

side event
CSW70

Gender Justice and Universal Jurisdiction

*Strengthening access
to justice for women
and girls*

Tuesday

17

MARCH

Cervantes Institute, New York

211 E 49th St, 10017

5:00pm – 7:30pm



PARTNERS IN JUSTICE
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AMG
Asociación de Mujeres
de Guatemala

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LAW FIRM IN HUMAN RIGHTS



Publication date: April 2026

FIBGAR Conference Report



Authorship: FIBGAR

Federica Carnevale

Layout: Federica Carnevale

Editing and proofreading: Alessia Schiavon

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Credits and acknowledgements:

We acknowledge the collective work contributed by the experts who participated as speakers in the Congress, which made the preparation of this report possible.



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REPORT ON THE SEMINAR “GENDER JUSTICE AND UNIVERSAL JURISDICTION”

New York, 17 March 2026

INTRODUCTION

On 17 March, the seminar “Gender Justice and Universal Jurisdiction” was held in New York, organised by the Baltasar Garzón International Foundation (FIBGAR) in conjunction with the Guatemalan Women’s Association (AMG), DEMOS Law Firm in Human Rights (DEMOS), Partners in Justice International (PJI) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women).

The event took place within the framework of the Commission on the Status of Women (CSW) – CSW70, the main global intergovernmental forum dedicated to gender equality and the empowerment of women, which this year focused on access to justice for women and girls and on the elimination of structural barriers that impede gender equality.

The event served as a forum for reflection and dialogue on one of the most significant challenges in contemporary international law: the effective incorporation of a gender perspective into mechanisms for accountability for international crimes. The meeting brought together representatives of international organisations, legal experts, members of civil society and human rights experts, with the aim of critically analysing the existing limitations in the application of universal jurisdiction and exploring its potential as a tool for addressing gender-based violence on a global scale.

Furthermore, it took on particular significance as the starting point for a broader process initiated by FIBGAR, aimed at updating the Madrid-Buenos Aires Principles on Universal Jurisdiction, adopted in 2015. In this regard, the seminar launched a series of international meetings scheduled to take place throughout 2026 in different regions, with the aim of gathering experiences, identifying challenges and formulating proposals designed to strengthen this principle in a global context marked by new forms of crime and persistent situations of impunity.

The event also formed part of the growing need to rethink international legal instruments from a more inclusive perspective that is sensitive to structural inequalities. In particular, the importance of integrating the gender dimension was highlighted, not merely as a cross-cutting element, but as a central pillar in the interpretation and application of universal jurisdiction, recognising that many of the most serious forms of violence affect women and girls, as well as other people in vulnerable situations, in distinct ways.

Throughout the seminar, a space for analysis was created that combined institutional contributions, theoretical reflections and practical insights, enabling a dialogue between different experiences. From the institutional opening to the conclusion of the panel discussion, the meeting highlighted the need to move towards a more effective international justice system, capable of responding to contemporary transformations and of placing victims—and in particular victims of gender-based violence—at the centre of justice processes.

In this context, the purpose of this report is to systematise the main contributions and debates that emerged during the seminar, offering a coherent overview of the event's proceedings. Beyond a mere compilation of contributions, the document seeks to reconstruct the central theme that ran through the day's proceedings: the conviction that universal jurisdiction, properly interpreted and strengthened, can constitute a key tool for combating impunity for gender-based crimes at a global level.

INSTITUTIONAL WELCOME AND OPENING REMARKS

María Garzón, President of FIBGAR; Adilia de las Mercedes, from the Guatemalan Women's Association (AMG); and Alessia Schiavon, Director of FIBGAR.

The official opening of the seminar was led by María Garzón, President of FIBGAR; Adilia de las Mercedes, representative of the Guatemalan Women's Association (AMG); and Alessia Schiavon, Director of FIBGAR, who provided an introductory framework that placed the event within both its political context and its strategic scope.

During **María Garzón's** speech, she highlighted the value of the Instituto Cervantes in New York as the venue for the event, emphasising its symbolic importance as a meeting place for thought, culture and commitment to human rights.

Similarly, the collaboration of the co-organising and partner organisations was highlighted, in particular the Guatemalan Women's Association (AMG), DEMOS Law Firm in Human Rights (DEMOS), Partners in Justice International (PJI) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), whose coordination made it possible to hold the seminar within the framework of the international agenda.

Throughout the opening session, the fundamental role of civil society—and especially of women—in promoting international justice was emphasised, highlighting their historical capacity for coordination, leadership and transformation in the defence of human rights. Far from being the result of spontaneous developments, it was emphasised that progress in the field of justice has been the result of sustained processes driven by individuals and groups committed to accountability and the fight against impunity.

The seminar was also situated within a broader trajectory of work promoted by FIBGAR on the issue of universal jurisdiction. In this regard, it was noted that the Foundation has developed initiatives aimed at extending the scope of this principle to areas such as economic, financial and environmental crimes. However, it was acknowledged that these developments have not sufficiently incorporated a gender perspective, highlighting the need to initiate a process of review and strengthening from a more inclusive approach in line with contemporary challenges.

Building on this assessment, the seminar was presented as the start of a new phase in FIBGAR's work, aimed at reviewing and strengthening the application of universal jurisdiction from a gender perspective. This process was conceived with a global dimension, envisaging meetings in different regions—including Latin America, Africa and other contexts—with the aim of gathering diverse experiences and developing proposals adapted to contemporary realities.

