

Reproductive Violence in International Criminal Law Conference

Concept note – 3 June 2024

Date and time: 11 June 2024, 9:00 – 17:30 CET

Location: International Institute of Social Studies, Conference Room B - Kortenaerkade 12, 2518 AX The Hague, The Netherlands. The conference will also be streamed online.

Hosts: Dr Rosemary Grey (Sydney Law School, The University of Sydney), Women's Initiatives for Gender Justice, International Institute of Social Studies, [Legal Mobilization Platform](#), Global Justice Center, Atlantic Council Strategic Litigation Project, Sydney Centre for International Law

Background: Violations of reproductive autonomy and reproductive health are quickly garnering increased attention in international criminal law (ICL), including in appellate jurisprudence of the International Criminal Court (ICC), and proceedings at the International Court of Justice (ICJ), but also scholarship. Reflecting this shift, the ICC Office of the Prosecutor's (OTP's) 2023 *Policy on Gender Crimes* consistently refers to 'reproductive violence' – a concept that was absent from the OTP's previous 2014 *Policy Paper on Sexual and Gender-Based Crimes*.

Recent years have also seen advances in the recognition of reproductive violence in domestic proceedings for war crimes, crimes against humanity and genocide (including both local universal jurisdiction cases), and a push by several states to increase protections for forced pregnancy and other forms of reproductive justice in the United Nations' Sixth Committee deliberations on a possible Convention on the Prevention and Prosecution of Crimes Against Humanity.

In this context, an expert forum on strategies to effectively understand, investigate and prosecute reproductive violence is a timely initiative.

This world-first international conference on reproductive violence in ICL will convene legal practitioners, scholars, activists, and survivors to engage in a comprehensive exploration of reproductive violence and its adjudication within the existing ICL framework and explore the need for potential legal reform.

The one-day hybrid format (simultaneous online and in-person participation) will enable participation of a diverse range of experts from The Hague and beyond.

Objectives:

- Highlight the full spectrum of reproductive violence, encouraging a holistic understanding that bridges explicitly recognized crimes and those prosecuted under broader ICL categories;
- Promote interdisciplinary dialogue between legal professionals, academics, activists, and survivors to integrate diverse insights and perspectives on reproductive violence;
- Facilitate opportunities for attendees to meet key players on addressing reproductive violence, promote ongoing dialogue and post-conference collaboration;
- Explore innovative strategies and legal tools to strengthen justice and accountability for reproductive violence survivors; and
- Discuss potential enhancements to the ICL framework to more comprehensively address reproductive violence.

Target audience:

- Practitioners in national and international prosecutions for war crimes, crimes against humanity, genocide and aggression (investigators, prosecutors, victims' legal representatives, judges, interpreters);
- Academics in international criminal law;
- Survivors and support organizations;
- International lawyers working as government legal advisors;
- NGOs, human rights defenders, and other activists working towards justice for war crimes, crimes against humanity, genocide and aggression ; and

Envisioned conference outputs:

- A summary report outlining key discussion points and guidance raised by participants throughout the conference;
- An open-access compilation of all resources shared by speakers and participants; and
- A symposium of blog posts by panel moderators or speakers on selected subtopics.

Teach-in webinar on reproductive justice – 10 June:

As a prelude to the conference, a teach-in webinar on reproductive justice will be held on **10 June 2024** at **15:00-16:45 CET**.

This webinar aims to provide participants with an introduction to reproductive justice, its principles, history, and implications in the wider struggle for liberation – with particular attention paid to the role of reproductive justice in international law. We will explore how the visions and praxis of reproductive justice to expand our understanding of the limitations and possibilities of (international criminal) law as a tool towards liberation.

The webinar is open to all interested participants but especially aimed for students, researchers, practitioners, and activists who want to learn more about this important and emerging topic.

Speakers:

- Ammaarah Z, Ad'iyah Collective
- Alexandra Lily Kather, Co-founder, Emergent Justice Collective

To join the webinar, please register separately at [THIS LINK](#).

Conference program highlights – 11 June:

The conference will be co-moderated by Bilge Sahin (ISS), Alix Vuillemin (WIGJ) and Rosemary Grey (University of Sydney).

9:00-9:05 Welcome remarks

Professor Ruard Ganzevoort, Rector, International Institute of Social Studies

9:05-9:25 Civil society advocacy on reproductive violations in the Rome Statute and beyond

- *The role of the Women's Caucus for Gender Justice*

Alix Vuillemin, Executive Director, Women's Initiatives for Gender Justice

- *Reflections in light of contemporary challenges*

Rosemary Grey, Senior Lecturer, Sydney Law School, the University of Sydney

9:30 – 10:30 Expert perspectives

This session will provide a platform for survivor-experts to share experiences, facilitating a deeper understanding of the multifaceted impacts of reproductive violence. Experts and activists will discuss key gaps and challenges, holistic response strategies, including legal representation, psychological support, and community reintegration programs, emphasizing survivor-centred approaches in the justice process.

