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EXPOSING THE MISOGYNY IN THE HANDLING OF THE SEXUAL MISCONDUCT ALLEGATIONS AGAINST THE ICC PROSECUTOR

Introduction

Developments over the past week in the handling of the allegations of sexual misconduct and retaliation against the International Criminal Court (ICC) Prosecutor, Karim Khan, are deeply concerning. What should have been a confidential process has instead unfolded as a politicised spectacle, marked by leaks, strategic narratives, and visible signs of distress within the institution.

Both public commentary and the selectively leaked findings of the ad hoc panel advising the Assembly of States Parties Bureau echo disturbingly familiar patterns seen in sexual harassment, misconduct, and assault cases worldwide: claims of a “witch hunt”, “honey trap,” or questions about why the complainant did not leave or speak up earlier.

This highlights not only procedural failures in a convoluted process, but also the persistence of misogyny in how allegations of sexual misconduct are received, questioned, and deflected, even in institutions that are mandated to stand for justice.

As long-time feminist experts and activists on addressing sexual violence, we are deeply concerned by what we are seeing. In the context of workplace sexual harassment, the way this case has unfolded is particularly troubling and may significantly undermine confidence in institutional processes, discouraging those who face workplace misconduct from seeking redress. The implications extend beyond this single case. The Court is a crucially important institution charged with confronting impunity at the highest levels, including gender-based violence. How allegations of sexual misconduct within its own ranks are handled shapes confidence in its external justice work.

Without prejudice to the outcome, we call on the Assembly of States Parties (ASP) and the ICC to ensure that the process is free from misogyny and victim-blaming, and to commit to trauma-informed, survivor-sensitive standards in this and all future investigations of sexual harassment and assault within the Court.

The Structural Problem: Misogyny in Sexual Harassment Assessments

At the heart of this critique are entrenched myths about sexual violence, myths that reflect and reinforce misogynistic stereotypes, particularly the foundational myth that women almost always lie about sexual assault, and that “real” victims will always behave in predictable and similar ways.

We know from decades of feminist research and practice that this is false. Sexual violence and harassment are dramatically under-reported; delayed reporting, continued contact with perpetrators, and efforts to preserve professional opportunities are common survival strategies, not signs of fabrication. Intersectionality is central here, as power is shaped by multiple overlapping facets of our identities and characteristics, including our cultural and religious backgrounds, race and ethnicity, gender and sexual orientation and socioeconomic status, among others.

Myths and Common Misconceptions

Several questions about the victim’s response and behaviour have been reported in the media, in online debate, or as part of the ad hoc panel’s report. None of these are novel in the context of gendered violence, whether committed in the home, at work or in any other place. They are the same types of questions raised every time sexual assault and harassment are reported.

Each of these questions reflects a deep-rooted, sexist myth about sexual violence and harassment, about who “real” victims are and how they should behave. These myths support cultures where gendered violence is endemic and impunity is the norm. How the panel and the Assembly of States Parties engage with these common misconceptions is critical.

“Why didn’t she leave her job?” This is not a neutral question: it shifts responsibility from the alleged perpetrator to the complainant and falsely assumes that walking away is simple, risk-free, and equally available to everyone. In international justice mechanisms, however, positions are highly coveted and hard-won. This is a field that remains deeply skewed toward men, northern-based institutions, and specific geographic and professional networks. Women, and especially women of colour from the Global South, are persistently underrepresented, making such roles even harder to access and far more precious when they are finally secured. Comparable opportunities in the tightly networked field of international

law are scarce. Leaving under strained circumstances, especially if the alleged perpetrator commands significant influence over references and future prospects, is risky. Other rational assessments of financial stability, visa status, and caregiving responsibilities are made. The nature of the work, fighting impunity and serving victims of atrocity crimes, may make departure feel like a betrayal of the mandate and vulnerable communities.

The complainant in question is a young staff member, a woman of colour, and a migrant professional in a highly hierarchical field. The Prosecutor is one of the Court's most powerful officials. Disregarding the importance of power dynamics treats the victim and the alleged perpetrator as if they share equal footing: a fiction that has long been discredited in expert work on sexual violence. Declining to leave does not signal consent or comfort. Treating a decision to stay as a mark against credibility imposes an unrealistic standard on victims and conveniently shifts focus away from the alleged misconduct and onto the choices of the complainant.

“Why did she appear comfortable around him?” This assumes there is one “correct” way for victims to behave, and that any deviation from those expectations, for example, exhibiting visible distress or fighting off the attacker, is used to undermine their credibility. This is not reality. Perceived comfort tells us nothing about whether abuse occurred. Trauma-informed approaches recognise there is no single “right” response to sexual violence: survivors may appear calm, composed, or even cheerful while still carrying deep distress.¹ The idea that victims must be perpetually shaken or visibly fearful is a myth that silences those who do not perform suffering in the way others expect, expectations that are themselves steeped in discriminatory stereotypes. Moreover, such questions ignore intersectionality and context. Behaviour that appears “at ease” can vary widely in someone’s body, culture, or medical condition.

“Why did she travel or work with him?” This question presumes that victims must consistently avoid, reject, or openly distance themselves from a perpetrator to be credible. In reality, many survivors maintain outwardly professional or polite interactions precisely because they are navigating power, fear, and limited options.² These behaviours can be strategies to manage risk, avoid escalation, or protect their standing in a hierarchical environment, and protect against deep-rooted fear. Apparent “normalcy” does not negate abuse, but it often reflects how survivors cope under pressure. Gender further shapes this dynamic: women are socialised to be accommodating and nonconfrontational, even in the face of aggression, and studies show it is common for victims to continue contact with

¹ Bonanno, G. A. (2004). Loss, trauma, and human resilience <https://psycnet.apa.org/record/2004-10043-003>

² McLaughlin, H., Uggen, C., & Blackstone, A. (2012). Sexual Harassment, Workplace Authority, and the Paradox of Power. <https://journals.sagepub.com/doi/10.1177/0003122412451728>

perpetrators.³ Interpreting ongoing contact as proof that no misconduct occurred relies on these same stereotypes. Moreover, in the case of travel, staff often do not have the choice to refuse to go on a mission that is part of their job description without risking termination.

