

gender justice

Rights and the Rome Statute

Women's Initiatives for Gender Justice



Anna Paulownastraat 103, 2518 BC The Hague, the Netherlands Tel: +31 (0)70 365 2042
Fax: +31 (0)70 392 5270 info@iccwomen.org www.iccwomen.org

The International Criminal Court

The International Criminal Court (ICC)

The ICC is the world's first permanent international criminal court. The Court was formed by an international treaty, the Rome Statute, which came into force 1 July 2002. The role of the ICC is to promote justice and to hold accountable those responsible for crimes committed during armed conflict and war.

What will the Court do?

It will investigate and prosecute the individuals most responsible for crimes within the jurisdiction of the ICC. These crimes are genocide, crimes against humanity and war crimes.

For the first time in history, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, gender-based persecutions, trafficking (particularly of women and children) and sexual violence are recognized as war crimes, crimes against humanity, and in some circumstances may also be recognized as genocide. The ICC is required to investigate and prosecute gender-based crimes and sexual violence as an important part of its work.

Ratifications of the Rome Statute of the ICC

Currently 99 countries have ratified the Rome Statute, and are therefore States Parties to the Statute.

Ratification means:

1. The ICC can exercise its powers within that country or in relation to its citizens for the crimes within the jurisdiction of the Court. The ICC becomes involved when a country that has ratified the ICC is unwilling or unable to prosecute those responsible for acts of genocide, war crimes and crimes against humanity. The ICC can only begin investigations by a referral from - a State Party; the United Nations Security Council; or when the ICC Prosecutor initiates an investigation. The ICC is likely to prosecute only those **most** responsible for the **worst** crimes.

2. Ratification also means a country supports the ICC and is expected to incorporate the Rome Statute into its laws. This 'implementing' legislation enables the country to prosecute those who have committed genocide, war crimes and crimes against humanity but who have not been prosecuted by the ICC. Governments continue to have the primary responsibility for ensuring national justice, including through the prosecution of those who have committed grave crimes.

Other information cards in this series include:

The ICC - Victims' Participation; The ICC - Victims/Witnesses Support and Protection; The ICC - Trust Fund for Victims.

September 2005