



Mrs Fatou Bensouda

**Prosecutor of the International Criminal Court**

## **Opening Remarks**

*Launch of the ICC Office of the Prosecutor's Policy Paper on Sexual Violence and Gender-Based Crimes*

New York

Sunday, 7 November 2014 | Expected time of delivery: 19h22

Excellencies,  
Distinguished Guests,  
Ladies and Gentlemen,  
Dear Friends,

Allow me from the outset to thank you all for attending this evening's official launch of the Policy on Sexual and Gender-Based Crimes of the Office of the Prosecutor.

It is truly a privilege and an honour to host you and to have the pleasure of your company.

I am grateful and humbled that so many of you have joined me this evening despite your taxing schedules and the very busy days ahead of us during the 13<sup>th</sup> session of the Assembly of States Parties.

Allow me to equally express my gratitude to *Open Society Foundations*, *the Institute for 21<sup>st</sup> Century Questions* and *Humanity United* for their generosity in sponsoring this event.

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The fact that a comprehensive policy on Sexual and Gender-Based Crimes is the first policy that my Office has issued since I assumed my functions as Prosecutor is no coincidence.

The need to curb such reprehensible crimes and to change the culture of impunity and ignorance in which they thrive, has been an intrinsic part of my work and personal commitment, *as a woman, as a lawyer and as a Prosecutor*.

As I look around the room this evening, I'm comforted by the fact that I'm just but one modest voice in this necessary struggle.

History has indeed taught us that peace and tranquillity are simply respites between wars and conflict. While regrettably this may be true, we have an obligation to curb their destructive impact on civilians and our societies. During war and conflict, the laws *cannot* and *must not* remain silent.

As the video clip played earlier this evening demonstrates, sexual and gender-based crimes are not region or country specific, and sadly, are committed in conflicts around the world with alarming frequency and violence.

We *must* recognise that an important aspect of challenging the culture of discrimination that allows sexual and gender-based crimes to prevail entails the effective investigation and prosecution of those responsible for such crimes. This is a challenge, and more importantly a *duty*, that I am committed to address, without fear or favour.

The Policy Paper on Sexual and Gender-Based crimes that we officially launch today is one of the key tools my Office has developed to effectively respond to this challenge.

My Office embarked on a process of extensive internal and external consultations to develop this policy, gathering input from a wide range of internal and external actors and stakeholders. Many notable organisations and world renowned experts, represented here, this evening participated in this consultative process, and I take this opportunity to thank them again for their important contributions to the development of the policy. This policy is indeed the fruit of our joint labour, and the responsibility to realise its full potential is also a joint undertaking.

I also like to recognise the critical work undertaken by several members of the Office of the Prosecutor, under the leadership of our Senior Legal

Advisor, Shamila Batohi, and with the support of our Special Gender Adviser, Brigid Inder, in drafting, reviewing and finalising this Policy.

The end-result is a well reflected comprehensive policy – the first of its kind in the field of international criminal justice – which affirms the commitment of my Office to ensuring that careful and particular attention is placed on sexual and gender-based crimes, while outlining the approach that we will adopt as we endeavour to put an end to this global scourge.

To date, we have charged 17 individuals implicated in our cases with gender related crimes, whilst specific charges of sexual violence were proffered in 70 percent of our cases. These high numbers illustrate the prevalence of such horrific acts. But they also highlight our commitment to hold perpetrators of such crimes accountable, and in the process, to send a strong message that the culture of impunity for such crimes will be met with the full force of the law. We will continue on this path.

One of the key aspects of this Policy, in addition to a systematic look to see where we can bring charges of sexual and gender-based crimes in our cases, is that my Office will also, in the context of its mandate, apply a gender analysis to crimes within its jurisdiction. “Gender analysis” examines the underlying differences and inequalities between women and men, and girls and boys, and the various dynamics which determine and shape gender roles. In the context of my Office, this involves examining if, and in what ways, crimes are related to gender norms and inequalities. The integration of a gender perspective into all aspects of my Office’s operations will be concretely pursued.

