

Criminal protection of women in international law

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ABSTRACT--*THE protection of women's rights has been an important and dangerous development in recent times. This is in comparison to all the past ages, when this protection began to be surrounded through international justice, which is represented by the International Criminal Court as a permanent body, unlike the temporary courts, while previously, this protection was only through international and regional covenants that are not guaranteed by a cropping and restraining system, This protection was divided into two parts. One of them is general and includes general protection for women as a natural person who has rights that have been documented internationally and derived from the fundamental rights of the human person, and it carries the consequences of any act issued by women by generalizing international responsibility and commitment to duties under penalty of traceability, equality and stripping of this follow-up between them and men. And another section decides a special protection that was not the result of the present, but was consistent with this protection through the historical development in order for women to gain their rights, and this protection, prescribed in the Rome system, was affected by the development of human rights; To serve as an envying of international humanitarian law, by delving deeper into the crimes that targeted women greatly and due to the constant character of these crimes evolving compared to their predecessors during previous wars and even using women as a weapon against the other party in the conflict, which necessitated the implementation of this protection through its harmonization in national legislation Because of its positives, despite the obstacles that were considered to have negative repercussions on the sovereignty of states and the nature of protection as a whole. In general, the International Criminal Court is competent to consider international crimes against vulnerable groups, especially women, and this is confirmed by the statute in its preamble, and therefore, as a result of the foregoing, the statute of the International Criminal Court decided a set of legal guarantees to protect women against these crimes, although its effect in protection later To commit these crimes; That is, after committing these crimes, its protective effect also appears clear, and the most important of these guarantees is the court's jurisdiction to consider these crimes, the establishment of international responsibility for them, and their compliance with the principle of non-statute of limitations of international crimes.*

KEYWORDS-- Criminal protection of women in international law

I. INTRODUCTION

The protection of women has become a necessity that worries the international community as a whole, and women in particular, due to the ineffectiveness of the efforts set out in this issue, which leads us to search for the protections established in the International Criminal Court for Women, and the effectiveness of this protection on a realistic level, and international humanitarian law has devoted this protection in Many international charters have succeeded

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at the legislative level through activating the social and political role of women and holding them to high positions in countries, even Arab ones. However, all these slogans do not fail in the face of bitter reality in the event of a lawlessness or the emergence of international or internal armed conflicts. According to UN Secretary-General Ban Ki-moon, at least one out of every three women in the world is beaten, forced into sex, or otherwise exploited in her life. Most countries today claim responsibility for protecting women from violence, but this was not always the case. Here it is noted on the statute of the International Criminal Court that it does not differentiate in its rulings between nationalities, but was comprehensive. Except in some articles where I devote special attention to crimes against women, but despite that; In both cases, women benefit from the guarantees established in the provisions of the statute, so that the crimes committed against them are subject to the jurisdiction of the International Criminal Court as international crimes, and there is no doubt that this is a legal guarantee for the protection of women against international crimes, as it is assumed that the International Criminal Court is based on a degree of Integrity, impartiality and competence, on the other hand, the statute of the International Criminal Court decided individual criminal responsibility in addition to the responsibility of states, and on the other hand, the statute established the principle of non-statute of limitations for international crimes, which is the cornerstone in building international criminal justice.

II. RESEARCH PROBLEM

It has become imperative to materialize the criminal protection of women through an international judicial structure, far from the pressures that he can be exposed to while performing his duties, revealing the truth and achieving justice. The Rome Statute of the International Criminal Court came as an international mechanism for the protection of human rights, and it did not exclude the protection of women in this system. As this system is characterized by inclusiveness and non-discrimination in gender protection, and women have a major role in building and advancing societies, which made them targeted by the aggressors, and its people to be the object of enhanced legal protection in the Rome Statute. What is the status of women's protection under the Rome Statute?

