



ITSS
International Team
For the Study of Security
Verona

**A Uniquely Narrow Definition: the Crime of Forced Pregnancy in the
Rome Statute.
History, Challenges, and Future Prospects**

by Rita Sasso

ITSS Verona Magazine, Vol. 2, n. 1

Spring/Summer 2023

A Uniquely Narrow Definition: the Crime of Forced Pregnancy in the Rome Statute. History, Challenges, and Future Prospects.

Rita Sasso

To cite this article: Rita Sasso, *A Uniquely Narrow Definition: the Crime of Forced Pregnancy in the Rome Statute. History, Challenges, and Future Prospects*, ITSS Verona Magazine, Vol. 2, no. 1, Spring/Summer 2023.

Keywords: Forced pregnancy, Rome Statute, Prosecution of SGBV Crimes, International Criminal Court

ITSS Verona website: <https://www.itssverona.it/itss-magazine>

LinkedIn: <https://www.linkedin.com/company/itss-verona/>

Instagram: https://instagram.com/itss_verona?igshid=YmMyMTA2M2Y=

Published online: July 4th, 2023

Abstract: After being defined by the Rome Statute of the International Criminal Court (ICC), the crime of forced pregnancy has long been neglected and it is practically absent from other instruments of international criminal law. However, Dominic Ongwen's conviction before the ICC overturns this trend and paves the way towards a more serious discussion at the international level on how to interpret and prosecute the crime of forced pregnancy. This essay seeks to provide an overview of the crime of forced pregnancy, with reference to its history, challenges, and future prospects. Particularly, it argues that the Ongwen case represents a historic first in ICC jurisprudence, which will most likely resonate in other trials.

On 4th February 2021, Dominic Ongwen, a former commander in the Ugandan Lord's Resistance Army (LRA), was convicted by the International Criminal Court (ICC) of war crimes and crimes against humanity. The exceptional nature of this ruling lies in the fact that it is the first conviction for forced pregnancy and only the second standing conviction for sexual and gender-based violence (SGBV) crimes.¹ Forced impregnation has always been used in history as a weapon to disrupt the morale of the enemy or to subjugate and target minorities. According to Carpenter, there is even evidence that the Athenians used this heinous tool in their genocide against the Melians.²

Nonetheless, the issue of forced pregnancy has long been neglected and it is practically absent from instruments of international criminal law. In the past decades, some international law instruments have attempted to set general standards in international humanitarian law aimed at the protection of women in conflict situations. Notably, the Fourth Geneva Convention (1949) states that "women shall be especially protected against any attack on their honour."³ Moreover, the Vienna Declaration and Programme of Action (1993) condemned systemic rape.⁴ However, forced pregnancy was recognized as a war tactic only in 1995 with the Beijing Declaration and Platform for Action.⁵

Therefore, the Rome Statute represents a turning point in this domain. Indeed, the founding document of the ICC, signed in 1998 and enforced in 2002, is the first international criminal law instrument to include a wide list of SGBV crimes as crimes against humanity in Art. 7(1)(g) and as war crimes in Art. 8(2)(b)(xxii). Particularly, both articles enlist rape, sexual slavery, enforced

¹ Danielle Hites, "The International Criminal Court Still Has Work to Do on Gender-Based Crimes," *MS Magazine*, February 24, 2021, <https://msmagazine.com/2021/02/24/dominic-ongwen-international-criminal-court-gender-based-crimes-violence-against-women-girls-rape-war-crimes/>.

² Robyn Charli Carpenter, "Forced Maternity, Children's Rights and the Genocide Convention: A Theoretical Analysis," *Journal of Genocide Research* 2, no. 2 (2000): 223, <https://doi.org/10.1080/713677603>.

³ International Committee of the Red Cross, *IV Geneva Convention Convention Relative to the Protection of Civilian Persons in Time of War* (Geneva, Switzerland: International Committee of the Red Cross, 1949), 179, <https://ihl-databases.icrc.org/assets/treaties/380-GC-IV-EN.pdf>.

