

The Policy Paper on Sexual and Gender-Based Violence Crimes – International Criminal Court

In June 2014, the International Criminal Court (ICC) presented a Policy paper on Sexual and Gender-Based Violence Crimes, in the framework of the ICC Strategic Plan 2012-2015, committing to integrate a gender perspective and analysis into the whole ICC's work, from investigations and prosecutions, to training to ICC personnel and adoption of a victim-centred approach.

Notwithstanding the international community's effort at ending an increasing impunity, effective investigation and prosecution of sexual and gender based violence crimes still face major challenges. This policy paper can become an important tool to overcome some obstacles, as it represents a further step towards the systematisation of a gender approach in ending impunity of national and international crimes. A first step is ICC's role, which is the first instrument in international law to include an expansive list of sexual and gender-based crimes as war crimes in both international and non-international armed conflict. It also understands sexual and gender based crimes as crimes against humanity and includes not only rape, but also other forms of sexual violence, persecution on the basis of gender, and comprehends that sexual and gender based crimes can constitute acts of genocide.

The policy paper presented by the ICC continues in the same direction. It underlies the interconnected, yet distinct, nature of sexual violence and gender based violence crimes, and recognises that such patterns of violence, even if often correlated and influenced by other kinds of violence, constitute crimes *per se*. They need to be analysed, investigated, prosecuted and charged as specific crimes, to which other charges can be cumulated (for example, cases of torture that imply rape, can be charged cumulatively as rape and torture). Adopting a gender perspective means that the ICC will apply a gender analysis to all crimes within its jurisdiction, examining how such crimes are related to inequality between men and women, and their relationships in specific contexts.

The ICC indicates sexual and gender based violence crimes as among the gravest ones. In order to recognise the gravity of such acts, the Court will give due consideration to the sexual and gender dimensions of the charged crimes, including the suffering inflicted to victims, witnesses, families and communities. It also will adopt a gender-inclusive approach for reparations. In addition, the Court will pay particular attention to the victims and witnesses' safety, protection, psycho-social and health conditions. The support of the civil society is extremely important in this sense: this is why the ICC is committed to promote such collaboration. At the same time, the ICC reiterates the complementarity of its work with national efforts, and those of other stakeholders, to end impunity: all possible collaborations in this sense will continue to be promoted.

In order to accomplish this vast and complex range of tasks, the Court expresses the need to provide regular training on gender approaches, sexual violence and gender based violence crimes to its whole staff, also finding technical experts that can ensure an adequate work on preventive examinations, investigation and prosecution of such crimes.

The elaboration of the "Policy Paper on Sexual and Gender-Based Violence Crimes" confirms the tendency, already expressed with the [Recommendation No. 30 of the Convention for the Elimination of All Forms of Discrimination against Women](#) of November 2013, of recognising a distinctive character to gender based violence as much more than mere human rights violation.