III. RESEARCH IMPORTANCE:

International crimes are being committed on a large scale in the current era, and if they are old, their methods and goals today are different from yesterday, and then a bill for these crimes must be paid, and it is unfortunate that women pay the largest portion of this bill, in addition to international crimes that It can be committed against everyone without distinction between a male and a female, because certain crimes against women are committed according to barbaric scenarios that are chilling out before the body. In fact, international law took care of this phenomenon and the Geneva Convention was an effective role in protecting women against international crimes. For the court International Criminal to express international concern about the escalating rate of international crimes against women, and therefore has decided many legal guarantees to protect them against these crimes, and

accordingly we will try through this research to explain the aspects of this protection; With an attempt to clarify the shortcomings of this system.

IV. SEARCH PLAN:

The first topic: the general protection of women in the Rome Statute.
The second topic: the special protection of women in the Rome Statute.

V. THE FIRST TOPIC GENERAL PROTECTION FOR WOMEN IN THE ROME STATUTE

Women are subjected to many pressures, moral and material crimes throughout the ages to this day; In spite of the development that is supposed to happen at the educational level, still the inclusion of innocent people in mathematical liquidations, especially women, is a crime that occupies the first place and tops the internationally and nationally prohibited crimes which repeatedly violate in wars and international or internal conflicts, and we have a lot From the facts that have passed in many countries, whether Western or Arab, it is unfortunate that women in society bear the struggle for male interests whatever their goal. The Rome Statute derives all its principles and rules from national legislation and international covenants, thus being the best guarantor of the implementation of the rules of international humanitarian law and therefore it adopts equality, publicity and abstraction in international responsibility. Accordingly, this topic will be studied through two requirements: The first requirement: the general protection for women as part of civilians. The second requirement: the generality of international responsibility.

VI. THE FIRST REQUIREMENT THE RIGHT OF WOMEN TO PROTECTION AS PART OF CIVILIANS

The distinction was clear in the equal rights of men and women, as women are vulnerable. However, this view began to change and the concept of women and basic human rights began to take root in accordance with international covenants, as was the protection of women with different legal status, just like men, except in the special cases stipulated in either the international covenants or the Rome Statute. Therefore, this requirement will be studied through two branches: The first branch: Women and basic human rights. The second branch: Unifying the protection of women according to their legal status.

VII. FIRST BRANCH WOMEN AND BASIC HUMAN RIGHTS

The development of recognition of equality between men and women has affected all legislation concerned with human rights, as states parties to the two International Covenants on Human Rights must ensure that men and

women enjoy equal enjoyment of all economic, social, cultural, civil and political rights, and encourage this equality of rights, with Taking into account those international agreements concluded under the auspices of the United Nations and the specialized agencies This did not prevent the emergence of great efforts to consolidate the principle of equal rights and protection between the sexes, and this was evident in the United Nations Charter and the international conventions and treaties that followed, and articles (113 / b), (55 / c) and (76 / c) have been affirmed.) From the Charter of the United Nations that international peace and security depend on respect for equality in human rights without discrimination at all levels, as well as the Universal Declaration of Human Rights in Article One, which affirms equality for all human beings. Considering that all human beings are women and men; They have a human dignity that should not be violated

It is erroneous to claim that the current human rights legislation is a satisfactory system for women, which was endorsed by the two Special Rapporteurs appointed by the United Nations to investigate the conditions of women in the period of armed conflict in 1994/95, Radhika Kumaraswamy, which specializes in the protection of minorities, Nada Chavez; They recommended that the Geneva Conventions be reviewed and evaluated to include modern standards relating to violence against women, and they noted the particular difficulties refugee women face; Hence, the Office of the United Nations High Commissioner for Refugees (UNHCR) provided protection for refugee women at the local level, and despite its innovative nature, it focused on sexual violence However, the recognition contained in the charters of the international criminal tribunals for the former Yugoslavia and Rwanda is a development in consolidating women's basic rights and equaling their infringement Her rights with men and even more sometimes when used as a hideous weapon intimidate enemies.

VIII. THE SECOND BRANCH

Unifying the protection of women according to their legal status Since the creation of the rules of international humanitarian law, women enjoy general legal protection just like men and since human dignity has no gender , women are also concerned with this protection on an equal basis with men

Also, the work of international, local, or even governmental and non-governmental organizations among them has always found a solution to protect women from violence of any kind to include rape only, but anything that would violate the dignity of women regardless of their legal status, whether they are civil or Prisoner, prisoner, or fighter. In the latter, all this does not deny her humanity and the enjoyment of human rights on an equal basis between her and the man.