⁴ The World Conference on Human Rights, *Vienna Declaration and Programme of Action* (New York, United States: United Nations General Assembly, 1993), 7, para 28, <https://www.ohchr.org/sites/default/files/vienna.pdf>.

⁵ Fourth World Conference on Women, *Beijing Declaration and the Platform for Action* (New York, United States: United Nations, 1995), 49-57, <https://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>.

prostitution, *forced pregnancy*, enforced sterilization, “or any other form of sexual violence of comparable gravity.”⁶ In this respect, the Rome Statute has the merit of shifting the legal focus from the assumption that the central legal harm lies in the “violation of honour” to the consideration of the victims’ “bodily integrity” and the “infringement of their agency.”⁷

As suggested above, the Ongwen’s judgement is likely to represent a new crossroad for the interpretation and prosecution of the crime of forced pregnancy. Acknowledging the opportunities offered by the latest events in the prosecution of SGBV crimes, this paper seeks to provide an overview of the crime of forced pregnancy, with reference to its history, challenges, and future prospects. To do so the second section will provide a brief background on the troubled negotiating process of forced pregnancy. In the third section, the paper seeks to highlight the most pressing challenges that emerge with regard to the definition and the prosecution of forced pregnancy. In the fourth section, this essay will argue that the Ongwen case represents a historic first in ICC jurisprudence, which will most likely resonate in other trials.

The Negotiating Process: a Troubled Journey

In Article 7(2)(f), the Rome Statute defines the term forced pregnancy as “the unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law. This definition shall not in any way be interpreted as affecting national laws relating to pregnancy.”⁸

The Rome Statute was negotiated against the background of the atrocities in Rwanda and the former Yugoslavia, where women were systematically targeted through rapes, forced pregnancies, and other forms of sexual and reproductive violence. While the momentum was high for the inclusion of SGBV provisions in the Rome Statute, there was significant disagreement about the

⁶ International Criminal Court, *Rome Statute of the International Criminal Court* (The Hague: International Criminal Court, 2011), p. 3 art.7(1)(g), p. 5 art. 8(2)(b), <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>.

⁷ Kristen Boon, “Rape and Forced Pregnancy under the ICC Statute: Human Dignity, Autonomy, and Consent,” *Columbia Human Rights Law Review* 32, (2001): 630, <https://heinonline.org/HOL/LandingPage?handle=hein.journals/colhr32&div=20&id=&page=>

⁸ International Criminal Court, *Rome Statute*, p. 4 art. 7(2)(f).

inclusion of a separate forced pregnancy provision. Several observers have suggested that the “uniquely narrow definition” of forced pregnancy is the result of its troubled negotiating process.⁹

In fact, two distinct political forces played a role in the formulation of the article. On the one hand, some states and non-governmental organizations (NGOs) advocated for the inclusion of forced pregnancy both as a crime against humanity and as a war crime. This included the delegations of Bosnia-Herzegovina, Canada, Australia, and New Zealand, and the NGO Women's Caucus for Gender Justice. Proponents of the provision faced fierce opposition by the Holy See, other Catholic states, anti-abortion NGOs, and states that generally disregarded women's rights, including several Arab Bloc states.¹⁰

This section demonstrates that in order to grasp the complexity of the definition of the crime definition it is necessary to delve into the long journey which led to its criminalization. One of the main challenges for the advocates of the forced pregnancy provision was some states' claim that it would be superfluous to envisage a provision entirely dedicated to the criminalization of forced pregnancy in the Rome Statute. After all, they argued, rape and unlawful detention were already criminalized under international law and undesired pregnancies were already considered an aggravating factor in the prosecution of rape. Evidently, these states did not consider that the actus reus of rape, namely the act of forced penetration, differs from the actus reus of forced pregnancy, that is forcibly making and keeping a woman pregnant.¹¹

In this regard, the main counterargument was that forced pregnancy unfolds several new dynamics that the crime of rape does not exacerbate. Indeed, unlike rape, forced pregnancy causes both specific damage to the victims, who are forced to carry the children of their rapists, and a serious harm to the ethnic community of which the victim is part, through the appropriation of their reproductive capacity by the conquering force. This has severe implications in communities where

⁹ Sterre van Campen, “A Legal First in International Criminal Justice: A Conviction for Forced Pregnancy in the Ongwen Case,” *IntLawGrrls* (blog), May 18, 2021, <https://ilg2.org/2021/05/18/a-legal-first-in-international-criminal-justice-a-conviction-for-forced-pregnancy-in-the-ongwen-case/>.

