

A RESOURCE GUIDE FOR ADVOCATES

To Support the International Criminal Court's
Office of the Prosecutor's Initiative for a
Policy Paper on Gender Persecution



**HUMAN RIGHTS &
GENDER JUSTICE CLINIC**

**MAIN STREET
LEGAL SERVICES**

CUNY SCHOOL OF LAW

What is the Policy Paper?

The International Criminal Court's (ICC) Office of the Prosecutor (OTP) recently announced it is developing a Policy Paper on Gender Persecution. This presents a pivotal opportunity to clarify global norms against gender persecution and to strengthen and promote recognition and accountability for it.

In conflicts across the globe, from Iraq to Colombia, armed actors have committed gender-based violence. Many of these crimes amount to gender persecution, which is the charge available under international criminal law to ensure accountability for these crimes. Despite this, gender persecution perpetrators are hardly ever held accountable.

The inclusion of gender persecution as a crime against humanity in the Rome Statute, which created the ICC, offers a chance to meaningfully recognize these crimes. However, there has never been a successful prosecution of gender persecution at the ICC. With your input, the Policy Paper

will provide the clarity necessary for ICC stakeholders to shift this trend and ensure accountability.

There are myriad forms of accountability, ranging from restorative justice models to international tribunals to domestic court proceedings, but a first step in any justice process is agreement on what constitutes a crime or wrong-doing. Creating a policy paper on gender persecution would help clarify that these crimes are wrong and that perpetrators of them should be held accountable.

In the 1990s, MADRE and the HRGJ Clinic coordinated the Women's Caucus for Gender Justice, a worldwide coalition of women's rights activists that successfully ensured the Rome Statute accounted for gender-based violence by adding gender persecution as a crime. In 2018, MADRE, the HRGJ Clinic, and other allies again led a coalition that clarified the understanding of gender persecution under the Rome Statute for the draft crimes against humanity treaty. We are coming together once again to finally move gender persecution recognition and accountability forward.

**This Policy Paper will affect our rights
for generations to come.**

What is the consultation process?

The Office of the Prosecutor opened the first comment period for the Policy Paper, and it closes March 18, 2022. Stakeholders can provide input into the drafting process during this time.

The Prosecutor is of the view that external consultations on its policies and working methods are important for maintaining and furthering transparency and predictability, and generating the most comprehensive policies. Civil society is encouraged to make submissions.

This first consultation will inform the development of the initial draft of the Policy Paper, which will be released in September 2022. The Office of the Prosecutor will then open a second comment period for more specific and focused feedback on the initial draft. The finalized Policy Paper will be released in December 2022.

In addition to stakeholder input, the contents of the Policy Paper will be based on the Rome Statute and other ICC regulatory instruments, as well as principles and rules of international law.



How can civil society participate?

Sign the open letter

MADRE is serving as a clearing house for comments and has compiled feedback from grassroots feminist organizations from around the world. A summary of this compilation is available in a sign-on letter [here](#).

The Human Rights and Gender Justice (HRGJ) Clinic of CUNY Law School is compiling feedback from key stakeholders including governments, international institutions, and organizations.

Write your own submission

Share your perspectives directly with the Office of the Prosecutor by writing a submission. For example, your submission can detail the forms of gender persecution that occur in your region or how these crimes impact people at the intersection of multiple forms of oppression or discrimination. Comments can be sent by Friday, March 18, 2022 to: OTP.Policies@icc-cpi.int

Spread the word

Share this resource guide with your networks, and rally organizations in your community to make sure that your perspectives are a part of this historic process. To stay involved, [click here](#) and complete the form.