Not to prejudice the right is one of the first principles recognized and found in the annex of the Fourth Hague Convention 1907, and despite that, history was able to reveal many facts that show the conflicts and genocides suffered by women during the Second World War, both she and the man, and by sterilizing them with rays, so that the world can wake up to facts that are not Less than it was in the former Yugoslavia. Article (2) of the Geneva Convention of 1929 came to protect this category from insulting and intruding the masses, as well as torture in the Geneva Convention 1949 and Article (13) of it from protection against retribution and protection from .

Rape and prejudice to honor against women, as happened in Bosnia and Herzegovina and Rwanda within the policy of ethnic cleansing, or in a systematic and widespread context during the Second World War when Russian soldiers raped 2)) million German women. Despite this, the International Criminal Court for Rwanda did not include the crime of rape in the Imam's decisions, and the Prosecutor did not initiate the completion of those convicted of sexual violence except in August 1997, after the efforts made by women's non-governmental organizations, and thus the human rights of women were established and achieved. To include acts of violence directed against women, several elements, measures and procedures have been taken into account in the International Criminal Court that protect victims and supporters of justice of any gender, such as silencing the names of witnesses and victims and protecting women from both categories. This interest appears in Article (8/36-B) and its requirement Make up Judges with jurisdiction in cases of violence and abuse against women, and Article (45/1-b) of the Rome Statute, which stipulates the need to take into account the specificity of sexual crimes and factors related to age and gender and the health status of victims and witnesses, and to take measures aimed at the proper and effective functioning of the investigation procedures. And follow-up. And Article (68) of the Rome Statute decided to protect the security and safety of the victims, witnesses or the accused, by taking exceptional measures such as conducting secret sessions in violation of the principle of public hearings provided for in Article (67) or by permitting the extraction of evidence by electronic or other special means, These measures are implemented in particular in the case of a victim of sexual violence or a child who is a victim or witness, unless the court orders otherwise, as referred to in Article (6/43). Any evidence or information that can be disclosed in accordance with this statute may also be concealed by the Prosecutor before commencing the trial, instead providing a summary of it if the disclosure of such evidence places a serious risk to the safety of any witness or his family, and the discretionary power of the court is to Determine the protection and balance between the rights and guarantees of all parties, and they are guaranteed by the system.

The main Roma and international conventions and the same procedures are practiced in favor of the accused if there is a danger to their lives. A fair distribution of the jobs required in the ICC between women and men, whether judicial or administrative, to find the best solution. As for the procedures followed in search and arrest for women, just like all international conventions, no gender distinction was made in terms of procedures or even protection. Article (1 / b) annexed to the Third Geneva Convention stipulates special cases of shelter, including pregnant women, mothers of infants and young children, and thus we note that the prescribed protection was characterized by the settlement and unification of the sexes except for the case of pregnant women and mothers of young children.

IX. THE SECOND REQUIREMENT GENERALITY OF INTERNATIONAL RESPONSIBILITY

The principle of international responsibility for committing the crimes mentioned in the Rome Statute came to apply to all crimes and not only crimes specific to women, and it resulted in holding the responsibility of individuals and excluding them from the states, which is according to Article (77) of the Basic Law divided into two parts:

The first branch: International criminal responsibility.
The second branch: International Civil Liability.

X. FIRST BRANCH INTERNATIONAL CRIMINAL RESPONSIBILITY

Criminal responsibility is based on an abstract concept that is the person's authority to bear the consequences of his behavior, and here we find responsibility a characteristic in the person or a condition that accompanies him, whether or not something has happened that requires accountability or nothing has occurred, and is based on a realistic concept of downloading the person responsible for the behavior issued by him and here the responsibility is not just an adjective Or the status of a person, but rather a penalty and from here it requires availability .

