

Effect of human security law & International Criminal Court (ICC) or regional equivalents intervention on sexual and gender-based violence

Headline finding: International Criminal Court (ICC) does not also provide adequate support to prosecution of S&GBV cases.

Geographical distribution: Sub-Saharan Africa

Effect: No evidence of direct effect. Some evidence that ICC not well-suited to S&GBV cases

Confidence in cell findings: Medium confidence

Short summary

Sexual and gender-based violence falls within the mandate of the ICC. However, it appears to deal inadequately with many of these cases/

Long summary

The intervention

Human security law & International Criminal Court (ICC) refers to the use, revision, or development of law, covering conventions, treaties and standards, to prevent a conflict or atrocity from emerging or escalating. This includes the use of international or regional courts to prosecute individuals who commit genocide, war crimes and crimes against humanity. This primarily focuses on the use and role of the International Criminal Court (ICC). The 1998 Rome Statute explicitly includes sexual and gender-based violence as a crime against humanity.

How the intervention is expected to work

The International Criminal Court (ICC) and regional equivalents are expected to bring war criminals to justice. The arrest of perpetrators will put an end to their crimes, and their trial and conviction may act as a deterrent to others.

The evidence base

The review presents evidence from seven studies of relevance to this cell.

The review evidence

There is no direct evidence of the effect of international courts on the prevalence of sexual and gender-based violence.

Seven studies present intermediate evidence which mostly suggests that the existing ICC structures are mostly not well suited to dealing with these cases:

- Whilst one study reported that sexual violence charges were included in six out of ten cases before the ICC at that time, it also reported that only 27% of survivors were granted leave to participate. And studies of cases ICC and the national reconciliation Gacaca courts found low rates of prosecution for sexual violence.
- In one study the risk of sexual violence was perceived by participants to be reduced but two other studies suggest that there was a risk of retaliation with a lack of protection and ostracism.
- Other studies found that prosecution staff were poorly prepared, which was one factor why survivors can find testifying traumatic.
- There is a poor gender balance in the ICC system. Although women comprise 58% of judges, account for only 18% of legal counsel, and 23% of field staff.

Confidence assessment: The review is rated high. The cell is rated medium confidence.

Source: Spangaro (2013)

Spangaro J, Adogu C, Ranmuthugala G, Powell Davies G, Steinacker L, Zwi A. What evidence exists for initiatives to reduce risk and incidence of sexual violence in armed conflict and other humanitarian crises? A systematic review. PLoS One. 2013 May 15;8(5):e62600. doi: 10.1371/journal.pone.0062600. PMID: 23690945; PMCID: PMC3655168.