Addressing human rights violations in the context of war crimes, and crimes against humanity, including genocide

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The Committee on Foreign Affairs adopted the own-initiative report by Cristian DAN PREDA (EPP, RO) on addressing human rights violations in the context of war crimes, and crimes against humanity, including genocide.
Members recalled that the crime of genocide, crimes against humanity and war crimes, also known as 'atrocity crimes', are **the most serious crimes against humankind**. They considered that the international community has the duty to prevent atrocity crimes from taking place, and they welcomed the fact that the International Criminal Court is currently conducting investigations in nine countries (Georgia, Mali, Côte d'Ivoire, Libya, Kenya, Sudan (Darfur), Uganda, the Democratic Republic of Congo and (two investigations) the Central African Republic.

On the need to focus on the prevention of atrocity crimes: Members recalled the EUs commitment to act on the international scene in the name of the principles that inspired its creation: it should be of paramount importance for the EU to address and hold accountable those responsible for severe violations of human rights reaching the gravity threshold of crimes against humanity and genocide and grave breaches of international humanitarian law reaching the level of war crimes.

Members called for the EU and its Member States to **use all their political weight** to prevent any act that could be considered a crime of atrocity from taking place, to respond in an efficient and coordinated manner in cases where such crimes occur and, to mobilise all necessary resources to bring to justice all those responsible, as well as to assist the victims and support stabilisation and reconciliation processes.

They called on the international community to establish instruments that can minimise the warning response gap in order to **prevent the emergence, re-emergence and escalation of violent conflict**, such as the **EU's early warning system.**

The committee called for the EU to step up its efforts to develop a **coherent and efficient approach** to identifying and responding in a timely fashion to crisis or conflict situations that might lead to an atrocity crime being committed. They also underlined the need for countries and regions at risk of conflict to have **skilled and trustworthy security forces.**

Overall, Members called for further efforts from the EU and the Member States to develop **capacity-building programmes for the security sector**.

On supporting the investigation and prosecution of genocide, crimes against humanity and war crimes: overall, Members reiterated their full support for the ICC, the Rome Statute, the Office of Prosecutor, the Prosecutor's *proprio motu* powers, and the progress made in initiating new investigations as an essential means of fighting impunity for atrocity crimes. They reaffirmed that **accession to the ICC and Rome Statute is crucial** and called on the states which have not yet done so to ratify the Rome Statute, in order to support accountability and reconciliation as key elements in preventing future atrocities.

They also drew attention to the importance of ensuring sufficient financial contributions to the Court for its effective functioning.

Members stressed the **essential role of the European Parliament** in monitoring EU action in this matter, and encouraged Member States to amend Article 83 of the Treaty on the Functioning of the European Union in order to **add atrocity crimes to the list of crimes for which the EU has competences.**

Members went on to recall their strong condemnation of the atrocities committed by the Assad regime in Syria, which can be considered as serious war crimes and crimes against humanity, and they deplored the climate of impunity for perpetrators of such crimes in Syria.

On the fight against impunity of non-state actors: the report encouraged the EU and its Member States to fight against impunity and to lend active support to international efforts to bring to justice members of non-state groups such as **Boko Haram, ISIS/Daesh** and any other actors committing crimes against humanity. They called for the **development of a clear approach to the prosecution of ISIS/Daesh fighters** and their abettors, including by using the expertise of the EU network for investigation and prosecution of genocide.

The EU and its Member States should support the prosecution of members of non-state groups such as ISIS/Daesh by seeking a consensus within the UN Security Council to confer jurisdiction to the ICC.

Similarly, the EU should explore and support, at international level and through all means, options to investigate and prosecute all crimes committed by all parties to the Syrian conflict, including ISIS/Daesh, such as the establishment of an **International Criminal Tribunal for Iraq and Syria.** In addition, Members encouraged all necessary actions to effectively sever funding to ISIS/Daesh and urged the EU to impose sanctions on those countries or authorities that directly or indirectly facilitate the flow of resources to ISIS/Daesh.

Gender dimension in addressing human rights violations in the context of war crimes: Members highlighted the critical need to eradicate sexual and gender-based violence by addressing their widespread and systematic use as a **weapon of war against women and girls**. They urged all countries to develop national action programmes (NAPAs) in line with UN Security Council Resolution 1325, together with strategies to combat violence against women, and called for a **global commitment** to ensure the implementation of the resolution.

The report pointed to the need to ensure the safety of women and girls from the outset of each emergency or crisis and in post-conflict situations through all available means, such as access to the full range of **sexual and reproductive health services**, including **legal and safe abortion**, for victims of rape in a war context. It called on the Commission, the Member States and the competent international authorities to take appropriate measures on the prohibition of all forms of sexual violence.