The moral component of the racism of perception and will, which is embodied and confirmed by Article (25/5) of the Rome Statute, and this article, was equal in the criminal responsibility load between the original actor, partner, instigator or aide by any means. The procedures established in the Rome Statute include making the crimes in the Rome Statute a part of the national law, ensuring the rights of the accused, and ensuring that the laws issued to enable the prosecution and trial of these crimes to be applied equally to all persons regardless of their official status or any other status, even The President is criminally responsible for the actions of his subordinates as a result of his lack of control over them Article (28), or if they comply with the orders of the President Article (33), while Article (25/4) states that the individual criminal responsibility report does not affect the establishment of state responsibility under the law International.

Moreover, as the crime of rape affects the honor and dignity of the woman and has negative repercussions on her psyche and body, it has now gone beyond that to become a means of humiliation and extermination for entire peoples, and it should be highlighted in Article (27/2) of the Fourth Geneva Convention, which first dealt with rape as an attack on honor And the need to protect from it, but the recognition of the gravity of this crime and its equality with the crimes affecting the international community have only envied with the Rome Statute, which prompted the International Criminal Court to criminalize it and to monitor criminal penalties equal to other crimes within its jurisdiction; Whereas the perpetrator's condemnation of the perpetrator from the criminal by imposing the punishment on him as a warning to him and reform for himself and a visitor for him and for others, establishing criminal responsibility achieves the goals that the case aims to protect, so the person feels that he must abide by the law under penalty of punishment The International Criminal Court in The Hague has tried the former Vice President of the Democratic Republic of the Congo, Jean-Pierre Bemba, who is accused of war crimes and crimes against humanity, particularly related to rape committed by his militia in Central Africa. He faces life imprisonment as a "military commander" and he is said to have known that his agents had committed crimes and had not taken all measures to prevent them from committing them

XI. THE SECOND BRANCH CIVIL INTERNATIONAL LIABILITY

International law has undergone a drastic change at the present time in order to regulate the cases of individuals to be addressed to its provisions, and this is what the International Court of Justice expressed in the case of compensation for damages and violation of human rights. The infringement on the security, safety and harm of women is one of the international crimes that does not remove any compensation, and this is for the severity of the damages whose effects remain with the passage of time especially in the case of the presence of children arising from any forced sexual relations or cases of sterilization and others as mentioned, and it is one of the total damages that do not. The situation can be restored to what it was, but the need for reparation necessitated that the principle of the right to compensation be among the principles that cannot be ignored. Where the court, in addition to imprisonment, has the right to order complementary or financial penalties by imposing a fine according to the criteria stipulated in the procedural rules and evidentiary rules within rule (146) that specify obligations that have been linked to the financial capacity of the convicted person, and the motive for the crime is the financial gain of the person and the extent of the commission. With this motive, the damage and injuries resulting from the crime, as well as the relative gains that the perpetrator accuses of committing, do not in any way exceed 75% of the value of the identifiable assets, liquid or disposable, and the property of the condemned person. After deduction of an appropriate amount to meet the need. Financial charges for the convicted person and their dependents. The statute of the court provides for the establishment of a trust fund to which proceeds from seized fines, confiscated assets and property will be transferred, and will be disbursed for the benefit of the victims and their families. The court will authorize the transfer of money and other assets to the fund provided that the states parties to the court system determine the criteria for its administration. The International Criminal Court has made the reasons for reducing the sentence after two-thirds of the sentence has expired or twenty-five years have elapsed in the case of life imprisonment; Based on the prisoner's ongoing willingness to cooperate with the court's efforts in investigation and prosecution and to assist the court in locating assets subject to fine, forfeiture, or compensation .

XII. THE SECOND TOPIC SPECIAL PROTECTION FOR WOMEN WITHIN THE ROME STATUTE

With the increase in international and internal armed conflicts, women have become victims of a specific type of crime and violations of sexual violence that could end up ending their lives and women have become targeted in a specific category of crime; This prompted the International Criminal Court to adopt the first mechanism to track international crimes against women; That is, devoting special protection to women is only a response to international humanitarian law.

Therefore, this topic will be studied through two requirements as follows:
The first requirement: the special protection of women as a target group.
The second requirement: the harmonization of national legislation with the Rome Statute.