In this vein, the transformative nature of universal jurisdiction was reaffirmed, understood as a legal tool that challenges the traditional limitations of state sovereignty by recognising that certain crimes affect humanity as a whole and, therefore, cannot go unpunished.

From this perspective, it was emphasised that the incorporation of the gender dimension is not an ancillary element, but an indispensable condition for ensuring effective accountability and a more inclusive international justice system.

Adilia de las Mercedes' presentation provided an in-depth examination of the particularly challenging nature of universal jurisdiction, highlighting that it is an instrument which directly challenges state borders and the possibility that certain crimes may go unpunished.

It was also highlighted that this principle has a long historical tradition and has been closely linked to the pursuit of justice driven by the victims themselves, who have played a central role in its contemporary development.

At the same time, the role of women within these processes was highlighted, not only as victims of serious human rights violations, but as key actors in the transformation of justice systems. Their growing presence in fields such as the judiciary, academia, international organisations and civil society has contributed decisively to raising awareness of historically silenced crimes and to the development of legal responses to them.

Particular attention was given to experiences in Latin America—especially in Central America—regarding the use of universal jurisdiction as a tool to address serious crimes such as femicide. These processes have involved not only the reporting of such violence, but also the creation of spaces for

coordination and collective reflection aimed at strengthening the fight against impunity.

Building on this, the importance of such gatherings as spaces for building networks and strengthening alliances between individuals and organisations committed to justice was highlighted. The creation of links and collaborative work were identified as key elements for advancing the defence of human rights, emphasising the need to sustain such spaces beyond the event itself.

Alessia Schiavon's remarks served to introduce the methodological and political purpose of the seminar as an open, safe and dialogue-oriented space, designed to facilitate connections between diverse actors, share ongoing experiences and foster future collaborations. Among its central objectives, the need to overcome the existing fragmentation between different initiatives was highlighted, by promoting a common space for exchange and the creation of synergies.

Within this framework, one of the structural tensions that justified the seminar was identified: the persistent disconnect between debates on gender justice and those concerning universal jurisdiction. Whilst the former tend to overlook the potential of this principle as a tool for accountability, the latter have not systematically incorporated a gender perspective. This gap highlighted the need to create specific forums for coordination, such as this meeting.

Thus, the seminar was conceived not only as a space for the exchange of ideas, but as a platform aimed at laying the foundations for a future line of joint work, promoting the building of alliances and the development of a sustained space for reflection and action around the intersection between universal jurisdiction and gender justice.

PANEL: GENDER JUSTICE AND UNIVERSAL JURISDICTION

Speakers: *Maxine Marcus, Partners in Justice International (PJI), Laura Quijano Ortiz, United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), Adilia de las Mercedes, Asociación Mujeres de Guatemala (AMG), Alyssa T. Yamamoto, Atlantic Council (AC), Silvia Juárez, Organisation of Salvadoran Women (ORMUSA), Mariana Karkoutli, Huquqyat Research Programme, Ana Grace Cabrera, United Nations Entity for Gender Equality and the Empowerment of Women (UN Women).*

Moderator: Alessia Schiavon, Director of FIBGAR

The panel dedicated to the intersection between gender justice and universal jurisdiction brought together a group of experts with established

careers in the fields of international law, human rights and strategic litigation. Moderated by Alessia Schiavon, Director of FIBGAR, the session served as a forum for analysis aimed at exploring the progress, tensions and persistent challenges in incorporating a gender perspective into international accountability mechanisms.

The moderator introduced the central theme of the debate, highlighting the need to link the agendas of gender justice and universal jurisdiction –which have traditionally been pursued in parallel– more effectively. As a starting point, a discussion was initiated to analyse the evolution of the incorporation of a gender perspective into international criminal justice over recent decades, as well as to identify the main challenges that persist in the investigation and prosecution of these crimes, particularly from a victim-centred approach.

Within this framework, the first presentation was given by **Maxine Marcus**¹. Her presentation offered a historical and critical analysis of the evolution of the incorporation of a gender perspective into the prosecution of these crimes.

Building on this approach, she situated current advances within a progressive process dating back to the Nuremberg trials, which gained renewed momentum with the creation of the ad hoc international criminal tribunals. From this perspective, she noted that, in its early stages, the international justice system did not pay specific attention to crimes of sexual violence, which motivated the work of the first advocates for gender justice, who promoted the recognition of these offences as distinct categories within international criminal law.

However, she cautioned that this normative advance also produced unintended consequences. In particular, she explained that the independent criminalisation of crimes of sexual violence, whilst making the specific nature of the harm visible, led to their treatment as a separate category within judicial proceedings. This separation, far from strengthening their prosecution, has in some cases contributed to a lower assessment of their gravity, as well as to the application of more demanding standards of proof compared to other international crimes, such as torture.