¹⁰ Boon, “*Rape and Forced Pregnancy under the ICC Statute*,” 658.

¹¹ Rosemary Grey, “The ICC’s First Forced Pregnancy Case in Historical Perspective,” *Journal of International Criminal Justice* 15, no. 5 (2017): 919-920, <https://doi.org/10.1093/jicj/mqx051>.

women's chastity is linked to notions of cultural continuity. As Carpenter rightly points out, “forced pregnancy exacerbates the impact of rape by making it more visible, explicit and ongoing” and precludes victims “from protecting themselves and their community through silence or denials, and symbolically branding the victims with the mark of the rapes.”¹² Therefore, in some circumstances, the forcible conception of children can be fully framed in a strategy of ethnic cleansing. Some states even proposed to adopt a definition requiring a specific “ethnic cleansing” intent, but they were opposed by other states who feared that this would excessively narrow the scope of application of the definition.

As suggested by the reluctance of some states in recognizing forced pregnancy as a crime distinct from the one of rape, another relevant point of contention concerns the conduct to be criminalized. Particularly, the Holy See argued that the Rome Statute should criminalize the act of forcibly making a woman pregnant, but not the act of forcibly keeping her pregnant. Therefore, it advocated for the inclusion of a “forcible impregnation” provision only. However, the “pro-forced pregnancy” faction dismissed the proposal because the term “forcible impregnation” was inadequate to describe certain atrocities committed in Bosnia-Herzegovina, where women were forcibly impregnated and detained in order to keep them pregnant and “force them to bear Serb babies.”¹³

Many of the concerns put forward by the Holy See, Catholic states, and the Arab Bloc were linked to the fear that a forced pregnancy provision would affect national laws related to pregnancy, creating a general right to abortion after rape or impregnation.¹⁴ Therefore, the advocates of a forced pregnancy provision agreed to the inclusion of a final clause to soothe the opponents’ concerns, reassuring them that the definition would not affect national laws related to pregnancy and abortion. The issue of the relation to national abortion laws will be further investigated in the next section. In

¹² Robyn Charli Carpenter, “Assessing and Addressing the Needs of Children Born of Forced Maternity” (paper presented at the International Conference on War-Affected Children, Winnipeg, Canada, 27 July 2000), http://web.tiscali.it/humanrights_it/ing/parttwof.htm.

¹³ Cate Steains, “Gender Issues,” in *The International Criminal Court. The Making of the Rome Statute: Issues, Negotiations and Results* (Leiden: Brill Nijhoff, 1999) 357, quoted in Grey, *The ICC’s First Forced Pregnancy Case in Historical Perspective*, 920.

¹⁴ Boon, “*Rape and Forced Pregnancy under the ICC Statute*,” 666.

the end, the negotiations were largely seen as a success for the “pro-forced pregnancy faction”. However, as this section has argued, such a result was reached through a delicate compromise, which would have complicated the prosecution of forced pregnancy for a long time.

The Challenges in Definition and Prosecution

The Actus Reus: “Unlawful Confinement of a Woman Forcibly Made Pregnant”

In the forced pregnancy provision, as confirmed by the ICC Elements of Crimes,¹⁵ the ICC Pre-Trial Chamber II in the Ongwen case, and the ICC Trial Judgment in the Ongwen Case, the relevant conduct is “unlawfully confining a woman who has been forcibly made pregnant.”¹⁶ Therefore, the actus reus of the crime of forced pregnancy is the unlawful confinement of the victim. This implies that the perpetrator “need not have personally made the victim pregnant.”¹⁷ Nonetheless, the term “forcibly” with reference to the pregnancy implies that the latter had to be involuntary and, thus, provoked through coercion. It has been recognized that the adverb “forcibly” does not encompass exclusively physical violence but also “fear of violence, duress, detention, psychological oppression or abuse of power.”