The First Requirement

The Right Of Women To Special Protection As A Target Group

The development of the principles of human rights legislation during the last fifty years has affected, and continues to have, a decisive impact not only on international humanitarian law but also on international law as a whole and it has been observed throughout the ages that the suffering that affects humanity since the beginning of creation is exacerbated during armed conflicts And the individual is isolated from exercising even the basics of his rights, and the greatest aspect of this suffering is the share of the woman, especially since the woman is forgotten in this ongoing conflict and is far from decision-making, which makes her powerless about what is happening and worse than that, there are no preventive means of any kind Through the Declaration on the Protection of Women and Children of 1974, special protection for women was passed to end the suffering they faced, and all states must fully fulfill their obligations under the Geneva Protocol of 1925 and the Geneva Conventions of 1949, as well as instruments .

Other international law related to respect for human rights, which provides important guarantees for the protection of women and children. The first reference to devoting special protection came in Article (16) of the Fourth Geneva Convention in 1946 when it stipulated in its first paragraph that women are in a position of protection, Article (13) of the First and Second Convention and Article (16) of the Third Convention and Article (7) of the Protocol Second of 1977 and equal treatment of women and men. By its Resolution No. 652/8 of 12/12/1997, the United Nations General Assembly adopted model strategies and practical measures to eliminate violence against women in the field of crime prevention and criminal justice, in which it urged states to make objective, procedural, criminal and civil legal revisions to ensure special protection for women Against crimes and discrimination and provides health and social support to women victims, while putting in place measures to prevent crime against women and urging states and organizations to strengthen cooperation

It has become recognized that the bodies charged with ensuring respect for the rights of the provisions of international humanitarian law must include crimes of sexual violence, and during negotiations on the statute of the International Criminal Court it has been reached to include these crimes as not only crimes against humanity but also a war crime in the articles (7) and (8), describing them as gross violations of Article (3) common to the four Geneva Conventions, as well as being surrounded by a number of investigative measures to ensure the application of the law The Rome Statute of the International Criminal Court for the first time included definitions of rape, sexual slavery, forced prostitution, forced pregnancy, forced labor and other forms of sexual violence of the same magnitude mentioned as crimes against humanity and war crimes, partly inspired by the innovative jurisprudence of the international criminal tribunals for the former Yugoslavia Rwanda, based on the recommendations of civil society organizations concerned with women's rights.

XIII. DIGGING DEEPER INTO WOMEN'S CRIMES IN WARTIME:

Until recently, rape was not among the war crimes considered by the Nuremberg Court despite the strong influence of sexual violence during World War II, as these failed.

Court in the incorporation of crimes of a sexual nature, and this crime was among the things that are difficult to avoid in armed conflicts and the prosecution in it was almost non-existent and rape incidents in Iraq are not so far after successively, after that crimes of sexual custom in other countries, even Arab ones, such as an event In Libya and what is an accident in Syria. The Rome Statute has been credited with the modern division of sexual crimes, some of which are within crimes against humanity, some of which are war crimes, and some of which are genocide, since Article 6 of the Rome Statute paragraph (d) provides for a case of imposing measures targeting Preventing childbearing within the group, as this measure would annihilate a national, ethnic, racial, or religious group. Article (7), Paragraph (d) of the Rome Statute has talked about several types of sexual crimes, and promoted for the first time in Article (8/2 / b / 22) and Article (28 / e / 6) rape, sexual slavery or coercion. Prostitution, forced pregnancy, forced sterilization, or any other form of sexual violence is of such gravity. Through it, it appears to us that many sexual crimes were enumerated: Rape: It is the sexual intercourse of a man with a woman that is a sexual intercourse, and only according to the pillars mentioned in the annex of the International Criminal Court, which is the defendant's assault on the victim's body by penetration of a sexual organ in any part of her body, and that the assault by force or threat to use force or coercion, and that it is systematic on Widespread against civilians, criminal intent is required in both knowledge and will Coercion to prostitution: This crime was stipulated in Article (7), paragraph (1 / g) as a crime against humanity, and Article (8) paragraph (2 / b / 22) as a war crime, as the victim becomes a place of rape in exchange for a benefit belonging to the user and is The attack is known and against a group of civilians, according to a widespread and coercive attack, which is an act of humiliating women's dignity and body.

