

**12th session of the Assembly of States Parties to the Rome Statute
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To the meeting on

**“Universality and Full Implementation of the Rome
Statute: Progress and Challenges”**

Friday, November 22

It is a great pleasure and privilege for me to join this session as a parliamentarian. I am a member of the UK Parliament, the Upper House (we have two houses, the Commons and the Lords). I sit in the House of Lords as an independent.

I am here at the initiative of Parliamentarians for Global Action, of which I am a member. It is a very effective and successful network of members of democratic parliaments from all parts of the world.

I would like to make a few remarks about the wider effect of the Rome Statute system and the domestication of the Statute, about how it affects what we do in Parliament, how it affects our law-making and our view of justice.

First of all there is the legal aspect for all parliaments who are part of this great initiative. Laws need to be brought in to incorporate the definitions of the crimes and general principles under the Rome Statute as well as the procedures for effective cooperation with the Court, as well as to promote the conclusion of agreements for mutual legal assistance and inter-state cooperation, and many more.

As far as we know in Parliamentarians for Global Action, 65 out of the 122 States Parties have enacted laws and procedures to co-operate and PGA members are activate in promoting these laws and procedures.

But I also see other positive outcomes of this movement for international justice and a rules-based international order. Involvement with the Rome Statute system raises awareness of many aspects of the justice system more widely. First of all can I cite the effect on how we see victims of crime. The Rome Statute teaches us a great deal about the role of victims in the justice process. We have learnt from it that victims are not just witnesses. They have a stake. They are parties to the proceedings. They have entitlements, an entitlement to recognition for the harm done to them and an entitlement to recompense.

Secondly, the International Criminal Court has helped us all to recognise the horror of mass rape and sexual violence, mainly against women but also men, and also children, boys and girls. This is a most horrible aspect of many conflicts. The ICC has brought to the attention of policy-makers and parliamentarians the extent and brutality of sexual violence, which was often in the past swept under the carpet, and the consequences of it. This was never high enough up the international community's agenda. It is now getting there and we in the UK

parliament are hugely supportive of the initiative of our government to put action on sexual violence on the agenda of the G8.

Furthermore, justice systems around the world do not deal very well with victims of sexual violence. In 2010 I produced a report for the UK Government on how rape victims are dealt with by the system. I talked to many of them. The experience of rape victims in court can be very traumatising. The ICC can teach us all a great deal about how victims of sexual violence should be dealt with in court to minimise the trauma of reliving their experience.

Domesticating the Rome Statute is also very beneficial to making criminal justice systems more just and more civilised. There is no death penalty for Rome Statute crimes even though these are the crimes at the most extreme end of seriousness. So a country with the death penalty may find itself sentencing to death someone for a single murder or for drug trafficking, whilst someone who has been convicted of hundreds of murders under the Rome Statute will not face capital punishment. This surely assists in the movement to abolish the death penalty worldwide.

Another civilising aspect is the nature of the punishment. Persons convicted and punished by the ICC will be sent to serve their prison sentences in a prison which operates according to the United Nations Standard Minimum Rules for the Treatment of Prisoners. This too sends a message about how convicted people should be treated.

One more effect of involving parliamentarians and therefore the public is the heightened awareness of our own obligations and behaviour in relation to military and security activities. Recently a British soldier was convicted of shooting and killing a wounded Afghan combatant in Afghanistan. He was convicted by a court and awaits his sentence. The mandatory sentence for murder is life imprisonment. There has been some debate as to whether he should face the life sentence for a killing in such circumstances. In response to this discussion the Chief of Defence Staff, Gen Sir Nick Houghton has said, 'Those in authority over the armed forces should not request any form of leniency... that would be a dangerous thing to do. Murder is murder - this is a heinous crime.'

We have heard much in this meeting about the work of the court itself. I therefore thought it would be useful to talk about the wider benefits the Rome Statute system has brought to criminal justice worldwide and some of the implications of domestication.

As a parliamentarian and a member of Parliamentarians for Global Action it is clear to me that we must continue to pursue energetically the programme to promote universality and to encourage domestication by mobilising Parliaments and parliamentarians. Parliamentarians for Global Action has one thousand members in 131 countries, a formidable number. It holds every two years a consultative assembly on the ICC and the rule of law.

I hope that the difficulties and challenges we have heard about at this gathering will be dealt with in a way which does not hinder or slow down the momentum towards universality.