

## Women's Initiatives for Gender Justice

# Gender Justice for Women in Conflicts



**T**his March 8<sup>th</sup> women in north and north eastern Uganda are hoping they can mark International Women's Day amidst the renewal of the Cessation of Hostilities Agreement between the rebel group the Lord's Resistance Army (LRA) and the Government of Uganda, due to expire on February 28<sup>th</sup>.

In the eastern provinces of the Democratic Republic of the Congo (DRC), March 8<sup>th</sup> will most likely go by with little ceremony as women survive the violence of the militia-based conflict and hope that next year they will be able to return to their homes.

In Darfur, as attacks against the civilian population continue, March 8<sup>th</sup> will come and go like any other day with many hoping that today it will not be their village or that there will be sufficient food and clean water for themselves and their families to survive.

In each of these 3 conflicts currently before the International Criminal Court (ICC), gender based crimes, most often rape and other forms of sexual violence, have been committed on a widespread scale.

The recognition of rape and sexual violence as amongst the gravest crimes committed in war and armed conflict is one of the milestones of the Rome Statute, the international treaty forming the ICC. For the first time, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, gender based persecutions, trafficking and other forms of sexual violence have been codified as war crimes, crimes against humanity, and in some instances as genocide.

This gives the ICC not only the jurisdictional basis to include these crimes but establishes a positive obligation on the Court to prosecute gender based crimes in the course of each of the situations where it is currently conducting investigations.

In reviewing the historic prosecutions for gender based crimes, these have only been seriously addressed in the last decade with convictions for rape and sexual slavery through the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda.

Despite the millions of women historically who have been victims of gender based crimes during conflicts, there have only ever been 32 convictions for such crimes. The expectation on the ICC to end this historical impunity is therefore high and justified as women seek accountability through an international judicial process mandated to prosecute these crimes.

Unfortunately at this stage the ICC is not yet meeting either the community expectations or the codified obligations mandated by the Statute.

In its first case, the ICC did not adequately investigate gender based crimes committed by the Union des Patriotes Congolais (UPC) militia despite extensive documentation of the widespread commission of rape and other forms of sexual violence committed by this

militia group of which the first accused before the ICC, Thomas Lubanga Dyilo, is the founder and leader. Although the ICC charges against Lubanga relate to the enlistment and conscription of child soldiers, no girl soldiers have been recognised as victims in the case against the accused, and no women victims/survivors of gender based crimes have been recognized to participate in the proceedings at this stage.

Currently only 4 victims have been formally recognized as 'victims' of the first case due to the limited charges brought by the Prosecutor against the accused in conjunction with the narrow definition of 'victim' determined by the Pre-Trial Chamber.

Despite this, organizations like the Women's Initiatives for Gender Justice and other international and local organizations continue to advocate for justice for women in conflict situations and have formed strong alliances to encourage, monitor and require the ICC to be a mechanism capable of providing gender-inclusive justice.

**Next year we hope women in Uganda, DRC and Darfur will have something to celebrate.**

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