To sum up, as observed by the Trial Chamber in the Ongwen Case, the material element of forced pregnancy can be split into two components: the “unlawful confinement” and the “forcibly impregnation.”¹⁸ As some scholars point out, this twofold nature raises some challenges when it comes to the prosecution of the crime. For instance, according to Markovic, to prove forced pregnancy, the prosecutor will have to present evidence that the pregnancy was undesired and brought about by sexual violence.

Further issues are raised by the fact that the perpetrators of the two crimes, namely rape and unlawful confinement of the pregnant woman, may be different people.¹⁹ In a commentary on

¹⁵ International Criminal Court, *Rome Statute*, 9 and 29.

¹⁶ Prosecutor v. Dominic Ongwen (Trial Judgement), ICC-02/04-01/12 (International Criminal Court, 4 February 2021), para. 2723.

¹⁷ Ibid, para 2723. See also Otto Triffterer and Kai Ambos, *Rome Statute of the International Criminal Court: A Commentary* (London, United Kingdom: Bloomsbury Publishing, 2016), p. 274 art. 138, <https://doi.org/10.1093/law/9780198298625.001.0001>.

¹⁸ See note above, para. 2724-2725.

¹⁹ Milan Markovic, “Vessels of Reproduction: Forced Pregnancy and the ICC,” *Michigan State Journal of International Law* 16, no. 2 (2007): 444, <https://scholarship.law.tamu.edu/facscholar/163>.

forced pregnancy, Amnesty International questioned this vision claiming that the conflation of the requirement that the victims were “forcibly made pregnant” and the crime of rape “unnecessarily complicates the application of this element and risks decisions that erroneously narrow the scope of the crime.”²⁰

With regard to the “unlawful confinement,” the ICC Statute wording does not specify how long the pregnant person must be imprisoned to reach the threshold of forced pregnancy. However, there is consensus that the confinement does not need to last the entirety or even the majority of the pregnancy. To fulfil the actus reus requirements, it is enough that the victim is unlawfully imprisoned at any point throughout the pregnancy.²¹ Moreover, the ICC Elements of the Crime does not specify if the deprivation of liberty must be severe. Therefore, it has been established that in order to satisfy the actus reus requirement, it is sufficient that the victim is de facto unable to leave the place of confinement.²²

The Mens Rea

In accordance with Article 30(1) of the Rome Statute, a person can be held criminally responsible for a crime only if “the material elements are committed with intent and knowledge.”²³ Acting with knowledge implies that the perpetrator was aware, at the time of the crime, that a certain circumstance existed or was likely to occur.²⁴ In the case of forced pregnancy, the knowledge requirement is satisfied if the perpetrator is aware not only that the victim confined is pregnant, but also that the pregnancy was forcibly provoked. This may raise some procedural challenges because it is not always easy to prove sufficient awareness, especially considering that

²⁰ Amnesty International, rep., *Forced Pregnancy: a Commentary on the Crime in International Criminal Law* (Amnesty International, June 30, 2020), <https://www.amnesty.org/en/documents/ior53/2711/2020/en/>.

²¹ International Criminal Court, Prosecutor v. Dominic Ongwen (Trial Judgement), para. 2724. See also Boon, *Rape and Forced Pregnancy under the ICC Statute*, 662-663. See also Amnesty International, *Forced Pregnancy*, 11.

²² See note above. See also Triffterer and Ambos, *Rome Statute of the International Criminal Court*, p. 274 art. 137. See also Matt Cannock et al, “Symposium in Pursuit of Intersectional Justice at the International Criminal Court: Group Three – Observations on Forced Pregnancy – Protecting Personal and Reproductive Autonomy,” *Opinio Juris*, May 3, 2022, <https://opiniojuris.org/2022/05/03/symposium-in-pursuit-of-intersectional-justice-at-the-international-criminal-court-group-three-observations-on-forced-pregnancy-protecting-personal-and-reproductive-autonomy/>.

