**ICC paragraphs**

**From initial compilation text (25 Feb)**

**2 ter. [Switzerland ADD: Recalling the inclusion of gender-related crimes and crimes of sexual violence in the Rome Statute of the International Criminal Court, as well as the recognition by the ad hoc international criminal tribunals that rape and other forms of sexual violence can constitute a war crime, a crime against humanity or a constitutive act with respect to genocide or torture. (A/RES/67/144)] (Note: same proposal made by Costa Rica and Peru as 3 ter; and Australia as 8 ter)**

**3 ter. [Costa Rica, Peru ADD: The Commission recalls the inclusion of gender-related crimes and crimes of sexual violence in the Rome Statute of the International Criminal Court, as well as the recognition by the ad hoc international criminal tribunals that rape and other forms of sexual violence can constitute a war crime, a crime against humanity or a constitutive act with respect to genocide or torture (A/RES/67/144 pp.7)]**

**8 bis. [EU ADD: The prosecution of gender-based crimes is an important deterrent to future crimes of this nature. The Commission acknowledges the historic contribution made by International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the former Yugoslavia (ICTY) in advancing the jurisprudence of sexual violence by articulating the elements necessary for the effective prosecution of rape and sexual violence. The Commission further welcomes that the International Criminal Court (ICC) Statute, whose provisions regarding gender-based crimes constitute a great advance for the prosecution ofcrimes and urges governments to incorporate the Rome Statute’s gender and sexual violence provisions into their own legal system, to ensure accountability for such acts. The Commission welcomes the support the Trust Fund for Victims of the ICC gives to victims of sexual violence.]**

**8 ter. [Australia ADD: The Commission recalls the inclusion of gender-based crimes and crimes of sexual violence in the Rome Statute of the International Criminal Court, as well as the recognition by ad hoc international criminal tribunals that rape and other forms of sexual violence can constitute a war crime, a crime against humanity or genocide (based on General Assembly Resolution A/RES/67/144, Intensification of efforts to eliminate all forms of violence against women, PP7).]**

**d quin) [Liechtenstein ADD: Eliminate impunity for acts of sexual and gender-based violence constituting genocide, crimes against humanity and war crimes through effective prosecution at the national level and where national jurisdictions are not able or willing to prosecute through the jurisdiction of the ICC.]**

**From rev. 2 (4 Mar)**

**2 ter and former 3 ter and 8 ter. [Switzerland, Costa Rica, Peru, Australia ADD: The Commission recalls the inclusion of gender-related crimes and crimes of sexual violence in the Rome Statute of the International Criminal Court, as well as the recognition by the ad hoc international criminal tribunals that rape and other forms of sexual violence can constitute a war crime, a crime against humanity or a constitutive act with respect to genocide or torture. (A/RES/67/144, pp 7)]**

**8 bis. [EU ADD: The prosecution of gender-based crimes is an important deterrent to future crimes of this nature. The Commission acknowledges the historic contribution made by International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the former Yugoslavia (ICTY) in advancing the jurisprudence of sexual violence by articulating the elements necessary for the effective prosecution of rape and sexual violence. The Commission further welcomes that the International Criminal Court (ICC) Statute, whose provisions regarding gender-based crimes constitute a great advance for the prosecution ofcrimes and urges [El Salvador DELETE: governments] [El Salvador: State parties] to incorporate the Rome Statute’s gender and sexual violence provisions into their own legal system, to ensure accountability for such acts. The Commission welcomes the support the Trust Fund for Victims of the ICC gives to victims of sexual violence.]**

**d quin) [Liechtenstein ADD: Eliminate impunity for acts of sexual and gender-based violence constituting genocide, crimes against humanity and war crimes through effective prosecution at the national level and where national jurisdictions are not able or willing to prosecute through the jurisdiction of the ICC.]**

**From rev. 3 (10 Mar)**

**2 ter Facilitator’s proposal (combined with 8 bis):** *The Commission recalls the inclusion of gender-related crimes and crimes of sexual violence in the Rome Statute of the International Criminal Court, as well as the recognition by the ad hoc international criminal tribunals that rape and other forms of sexual violence can constitute a war crime, a crime against humanity or a constitutive act with respect to genocide or torture. It also recalls the contribution of the ad hoc international criminal tribunals to ending impunity, by ensuring accountability and punishing perpetrators of violence against women.*

**d quin) [Eliminate impunity for acts of sexual and gender-based violence constituting genocide, crimes against humanity and war crimes through effective prosecution at the national level, [recognizing, where applicable, and consistent with, the principle of complementarity, of the role that the ICC can play in addressing impunity for such acts] and where national jurisdictions are not able or willing to prosecute through the jurisdiction of the ICC]; (Liechtenstein working on reformulation)**

**India proposal**

The Commission recalls the inclusion of crimes of gender violence and sexual violence in the list of crimes that can constitute war crimes and crimes against humanity as provided in the Rome Statute of the International Criminal Court. It also recalls the recognition by the ad hoc international criminal tribunals that rape and other forms of sexual violence can constitute a war crime, a crime against humanity or a constitutive act with respect to genocide or torture. It further acknowledges that the prosecution of these crimes is an important deterrent to such futures crimes.

**EU proposal (2 ter and 8 bis)**

The Commission acknowledges that the prosecution of gender-based crimes is an important deterrent to futures crimes of this nature, and recalls the inclusion of crimes of gender violence and sexual violence in the list of crimes under the category of war crimes and crimes against humanity in the Rome Statute of the ICC, as well as the recognition by the ad hoc international criminal tribunals and the ICC that rape and other forms of sexual violence can constitute a war crime, a crime against humanity or a constitutive act with respect to genocide. The Commission welcomes the support the Trust Fund for Victims of the ICC gives to victims of sexual violence.

**African Group proposal – 2 ter**

The Commission notes a growing body of international criminal justice and jurisprudence regarding gender-related crimes and crimes of sexual violence as serious crimes of international concern as well as the recognition by the ad hoc international criminal tribunals that rape and other forms of sexual violence constitute, in certain circumstances, a war crime, a crime against humanity or a constitutive act with respect to genocide and torture. It also recalls the contribution of the ad hoc international criminal tribunals to ending impunity by ensuring accountability and punishing perpetrators of violence against women.

**Liechtenstein – d quin)**

Eliminate impunity for acts of sexual and gender-based violence constituting genocide, crimes against humanity and war crimes through effective prosecution at the national level and, consistent with the principle of complementarity, through the ICC.