“Why didn’t she realise right away it was assault?” These questions presume that a “real” victim would come forward immediately, as if survival automatically translates into instant disclosure. However, delay is a normal, rational response to power abuse, trauma, and the stigma that can follow. In reality, most victims delay reporting, sometimes for years, because disclosure is shaped by the culture of fear of retaliation, shame, self-doubt, and lack of faith in institutions to respond appropriately.⁴ It is also the norm when the perpetrator is known to the victim and when the assault is in the workplace. In reality, many people also do not immediately recognise their experience as sexual assault. Cultural scripts, gendered power dynamics, and the normalisation of boundary-crossing behaviour can blur the line between coercion and consent in the victim’s own mind. Studies suggest that around 60 percent of female survivors do not initially identify their experience as sexual assault.⁵ Not recognising abuse in the moment is a reflection of how deeply sexism and power distort the way victims understand their own experiences.

“Why didn’t she report sooner?” This question stems from a presumption that workplaces create a safe and supportive culture for victims to report. They often do not. The ICC is an environment which has a crystallized hierarchy and unique separation of functional pillars, even in administrative matters. The OTP has its own internal Human Resources, and the head for all matters within the OTP is the Prosecutor. Any victim would have had immense difficulty in availing themselves of the Human Resources internal to the OTP for this obvious reason. A victim may become a complainant at any stage of the proceedings, and their rights to participation and protection from retaliation do not depend on when or how they first disclosed. Framing the absence of an early or formal complaint as inadequate is legally flawed and substantively harmful. It shifts scrutiny away from the alleged misconduct and onto the conduct of the victim, reinforcing patterns of victim-blaming that are well documented in cases of sexual harassment and assault.

Gender Competency When Addressing Sexual Assault and Harassment

As outlined above, competence in addressing gender-based violence is essential in cases of this nature. Greater transparency around the selection criteria for the panel’s members would

³ “That I fraternized with my attackers does not make my account suspect, it makes it textbook.” Knoll J. (2017). *The Cut*. <https://www.thecut.com/2017/10/i-dated-my-rapist-jessica-knoll.html>

⁴ Ahrens, C. E., Stansell, J., & Jennings, A. (2010). To tell or not to tell: The impact of disclosure on sexual assault survivors’ recovery. *Violence and victims*, 25(5), 631-648.
<https://connect.springerpub.com/content/sgrvv/25/5/631>

⁵ Wilson, L. C., & Miller, K. E. (2016). Meta-analysis of the prevalence of unacknowledged rape. *Trauma, Violence, & Abuse*, 17(2), 149-159.
<https://journals.sagepub.com/doi/abs/10.1177/1524838015576391>

have been beneficial, particularly concerning demonstrable expertise in sexual assault and harassment, including trauma-informed practices, as well as experience in administrative law and institutional accountability mechanisms.⁶ Earlier clarity on these aspects, especially as the panel's membership only became public through media reporting last week, could have strengthened confidence in the integrity of the process. A similar concern arises regarding the availability of expert advice and psychosocial support on sexual assault and harassment in the workplace for the ASP, the ICC, and others involved in handling the case.

Conclusion

The patterns emerging in this case reflect familiar and deeply concerning dynamics: expectations that complainants perform their suffering in narrowly prescribed ways; scrutiny that centres their behaviour rather than the alleged misconduct; and approaches that fail to adequately account for power asymmetries in highly hierarchical institutional settings. These dynamics reflect structural bias embedded in the analytical framework itself⁷.

When allegations of sexual harassment and assault are assessed through frameworks shaped by “ideal victim” stereotypes and entrenched myths about credibility, complaints are systematically undermined by standards that are misaligned with what we know about trauma, power, and discrimination. In the context of workplace sexual harassment, such approaches carry significant consequences. They risk weakening confidence in institutional processes and reinforcing the perception that coming forward entails substantial personal and professional risk. This has a chilling effect on reporting and contributes to the persistence of impunity.

The implications extend beyond this case. The ICC is an institution mandated to confront impunity, including for gender-based crimes. Its internal handling of allegations of sexual misconduct is one that directly affects its credibility and authority. What is at stake is not only the outcome of a single process, but whether institutional responses to sexual harassment are grounded in fairness, transparency, and trauma-informed practice, or continue to reflect outdated assumptions that have long been discredited in expert work on sexual violence.

Without prejudice to the outcome, the Assembly of States Parties and the ICC must ensure that the process is free from misogyny and victim-blaming, and to commit to trauma-informed, survivor-sensitive standards in this and all future investigations of sexual harassment and assault within the Court.

⁶ For further analysis of these and other needed areas of expertise, see International Federation for Human Rights and Women's Initiatives for Gender Justice, [Investigation of Allegations of Misconduct By The ICC Prosecutor: Bridging the Gaps in the Court's Regulatory Framework](#), May 28, 2025, pgs. 6-7.

⁷ For further analysis of the role of patriarchy in the treatment of the misconduct inquiry, see Global Justice Center, [Statement on Conclusion of Sexual Misconduct Investigation into ICC Prosecutor](#), December 22, 2025

This note was drafted with the input and expertise of feminist specialists with extensive experience working on sexual violence, institutional accountability, and the internal dynamics of the ICC.