²³ International Criminal Court, *Rome Statute*, art. 30(1).

²⁴ See note above, art. 30(3).

the person who forcibly impregnated the victim may not be the same person who is holding her captive.²⁵ The ICC sets a general intent requirement that is satisfied if it is shown that the accused “means to engage in the conduct” criminalized.²⁶

However, one of the most challenging aspects of the forced pregnancy provision is that the satisfaction of the general intent requirement is not enough to convict someone of this crime. As clarified by the ICC in the Ongwen case, “not every confinement of a forcibly impregnated woman constitutes the crime of forced pregnancy.”²⁷ Indeed, the forced pregnancy provision describes two alternative specific intents. The first one is the intent of “affecting the ethnic composition of any population.”²⁸ It has been underscored that the ethnic intent requirement does not refer in any way to the outcome of the pregnancy, but rather to the confinement itself.²⁹ In this sense, Markovic notices that the comma separating “forcibly made pregnant” from “with the intent of” suggests that only the confinement has to pass the ethnic requirement test.³⁰ This means that it makes no difference if the perpetrator's acts actually changed the ethnic composition of the population; what matters is the intention, not the outcome.

The second specific intent is “carrying out other grave violations of international law.”³¹ It significantly broadens the scope of forced pregnancy for two main reasons. First of all, it does not set any restriction on the ethnicity of the perpetrator and the victim, who in the first specific intent are supposed to belong to different ethnic groups.³² Second, and more importantly, there is no definition of “other grave violations of international law.” This gives large discretion to judges when it comes to prosecuting the crime of forced pregnancy. The Pre-Trial Chamber, which confirmed the charges in the Ongwen case, endorsed the interpretation according to which “other

²⁵ Markovic, “*Vessels of Reproduction*,” 445.

²⁶ International Criminal Court, *Rome Statute*, art. 30 (2)(a).

²⁷ International Criminal Court, *Prosecutor v. Dominic Ongwen* (Trial Judgement), para 2726.

²⁸ International Criminal Court, *Rome Statute*, art. 7(2)(f).

²⁹ *Prosecutor v. Dominic Ongwen* (Decision on the confirmation of charges against Dominic Ongwen), ICC-02/04-01/15 (International Criminal Court, 23 March 2016, para 100).

³⁰ Markovic, “*Vessels of Reproduction*,” 444.

³¹ International Criminal Court, *Rome Statute*, art. 7(2)(f).

³² Boon, “*Rape and Forced Pregnancy under the ICC Statute*,” 663.

grave violations of international law” include all crimes within the ICC jurisdiction, including rape, sexual slavery, enslavement, and torture.³³

Relation to National Abortion Laws

As shown by the previous section on the negotiating process, the relation of forced pregnancy to national abortion laws was one of the most concerning issues for some of the actors involved, particularly the Holy See and the Arab Bloc states. These concerns were appeased by the inclusion of the final clause: “*this definition shall not in any way be interpreted as affecting national laws relating to pregnancy.*” Does this clause “merely state the obvious”³⁴ or does it create a sort of “state action exception”?³⁵

In 2001, Boon pointed out that the final clause of the forced pregnancy provision “explicitly shields national abortion laws from ICC scrutiny,” therefore states will not be required “to change their national legislation to create bases for reproductive freedom.”³⁶ In this regard, some commentators have observed that, because of this clause, there is no guarantee that states will respect women’s reproductive rights, among which is terminating an unwanted pregnancy. This could create a sort of “state action exception,” in which states have complete freedom in restricting reproductive autonomy and they could also decide to lawfully confine pregnant women to prevent abortions.³⁷

However, according to a less sceptical commentary by Amnesty International, the reason for the inclusion of this clause is not to be sought in the willingness to create a regime of “state action exception,” but again in the willingness of the ICC to doubly reassure reluctant states during negotiations. From this point of view, the national law clause is actually stating the obvious: the ICC does not have the authority to amend or nullify national laws. Moreover, according to a fundamental principle of international criminal law, crimes committed pursuant to national laws are

³³ International Criminal Court, Prosecutor v. Dominic Ongwen (Decision on the Confirmation of Charges), para 101.

