



Mrs. Fatou Bensouda
Prosecutor of the International Criminal Court

Welcome and Opening Remarks

**Official Launch of the Office of the Prosecutor's Policy on
Children**

Crowne Plaza Hotel Den Haag - Promenade | The Hague, Netherlands

Wednesday, 16 November 2016 | Time: 7.30 p.m.

Your Excellency, Mr Vice-President of the Assembly of States Parties,
Ambassador Cardi;
Honourable Ministers;
Your Excellency, UN High Commissioner for Human Rights, Mr al-Husseini;
Your Excellencies;
Madame President of the International Criminal Court, Judge Silvia Fernandez;
Mr Registrar,
Cherished friends and colleagues,

Welcome. It is an honour and a privilege to host you this evening to mark the official launch of my Office's Policy on Children, the objective of which is first, to enable us to more robustly address the scourge of atrocity crimes against and affecting children, and just as importantly, to put the spotlight firmly on the plight of over 230 million children around the world today who suffer and are subjected to the horrors of war and conflict.

Children are humanity's greatest resource, and they must be protected from harm so as to reach their full potential. We, at the International Criminal Court ("ICC" or "Court"), intend to play our part through the legal framework of the Rome Statute.

I wanted to thank each and every one of you who by your presence today have demonstrated the importance of this issue and indeed, our joint commitment to do what we can to address this scourge.

I am indeed humbled by such an esteemed gathering.

In particular, I would like to acknowledge with immense gratitude our esteemed speakers who have taken time from their busy schedules to be present here today either in person or by sending videos statements of support.

Allow me to also express my gratitude to our state sponsors and the reputable organisations and partners whose generosity and support have contributed greatly to making this event possible.

In particular, my gratitude is owed to the:

- Ministry of Foreign Affairs and Worship of the Argentine Republic,
- the Government of Costa Rica,
- the Ministry for Foreign Affairs of Finland,
- the Ministry of Justice of Korea,
- the Office of my cherished friend H.E. M. Leila Zerrougui, the UN Secretary General Special Representative for Children and Armed Conflict,
- the Child Soldiers Initiative founded by our common friend, General Roméo Dallaire, who has graced us with his presence tonight,
- the Institute for 21st Century Questions,
- KidsRights and WatchList.

On behalf of my Office and team, thank you for your support and thank you for making this evening possible.

Your Excellencies,
Ladies and Gentlemen,

In 2012, when I assumed Office, chief amongst a number of priorities I set for the Office was to develop comprehensive policies on Sexual and Gender-based crimes and crimes against and affecting Children within the framework of the Rome Statute.

As you are aware, the Office launched its Policy on Sexual and Gender-Based Crimes in December 2014, and has since been busy ensuring its full implementation.

Two year since that milestone, it is with great pleasure that I speak to you this evening at the launch of the Office's Policy on Children.

This comprehensive Policy, which has benefited from wide consultations, including from many in this room, focusses not only on children who are forced to carry arms but also on children who are affected by arms.

As far back as in 1996, the United Nations General Assembly received, what has been referred to as a ground-breaking report by Ms. Graça Machel, an expert of the U Secretary-General, on the "Impact of armed conflict on children."

The report describes the devastating impact of armed conflict on girls and boys: "Not only are large numbers of children killed and injured," during war and conflict the study said, "but countless others grow up deprived of their material and emotional needs, including the structures that give meaning to social and cultural life. The entire fabric of their societies – their homes, schools, health systems and religious institutions – is torn to pieces."

I share the alarm sounded by the report -- it is indeed *unconscionable* that we so clearly and consistently see children's rights attacked and that we fail to defend them.

It is *unforgivable* that children are assaulted, violated, murdered and yet our conscience is not revolted nor our sense of dignity challenged. This represents a fundamental crisis of our civilisation and a failure of our humanity.

By adopting the Policy on Children, which we launch today, we at the Office of the Prosecutor seek to ensure that children suffering the gravest injustices are not ignored. That through the vector of the law, we do what we can to protect and advance the rights of children within the framework of the Rome Statute.

The Policy builds on one of our strategic goals, which is to pay particular attention to sexual and gender-based crimes and crimes against and affecting children.