Sexual servitude: The truth is that this is the first time that this crime has been mentioned according to an international document as it was mentioned in Article (7) paragraph (1 / g), and Article (8) paragraph (22/2) as a war crime, and this means The crime is the exercise of power over a person or group of persons as an owner, and therefore has the right to act, such as buying and selling, loaning, etc., and denying them the freedom to enjoy, and causing them to perform acts of a sexual nature, which is part of a widespread attack, and this crime contains the moral pillar with its elements of knowledge and will . Forced sterilization: It is considered a double dose under the Rome Statute; As it is a crime against humanity and a war crime, it is the forcible removal of the biological organs of the victim without the consent of the victim and may be directed against women and men. The Rome system expanded this dose to make it comprehensive, whether by eradication or castration Forced pregnancy: And it is stipulated in Article (7), paragraph (2 / f), which is the compulsion of women to forced pregnancy and illegal birth in order to influence the ethnic formation against a specific group. It is also stipulated in the article and is considered an ethnic cleansing operation. In no case may this definition be interpreted in a way that affects national laws related to pregnancy.

Slavery: Slavery crimes constitute a serious violation of the Geneva Conventions, and Article 7/7 / c of the Rome Statute stipulates that; Where it means exercising any of the powers deriving from the right of ownership, or all these powers, of a person, including the exercise of these powers for the purpose of trafficking in persons, especially women and children, as it has taken care in this concept to the extent that it is prohibited in its application, especially to women and children. The Rome Statute has left wide discretionary authority for the International Criminal Court in assessing any act if it falls within the scope of sexual crimes, and the adopted standard is the extent of the impact of this act on the dignity and honor of the victim and this is to expand the protection of victims, and this is stipulated in Article (8/2). / B / 22) and Article (1/7 / g) by inserting the phrase any other form of sexual violence.

XIV. AS FOR PROCEDURAL PROTECTION:

The procedural rule and evidence adopted by the Preparatory Committee for the International Criminal Court ICC) included important procedural protection, for example, Rule 7 requires “principles of evidence in cases of sexual violence” in this type of case, the Court is guided by many principles and applied where necessary; The existence of consent cannot be inferred from any words or behavior of the victim if the eligibility of the voluntary and true consent of the victim was corrupted by the use of force, the threat to use force or coercion, or the use of a coercive environment; The existence of consent cannot be deduced from any words or behavior of the victim if he is unable to give real consent.

Rule 71 also stated dealing with evidence of another sexual behavior, in light of the definition and nature of crimes subject to the jurisdiction of the court, and subject to the provisions of Article (69/4) of the statute, the department does not accept evidence of the previous or subsequent sexual behavior of the victim or witness. As for rule (72), survivors indicate the secret procedures taken in considering the validity or acceptability of the evidence wherever it is intended to provide or extract evidence, as referred to in principles (a) to (d) of rule (70)

When deciding on the validity or acceptability of the evidence referred to in paragraph (1) of the rule, the department listens to the opinions of the Prosecutor, the defense, the witness, and the victim or his legal representative, if any, and takes into account whether such evidence has a sufficient degree of evidentiary value for the one of the subjects The case and the harm that such evidence may cause, according to Article 69, paragraph 4. For this purpose, the department shall consider paragraph (3) of Article (21) of the Rome Statute, which requires that the interpretation and application of the Rome Statute be consistent with human rights and non-discrimination, and Articles (67) and (68) on safeguards. It is guided by principles (a) to (d) from rule (70), especially with regard to the proposed interrogation of the victim. And when the Chamber determines that the evidence referred to in paragraph (2) of the rule is acceptable in the procedures, without the circuit in the case file the specific purpose for which the evidence was accepted. When assessing evidence during the procedures, the Chamber applies principles (a) to (d) of rule (70).

XV. THE SECOND REQUIREMENT HARMONIZATION OF NATIONAL LEGISLATION OF THE ROME STATUTE

The truth is that the special protection granted to women according to the Rome Statute is considered meaningful only after its harmonization in national legislation, but this alignment was between supporter and rejecter. Accordingly, the pros and cons will be studied to activate this harmonization through the following two branches:

XVI. THE FIRST BRANCH: THE ADVANTAGES OF ACTIVATING HARMONIZATION.

THE SECOND BRANCH: THE DISADVANTAGES OF ACTIVATING

HARMONIZATIONFIRST BRANCHTHE ADVANTAGES OF ACTIVATING ALIGNMENT

In fact, not all recommendations, covenants, international treaties, and even the Rome Statute guarantee full protection for women; It continues to suffer from sexual persecution and other internationally prohibited violations, and this is due to the lack of inclusion or deterrence of national legislation for this type of crime within its laws, which contain it as a preventive measure in the face of these crimes affecting national and international security alike.

