

Mr. Karim A. A. Khan QC
Prosecutor of the International Criminal Court
The Hague, The Netherlands

March 18, 2022

Dear Prosecutor Khan:

It is with great enthusiasm that we write to you about the development of the comprehensive policy paper to advance accountability for the crime against humanity of persecution on the grounds of gender.

In the 1990s, MADRE housed the Women's Caucus for Gender Justice, a worldwide coalition of women's rights activists working to address gender gaps in the draft Rome Statute. In 2018, MADRE and our allies once again led an international coalition that successfully further affirmed the understanding of gender persecution under international law for the draft crimes against humanity treaty.

Today, MADRE is serving as a Secretariat for civil society organizations from across the world to help ensure broad civil society input. To this end, MADRE has compiled and consolidated the priorities and recommendations from organizations across the world for your consideration. As you will see below, 222 feminist organizations and academic institutes from 80 countries and territories have joined this statement of principles and priorities that we now share with you.

We commend your Office for developing a comprehensive, strong policy paper that reaffirms existing international law and that would assist States Parties in their efforts to prevent, punish, and protect against sexual and gender-based crimes, sending the message that such violence is unacceptable, that it will not occur with impunity, and that all survivors' rights will be upheld.

Respectfully,

A handwritten signature in black ink, appearing to read 'Yifat Susskind', written in a cursive style.

Yifat Susskind
Executive Director
MADRE

Civil society groups from across the globe submit the following principles to be taken into consideration for the policy paper on gender persecution:

- Over 20 years of international law has defined gender as a social construct. Gender-based crimes are used against victims to enforce gender regulations, for example, roles, behaviors, activities, or attributes.
- Accountability needs to be informed and led by survivors and their communities who have been affected by conflict or atrocity. There are many forms of accountability, ranging from restorative justice models to international tribunals to domestic court proceedings, and a first step to any justice process is agreement on what constitutes a crime or wrongdoing, including crimes that amount to gender persecution.
- Once established, accountability mechanisms should investigate gender persecution crimes. Entities tasked with creating accountability mechanisms should include gender persecution as a crime against humanity in the mandates of these mechanisms.
- These mechanisms should incorporate a gender analysis rooted in international human rights law in all stages of investigations and prosecutions, recognizing multiple and intersecting forms of discrimination.
- Gender regulations often intersect with other discriminatory regulations used to reinforce systems of oppression, including, but not limited to, race, ethnicity, nationality, religion, Indigenous status, immigration status, or disability status. When addressing gender-based violence, accountability mechanisms should also take into consideration other intersecting forms of discrimination that may also underlie a perpetrator's intent to do harm.
- Accountability for gender persecution must include meaningful participation of survivors of gender persecution in peace and transitional justice processes. Survivors play a key role in creating sustainable peace and their rights to participation in redress mechanisms should be upheld.
- Accountability for gender persecution must include prevention strategies that address gender inequality and harmful gender stereotypes, and that enable women-led civil society organizations and human rights defenders to safely support their communities.
- States Parties should support the ICC in raising awareness of gender persecution, including through trainings of national and international accountability mechanisms on gender persecution, how to identify and support survivors, and the importance of meaningful survivor participation.

Signatories:

MADRE

17 May Association

ABAAD - Resource Center for Gender Equality

Abogados sin fronteras Canadá

Abortion Rights Coalition of Canada

Actions pour la Lutte Contre les Injustices Sociales (ALCIS)

Advocates for Youth

Afghan Women's Advocacy Group (AWAG)

African Caribbean Pacific Alliance

African Law Foundation (AFRILAW)

Albanian Society for All Ages (ASAG)

Alliance for Choice

Alouen Algérie

Alternativa Nicaragüense de diversidad sexual - ANDISEX

ALTSEAN-Burma

Arab Foundation for Freedoms and Equality

ARELAS, Asociación de familias de menores trans

Asociación de Mujeres Afrobolivianas CIMARRONAS

Asociación Mujeres sufridas del Área Ixil (MUIXIL)