My Office will also endeavour to reinforce its victim responsive approach in order to take into account the interests of victims at various

stages of our work. We will do this, among others, by increasingly seeking opportunities for effective and efficient engagement with victims groups and their representatives.

Staff training is also crucial in our ability to interact with victims of sexual and gender-based crimes; we need to do all that we reasonably can to avoid re-traumatisation. As such, my Office will ensure that team members and all other relevant staff members, including interpreters, have the necessary competencies and support services available to them to perform their functions effectively when dealing victims of these crimes.

Moreover, after the publication of our Policy in June of this year, the Office created an inter-divisional working group focussing on implementation. With the support of Sweden and the United Kingdom, we have organized a side-event during this session of the Assembly of States Parties later this week, during which we will share our initiatives and plans on effective implementation. We invite you to attend, and would appreciate your collaboration on this event, as we need to work as a collective in combatting this critical issue.

Excellencies,  
Ladies and Gentlemen,

As we have witnessed time and again no one body in the international community can achieve significant change without support and coordination.

To be sure, the International Criminal Court is a key pillar of the international criminal justice system it is building in its own image, but the institution is not a panacea. Our common yearning to eradicate sexual and gender-based crimes requires collective action and resolve.

I do hope that our Policy will serve as a useful guide for national authorities and other actors trying to address sexual and gender-based crimes more effectively.

As custodians of the Rome Statute, indeed all States Parties are encouraged to first firmly support the ICC in its efforts to end impunity for this and other mass crimes, but also to implement the provisions of the Statute, including those relating to sexual and gender-based crimes, and to effectively exercise their primary responsibility to investigate and prosecute these crimes domestically.

The cooperation plenary during the Assembly on Thursday will also focus on the challenges of investigating and prosecuting these crimes. I am delighted by the ownership that States Parties are taking on this issue, by addressing it in their discussions during the Assembly. I thank the cooperation facilitator, Ambassador Krutnes of Norway, for her leadership in this regard.

My Office is also committed to enhancing its efforts to identify, support and engage with initiatives undertaken by other actors to respond to sexual and gender-based crimes. These contributions are important to establish and reinforce the normative framework of the Rome Statute for the accountability of these crimes.

Success in the endeavour to combat the practice and impunity of sexual and gender-based crimes must be built upon mutual trust, collaboration and assistance, and a genuine effort to achieve our common objectives.

My Office stands ready to do its part in concert with the international community.

Ladies and Gentlemen,  
Distinguished Guests,  
Dear friends and colleagues,

*Ours is the age of rights consciousness where humanity no longer accepts that victims of gross human rights violations and mass crimes suffer in silence; are forgotten, or that their perpetrators escape justice. Challenges are certainly many, but we must prevail.*

*Ours is the age of awakening where dignity, equality and respect for life and liberty amongst other fundamental rights and guarantees have sacred value amongst the people of the world, and have become fixed in an ever emerging global zeitgeist.*

*And while archaic forces of tribalism, sectarianism and bigotry continue to taint the pages of history, I am confident that universal values of human rights and yearning for their widespread protection, and calls to end impunity for mass crimes, including sexual and gender-based crimes, will increasingly define the 21<sup>st</sup> century.*

*Sexual and gender-based crimes are an affront to our most basic notions of decency and degrade humanity's good name.*

*Our will therefore be an age where we stand up once and for all in the face of such horrendous crimes and declare with one voice that sexual and gender-based crimes will no longer be tolerated, and that we will relentlessly pursue those who tear violently at the social fabric of society through such egregious crimes.*

*I thank you once again for your presence here this evening. It is a clear testament to your firm commitment to this common responsibility.*

*The victims of such devastating crimes will not find solace in our words and promises, but in what we manage to deliver in concrete terms.*

*We must end sexual and gender-based crimes, and esteemed guests, I'm confident, together, we can.*

*Thank you.*



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## **Closing Remarks**

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## CLOSING REMARKS OF THE PROSECUTOR

Excellencies,  
Ladies and Gentlemen,  
Distinguished Guests,  
Dear Friends,

It has been an enriching evening of reflection and celebration; celebration of humanity's virtues over its ills; the triumph of hope and determined will over despair; in short, a celebration of our *firm* collective resolve to end sexual and gender-based crimes.

