

1) WHY DO WE NEED A DEDICATED TREATY ON CRIMES AGAINST HUMANITY?



Filling a legal gap: Crimes against humanity rank among the gravest international offenses, yet there is no dedicated treaty that imposes State obligations to prevent or punish them. Although instruments like the Rome Statute of the International Criminal Court define these crimes, a standalone treaty would promote a universally accepted definition, clarify States' responsibilities, and strengthen mechanisms for accountability.



Codification: In contrast, war crimes and genocide are governed by specific instruments—the Geneva Conventions and the Genocide Convention—which define the offenses, require their criminalization in domestic law, and set out States' duties to prevent and respond to them.



Deterrence: A dedicated treaty would strengthen deterrence by signaling to potential perpetrators that they will be held accountable.



Victims' rights: Such a treaty would also embed victims' rights within justice and accountability processes, ensuring their protection and participation.

2) HOW DOES THE TREATY DIFFER FROM THE ROME STATUTE?



Complementing the Rome Statute through domestic enforcement: The Rome Statute of the ICC is a crucial tool in the fight against impunity for crimes against humanity. However, it focuses on individual criminal responsibility, not the responsibility of States to prevent and punish the crimes. By contrast, the proposed Treaty is built around State obligations. It complements the Rome Statute by transforming accountability from a primarily international mechanism into a binding duty on States to act directly within their national legal systems.



Universality and Prevention of Safe Havens for Perpetrators: The ICC is a court of last resort, acting only where States are unwilling or unable to prosecute genuinely. Its jurisdiction is limited to crimes committed on the territory of, or by nationals of, its States Parties, unless triggered by the UN Security Council. With 125 States Parties, it does not yet ensure universal coverage. By contrast, the proposed Treaty requires States to establish jurisdiction in their domestic systems, broadening accountability, strengthening national ownership, and reducing the risk of safe havens, irrespective of the limitations of international jurisdiction.



Modernizing legal standards: The draft Treaty's definition largely mirrors the Rome Statute, reflecting its broad acceptance. Negotiating and finalizing a dedicated treaty offers States a chance to incorporate developments in international law since the Rome Statute—especially advances related to sexual and gender-based crimes, such as slavery and the slave trade and the crime of gender apartheid—and to refine obligations and protections accordingly.

3) WHAT ARE SOME OF THE KEY PROPOSALS ON THE TABLE?

Numerous proposals for inclusion in the draft crimes against humanity treaty have gained traction and benefit from support and expertise from civil society and legal experts. Some selected proposals are below:



Adding **slavery and the slave trade** (the process of trafficking and trading), as standalone crimes, would clarify and expand the current legal definition. Currently, only the crime of enslavement is included. This addition would impose stronger State obligations and strengthen legal protection, including enforcement mechanisms to cover contemporary forms of exploitation.



Adding **forced marriage** to the list of prohibited acts within the draft articles as a standalone violation would reflect contemporary legal precedent and contribute towards providing redress for this crime.



Gender apartheid is understood as inhumane acts committed in the context of an institutionalized regime of systematic oppression and domination by one gender group over any other gender group or groups, and committed with the intention of maintaining that regime. It is not currently codified under international law, thus recognition of this crime within the draft articles would ensure that its perpetrators are held to account.



The draft articles should take a survivor-centric approach and ensure meaningful victim participation. **Victims' rights** should be front and center, not simply an afterthought. The draft articles do not currently have a definition for victim. The definition should be unambiguous in the way it refers to all who may suffer harm from crimes against humanity and to also include those who suffer harm as a direct or indirect consequence of acts of crimes against humanity.

4) WHAT ARE THE NEXT STEPS, AND HOW CAN YOU GET INVOLVED?

States have until **30 April 2026** to submit proposals for inclusion in the draft articles for Crimes against Humanity Treaty. In 2027, States will agree upon the modalities and organization of work for the negotiations. The draft articles will then be under negotiation in 2028 and 2029.

At this point, you, as parliamentarians, can play a decisive role in shaping both the political momentum and the strength of the Treaty through the following actions:



Enquire with your Governments on the proposals regarding the Treaty and shape national positions through suggesting the inclusion of the above proposals: Support for the above-mentioned proposals, and for an open and transparent process are crucial tools to ensure the development of a strong treaty which can effectively and meaningfully prevent and punish crimes against humanity.



Support the inclusion of civil society in the process: Civil society, who often are the direct link between victims and survivors and justice mechanisms, should have a meaningful role to play in the process, without undue obstructions, delays, or barriers to their participation.