¹ Maxine Marcus is a prosecutor and researcher in international criminal law with 28 years' experience both in the field and in courtrooms, specialising in the prosecution of international crimes such as genocide, war crimes and crimes against humanity. She served as a prosecutor for nine years at the International Criminal Tribunal for the former Yugoslavia (ICTY) and previously as an investigator at the Special Court for Sierra Leone, as well as participating in various United Nations commissions of inquiry and international missions in conflict contexts. She is currently co-founder and co-director of Partners in Justice International, where she focuses her work on providing technical support to national justice actors to strengthen accountability for atrocity crimes, with a victim-centred approach. Her career spans more than a dozen countries and combines research, litigation, training and the development of innovative strategies, particularly in the prosecution of sexual violence in conflict and in building complex cases without direct forensic evidence.

From this critical perspective, she identified as one of the main current challenges the need to overcome these dynamics and move towards a more comprehensive approach, which allows gender-based violence to be understood not as an isolated issue, but as a structural component of international crimes. This limitation was also linked to the persistence of patriarchal structures and gender biases within the justice systems themselves, highlighting the need for a more profound transformation that goes beyond formal advances in the criminalisation of offences.

In this vein, she advocated for the adoption of an intersectional approach to the investigation and prosecution of these crimes, questioning the effectiveness of solutions based exclusively on the creation of gender-specialised units. According to her analysis, the gender perspective should be integrated across the board into all areas of judicial work, avoiding its relegation to specific structures that may end up reproducing its marginalisation.

Alongside these limitations, significant progress was acknowledged in the prosecution of gender-based violence crimes at the international level, reflected in the increase in cases investigated and prosecuted in recent decades. In particular, the strengthening of capacities to drive proceedings in national jurisdictions was highlighted, bringing justice closer to the affected communities.

A central element of the discussion was the importance of the active participation of victims and survivors in justice processes. It was emphasised that the most effective mechanisms have been those in which victims and survivors have been involved from the initial stages, contributing to the definition of investigation and prosecution strategies. This participation not only strengthens the legitimacy of the processes but also enables the creation of experiences of justice with a transformative impact, even in contexts where judicial outcomes are not fully consolidated.

As an illustrative example, reference was made to experiences in Latin America, particularly in Guatemala, where judicial processes have actively involved the affected communities. In these cases, even when judicial decisions have faced subsequent obstacles, the process itself has represented a significant form of recognition and reparation for victims, reinforcing a conception of justice that transcends the imposition of sanctions and extends to participatory and restorative dimensions.

Finally, the importance of ensuring legal representation for victims was highlighted as a key element for their effective participation in judicial proceedings, emphasising that some systems —particularly in Latin America— offer advanced models in this regard. From this perspective, it was concluded that strengthening international criminal justice requires not only normative advances, but also a sustained commitment to the

centrality of victims and the adaptation of processes to their needs and realities.

In conclusion, Maxine Marcus's presentation highlighted that the evolution of gender justice cannot be understood solely through its normative development, but requires a shift towards an approach that places the experience and participation of victims at the centre. In this regard, her analysis showed that the incorporation of a victim-centred approach is not merely a technical element within judicial processes, but rather implies a substantive transformation in the way justice is conceived.

On this basis, it became clear that moving towards genuinely victim-centred models requires structural changes both in institutions and in the practices of the various actors involved, including international bodies and civil society organisations. At the same time, her presentation highlighted that, despite the progress made in recent decades, significant challenges remain in the effective implementation of this approach, reinforcing the need to continue driving reform processes and promoting spaces for joint reflection aimed at consolidating a more inclusive and transformative justice system.

The second presentation was given by **Laura Quijano Ortiz**². Her presentation offered an applied perspective, grounded in the practical operation of specific transitional justice mechanisms, enabling reflections to be articulated both from the Colombian context and from the international landscape.

Her presentation was structured around two complementary strands: on the one hand, the experience of the Special Jurisdiction for Peace (JEP) in Colombia; on the other, an analysis of the current state of access to justice for women and girls globally.

With regard to the JEP, an interpretation was proposed which, whilst acknowledging the difficulties this mechanism still faces, highlights the progress made, particularly in the incorporation of a gender perspective. On this basis, four key lessons derived from its operation were identified.

The first relates to the need to broaden the understanding of the concept of gender, moving beyond its exclusive association with women. Within the framework of the JEP, the application of this broad approach has made it possible to incorporate an analysis of violence based on sexual orientation,

² Laura Quijano Ortiz is a policy analyst in the transitional justice section of UN Women, with experience in institutional and academic settings and at the Special Jurisdiction for Peace (JEP) in Colombia. Her career has focused on the intersection of transitional justice, gender and human rights, with involvement in initiatives related to women, peace and security, as well as accountability processes in conflict contexts. She holds a law degree from the Universidad del Rosario (Bogotá, Colombia) and a specialisation in international law from the same institution. She also has postgraduate training in human rights from Columbia Law School, where she was selected as a fellow, further strengthening her international profile. She currently works as a case officer in the Truth and Accountability Section of the JEP's Peace Tribunal, contributing to the legal analysis of complex cases, including those related to gender-based violence in the Colombian armed conflict.

gender identity and gender expression, thereby enriching the understanding of the dynamics of victimisation, the harm suffered and the obstacles to access to justice.

The second lesson relates to the intersectional nature of the approach adopted. Far from conceiving of women as a homogeneous group, the Colombian experience highlights the importance of addressing factors such as ethnic or territorial affiliation. This approach does not remain at the theoretical level, but translates into concrete adaptations of judicial procedures, aimed at guaranteeing access to justice that is culturally relevant and in line with the realities of the victims.

