

## CONCEPT NOTE

# Violence against girl children in armed conflicts and the role of the international criminal justice system

## Which future perspectives?

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25 years have elapsed since the World Conference on Women where States declared their commitment to prevent and eliminate all forms of discrimination and violence against women and girls, also by ensuring respect for international law, including international humanitarian law and human right law (point 33 of the Beijing Declaration). However, data concerning violence against girl children continue to be alarming, in particular during armed conflicts, where girl children' condition is extremely fragile and they are more exposed to the risk of psychological and physical violence, including rape and other forms of sexual violence, sexual enslavement, trafficking and forced marriage, which have become a method of warfare, intended to terrorize the civilian population and to destroy communities (see SCRes 1820/2008). Additionally, not all cases of sexual violence are reported and denounced: because of their age girl children have evident difficulties to access Courts themselves and are often not supported (if not refused and expelled) by their families and communities in accessing competent instances to claim a remedy for the violence received.

The commitment of the international community to prevent and combat violence against women and girl children led to the adoption of several important instruments, including cornerstone resolutions focused on violence during armed conflicts such as SCRes 1325/2000 on Women, Peace and Security, and the recent SCRes 2467/2019 on sexual violence in armed conflicts, aimed at the punishment of the perpetrators of such violence. These forms of violence have been also included in the Statute of the ICC as crimes against humanity (art. 7 par 1, lett. g), as well as war crimes (art. 8 par 2, lett. b xxii, and lett. e vi). Even before the ICC Statute, the same commitment has been expressed by the *ad hoc* International Criminal Tribunals, the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda, that have clarified that the mentioned forms of violence must be regarded as war crimes and crimes against humanity also under international customary law. Nevertheless, only a few judgements on this issue were adopted since the approval of the Beijing Declaration, e.g. ICC Trial Judgment 8 July 2019 *Prosecutor v Ntaganda*, ICTY Trial Judgment 22 February 2001 *Prosecutor v Kunarac, Kovac and Vukovic*, ICTR Judgment 2 September 1998 *Prosecutor v Akayesu*.

Bearing in mind that the role of justice is not only to sanction the violations, but also to help repair the consequences of the crimes on the victims, to allow them to rebuild their life and to hope for a better future, and to help prevent future violations, it is important to discuss and possibly assess if the current international criminal justice system can ensure an adequate level of accountability and guarantee victims' rights to a remedy.

In this regard,

- *What are the current and future challenges that the international criminal justice system has to face?*
- *Is the current international law framework adequate or shall we envisage further measures and strategies?*
- *How do investigations involving children differ from those involving adults?*
- *How can States contribute to improving the effectiveness of the international criminal justice system, guaranteeing that perpetrators are brought to justice and that victims are granted adequate compensation?*

This side event aims at analyzing the current international criminal system under a legal, procedural and jurisprudential perspective, highlighting what could be improved or strengthened, discussing proposals and implementation measures that may ensure full effectiveness to the response of the international criminal justice to violence against girl children in armed conflicts.

**Moderator:**

- Counsel Laura Guercio, SG Inter-ministerial Committee for Human rights at the Italian Ministry of Foreign Affairs and International Cooperation

**Opening remarks by:**

- Representative of El Salvador
- Representative of Liechtenstein
- Representative of Sierra Leone
- Representative of Luxemburg

**Speakers:**

- **SGSR for violence** against children and armed conflict, USG Virginia Gamba
- EEAS Principal Advisor on Gender and on the Implementation of UNSCR 1325 on Women, Peace and Security, Ambassador for Gender European Union Mara Marinaki
- Former judge of the Special Tribunal for Sierra Leone
- Prof. Fausto Pocar, Former Judge ICTY e ICTR and Judge ad hoc ICJ
- President of the International Criminal Court, Chile Eboe-Osuji
- Save The Children International (TBC)