The Vienna Treaty of Treaties stipulated in Article (27) that: "The provisions of national law cannot be invoked not to implement a treaty, and the Rome Statute is a treaty, and recognition of the perpetuity of the International Criminal Court in its own solution is a victory over the sum of these crimes, as a temporary one not like its predecessors. This could have political objectives. "

In fact, what is stated in Article (80) is a consensual solution to the disputes over the supremacy of the Rome regime over national legislations, such as its predecessors from international tribunals that have obstructed internal laws, as this article emphasized the non-contestation of internal law or the prevention of the application of the penalties set forth therein.

In addition, states should be encouraged to incorporate this type of crime definition and prohibiting them that work to protect women, while working to globalize justice in any way they see fit, which makes national systems work to prohibit follow-up to the establishment of justice, regardless of the official character of the person, even if it is Formal

As it brings us at the international level in general and in the Arab countries in particular the full immunity of the leaders and their entourage even when serious crimes are committed and their issues do not take place, and when the immunity falls, the crimes have fallen out of date, and this is what the Rome Statute regards through Article (29) which recognizes that the crimes committed in This system is obsolete, as we note that the American

bombing of Libyan civilians did not resonate with the American courts based on the immunity enjoyed by the defendants and it is considered one of the most important positive benefits of harmonization between the Rome system and national laws, enabling victims to follow their torturers after the end of responsibilities M process. Consequently, the countries that support the International Criminal Court are considered to have achieved great success by adopting its system, where the character of immunity is a negative control of the jurisdiction of the judiciary and this negative officer requires the presence of a positive officer who disrupts the negative officer and by examining this rule we will find that the basic system is the positive officer for establishing the jurisdiction, Thus, the dictatorship retreats. In addition, considerations regarding the honor of women should be taken into account in all situations as a civilian captive combatant. It was noticeable that there are crimes with an evolving concept, and it has already been explained, so what is necessary for the national project in the era of globalization and the growing priority of human rights and related issues is that the concept of crimes against humanity be viewed with a conscious political and not just a local legal view

XVII. THE SECOND BRANCH ACTIVATION NEGATIVES

Article (13 / b) gave wide powers to the Security Council vis-à-vis the International Criminal Court, according to which he can file a case before the International Criminal Court based on Chapter VII of the Charter of the United Nations i.e. the threat to international peace and security even if the state is not a party to the statute, and according to Article (16) has been given the authority to suspend the procedures of the International Criminal Court at any stage with the possibility of postponing the investigation or prosecution, all of this makes the fear exist of the policy of the Security Council and double standards and the pursuit of double justice for international cases where politics can prevail law and fear also increases with the use of the right The veto by the permanent members of the Council.

While the International Criminal Court includes in its jurisdiction the most serious international crimes against women, its punishment is not commensurate with its gravity, so it is not covered by the death penalty. Sexual violence crimes against women are often mixed with other crimes, such as murder and extermination, as happened in the former Yugoslavia, or abuse of the body of victims and cutting off parties, such as what happened in Hutus and Tunisians, and therefore the crimes within the jurisdiction of the International Criminal Court are serious and what is stated in the Article (77) of the Basic Law suggests the absence of the aim of the punishment, which is deterrence, as the death penalty, which has a special impact, is not mentioned in the same person who commits himself to commit these crimes. Also, article (80) may have a negative side, as a difference has emerged between countries regarding the inclusion of the death penalty, between opponents and distortions of modern approaches that exclude this punishment, and orientations of a religious or religious nature that call for retribution from the forbidden, and accordingly we will find a clear difference in the punishment For the same crime, which leads to an illogical outcome between the criminal court and national laws, because whoever will be tried before the International Criminal Court will be a better case than he who will be tried before the national court, which rules for him to death. Likewise, article (20), which was specific to cases where the principle of complementarity had not existed, in the