Thirdly, the experience analysed challenges the tendency to reduce gender justice to the prosecution of sexual violence. Whilst this constitutes a central component, the approach developed by the JEP has broadened the analysis to include other forms of gender-based violence, as well as the incorporation of a gender perspective into the understanding of various international crimes. In this regard, progress has been made in addressing reproductive violence and in analysing the impact of gender dynamics on phenomena such as forced displacement or forced labour.

The fourth lesson highlights the need to integrate the gender perspective from the very design of justice mechanisms. The JEP's experience shows that this integration cannot depend on isolated initiatives or the individual will of those operating the system, but rather requires its structural integration into rules, procedures and institutional bodies. Within this framework, the existence of specific mechanisms and bodies with expertise in gender issues is a key element in ensuring its effective implementation.

In a second dimension of the analysis, from the perspective of UN Women, the global landscape of access to justice for women and girls was addressed, particularly in contexts of armed conflict, crisis and fragility. The available data reflect a significant increase in exposure to violence, accompanied by a particularly alarming rise in sexual violence in armed conflicts in recent years.

This context reveals a persistent gap between justice needs and the capacity of systems to address them, in a scenario marked by a weakening of respect for international humanitarian law and human rights. In light of this reality, strengthening institutional capacities to investigate and document gender-based crimes takes on particular importance, as does the deployment of specialised expertise to support judicial processes in various contexts.

Within this framework, universal jurisdiction emerges as a mechanism which, whilst not constituting the central focus of UN Women's work, occupies a significant place within the international justice ecosystem. In particular, it stands out as one of the few avenues available to victims in

contexts where national or transitional mechanisms have not been activated or have not yet reached a sufficient level of consolidation.

At the same time, its potential extends beyond the processes to which it is applied, as it can act as a catalyst for justice-related dynamics at the national level. The creation of political and legal incentives can help to reactivate internal accountability mechanisms, in conjunction with broader transitional justice processes aimed at establishing truth and accountability.

However, this potential coexists with significant limitations, linked mainly to political constraints. The persistence of power structures or international support for certain actors may restrict the effectiveness of these processes, highlighting the need to continue developing strategies that strengthen the application of universal jurisdiction in the face of contemporary challenges in the fight against impunity.

The third presentation was given by **Mariana Karkoutli**³. Her contribution brought the Syrian case into the debate as one of the most relevant examples of the contemporary application of universal jurisdiction, particularly in the prosecution of international crimes and its impact on victims.

Her analysis focused on a process still under development, in which the Syrian experience has incorporated lessons learned from other contexts, both in Europe and in Latin America. Within this framework, recent advances in the use of universal jurisdiction in relation to the Syrian case were highlighted, reflecting the progressive geographical reach of this mechanism beyond the European sphere.

Drawing on her experience working with organisations dedicated to documenting international crimes, she discussed the development of the first judicial proceedings in Europe, with particular reference to the Koblenz case in Germany, considered a milestone in the application of universal jurisdiction. This process culminated in the conviction of those responsible for war crimes and crimes against humanity committed in detention centres, including acts of sexual and gender-based violence.

However, the incorporation of these crimes into the judicial process was not immediate, but required additional efforts for their recognition,

³ Mariana Karkoutly is a legal researcher, doctoral fellow and research associate at the University of Marburg, where she participates in the MeDiMi project on crimes against human rights and the implementation of the principle of universal jurisdiction in Germany. She is also co-founder and director of the research programme at Huquqyat, an organisation comprising female lawyers working towards accountability for international crimes in Syria and the SWANA region, actively contributing to the development of case files on war crimes and crimes against humanity. Her career has been deeply shaped by her experience in Syria, where she began her commitment to the defence of human rights, particularly in relation to discrimination and violence against women. She has collaborated with Syrian civil society organisations and participated in international advocacy initiatives, including the preparation of reports for the United Nations. She has a strong academic background—a law degree from the University of Damascus, and master's degrees from Alice Salomon University and Humboldt University in Berlin—and is part of international networks such as Justice Rapid Response. Her profile combines research, strategic litigation and advocacy in the contexts of international and transitional justice.

highlighting the initial difficulties in fully integrating gender-based violence into the investigations. Their inclusion proved decisive not only from a legal standpoint, but also in terms of recognition, by enabling victims—particularly women survivors—to bring their experiences to light within the judicial sphere.

In this context, the participation of victims emerged as a central element of the process. The mechanisms that facilitated their active involvement, including legal representation and the opportunity to make statements and ask questions during the trial, had a particularly significant impact in the Syrian case, where large sections of the population have historically been excluded from independent justice systems. These proceedings thus acquired added value in terms of recognition and access to justice.

However, this progress coexists with structural limitations. Judicial proceedings abroad take place in parallel with the ongoing crimes in Syria, which creates a constant tension between the retrospective dimension of justice and the persistence of the violations. In this sense, the trials have made it possible not only to bring past events to light, but also to denounce the continuation of these practices, helping to generate pressure at the international level.

Among the most significant effects of these proceedings, their impact on the evolution of domestic legal frameworks was identified, particularly in countries such as Germany, where reforms have been introduced regarding the criminalisation and prosecution of crimes related to sexual and gender-based violence. These changes demonstrate the capacity of universal jurisdiction to influence the development of law at the national level.