Asociación Shinyak Kashikai

Association des Femmes Eleveuses du Maniema (AFELMA)

Association for Cultural and Media Activism QUEER SQUARE Skopje

Association of Transgender People in the Philippines (ATP)

Association of War Affected Women

Association SKUC

Association Spectra

Association Tujenge Kwetu Maniema (ATK-MANIEMA)

Associazione Radicale Certi Diritti

Bahamas Crisis Centre

Belgrade Pride

Beyond Beijing Committee Nepal

Beyond Borders

Blue Diamond Society

Boutokaan Inaomataia ao Mauria Binabinaine Association (BIMBA) - Kiribati

Burundian Women for Peace and Development (BWPD)

Caribbean Forum for Liberation and Acceptance of Genders and Sexualities (CariFLAGS)

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CCSD in the USA, EU and Turkey

Center for Gender & Refugee Studies

Center for Reproductive Rights

Center for Social Group Development - CSGD

Center for Women's Global Leadership

Center Women and Modern World

Centre for Accountability and Inclusive Development (CAAID)

Centre for Mmadu on Human Rights (C4M)
Centre for Women Justice Uganda
CHOICE for Youth and Sexuality
CIDH AFRICA
Coalition Anti SIDA (CAS)
Colectiva Amoraes
Colectivo Alejandria
Colectivo justicia y esperanza
Collaborative Centre for Gender and Development
Colombia Diversa
Community Voices for Peace and Pluralism in Africa
Consejería de mujer y familia - UNIPA
Consortium on Gender, Security and Human Rights
Continental Network of Inidgenous Women of the Americas-ECMIA
Coordination des Associations et des Particuliers pour la Liberté de Conscience
Corporación Caribe Afirmativo
Counselling Line for Women and Girls
Deaf Girls Rescue
Democracy Today
DemoS Organization
Diverlex Diversidad e Igualdad a través de la Ley
Diverse Voices and Action (DIVA) for Equality
Diversidad Democrática
ECADE
Eesti Trans
Elite lbq
Empowered Ladies Initiative for Equality
Equal Health Rights Access Advocacy Initiatives
Equality Ohio
Equals Now
ERA - LGBTI Equal Rights Association for the Western Balkans and Turkey
F'INE Pasifika Aotearoa Trust
Feedback Madagascar
Femme en action contre la stigmatisation et la discrimination sexuelle-FACSDIS
Femme Handicapée sans Frontière
Femmeprojects
Fiji Women's Rights Movement
FOKUS - Forum for Women and Development
Fondation Agnodice
Fondation Eboko
Fondo Semillas
FPES
Fundacion Arcoiris por el respeto a la diversidad sexual
Fundación Colectivo Hombres XX, A.C.
Fundacion para el desarrollo comunitario (FUNDECOM)
Gendered Intelligence

Girls Got Voice
Girls Voices Initiative
Global Faith and Justice Project
Global Justice Center
Global Network of Women Peacebuilders
Global Platform Uganda
Global Woman P.E.A.C.E. Foundation
GODAN
Gramya Resource Centre for Women
Haus of Khomeleon
Hivos
HPLGBT
Human Rights and Justice Centre
ICAAD
ILGA Oceania
ILGA Portugal
ILGA World
INERELA+ Madagascar OMASAVE
International Action Network for Gender Equity & Law (IANGEL)
International Center for Advocates Against Discrimination (ICAAD)
International Indigenous Women's Forum (FIMI)
International Planned Parenthood Federation
International Women's Rights Project
Ipas
Iraqi Al-Amal Association
Iraqi Women Network
JPIC Department
Karapatan Alliance Philippines
Komunitas Sehati Makassar
Las Vanders
Lesotho Collective
Liberia's initiative for the Promotion of Rights, Identity, Diversity and Equality (LIPRIDE)
Lighthouse Outreach Center
Literacy for the Deaf, Mexico
MANODIVERSA
Masakhane Autonomy Lesotho - Lesotho Collective
Mbeleni Foundation
medica mondiale e. V.
Meera Foundation
Movimiento de Mujeres por la Paz Visitación Padilla Filial La Ceiba
Mujer-LGBT Organization Inc
Mujeres Indígenas por CIARENA
Mujeres Unidas x la Libertad México A.C
Multicultural Women Peacemakers Network, MWPN
Naso Trust
Nassawiyat

