

Editors Note: We thought it would be interesting for our readers to get a taste of the month long Rome Conference on the International Criminal Court that was deliberated and adopted on 17 July 1998. For NGOs and women's groups the fight was not an easy one. Clips from the NGO ICC E-mail Newsletter reflect some of the fights that were being waged.

Trafficking of Women and Children: Crime Against Humanity

Representatives from women's and children's groups are fighting to save a proposal that would make the trafficking in women and children a clearly recognised crime against humanity.

This follows a complicated and confused discussion over a proposal by Italy to link trafficking with sexual exploitation, and define it as form of enslavement.

The draft statute proscribed the trafficking in persons before Italy presented its amendment on Friday. The amendment reads: Enslavement means the exercise of any or all of the powers attaching to the right of ownership of a person and includes the deprivation of physical liberty in the course of trafficking in persons in particular women and children for the purposes of sexual exploitation.

Women's groups welcome the fact that the Italian proposal would make a specific reference to women and children, but they feel it would be much stronger if it was separated from enslavement and was broader than sexual exploitation. Human rights groups feel that trafficking includes a broad range of slavery and slavery-like practices, including systematic recruitment and forced labour. The women's groups also object to the wording the right of ownership.

It is far from clear whether the women's groups will be able to reopen the debate. They feel

that the Italian proposal was accepted after a desultory and unsatisfactory debate that did no justice at all to the gravity of the crime itself. Some governments have proposed to revive the discussion. They are not thought to include Asian governments, which have been singled out for criticism by human rights groups

for permitting the trafficking of women, child prostitution and a range of other unacceptable practices.

Source: ICC Conference, Rome 1998 -Volume 1. Issue 14. 7 July 1998

What are the Prospects for the International Criminal Court?

by Iain Guest

On July 17, the diplomatic conference in Rome adopted the draft of a new international criminal court b" 120 votes to 7, with 21 abstentions. That vote suggested more support for the package than anyone had thought possible just two days earlier. But what exactly have they agreed to? Will the new' court be able to deter the atrocities that have become a hallmark of modern conflict?

No one will know for sure until the court comes into existence. That could take years because the treaty will first have to be ratified by 60 governments. Indeed, the speed of ratification could be the first test of the court's eventual effectiveness. The United States, for example, argued that giving more authority to the court would mean fewer ratifications. Supporters of the court disagree. They are taking governments at their word, and assuming that countries are

more concerned with punishing war criminals than avoiding "frivolous" prosecutions against their own nationals.

The new court will pick up where the Nuremberg tribunal and the two ad hoc tribunals for Rwanda and the former Yugoslavia have left off. Like these tribunals, but unlike the International Court of Justice (which regulates disputes between states) the Court will prosecute individuals. It will not cover events that occurred before its entry into force, unless specifically requested. Amendments can be proposed to the statute after seven years, but as things stand at present there will be no reservations. This may deter governments from joining. But the alternative—a treaty full of holes—was considered a greater risk.

Source: ICC Conference, Rome 1998, Vol.1, Issue 23, 27 July 1998