

## Gendering the Crimes Against Humanity Treaty

### MADRE's history of civil society participation

Over the last two decades, international human rights law and jurisprudence have adopted language that accounts for the social construction of gender. Since its formation nearly twenty years ago, that legal understanding of gender-based persecution has never been tested, largely due to its opaque definition in the Rome Statute. What we do now will affect minority rights for generations to come.

#### March 2018

##### Experts Meeting in New York:

International experts and scholars on women's rights, LGBTQIA+ rights, and international criminal law came together to discuss the new crimes against humanity convention. They developed recommendations on effective strategies for infusing a gender analysis



#### October - November 2018

##### Meeting with LGBTQIA+ and Women's Rights Activists:

MADRE co-hosted several convenings to discuss the proposed crimes against humanity treaty and obtain input from key stakeholders, including a briefing with LGBTQIA+ and women's rights activists with international human rights and criminal law experts in Bogotá, Colombia; a meeting in New York bringing together 29 LGBTQIA+ rights experts and allies; and a workshop in Erbil, Iraq, discussing strategies for calling attention to the lack of accountability and redress for gender-based crimes committed by ISIS.

#### July 2019

##### Removal of Outdated Gender Definition:

In May 2019, the International Law Commission, or ILC, officially adopted a new version of the crimes against humanity treaty and removed the outdated definition of gender – an historic moment for gender justice. Due to the efforts of MADRE and our partners, the ILC affirmed that the rights of women, LGBTQIA+ persons, and other marginalized groups are protected in international criminal law, which will have ripple effects across national laws and future legal mechanisms for years to come.

#### June-July 2018

##### LGBTQIA+ Rights Expertise Infused:

UN members dedicated to LGBTQIA+ rights convened for their second annual retreat and discussed the work on the treaty language thus far. At the Hague, LGBTQIA+ Activists engaged in workshops to analyze the threats, opportunities, strengths, and weaknesses of the draft treaty's gender provisions and provided feedback on recommendations discussed at previous experts' workshops.

#### September 2018

##### Briefing with UN Member State Representatives from the UN General Assembly 6th Committee:

Over twenty-member state representatives working in the UN General Assembly's 6th Committee gathered to discuss the proposed gender-related provisions under the draft Crimes Against Humanity treaty. Representatives also discussed how states may make their own commentaries on these provisions to the ILC.

#### December 2018

##### Final Submissions to the International Law Commission:

MADRE and our collaborators circulated a letter asking other organizations to join our call to update the definition of gender in the draft treaty. The letter was translated into five languages and received nearly 600 organizational and academic sign-ons representing over 100 countries. Eighteen governments also called for the deletion or revision of the definition of gender. Additionally, several UN Special Rapporteurs and other experts drafted submissions calling to update the definition of gender. Also, the International Bar Association's War Crimes Committee recommended prioritizing changing the gender definition or removing it entirely due to its narrow and problematic nature.

#### What's Next?

The drafting process is moving, there have been substantive debates and negotiations, with more scheduled through April 2024. In the fall of 2024, the next steps on the treaty will be decided.

