thriving communities. They underscored the necessity of integrating reproductive justice with environmental justice, addressing slow violence from pollution, toxicity, and economic disparities, and calling for inclusive care for all species and ecological sustainability within frameworks of reproductive justice.

Country-specific experiences of reproductive violence



Image: Bilge Sahin, Assistant Professor, International Institute of Social Studies, chairing the panel on country-specific experiences of reproductive violence.

Fionnuala Ní Aoláin (former UN Special Rapporteur on counter-terrorism and human rights (2017-2023)) discussing obstetric violence in Gaza, highlighted the disproportionate focus on penetrative sexual harm in conflict settings, which often obscures the broader spectrum of reproductive violence such as the denial of maternity drugs and inadequate healthcare access during humanitarian crises. She emphasized the need to address these overlooked forms of harm under international humanitarian law, despite existing protections like those in the Geneva Conventions of expectant mothers.

Judge Alexandra Sandoval Mantilla (Special Jurisdiction for Peace (JEP), Colombia) provided insights into Colombia's peace agreements, emphasizing the mandatory gendered approach that has been integral since the beginning. She discussed specific measures within the peace process to address reproductive violence separately from sexual violence, highlighting the role of truth commissions and legal frameworks in advancing reproductive rights and autonomy.

Letitia Anderson (United Nations, Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict) presented on ongoing efforts to combat

reproductive violence globally, noting shifts in perceptions and legal responses over the past decade. She highlighted the evolving understanding of sexual violence as not just a military tactic but also as economic and psychological warfare, stressing the importance of comprehensive legal frameworks and continued vigilance in addressing these complex issues.

Payal Shah (Director, Program on Sexual Violence in Conflict Zones, Physicians for Human Rights) presented research on gendered impacts in conflict zones, particularly in Syria and Ethiopia. Her work documented the devastating effects of attacks on healthcare facilities, which disproportionately affect maternal health services and exacerbate risks due to compromised medical infrastructure and ongoing violence.

Jocelyn Getgen Kestenbaum (Professor of Law, Benjamin N. Cardozo School of Law) opened by raising the possibility of a joyful and empowering birth process, grounded in her midwife experience in Peru. She then discussed Peru's historical and ongoing challenges with reproductive violence, focusing on forced sterilization campaigns that targeted indigenous populations. She highlighted the systemic racism and colonial legacies that perpetuate reproductive injustices, citing examples of state-sponsored coercion and discrimination against marginalized communities. She reminded us to think of the 'afterlives of slavery', and to be wary of the best that feminist ideas can be hijacked by proponents of reproductive violence, as Fujimori did in Peru.

These discussions illuminated the multifaceted nature of reproductive violence across different contexts, underscoring the importance of comprehensive legal protections, gender-sensitive approaches, and international cooperation in addressing and preventing these human rights violations.

Innovative approaches: collective voices and decolonizing strategies



Image: Lila Sharif presents on Palestinian experiences.

Facilitated by **Alexandra Lily Kather (Co-founder, Emergent Justice Collective)**, the session featured poignant insights from **Ammaarah Z (abortion & miscarriage doula, Co-Director of Ad'iyah Collective)**, **Lila Sharif (Palestinian Feminist Collective)**, and **Sagaree Jain (Poet, writer, educator, and visual artist)**, focusing on intersectional feminist advocacy beyond legal frameworks.

Ammaarah shared profound insights into the importance of holding space within Muslim culture for those experiencing the complexities of end-of-pregnancy issues, such as abortions, miscarriages, and stillbirths. The speaker emphasized the role of community resources, teach-ins, and doula support in providing crucial emotional and practical assistance to individuals navigating reproductive trauma, fostering a supportive environment beyond medical interventions.

Lila provided a powerful perspective centered on Palestinian experiences, particularly highlighting the ongoing reproductive injustices stemming from the Nakba since 1948. The speaker illuminated how sexual violence has been weaponized against Palestinian women, both historically and in contemporary contexts, often as a method of displacement and cultural erasure. Lila underscored the profound impact of the ongoing siege on Gaza, which includes systemic deprivation and destruction of cultural heritage, emphasizing the intersectionality of reproductive justice with broader struggles for liberation and autonomy.

Sagaree delved into the intricate dynamics of reproductive coercion in the US, shedding light on its pervasive impact on marginalized communities, including queer individuals. The speaker articulated the systemic violence embedded in policies and practices that control and regulate bodies, particularly in contexts such as hormone therapies and family planning. Sagaree advocated for community-centered research methodologies that prioritize consent, reciprocity, and respect for the lived experiences and agency of survivors, challenging traditional academic paradigms to foster more ethical and empowering approaches to research and advocacy.

Closing Remarks

The day closed with remarks from Professor Bilge Sahin of the ISS, who emphasized the importance of care, connectivity and community. Alix Vuillemin highlighted next steps, including discussions on justice strategies, enhancing the international criminal law framework, and building on connections made at the conference. The conference was followed by a reception at ISS which allowed attendees and presenters further opportunity to connect.

Annex 1: Opinio Juris symposium

Protections for Reproductive Violence in the ICC – Continuing the Women’s Caucus for Gender Justice’s Legacy, Alix Vuillemin and Rosemary Grey

The Reproductive Justice Movement and International Criminal Law, Kimberly Mutcherson

A New Era of Accountability for Reproductive Violence at the ICC?, Valeria Babără

Legal Recognition of Children Born of Conflict-Related Sexual Violence in International Criminal Law, Judy Mionki

Glimpses of Reproductive Violence in the ECCC – Forced Breeding, Destruction of Maternal Healthcare, and ‘Ritualcide’, Boravin Tann and Rosemary Grey

Reproductive Violence Against the Rohingya – A Perspective on Myanmar, Wai Wai Nu and Grant Shubin

Reproductive and Obstetric Violence in Russia’s Aggression against Ukraine, Kateryna Busol