³⁴ Amnesty International, *Forced Pregnancy*, 22.

³⁵ Markovic, “*Vessels of Reproduction*,” 447.

³⁶ Boon, “*Rape and Forced Pregnancy under the ICC Statute*,” 666.

³⁷ Markovic, “*Vessels of Reproduction*,” 447.

still prosecutable. Therefore, the final clause does not relieve anyone who committed a crime from their responsibility under international law.³⁸

Conclusion

To conclude, the inclusion of the forced pregnancy provision in the ICC Statute is a great step forward in creating accountability for SGBV crimes. However, as explained in the second and third sections, the delicate compromise reached through the Rome Statute negotiations produced a uniquely narrow definition, which unfortunately reduces its scope of application. As Grey observes, “this definition excludes many experiences which one might expect to be covered by the crime of forced pregnancy.”³⁹ For instance, the expression “forcibly made pregnant” overlooks the experiences of women who become pregnant after consensual sex and, having demonstrated a willingness to terminate their pregnancy, are confined to prevent them from having an abortion. In this regard, the Ongwen Trial Judgement underscored that the term “forcibly” should be understood broadly, to encompass also “force, or threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power.”⁴⁰

Moreover, some observers have suggested that the term “forcibly” could also include the cases in which a woman is intentionally denied access to contraception or other reproductive services. However, this is not enough. One of the most remarkable elements of the Ongwen Trial Judgement is the founding that “the crime of forced pregnancy is grounded in the woman’s right to personal and reproductive autonomy and the right to family.”⁴¹ This essay’s provocation here is: can we really guarantee reproductive autonomy without establishing a general right to abortion?

Reproductive autonomy without fair abortion laws risks becoming just a void concept. While the Ongwen case has been of crucial importance in raising awareness and requesting accountability for the crime of forced pregnancy, the ICC should go beyond the “uniquely narrow” definition provided in the Rome Statute. It is time for the ICC to take into account the incredible

³⁸ Amnesty International, *Forced Pregnancy*, 22-23.

³⁹ Grey, “*The ICC’s First Forced Pregnancy Case in Historical Perspective*,” 921.

⁴⁰ International Criminal Court, *Prosecutor v. Dominic Ongwen* (Trial Judgement), para. 2725.

⁴¹ See note above, para 2717.

multitude of injustices that women still suffer in the 21st century. Both the conflict in Ukraine, where there is evidence of rapes and other atrocities being committed by Russian soldiers against Ukrainian women,⁴² and the recent decision of the “biggest democracy in the world,” the United States, to overturn the decision that provided women the right to seek abortions,⁴³ raise a multitude of concerns about the future of reproductive autonomy for women across the world.

⁴² Daniel Berehulak and Carlotta Gall, “Bucha’s Month of Terror,” *The New York Times*, April 11, 2022, <https://www.nytimes.com/interactive/2022/04/11/world/europe/bucha-terror.html>.

⁴³ Jessica Glenza, Martin Pengelly, and Sam Levin, “US Supreme Court Overturns Abortion Rights, Upending Roe v Wade,” *the Guardian*, June 24, 2022, <https://www.theguardian.com/world/2022/jun/24/roe-v-wade-overturned-abortion-summary-supreme-court>.