At the same time, the existence of significant obstacles to the participation of women survivors in these proceedings was highlighted. Factors such as social stigma, family and community repercussions, as well as limitations in witness protection mechanisms, continue to hinder their effective access to justice. In many cases, women face not only the aftermath of the violence they have suffered, but also additional risks arising from their participation in judicial proceedings.

In particular, the lack of full guarantees of anonymity and protection is a critical issue, especially when there are risks to family members in the country of origin. Added to this is the complexity of participating in judicial proceedings in contexts where there is no tradition of access to justice, which adds a further dimension of difficulty for victims.

Despite these limitations, the experience analysed highlights the transformative potential of these processes. The criminalisation and prosecution of gender-based violence crimes help to change social perceptions, shifting such violence from invisibility or stigmatisation towards recognition as serious crimes. In this sense, universal jurisdiction,

despite its limitations, is establishing itself as a relevant tool in the fight against impunity, laying the foundations for future justice processes both at the international level and within the Syrian context itself.

During the debate, and in response to a question from the audience, a discussion arose regarding the practical challenges of victim and witness participation in universal jurisdiction proceedings, focusing on their involvement from the initial stages of the proceedings. This issue allowed for the discussion of recurring problems linked to age, such as geographical distance, language barriers and limitations in access to information on the progress of judicial proceedings, as well as the need to identify best practices aimed at ensuring effective participation throughout all phases of the process.

Building on this theme, the discussion delved into the importance of involving victims and witnesses from the earliest stages of the investigation, not only as a guarantee of participation, but as a necessary condition for gaining a more complete understanding of their experiences and perspectives. This approach is particularly relevant in relation to the dimensions of the crimes that have, at times, been insufficiently considered in traditional investigations.

In this regard, it was highlighted that the inclusion of certain crimes—such as sexual and gender-based violence—in universal jurisdiction proceedings has not always been a spontaneous initiative by judicial authorities, but has, in many cases, required the coordinated action of civil society organisations and the victims themselves, who have played an active role in promoting their inclusion in investigations.

Among the practices aimed at strengthening this participation, the development of community meeting spaces—conceived as forums for direct dialogue between investigators, victims and witnesses—was highlighted. These spaces not only provide information on the legal aspects of the proceedings—including the functioning of universal jurisdiction and victims' rights—but also facilitate an understanding of the crimes under investigation and the incorporation of insights linked to the experiences of those affected.

Similarly, the importance of maintaining an ongoing connection with victims throughout the entire process was highlighted, avoiding limiting their participation to specific moments such as the taking of testimony. The implementation of mechanisms for constant communication allows for updates on the progress of investigations and encourages more active and informed participation, whilst respecting confidentiality requirements.

This type of support, moreover, not only helps to reinforce the centrality of the victims, but also enriches the legal work itself, by allowing teams to incorporate information and perspectives that might otherwise be excluded from the analysis. In this regard, continuous interaction with

victims and witnesses serves as a fundamental source of learning for legal practitioners, who must recognise the limitations of their own approaches and integrate this knowledge into the conduct of investigations.

Ultimately, coordination between civil society organisations, judicial authorities and victims is a key element in strengthening universal jurisdiction processes, not only in terms of effectiveness, but also in building more inclusive models of justice centred on those affected.

The next presentation was given by **Alyssa T. Yamamoto**⁴, whose talk was structured around two case studies —Iran and Afghanistan— with the aim of illustrating both the potential and the current limitations of universal jurisdiction from a gender perspective.

With regard to Iran, the analysis focused on the protests that began in 2022 under the slogan “Woman, Life, Freedom”, as well as the violent response deployed by the state authorities. This response was characterised by the systematic use of force, mass arrests, torture, and sexual and gender-based violence, acts that have been classified by various international mechanisms as potential crimes against humanity. This recognition has helped to reinforce the need to activate accountability mechanisms at the international level.

However, the existence of documented evidence and the sustained work of civil society have not, to date, resulted in the widespread initiation of judicial proceedings under the framework of universal jurisdiction, largely due to a lack of political will on the part of states. In this context, the filing of a complaint in Argentina takes on particular significance as a major step forward, driven largely by the actions of victims and survivors, who have played a central role in defining legal strategies and identifying the crimes to be investigated, with a particular focus on gender-based persecution.

The analysis also highlights the complexity of these processes in dynamic contexts, where situations of violence continue to evolve. This circumstance presents additional challenges both for documenting the facts and for developing litigation strategies, whilst also revealing tensions between different conceptions of justice, particularly when victims’ perceptions do not always align with traditional standards of international law.

In the case of Afghanistan, the analysis addressed a situation characterised by the absence of effective justice mechanisms at the national level and the failure to activate universal jurisdiction processes, despite the scale and

⁴ Alyssa T. Yamamoto is a senior advisor on legal and public policy matters at the Atlantic Council’s Strategic Litigation Project, where she works on initiatives for the prevention of and accountability for international crimes and human rights violations. Her career focuses on strategic litigation and international justice, with previous experience in the United Nations system and in the field of public international law. She served as legal adviser to the UN Special Rapporteur on the fight against terrorism, focusing on the incorporation of a gender perspective and on monitoring and accountability mechanisms. She has participated in international litigation and was educated at Yale Law School and Harvard College. She has also contributed to emerging legal debates, particularly regarding the recognition of gender apartheid.

systematic nature of the human rights violations. Since the Taliban regime's return to power, a system of structural oppression has taken root, specifically affecting women and girls through a set of rules, policies and practices that restrict their participation in public and private life.

