

Women's Initiatives for Gender Justice



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THE WOMEN'S INITIATIVES FOR GENDER JUSTICE LAUNCHES THE "GENDER REPORT CARD ON THE INTERNATIONAL CRIMINAL COURT 2011"

NEW YORK, 13 December 2011 — Today the Women's Initiatives for Gender Justice launched the *Gender Report Card on the International Criminal Court 2011*. The International Criminal Court (ICC) is the first-ever permanent international court established to deal with war crimes, crimes against humanity, and genocide. The *Gender Report Card 2011* analyses the institutional developments of the ICC throughout 2011, as well the Court's substantive work and jurisprudence. The *Gender Report Card 2011* also examines the Court's internal policies, recruitment and personnel statistics, its institutional development, and the work of its independent bodies such as the Trust Fund for Victims and the Office of the Public Counsel for Victims. It contains detailed recommendations to the Court and the ICC Assembly of States Parties. The Women's Initiatives for Gender Justice has produced the *Gender Report Card* annually since 2005, offering the most comprehensive gender analysis of the ICC currently available.

The launch, attended by States Parties, UN officials and NGO members, took place during the annual meeting of the 120 States Parties to the ICC. Event speakers included Women's Initiatives' Executive Director Brigid Inder, Prosecutor-elect of the International Criminal Court Fatou Bensouda, and Radhika Coomaraswamy, United Nations Special Representative for Children and Armed Conflict.

The review of the ICC's progress contained in the *Gender Report Card 2011* includes an examination of the investigation and prosecution strategy of the Office of the Prosecutor, an overview of trial proceedings and analysis of key judicial decisions with a focus on cases where gender-based crimes have been charged or where these issues have arisen during the legal proceedings. Decisions affecting victims and witnesses appearing before the Court are also reviewed.

Since the publication of the previous *Gender Report Card*, the Office of the Prosecutor has opened two new investigations (Libya and Côte d'Ivoire). Currently, the Court has cases arising out of seven Situations under investigation: Uganda, the Democratic Republic of the Congo, the Central African Republic, Darfur, Kenya, Libya and Côte d'Ivoire. In 2011, a former Head of State was arrested and surrendered to the Court for the first time (former President of Côte d'Ivoire, Laurent Koudou Gbagbo). To date, charges of gender-based crimes have been brought in six of the seven Situations under investigation - Uganda, the Democratic Republic of the Congo, the Central African Republic,

Darfur, Kenya and Côte d'Ivoire, with sexual violence investigations underway in Libya. Of the 14 cases currently before the Court, eight include charges of gender-based crimes.¹

The Statute of the ICC contains the most far-reaching and forward-looking provisions for prosecution of gender-based crimes of any international court. However, the Court's record on prosecuting these crimes so far shows that there is still work to be done.

"While gender-based crimes are regularly charged by the ICC, they continue to be the most vulnerable category of crimes addressed by the Court," Brigid Inder said. "A high proportion of these charges are dismissed before the trial phase due to quirky judicial decisions, insufficient evidence or incorrect characterisation of the facts regarding sexual violence. This area of the Court's work continues to be challenging," said Inder.

The *Gender Report Card 2011* also makes multiple recommendations for strengthening the work of the Court in assisting victims, and for enabling women victims/survivors of sexual and gender-based crimes to participate in proceedings.

"There's a direct connection between the participation of women in the ICC's outreach activities with communities affected by the conflicts under the Court's investigation, and the number of women applying to and being formally recognised by the ICC as 'victims', and therefore able to participate in the justice process," Brigid Inder said. "When the number of women in outreach activities is low, so too is the number of women participating in the ICC cases. Outreach and access are directly linked," said Inder.

Between October 2010 and July 2011, the Outreach Unit of the Registry organised 450 outreach activities with affected communities in Uganda, the Democratic Republic of the Congo, the Central African Republic, Sudan and Kenya. In total, only 9% of these activities were dedicated exclusively to women, and women constituted only 26% of the total participants in outreach events.

The *Gender Report Card 2011* also shows that the lack of both financial and human resources for the sections and units of the Court dealing with affected communities, as well as a lack of gender-specific positions throughout the Court, is impacting the ability of women victims/survivors to access the Court. The *Gender Report Card 2011* calls on States Parties to adequately fund the Court and allow for an increase in staff members in the sections and units specifically working with affected communities and victims.

According to the recommendations in the *Gender Report Card 2011*, greater clarity is also needed in the delineation of the roles of the different bodies of the Court dealing with victims, greater coordination and cooperation between the different bodies, particularly the Office of Public Counsel for Victims and the Victims Participation and Reparations Section, and avoidance of duplication in carrying out the Court's victim participation mandate.

¹ *The Prosecutor v. Joseph Kony et al* (Uganda Situation), *The Prosecutor v. Germain Katanga & Mathieu Ngudjolo Chui* and *The Prosecutor v. Callixte Mbarushimana* (DRC Situation), *The Prosecutor v. Jean-Pierre Bemba Gombo* (CAR Situation), *The Prosecutor v. Ahmad Muhammed Harun and Ali Muhammed Ali Abd-Al-Rahman* ('Kushayb') and *The Prosecutor v. Omar Hassan Ahmad Al-Bashir* (Darfur Situation), *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali* (Kenya Situation), and *The Prosecutor v. Laurent Koudou Gbagbo* (Côte d'Ivoire Situation).

For a copy of the *Gender Report Card on the International Criminal Court 2011*, go to the Women's Initiatives for Gender Justice website, www.iccwomen.org.

About the Women's Initiatives for Gender Justice

The Women's Initiatives for Gender Justice is an international women's human rights organisation that advocates for gender justice through the International Criminal Court (ICC) and through domestic mechanisms, including peace negotiations and justice processes, and works with women most affected by the conflict situations under investigation by the ICC.

The Women's Initiatives for Gender Justice works in Uganda, the Democratic Republic of the Congo, Sudan, the Central African Republic, Kenya, Libya and Kyrgyzstan. Offices are in Cairo (Egypt), Kampala and Kitgum (Uganda) and The Hague (the Netherlands).

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