



Parliamentarians for Global Action  
Parlamentarios para la Acción Global  
Action Mondiale des Parlementaires  
برلمانيون من أجل التحرك العالمي



**CONSULTATIVE ASSEMBLY OF PARLIAMENTARIANS ON  
THE INTERNATIONAL CRIMINAL COURT AND THE RULE OF LAW (CAP-ICC)**  
(11th session)  
19-20 November 2020

**Draft Plan of Action on the Universality, Effectiveness and Integrity of the Rome Statute  
system against impunity**

We, the Members of Parliament participating in the 11th Consultative Assembly of Parliamentarians on the International Criminal Court (ICC):

*Express gratitude* to PGA and the PGA Netherlands National Group for co-organizing this meeting, to all the panelists for sharing their expertise with the distinguished audience, as well as to donors and institutional partners for the invaluable support they provide to the work of PGA in the promotion of human rights and the Rule of Law;

*Recognize* that the deliberations took place within the framework of the results-oriented PGA campaign for the universality and effectiveness of the Rome Statute;

*Acknowledge* the crucial role Legislators play in achieving the universality and effectiveness of the Rome Statute system, which consists of national jurisdictions complemented by the ICC as a “Court of last resort”, as well as in building and strengthening the Rule of Law, and enhancing victims’ access to justice, truth and reparations;

*Recognize* that impunity for perpetrators of genocide, crimes against humanity, war crimes and the crime of aggression only serves to increase the likelihood of the commission of new atrocities;

*Underscore* the importance of the ICC in preventing and countering any form of mass atrocity, including sexual and gender-based violence such as rape and enslavement as weapons of war;

Adopt the following Plan of Action:

**I. On the impact of the ICC on ongoing transitions toward a stronger domestic Rule of Law and enhanced cooperation with the Court and other States**

**We resolve to:**

1. Ensure the adoption of domestic legislation that incorporates the definitions of the crimes and general principles under the Rome Statute in its amended version.
2. Ensure that domestic legislation and policies related to international justice include comprehensive sexual and gender-based violence elements of crimes and that legal operators are trained to engage with victims of said crimes.
3. Promote the adoption of implementing legislation on cooperation with the Court and act so that our governments and parliaments ratify the Agreement of Privileges and Immunities of the Court (APIC).

4. Strengthen the reparative or restorative element of the Rome Statute system of international and domestic criminal justice through the elaboration and adoption of appropriate frameworks for reparations, in consultation with victims and affected communities.
5. Galvanize political support and resources to collaborate with other governments and international organizations to achieve effective arrest strategies of those sought by the ICC, in addition to ensuring that our governments conclude bilateral cooperation agreements with the Court, including on enforcement of sentences, protection and reallocation of witnesses and interim and final release.

## **II. On the Challenges for International Criminal Justice**

### **We resolve to:**

6. Intensify our efforts to ensure that universality of the Rome Statute in its most recent amended version is mainstreamed as an objective in all available mechanisms of inter-parliamentary relations and programs of actions designed by Governments to promote human rights, the rule of law, justice, peace, democracy, sustainable development and multilateral cooperation.
7. Vigorously engage with our colleagues from all political affiliations to achieve national and multi-partisan consensus to support the adoption of merit-based procedures at the national level for candidates to judicial positions at the ICC.
8. Support the recommendations of the Independent Experts Review of the ICC and ensure that our governments respect the independence of the Court when implementing recommendations.
9. Continuously call upon the United Nations Security Council to refer the gravest situations that do not fall under the jurisdiction of the ICC, to provide the ICC with the necessary means to accomplish its mandate for the situations deferred to it, and to refrain from the use of the veto in the face of mass atrocities, which entails a grave breach of International Law and the UN Charter.

## **III. On the sanctions regime as a tool to address atrocity crimes**

### **We resolve to:**

10. Ensure the adoption of domestic Magnitsky-type legislation as an additional tool in the fight against impunity.
11. Support the use of Magnitsky-type sanctions on individuals who seriously violate human rights or commit international crimes when traditional mechanisms of justice are not readily available or viable.
12. Support ICC officials who are being unfairly targeted by sanctions to prevent the misuse of a tool tailored to punish serious crimes.
13. Encourage our Governments to adopt official positions condemning the sanctions.
14. Engage with the new US administration on reversing damaging policies on international justice.