In this context, the violations are not limited to individual acts of violence, but constitute an institutionalised regime of discrimination and subordination. This reality has given rise to a growing debate regarding the need to legally recognise the concept of gender apartheid as an international crime, a codification process currently under discussion in various international forums and in the development of new legal instruments.

Based on these elements, universal jurisdiction emerges as one of the few available avenues for advancing accountability in contexts where national or international mechanisms are non-existent or insufficient. However, its application remains limited and uneven, highlighting the need for greater commitment on the part of States to initiate investigations and judicial proceedings.

In this context, the adoption of a victim-centred approach from the initial stages of proceedings takes on particular importance, including the design of litigation strategies and the definition of the crimes to be investigated. The active participation of victims and civil society organisations is thus an essential element in ensuring that the justice system responds effectively to their needs and experiences.

Ultimately, the strengthening of universal jurisdiction appears to be linked not only to legal progress, but also to the existence of political will and the development of adequate institutional capacities, including the incorporation of gender expertise. These elements are fundamental to preventing the reproduction of exclusionary dynamics and to ensuring a more effective response to the complexity of contemporary international crimes.

Alyssa T. Yamamoto's presentation highlighted that, whilst universal jurisdiction is a key tool for accountability in contexts where national and international mechanisms prove insufficient, its effectiveness continues to be constrained by structural factors, particularly the lack of political will on the part of states. At the same time, she highlighted the need to approach these processes from a gender perspective that not only recognises the specific nature of the violations but also enables an understanding of their structural character, particularly in contexts such as Afghanistan. In this regard, the analysis emphasised that strengthening universal jurisdiction requires not only normative progress, but also the effective incorporation of victim-centred approaches, the development of institutional capacities, and a sustained commitment to adapting international law to the contemporary dynamics of international crimes.

The next presentation was given by **Adilia de las Mercedes**⁵, whose talk was structured around a critical reflection on the foundations of international justice and, in particular, on the role of universal jurisdiction in relation to crimes committed against women.

As a starting point, she raised the need to question who defines the gravity of these crimes, highlighting that the law has historically been permeated by patriarchal, racist and sexist structures that have shaped both its conceptualisation and its prosecution. From this perspective, it became evident that violence against women has been systematically sidelined or treated as a secondary issue within the development of international criminal law.

This dynamic is illustrated, among other examples, by the exclusion of sexual violence from the Nuremberg trials, where it was considered a private or domestic matter. Far from being an isolated phenomenon, this invisibilisation has been repeated over time, highlighting the existence of a structural debt of the law to women.

Based on this analysis, the adequacy of the traditional criteria used to define the gravity of international crimes is called into question, noting that these fail to fully encompass the violence affecting women. Such violence is not defined solely by its scale or legal classification, but also by its structural nature and the specific ways in which it impacts women's lives, which explains why many forms of it continue to lack adequate legal recognition.

In this context, the importance was highlighted of the struggles driven from different regions, particularly in Latin America, aimed at recognising acts such as femicide as crimes of an international nature. These efforts seek to endow such offences with the characteristics typical of international crimes, such as their non-statutory limitation and universal jurisdiction, with the aim of ensuring effective accountability mechanisms.

The discussion also extended to the historical development of universal jurisdiction, recalling that this principle has been used to prosecute crimes considered incompatible with the fundamental principles of humanity, such as the slave trade. However, its evolution has been shaped by political factors, which has limited its application in contexts where the interests of major powers come into play.

⁵ Adilia de las Mercedes is a lawyer specialising in human rights and anti-discrimination law, with over 18 years' experience in strategic litigation, advocacy and legislative development in the areas of women's rights, transitional justice and political violence. She has advised governments, international organisations and civil society, participating in commissions of inquiry in Asia, Africa and the Americas, and carrying out outstanding work as a researcher and expert witness in cases of serious human rights violations, including crimes against humanity, sexual violence and slavery, femicide and genocide. She is the founder of DEMOS, a human rights law firm, and heads the Guatemalan Women's Association (AMG). She has a strong academic background—a Master's in Criminology, a Master's in Law and a Master's in Evidence Law—as well as specialisation in German criminal law, conflict resolution and high-level negotiation. She has taught postgraduate and master's courses at various universities in Spain and the Americas, and has contributed to the development of international standards, including her participation in the United Nations Academic Council's Declaration on Femicide and her advisory role to the OAS's MESECVI in drafting the Inter-American Model Law on Femicide.

This tension is reflected in the evolution of universal jurisdiction in different countries, where, in some cases, its scope has been progressively restricted, reducing its effectiveness. Nevertheless, accumulated experience demonstrates its potential as an effective tool in the fight against impunity.

Building on this foundation, a discussion was held on contemporary challenges, highlighting the emergence of new forms of violence, such as digital violence, which transcend territorial borders and pose new challenges for justice systems. In this context, universal jurisdiction emerges as an instrument capable of overcoming the limitations arising from the principle of territoriality.

In the same vein, the need to broaden the analysis to include other crimes of a global nature, such as ecocide, was raised, emphasising the interconnection between environmental protection and women's rights. The impacts of these crimes extend beyond the territories in which they occur, reinforcing the need for justice mechanisms with universal reach.