As mentioned, the Policy in its final form is the product of extensive consultations with staff and external stakeholders, academics, eminent experts, international organisations and representatives from civil society, held at the Dean Rusk International Law Center, University of Georgia School of Law, the Leiden Law School, and at the seat of the Court.

Our work on the policy has also benefited from helpful consultations with UNICEF and we are grateful for their support. In fact, Mr. Anthony Lake had hoped to be here with us this evening but ultimately could not attend due to a scheduling conflict. We are grateful for UNICEF's important contribution to the policy.

Apart from these critical expert consultations, just as importantly, our new policy is also informed by the voices of children themselves, the primary beneficiaries of this Policy.

We deliberately sought to consult with children and youth, particularly those who experienced conflict as children.

Such consultations were carried out in the Democratic Republic of the Congo, Somalia, Colombia, Sierra Leone, Qatar, The Netherlands and Canada, thanks to the support and assistance of the Roméo Dallaire Child Soldiers Initiative, the KidsRights Foundation, Protect Education in Insecurity and Conflict, a sub-program of Education Above All, and Search for Common Ground.

Engaging with children provided the opportunity to capture their experiences and perspectives, which enhanced our understanding of the impact of conflict, and our judicial work, on children.

I would also like to acknowledge the relentless work undertaken by my Office's working group who did a tremendous job in getting the policy prepared for adoption. You know who you are – please stand up. You deserve all the recognition. Please join me in giving them a well earned round of applause.

And, of course, I would be remiss if I did not thank my Special Adviser on Children in and affected by Armed Conflict, Professor Diane Marie Amann, for her significant expert contribution, support and wholehearted commitment to this process.

Crimes under the Rome Statute affect countless children in various ways: children may be direct victims; they may be involved in the commission of crimes; they may be traumatised by witnessing the commission of crimes against others, including members of their own families; or they may be

deprived of the opportunity to receive an education or medical care due to the destruction of schools or hospitals.

The Rome Statute recognises as international crimes, several acts directed specifically against children, such as the war crimes of child recruitment and use, the forcible transfer of children as an act of genocide, and the trafficking of children as a form of the crime against humanity of enslavement or sexual slavery.

The first case at the ICC against Mr Thomas Lubanga Dyilo, the former rebel leader in the Democratic Republic of the Congo, focused on the scourge of recruiting children into his armed group.

The case also highlighted the bigger picture of the impact of crimes against children on entire communities, depriving these communities of their future potential and greatest resource.

Even children who were not recruited suffered from the traumatic experience of living amid conflict, insecurity and with a constant fear of being attacked, harmed or abducted, as did their families.

Our commitment to addressing the different ways in which children are affected in war situations is reflected in our more recent cases in the situations of Democratic Republic of the Congo, Uganda and Central African Republic.

The Policy that we launch and celebrate today will strengthen our on-going efforts to address atrocity crimes against or affecting children, and will also enhance our interactions with children during the course of our work.

An important feature of the Policy is also our commitment to adopt a child-sensitive approach in all aspects of our work.

But we cannot address this challenge alone.

At the local, regional and international levels, we all need to coordinate our efforts in order to maximise our impact.

The Office will continue to encourage and support national efforts to hold persons accountable for crimes against or affecting children, and to promote respect for the rights of children.

I hope that this Policy will also serve as a useful reference for national authorities, civil society and other actors in their endeavours to address crimes against and affecting children, and to improve the experience of children in judicial processes.¹

A crime against a child is an offense against all of humanity; it is an affront to our basic tenets of human decency.

Such crimes rob children of their innocence, childhood and often, tragically, of their lives.

Perpetrators of such crimes *must* be held accountable.

These reprehensible acts must be confronted with a timely and robust response.

We must send a clear, firm and consistent message that humanity stands united in its protection of children and the recognition of their rights. Only with collective and unified action can we truly make a difference.

It was Archbishop Desmond Tutu who said: "If you are neutral in situations of injustice, you have chosen the side of the oppressor."

My Office stands ready to work with all of you and the international community at large to confront the challenge of the suffering of children in war and conflict.

Our children are our future. If we fail them, we have not only failed the most precious of human contributions, but also ourselves. Thank you. | отр