I am humbled by the presence of so many distinguished guests here this evening and inspired by your commitment and the importance you attach to this critical issue.

Without a doubt, the positive trajectory we hope to create with the launch of this policy on sexual and gender-based crimes would not be possible without your continued support and encouragement.

For this, on my own personal behalf, and that of my Office and of the Court, I thank you.

Since time immemorial, rape and other forms of sexual violence were considered trophies to be won in war. This antediluvian custom must be exposed, the world over, for what it really is: *a heinous crime*. The most vulnerable in our society are often targeted as part of a deliberate campaign to instil terror, to collectively punish by association and to destroy the individual and whole communities. These egregious crimes shatter the social fabric of society and stunt its future potential.

It is imperative that all of us, each in our respective capacities, do everything in our power to end this scourge.

There is no rationalizing these crimes; and let me be clear: *no moral imperative* – earthly or divine – would licence the commission of such horrors. On the contrary, humanity's moral conscience must be outraged and shocked into action to stop these despicable crimes.

I hope that this evening's event has modestly contributed to bringing this critically important issue to the fore, and highlighted the urgent need for the international community to act.

This policy will provide a guide for my Office as we work, together with you, towards ending impunity for the perpetrators of these abhorrent crimes and thereby, contributing to their prevention in a systematic manner. We all share a common responsibility to address sexual and gender-based crimes more effectively.

The law, to be sure, is a powerful tool which can be employed to not only to highlight the brutality and barbaric nature of sexual and gender-based crimes, but also to give a voice to the far too often voiceless victims, and to hold perpetrators accountable.

The challenges we face, however, are by no means trivial. We must recognize that our strength lies in our collective and synchronized action; our power lies in our ability to rally the weight of the international community behind us, and the success in this struggle lies in our determination to use all the tools at our disposal to put an end to the suffering of victims.

I harbour no illusions: the real impact of this policy will be determined by the success of its implementation. As I mentioned in my opening, there will be a side event during the Assembly of States Parties later this week, focusing on this very issue – it is indeed past time to put our words into action!

Thank you all once again for your presence and support; you've made this evening a most memorable occasion and I hope that notwithstanding the serious nature of the topic at the centre of our discussions, you have also enjoyed the evening in the company of so many esteemed friends and colleagues. It has certainly been an honour and our utmost pleasure to be hosting you.

As we close this evening's event, I would be remiss if I didn't renew my thanks to our sponsors, the *Institute for 21<sup>st</sup> Century Questions*, *Open Society Foundations* and *Humanity United* for their generous sponsorship of this event. Without their vision and support, this evening would simply not have been possible.

Last, but certainly not least, I wanted to express my heartfelt thanks to my hard working team at the Office, who in the midst of an extremely busy period at the Court, have organised this evening's event. Team, please stand-up. Please join me in giving them a round of applause; I think they have earned it.

Excellencies,  
Distinguished Guests,

Permit me to conclude by observing that we are living at a turning point in history where the deficits of the past are slowly giving way - through trial, courage and sacrifice no less - to a more humane and enlightened world; a world where we stand united and proclaim with conviction that sexual violence and gender-based crimes against men, women and children are repugnant to our cultural ethos in this new century.

We may not yet be there, but as this evening's speakers and conversations have so eloquently demonstrated: the velocity of change has been fixed towards a more promising and enlightened path for humanity.

I look forward to continuing on this forward thrust of history with you, *hand in hand*, to achieve our common goal of eradicating sexual and gender-based crimes. I thank you once again for your commitment to this crucial cause and I salute you.