Likewise, the importance of linking universal jurisdiction with other justice mechanisms was highlighted, particularly with transitional justice, with both approaches understood as complementary. In this regard, the role of truth commissions was emphasised as tools that contribute to the construction of knowledge and the creation of foundations for accountability processes.

Ultimately, the analysis positioned universal jurisdiction as a key tool in a global context marked by profound inequalities and limitations in access to justice. Overcoming borders as an obstacle to justice is thus presented as a necessary step forward in the fight against impunity, particularly in relation to crimes affecting women.

The next presentation was given by **Silvia Juárez**⁶, whose participation brought El Salvador's experience in preventing violence against women and prosecuting such crimes into the debate. Her track record at the helm of a historic organisation—founded in the context of exile and with a sustained commitment to defending women's rights—provided a perspective rooted in long-standing processes in the region.

In this sense, her contribution forms part of a broader framework of regional coordination, characterised by the building of links between Latin American organisations in the fight against femicide and in raising awareness of the many forms of violence affecting women. These spaces for dialogue were identified as fundamental for strengthening collaborative

⁶ Silvia Juárez is the coordinator of the 'Right to a Life Free from Violence for Women' programme at the Organisation of Salvadoran Women for Peace (ORMUSA), where she leads initiatives aimed at the prevention, response to and eradication of gender-based violence from a human rights perspective. Her career is linked to advocacy, research and the development of methodological tools in the field of violence against women, as well as supporting victims and promoting regulatory reforms. Through ORMUSA, she has helped to highlight structural gaps in access to justice and to promote public policies for the protection of women's rights in El Salvador, whilst also participating in forums for analysis and debate on sexual and reproductive rights and the impact of state policies in these areas.

networks and promoting a dialogue that integrates diverse experiences, both from the region and from other international contexts.

From this perspective, the importance of these spaces as safe environments for exchange was highlighted, particularly in a context characterised by rising tensions and threats against those working to defend human rights. The need to sustain and strengthen instances of collective coordination thus emerges as a central element in addressing current challenges.

The analysis was structured around three main gaps that characterise the situation in El Salvador. Firstly, the historical lag in achieving justice for crimes committed during the armed conflict was identified. Although more than three decades have passed since the conflict ended, progress in acknowledging and prosecuting these acts of violence—particularly sexual violence—has been extremely limited, highlighting the persistence of a structural deficit in the justice system.

Secondly, the systematic failure to comply with the decisions of international human rights bodies was addressed, highlighting the existence of a recurring pattern in the failure to implement judgments of the Inter-American Court of Human Rights. This dynamic is particularly evident in cases related to reproductive rights, where, despite international rulings, state practices that consistently violate women's rights continue to be perpetuated.

Thirdly, the gap between legal recognition and effective implementation was highlighted. Whilst the Salvadoran legal system recognises concepts such as femicide in a broad sense, these provisions do not translate into real protection. This concept encompasses not only direct murders but also those deaths that the State could have prevented, which highlights the persistence of high levels of institutional neglect.

Based on these factors, a warning was issued regarding a broader context of democratic regression and the weakening of justice institutions, characterised by the shrinking of civic space, the denial of evidence, and the construction of official narratives that render violence invisible. In this scenario, discourses presenting the country as a safe environment contrast with the reality faced by women, who continue to face high levels of violence, even in spaces that should guarantee their protection.

In this context, universal jurisdiction emerges as a mechanism of particular relevance for access to justice, especially in contexts where national systems are ineffective or non-existent. Its potential lies in the possibility of overcoming territorial boundaries and offering avenues for accountability in the face of impunity.

Finally, the need is raised to rethink international justice from a perspective that fully recognises women's humanity, incorporating new forms of

violence —including those fuelled by the digital environment— and adapting to contemporary transformations in structural violence.

Silvia Juárez's presentation highlighted that the limitations on women's access to justice are not solely due to regulatory gaps, but to structural failures deeply rooted in institutional systems, exacerbated in contexts of democratic regression. Her analysis highlighted the persistent gaps between legal recognition and its effective implementation, as well as the inadequacy of national mechanisms to guarantee real protection against violence. In this regard, universal jurisdiction emerges as a particularly relevant tool in scenarios where domestic systems prove ineffective, whilst underscoring the need to rethink international justice from a gender perspective that incorporates both traditional forms and new manifestations of structural violence.

The final presentation on the panel was given by **Ana Grace Cabrera**⁷, whose talk revisited one of the cases previously mentioned during the debate: Sepur Zarco.

Her presentation positioned this case as a milestone in international justice, as it was the first instance in which a national court adjudicated sexual violence related to armed conflict as a crime against humanity, specifically in the form of sexual and domestic slavery. The analysis focused on the crimes committed against Q'eqchi' indigenous women, incorporating not only a gender perspective but also an ethno-cultural approach.

One of the central elements of the case lies in its origins, which are not to be found in the judicial sphere, but in the organisational and memory-building processes driven by the women themselves, who, after decades of silence, began to share their experiences. This journey highlighted that one of the main challenges to access to justice —including universal jurisdiction— lies in the structural barriers faced by women, including linguistic, cultural and territorial barriers.

