

## **Draft Letter to UN Missions and Foreign Ministries - Election of Judges, January 2006 -**

### ***Gender Competence on the ICC and the fair representation of women and men***

Dear Excellency,

As you know the elections of judges for the International Criminal Court will be held next week January 26<sup>th</sup> and 27<sup>th</sup>, 2006.

We are writing to stress the importance of your government voting to ensure gender competence and the fair representation of women and men amongst the six judges elected to the ICC.

Under Article 36 (8), the Rome Statute outlines specific criteria States should take into account in the selection of judges. These criteria include:

- The representation of the principal legal systems of the world;

*Of the ten candidates in this election, eight are from a civil law system and two are from a common law system. In the current composition of Chambers of the ICC overall, seven judges are from a common law system; ten judges are from a civil law system; and one judge is from a state with dual common and civil law systems.*

- Equitable geographical representation;

*Of the ten candidates in this election, two are from Asia/Pacific; three are from Africa; three are from Eastern Europe and two are from the Western Europe and Others Group (WEOG). Overall currently in Chambers from these regions, three are from Asia/Pacific; three are from Africa; one is from Eastern Europe; and seven are from WEOG.*

- A fair representation of female and male judges;

*Of the ten candidates in this election, four are women and six are men. Overall currently in Chambers eleven judges are male and seven are female.*

- Legal expertise on specific issues including violence against women or children.

It is against all of these criteria that we urge you to vote in this important election.

It is clear in each of the three situations currently under investigation by the ICC that gender based crimes are widespread and systematic and we anticipate this reality in almost every conflict situation brought before the Court. Gender competence amongst the Judges of the ICC, both male and female, is imperative if the ICC is to be an institution capable of providing gender-inclusive justice for those most affected by armed conflict.

While we know that in this particular election States Parties must vote for at least one woman under the Rules of Procedure for the Election of Judges, we stress that States Parties not treat this as the maximum number of women you must vote for but as a minimum. We insist that States Parties vote beyond the minimum requirement in light of the highly qualified women candidates and bearing in mind the other criteria summarized above. During the election in 2003, seven women judges were elected to the ICC, there should be no going back.

Of the 260 Judges currently serving on international and regional judicial institutions, only 49 are women. At present, there is only one woman serving as a permanent judge at the International Court of Justice and two women serving on the International Criminal Tribunal for the Former Yugoslavia. Only three women are serving on the International Criminal Tribunal for Rwanda and on the Special Court for Sierra Leone.

The election of judges to the ICC can set a different standard for the participation of women in international judicial institutions and establish a significant benchmark for international justice.

We and many other women's organisations and members of civil society all over the world will be watching these elections closely and urge your support for gender competence and implementation of the principle of "fair representation of female and male judges" enshrined in the Rome Statute.

Sincerely,