



Fonds au Profit des Victimes
The Trust Fund for Victims



The right of victims 25 years after the adoption of the Rome Statute: impact and list of tasks'

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Madam President of the Assembly of States Parties, Silvia Fernández,
Your Excellencies,

Twenty-five years after that great historical moment, I have the honour to invite you to reflect on the relevance, impact, and pending tasks to achieve the aspirations of the Rome Statute on victims. I make this invitation on behalf of the Board of Directors of the Trust Fund for Victims, established by mandate of the Rome Statute.

As many of you who participated in the negotiations will remember, the initial text of the Rome Statute contained no victim provisions. It was the mobilization of civil society with input from experts and their argumentation that informed and finally achieved the consensus we know: an international Criminal Court with a restorative orientation, which rejects death penalty, and ensures the participation of victims and their protection throughout the legal process. This helps ensure that the justice process not only fulfils the important task of assigning responsibilities but that it can also have a restorative effect in itself. In 25 years, more than 50,000 victims have participated in the judicial process.

The outreach and interaction with the affected communities carried out by the Registry of the Court, civil society organizations and journalists who monitor and disseminate information about the process, increases the impact of participation and the judicial process.

In order to fully achieve the rights of victims, the Rome Statute also incorporates the right to reparation by providing not only for the determination of criminal responsibility but also for a civil responsibility determined by judges against convicted individuals.

The establishment of a Trust Fund for Victims makes it possible to operationalize said reparations, ensuring funds and programs that repair the damage caused by the crimes committed against the victims and their families.

This central body of the Rome Statute System has to date raised nearly 47 million euros of voluntary contributions from individuals and 52 States Parties from all regions of the world, and from individuals. In 2022, the collection was close to 4 million.

These funds have made it possible to launch reparation programs for victims who were recruited during their childhood and forced to participate in militias, as well as victims of attacks of a sexual nature, displacement, and others. More than 2,000 former child soldiers participate in physical, psychosocial and socioeconomic rehabilitation programs in the Democratic Republic of the Congo. In addition, the Trust Fund for Victims, with the support of UNESCO, implements restoration programs for the Timbuktu Mausoleums, and with the Timbuktu community to maintain the history of the temple due to war crimes committed against protected cultural property. For more than 15 years, the Fund has also implemented other programs to benefit victims, benefiting victims in 7 other situations under the jurisdiction of the Court.

The reparation and benefit programs for victims are inspired by the regional experiences that precede them. The Rome Statute and the Trust Fund for Victims are already beginning to have a visible impact on the multitude of national initiatives to guarantee the rights to reparation. This impact is also seen in provisions on reparation at the national level included in the Ljubljana-The Hague treaty, adopted this year under your leadership, Madam President.

For an international court to guarantee reparations for an individual is an innovative and operationally complex concept, and therefore a great task lies ahead.

The first is to embrace, experiment with, and professionalize approaches in the wide range of options for forms of reparation ranging from monetary compensation to memorialization and support to victim organizations.

The second is that these initiatives require funds from the international community, who still has to be persuaded that these programs are not humanitarian or welfare-oriented, but have a unique value of reaffirming the rule of law.

The Trust Fund for Victims, together with the International Criminal Court, presents a comprehensive vision of justice, which should have a greater impact not only where the Court has jurisdiction but also at the national level, based on the principle of complementarity. I hope that today's commemoration spurs us to work in a coordinated and collaborative manner to carry out this central task of the Rome Statute – to bring justice to victims and redress the harm suffered by victims of Rome Statute crimes.