At the same time, the case offers significant lessons regarding the centrality of victims in justice processes. The strategic litigation was built upon the decisions and voices of the women themselves, who actively participated in all stages, supported by a team composed mainly of women in key roles, including prosecutors and judges.

In this context, the principle of credibility takes on particular significance as a fundamental pillar of the process. Trust in the women's testimony —both on their part and on the part of the institutions supporting them— proved

⁷ Ana Grace Cabrera is a gender specialist with extensive experience within the United Nations system, where she has worked for over two decades as an advisor on equality policies and women's rights. She currently works at UN Women Guatemala, contributing to the design and implementation of strategies aimed at promoting gender equality and preventing violence against women. Her expertise focuses on the development of public policies, the mainstreaming of a gender perspective, and institutional strengthening in national and international contexts. Throughout her career, she has participated in advocacy initiatives, international cooperation, and programmes linked to human rights, building a technical profile in the coordination of regulatory frameworks, institutional action, and equality policies.

decisive for the progress of the case, operating not only within the judicial sphere but also in institutional support and in the building of a broader movement for the recognition of gender-based violence.

The impact of the case extends, moreover, beyond the judicial sphere, contributing to a transformation in the very conception of justice. Women cease to be merely objects of protection and become active agents in the production of knowledge and the definition of legal responses. This process has influenced the development of public policies, the creation of tools to measure access to justice, and the incorporation of approaches to transformative reparation.

However, significant challenges remain, particularly regarding the effective implementation of reparation measures. The experience analysed highlights that justice is not exhausted in the verdict, but must translate into concrete changes in the lives of women and their communities.

Ana Grace Cabrera's contribution demonstrated that justice processes with a gender perspective require not only the legal recognition of violence, but also a profound transformation in the way such violence is addressed, effectively incorporating the voices and experiences of victims. In this regard, the Sepur Zarco case stands as a key benchmark demonstrating the potential for integrating gender, intercultural and transformative justice approaches. At the same time, it highlights that the strengthening of mechanisms such as universal jurisdiction depends on their ability to incorporate these lessons, ensuring processes that are more inclusive, participatory and geared towards generating real impacts on the lives of those affected.

CLOSING REMARKS AND ACKNOWLEDGEMENTS

Alessia Schiavon, Director of FIBGAR, and María Garzón, President of FIBGAR.

The closing of the panel provided an opportunity to summarise the key lessons shared throughout the day, with particular emphasis on the resilience of victims and the fundamental role of women in justice processes. In this context, the importance of incorporating a dimension that goes beyond the strictly legal sphere was emphasised, linked to generational renewal, sustained commitment and the transfer of knowledge amongst those working to defend human rights and international justice.

The closing of the event reaffirmed the transformative nature of universal jurisdiction as a key tool in the fight against impunity, as well as the value of exchange between experts and diverse stakeholders as a driver of continuous learning. In this regard, the work promoted around the Madrid–Buenos Aires Principles was highlighted, emphasising their relevance as a framework for the evolution of universal jurisdiction and its

progressive application to new areas, including economic and environmental crimes and emerging forms of violence in digital environments.

Likewise, the need to broaden the scope of international justice to address contemporary forms of violence was highlighted, particularly those linked to misogynistic discourse and digital dynamics, as well as the importance of addressing the responsibility of non-state actors in these processes. At the same time, attention was drawn to the situation of the victims of Francoism in Spain, highlighting the persistence of an outstanding debt regarding truth, justice and reparation, especially in relation to women who continue to demand recognition and accountability.

Finally, thanks were reiterated to the organising institutions and all participants, highlighting the importance of such forums for strengthening networks of collaboration and dialogue. In this regard, the continuation of these exchanges beyond the event was emphasised as a key element in consolidating joint working processes around universal jurisdiction and gender justice.

CONCLUSIONS

The seminar provided a forum for reflection on the relationship between universal jurisdiction and gender justice, highlighting both the progress made and the persistent limitations in incorporating this perspective into international justice mechanisms. Throughout the various presentations, it was noted that, whilst regulatory frameworks and practices aimed at recognising certain forms of violence have been developed, structural gaps remain in their conceptualisation, handling and prosecution, highlighting the need to move towards more comprehensive, intersectional approaches that are sensitive to women's specific experiences.

In this context, the centrality of victims was reaffirmed, not only as rights-holders but as key actors in the construction of justice processes. Likewise, the importance of coordinating the various levels —national, regional and international— was highlighted to ensure more coherent and effective responses, recognising that universal jurisdiction constitutes a particularly relevant tool in contexts where domestic systems prove insufficient.

However, the potential of this mechanism depends on its ability to genuinely and comprehensively incorporate a gender perspective, avoiding its treatment as an ancillary element and positioning it as a structural pillar in the investigation, prosecution and punishment of international crimes.

Ultimately, the seminar highlighted that moving towards truly effective justice involves not only strengthening existing mechanisms, but also rethinking them from a gender perspective that allows for the visibility, naming and addressing of forms of violence that have historically been

rendered invisible. In this regard, universal jurisdiction is seen as a key instrument insofar as it helps to guarantee access to justice for women wherever they may be, consolidating an approach that places their rights, their experiences and their demands for truth, justice and reparation at the centre.

Thank you!

Thank you for taking the time to read this conference report. If you have any questions or would like to discuss our findings further, please do not hesitate to get in touch.

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