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Panel on complementarity, 19 November 2015

Statement: Panel 1- Ensuring access to justice for victims of sexual and gender-based crimes

Delivered by Sweden's Minister for Culture and Democracy, H.E. Ms. Alice Bah Kuhnke

Excellencies,
Ladies and gentlemen,

We are here today to discuss and learn from each other's experiences. Our topic is serious and important: How to address sexual and gender-based violence as crimes of international concern. I am honoured to discuss these matters with such distinguished participants.

When our Government assumed office in October 2014, we declared that we will be a feminist government.

As my colleague, Ms. Margot Wallström, Minister for Foreign Affairs, has stated, this includes pursuing a feminist foreign policy. This means that we aim to strengthen the rights, representation and resources of all women and girls.

We will do so because gender equality is a goal in itself. But it is also essential for the achievement of our overall objectives, such as peace, security and sustainable development. This is why gender equality and human rights efforts must continue unabated.

Ladies and gentlemen,

Let us be clear on the magnitude of the problem. Sexual and gender-based violence is a global structural problem that continues to plague every country on earth. Every country on earth.

In my own country, Sweden, women and girls risk being a target of violence in many spheres of society – in their homes, in the public sphere and in working life.

Sexual and gender-based violence can come in many forms. But if we do not dare to say that every country is plagued by this, we are fooling ourselves.

I believe that the patterns of discrimination underlying these crimes are the same both during peacetime and wartime. However, these crimes appear to be intensified during conflict.

It is a plague that exists in affluence and poverty.

It shows up regardless of culture or geographical location.

It will be found at the heart of wars, and in the most peaceful welfare societies.

At the global level, it is estimated that one out of three women are subjected to violence during her lifetime.

Behind that unacceptable piece of statistics you will find pain and suffering beyond our common imagination.

Our world faces extraordinary challenges in relation to the systematic and widespread use of sexual and gender based violence.

It has been taken to new horrific levels.

Sexual violence is not only condoned, but openly commanded as a strategy and as a method of warfare.

This calls for our attention and action and the main question is urgent: How can we address this problem?

First of all we need to realize that sexual and gender-based violence can indeed be prevented, stopped and prosecuted.

Political commitment is imperative to address both the violence itself and its root causes.

Because in societies where we do not address inequalities between women and men, or where we accept discrimination or negative attitudes or stereotypes, gender-based violence can be the ultimate consequence.

We must therefore take a firm stand and tackle discrimination, in all its forms, as a measure to address the issue at hand.

In 2015 it should go without saying that women's rights are human rights.

Ending sexual and gender-based violence and ensuring justice for victims is an issue of rights.

Survivors are not only victims but also rights holders entitled to justice and reparation, as well as protection and support.

The excellent report of the International Development Law Organization clearly points to the importance of breaking the silence and shame surrounding these crimes.

The stigma that is often attached to victims – both women and men – must be removed.

With silence, shame and stigma comes underreporting which shadows the true extent of the problem. It also prevents authorities from responding adequately.

It is consequently of vital importance to address this issue through strategic action and by raising awareness.

Courageous victims deserve nothing but our full respect and support.
The shame belongs elsewhere.

Ladies and gentlemen,

It is a major achievement that international criminal law now recognizes the gravity of sexual and gender-based crimes as serious international crimes.

The Statute of the ICC includes various forms of sexual and gender-based crimes such as rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, and other forms of sexual violence.

Let me be clear: These are acts of crimes against humanity and war crimes.

The ICC Statute is a part of a broader movement underlining the impact of conflict on women, as well as women's important role in all phases of conflict prevention, conflict resolution and the rebuilding of war-torn societies.

UN Security Council resolution 1325 and the subsequent resolutions on women, peace and security have been crucial.

This progress also points to the fact that we need to address violence to enable women's full participation in all areas of decision-making.

We should acknowledge that international crimes often are especially complex.

They are likely to entail specific challenges in terms of investigation and prosecution.

In implementing the responsibility to prosecute the most serious crimes of international concern, states may need to assist each other in overcoming these challenges.

In this work, States are likely to benefit from the knowledge, practices and expertise of international and regional actors.

In this regard I would like to highlight the excellent Policy Paper of the ICC Office of the Prosecutor. It sets a new and more ambitious standard in all work on ending impunity for sexual and gender-based crimes. This Policy serves as an inspiration and a guide to States.

As co-focal points for complementarity, Sweden and Botswana have cooperated with the ICC Office of the Prosecutor.

The idea is to share the knowledge and practices of the Policy, and to facilitate exchange of experiences and practices among States and other actors.

During the summer, Sweden and Botswana facilitated two workshops on strategic action at national level in Guatemala and Uganda.

Both brought together key national stakeholders representing state and non-state justice actors, but also representatives of the ICC, the UN and regional organizations.

The workshops highlighted how joint and coordinated efforts by national authorities can be strengthened with the support of international and regional organizations and actors, including international development cooperation.

The importance of strong and active civil society organizations, not least women's and victims' rights groups, was evident during the workshops.

This is something I want to highlight especially – without a courageous civil society that dares to address the issues, our challenges would be even greater.

The workshops also showed how the partnerships and networks of these groups can contribute to ensuring effective access to justice for victims.

Many valuable lessons were drawn, but I will not be more specific here and now.

However, you should be looking forward to listening to my co-panellists: Ms Thelma Aldana, Attorney-General of Guatemala, and Mr Mike Chibita, Director of Public Prosecutions of Uganda. They will present the workshops in more detail.

Ladies and gentlemen,

The Security Council recently adopted a new Women, Peace and Security resolution (2242). It builds further on the ground breaking resolution 1325.

Let us use this resolution as an opportunity to do better and step up our efforts to advance the rights, representation and resources of women.

As a representative of a feminist government, I can assure you that we are fully committed to work even harder and build strong partnerships.

The question is to ensure justice for victims of sexual and gender-based crimes.

The answer is to make sure that shame and punishment is due where shame and punishment belong.

Thank you.