event that a person was tried before a national court, which would enable this person to benefit from a mock trial, or if the trial was not characterized by integrity and independence, adding difficulties related to determining the body to which it is located Determining the seriousness of the trial, which fosters fear among states in challenging the most important sovereign organ, which is the national judiciary, which undermines the internal stability of states. Likewise, limiting the responsibility of the International Criminal Court to natural persons and excluding legal persons, even though the crimes are considered crimes committed for the benefit of moral persons, which deprives the victims of considered compensation better than cropping it from the natural person. Consequently, sexual violence crimes must be given more attention in the preliminary examination and investigations of the Prosecution Office, and the investigation must include specialized experts, and accusations that reflect the reality of sexual violence crimes should be presented whenever there are sufficient bases for them, and consideration must be given to the eligibility of the crime charges. Nationality is consistent with existing international jurisprudence This we find a clear contradiction between many of the procedural texts mentioned in Article (99/4)

Which raises suspicions of conflicts with the independence of the judiciary, or objectivity, such as a general amnesty issued by Parliament, or a special issued by the President, or like the statute of limitations in which it conflicts with the internal laws that it approves while denying the Rome system.

XVIII. CONCLUSION

International efforts to protect the rights of women have succeeded in establishing general and special principles for this protection so that international humanitarian law has become an important reference that prosecutes all violators through the International Criminal Court, which in turn has elaborated through its statute in establishing protection for women, but this protection has not escaped attraction. The political issues of the legal issues that made it in a fragile ground collapsed from the first problem that could be met, until now we have not seen effective and preventive protection from the International Criminal Court on the crimes committed against women, as they continue to suffer the scourge of conflicts of all kinds, especially women in the world. For a third and an Arab, which calls for efforts at the level of Arab countries to create a similar judicial body regarding conflicts within Arab countries to protect vulnerable groups, The study concluded with a set of findings and recommendations, namely:

XIX. RESULTS:

- 1- It was evident from the above that the size of the ICC statute concerned the vulnerable groups that fall victim to international crimes, including women, of course, and it is not surprising that as long as the goal of the ICC statute is to achieve criminal justice.
- 2- There is a type of deficiency in some aspects of the statute, on top of which is the principle of non-retroactivity, as it will lead to the escape of many perpetrators of international crimes against women before the entry into force of the provisions of the statute of the International Criminal Court, and perhaps this is mitigated by the presence of some special international criminal courts For some regions of the world, such as the court of the former

Yugoslavia, which is still operating, and is now waiting for a large criminal to submit to its jurisdiction and is the war criminal in the former Yugoslavia Radovan Cardjic .

XX. RECOMMENDATIONS:

1. No one can deny that prevention is better than cure, so awareness must be raised about women's issues, and the privacy of their rights in times of peace and war.
2. International efforts to revive the ICC's work away from international pressures must be coherent and enjoy effective independence, while promoting a culture of human rights and generating awareness for generations by dedicating it to educational systems, without forgetting to give a large space to the role of civil society in overseeing public authorities In the state especially the criminal investigation desired criminal investigation, and to protect the rights of victims of this type of crime.
- 3- Encouraging the work of societies and organizations monitoring the attacks on women and ensuring their issues and establishing support funds for this category, encouraging Arab countries to ratify all the International Criminal Court agreements to protect women taking into consideration the internal privacy of each country, while enacting special national legislation that takes care of this aspect and monitors it Deterrent penalties.
4. The participation of the state in the formation of the family in peacetime in order to avoid risks and slippage during conflicts.
5. Educate women legally to enable them to fulfill their rights, and open the field of information to highlight the suffering that women are exposed to and expose the methods and violations used against them.
6. An integrated agreement on the protection of women against international crimes can be concluded along the lines of the Fourth Geneva Convention for the Protection of Civilians, as this provides greater protection for women.
7. We suggest that a permanent international criminal court specializing in international crimes against women, in particular, aim to provide greater protection for women. There is no doubt that a specialized international judiciary is best able to achieve this.

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