Bibliography

Books and articles

- Ambos, Kai, and Otto Triffterer. *Rome Statute of the International Criminal Court*. London, United Kingdom: Bloomsbury Publishing, 2016.
- Amnesty International. Rep. *Forced Pregnancy: a Commentary on the Crime in International Criminal Law*. Amnesty International, June 30, 2020.
<https://www.amnesty.org/en/documents/ior53/2711/2020/en/>.
- Berehulak, Daniel, and Carlotta Gall. "Bucha's Month of Terror." *The New York Times*, April 11, 2022. <https://www.nytimes.com/interactive/2022/04/11/world/europe/bucha-terror.html>.
- Boon, Kristen. "Rape and Forced Pregnancy under the ICC Statute: Human Dignity, Autonomy, and Consent." *Columbia Human Rights Law Review* 32, (2001): 625-675.
<https://heinonline.org/HOL/LandingPage?handle=hein.journals/colhr32&div=20&id=&page>
- van Campen, Sterre. "A Legal First in International Criminal Justice: A Conviction for Forced Pregnancy in the Ongwen Case." *IntLawGrrls* (blog), May 18, 2021.
<https://ilg2.org/2021/05/18/a-legal-first-in-international-criminal-justice-a-conviction-for-forced-pregnancy-in-the-ongwen-case/>.
- Carpenter, Robyn Charli. "International Conference on War-Affected Children." Paper presented at the International Conference on War-Affected Children, Winnipeg, Canada, 27 July 2000.
http://web.tiscali.it/humanrights_it/ing/parttwof.htm.
- Carpenter, Robyn Charli. "Forced Maternity, Children's Rights and the Genocide Convention: A Theoretical Analysis." *Journal of Genocide Research* 2, no. 2 (2000): 213–244.
<https://doi.org/10.1080/713677603>.
- Glenza, Jessica, Martin Pengelly, and Sam Levin. "US Supreme Court Overturns Abortion Rights, Upending Roe v Wade." *The Guardian*, June 24, 2022.
<https://www.theguardian.com/world/2022/jun/24/roe-v-wade-overturned-abortion-summary-supreme-court>.
- Grey, Rosemary. "The ICC's First 'Forced Pregnancy' Case in Historical Perspective." *Journal of International Criminal Justice* 15, no. 5, (2017): 905-930.
<https://doi.org/10.1093/jicj/mqx051>.
- Hites, Danielle. "The International Criminal Court Still Has Work to Do on Gender-Based Crimes." *MS Magazine*, February 24, 2021.
<https://msmagazine.com/2021/02/24/dominic-ongwen-international-criminal-court-gender-based-crimes-violence-against-women-girls-rape-war-crimes/>.

Markovic, Milan. "Vessels of Reproduction: Forced Pregnancy and the ICC." *Michigan State Journal of International Law* 16, no. 2 (2007): 439-458.
<https://scholarship.law.tamu.edu/facscholar/163>.

Cannock, Matt , Rosemary Grey, Akila Radhakrishnan, and Alix Vuille. "Symposium in Pursuit of Intersectional Justice at the International Criminal Court: Group Three – Observations on Forced Pregnancy – Protecting Personal and Reproductive Autonomy." *Opinio Juris*, May 3, 2022.
<https://opiniojuris.org/2022/05/03/symposium-in-pursuit-of-intersectional-justice-at-the-international-criminal-court-group-three-observations-on-forced-pregnancy-protecting-personal-and-reproductive-autonomy/>.

Normative instruments

International Criminal Court. *Elements of Crimes*. The Hague: International Criminal Court, 2011.
<https://www.icc-cpi.int/sites/default/files/Publications/Elements-of-Crimes.pdf>.

International Criminal Court. *Rome Statute of the International Criminal Court*. The Hague: International Criminal Court, 2011. <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>.

International Committee of the Red Cross. *IV Geneva Convention Convention Relative to the Protection of Civilian Persons in Time of War*. *International Humanitarian Law Database*. Geneva, Switzerland: International Committee of the Red Cross, 1949.
<https://ihl-databases.icrc.org/assets/treaties/380-GC-IV-EN.pdf>.

Fourth World Conference on Women. *Beijing Declaration and the Platform for Action*. New York, United States: United Nations, 1995.
<https://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>.

The World Conference on Human Rights. *Vienna Declaration and Programme of Action*. United Nations General Assembly. New York, United States: United Nations General Assembly, 1993.
<https://www.ohchr.org/sites/default/files/vienna.pdf>.

Cases Law

Prosecutor v. Dominic Ongwen (Decision on the confirmation of charges against Dominic Ongwen), ICC-02/04-01/15. International Criminal Court, 23 March 2016.

Prosecutor v. Dominic Ongwen (Trial Judgement), ICC-02/04-01/12. International Criminal Court, 4 February 2021.