Facilitation by Lorraine Smith-van Lin, Tallawah Justice for Women

- Jacqueline Mutere, Founder and Director of Grace Agenda, Kenya
- Pamela Angwech, Program Director GWED-G, Uganda
- Marlies Stappers, Founder and Executive Director, Impunity Watch **TBC**
- INOVAS (Global Network of Victims and Survivors) Member **TBC**
- SEMA (Global Network of Victims and Survivors of Wartime Sexual Violence) Ukraine Chapter Member **TBC**
- Nadine Tunasi, Survivor Speak Out Manager, Freedom from Torture **TBC**

10:30 – 10:45 Coffee break

10:45 – 12:00 Past approaches: Gaps and legal milestones

This session will spotlight legal advancements and the recognition of reproductive violence across various jurisdictions and cases, including specific challenges and ways to overcome them.

- *Historical recognition of reproductive violence: from Tokyo/Nuremberg to the ad hoc tribunals*

Aldo Zammit Borda, Reader in Law at City, University of London

- *Gaps around enforced sterilization in Peru's Truth and Reconciliation Commission*

Jocelyn Getgen Kestenbaum, Professor of Law, Benjamin N. Cardozo School of Law

- *Adjudicating reproductive violence at the ICC*

Judge Luz del Carmen Ibáñez Carranza, International Criminal Court

- *Investigating reproductive violence at the IIMM*

Gaia Guastella, SGBC Investigator, Independent Investigative Mechanism for Myanmar

- *Reproductive violence at the Colombian Constitutional Court*

Juliana Laguna Trujillo, Colombian lawyer

12:00 – 12:25 Fireside chat: Framing reproductive crimes in the draft Crimes Against Humanity Convention

- Akila Radhakrishnan, Strategic legal advisor for gender justice for the Atlantic Council's Strategic Litigation Project
- Valerie Oosterveld, Professor of Law at the University of Western Ontario & Special Advisor to the ICC OTP Prosecutor on Crimes Against Humanity

12:25 – 13:15 Lunch

13:15 – 14:30 Existing law, new strategies

In this interactive session, participants will learn about and 'workshop' new legal strategies for prosecuting reproductive crimes in both conflict settings and peacetime, using the existing framework of war crimes, crimes against humanity, aggression, and genocide.

- *Reproductive violence and slavery crimes*
Patricia Viseur Sellers, Special Advisor to the Prosecutor of the International Criminal Court on Slavery Crimes
- *Reproductive violence and the crime of aggression*
Kateryna Busol, Associate Professor, National University of Kyiv-Mohyla Academy
- *Abortion restrictions as crimes against humanity*
Indira Rosenthal, Adviser in Gender, Law and Justice, Co-editor of the book 'Gender and International Criminal Law'
- *Reproductive violence – OTP Policy on Gender Based Crimes*
OTP representative TBC
- *Reproductive violence against child soldiers*
Rosemary Grey, Senior Lecturer, Sydney Law School, the University of Sydney

14:35 – 14:55 Overlooked reproductive violence in UN Fact finding missions: ICL, IHL and IHRL analysis

- Ashita Alag, part-time Legal Advisor, Global Justice Center

15:00 – 15:20 Fireside chat: Reparations for reproductive crimes

- Wendy Harcourt, Professor of Gender, Diversity and Sustainable Development, International Institute of Social Studies
- Giovanna Di Chiro, Professor of Environmental Studies, Swarthmore College, US

15:20 – 15:45 Coffee break

15:45 – 16:45 Country-specific experiences of reproductive violence

- *Reproductive violence at the Colombian Special Jurisdiction for Peace (JEP)*
Judge Alexandra Sandoval Mantilla, JEP
- *Obstetric violence in Gaza and Beyond*
Professor Fionnuala Ní Aoláin, former UN Special Rapporteur on counter-terrorism and human rights (2017-2023)

- *Reproductive violence in Ethiopia and Syria*
Payal Shah, Director Program on Sexual Violence in Conflict Zones, Physicians for Human Rights
- *Enhancing recognition of wartime obstetric and reproductive violence as a crime of international concern*
Letitia Anderson, United Nations, Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict
- TBC
Joanna Buckley, Barrister at Matrix Chambers **TBC**

16:45 – 17:15 A conversation with self-organised collectives

- Ammaarah Z, Ad'iyah Collective
- Lila Sharif and/or Bayan Abusneineh, Palestinian Feminist Collective **TBC**
- Sagaree Jain, Poet, writer, educator, and visual artist – on decolonizing reproductive justice

17:15 – 17:20 Closing remarks

17:30 Informal reception – Butterfly Bar, ISS