National Indigenous Disabled Women Association Nepal
National Indigenous Women Forum (NIWF)
Nationwide Organization of Visually-Impaired Empowered Ladies (NOVEL)
Oasis RD Congo
Observatorio feminista sobre comunicación y derechos
Ogiek Youth Council
Organizando Trans Diversidades (OTD Chile)
Pathways for Women's Empowerment and Development (PaWED)
Peace Movement Aotearoa
Peace Track Initiative
Peperusha Binti
Philippine Alliance of Women with Disabilities (PAWID)
Planet Ally
Public Aid Organization
Puerta Abierta IAP
Purple Feminists Group
Queer Here Collective
Queeramnesty Schweiz
Rainbow Reflections of Namibia
Raise Your Voice Saint Lucia Inc
Red de Litigantes LGBTI de las Américas
Red Jurídica Feminista Colombia
Red Temática de la Diversidad Sexual LGBTIQACDPM+ de Nicaragua
Réseau des associations pour la lutte contre la pauvreté
Rhythmes Of Resitance Tartu
Rithes-Outreach on Human Rights, Justice and Law
Rural Women's Association "ALGA"
Rutgers
Saheli Women's Resource Centre
SAIFAC
SASOD Guyana
Secretaría de equidad y género de la mujer ciega en Panamá
Secretaría de equidad y género en Panamá.
Security Women
SIHA Network (Strategic Initiative for Women In the Horn of Africa)
Society for the Improvement of Rural People
Solidarité des Femmes pour le développement, environnement et Droit de l'enfant au Congo (SOFEDDEC)
Solidarité Féminine pour la Paix et le Développement Intégral (SOFEPADI)
Soutien aux Actions des Femmes Indigentes au Maniema (SAFI-MANIEMA)
Stichting Tosangana
Streha Center
Strengthening Human Rights and Peace Research/Education in ASEAN/Southeast Asia (Shape-Sea)
Success Capital Organisation
Sudanese Women Rights Action

Suriname Men United
Swiss Rainbow Families Association
Taller de Vida
Tanggol Bayi Philippines
TGEU, Transgender Europe
The Community Health Rights Network
The Gulf Centre for Human Rights (GCHR)
The Haitian Women's Collective
The Kvinna till Kvinna Foundation
The Rainbow Alive Hub Initiative (TRAHI)
TIN Rechtshilfe
Trans Alliance Anna Foundation Uganda
Trans Girls Can (TGC)
Transgender Network of Liberia (TNOL)
Transgender Network Switzerland
Union de l'action féministe
United Belize Advocacy Movement
Urgent Action Fund for Women's Human Rights
Useful to Albanian Women (UAW)
Vasavya Mahila Mandali
Vote for a Woman Foundation (Stem op een Vrouw)
WEChange
White Ribbon Campaign Namibia
WILDAF/Mali
WILPF Ghana
Winam Chanua Dada CBO (CHADALA)
WO=MEN Dutch Gender Platform
Women & Gender Equality Rights Commission
Women Against Rape (WAR) Inc
Women Empowerment Nepal
Women Now for Development
WOMEN'S ENEWS
Women's Health and Equal Rights Initiative
Women's Initiatives for Gender Justice
Women's International League for Peace and Freedom (WILPF)
Women's Link Worldwide
Woodhull Freedom Foundation
WUNRN-Women's UN Report Network
Y-PEER Asia Pacific Center
YIFoS Indonesia (Youth Interfaith Forum on Sexuality)
Youth Speak
Zambia Network of Religious Leaders Living with or Personally Affected by HIV and AIDS -
ZANERELA