

# **Sexual and gender-based crimes in the decision-making practice of the International Criminal Court**

## **Abstract**

This thesis concerns sexual and gender-based crimes as laid down by the Rome Statute and other sources of applicable law of the International Criminal Court, and the way in which these provisions are put into practice. The objective of this thesis is to assess the International Criminal Court's approach to the prosecution of sexual and gender-based crimes through a description of its legal framework and subsequent analysis of each organ's approach to the investigation and prosecution of these crimes.

The thesis first briefly introduces the historical development of the perception of sexual and gender-based crimes and outlines the evolution of the jurisprudence of international and hybrid criminal tribunals and courts relating to them.

It then provides an overview of the way sexual and gender-based crimes are set out in the sources of law and internal regulations of the International Criminal Court, not only in terms of categorization of these crimes and definitions of their particular forms, but it also discusses the related rules that govern various phases of investigation and prosecution of sexual and gender-based crimes and that influence the selection of personnel involved in the proceedings.

Afterward it examines past and current decision-making practice of the International Criminal Court in relation to sexual and gender-based crimes and highlights the problems associated with prosecution of these crimes, whether stemming from imperfect regulation, improper approach by the Office of the Prosecutor, or an overly strict interpretation of the Rome Statute by individual Chambers of the International Criminal Court. It follows the approach of various organs to sexual and gender-based crimes and the changes this approach has undergone.

It concludes with selected issues that represent imperfections of the current international criminal law system in relation to sexual and gender-based crimes which, upon fulfilling certain conditions, the International Criminal Court could help remedy.

**Key words: sexual crimes, gender-based crimes, International Criminal Court**