



Brazil welcomes the elimination of former paragraph 3 of the article on the definition of crimes against humanity, as has been suggested by Brazil since 2018. The definition of gender contained therein was not on a par with its current meaning under international human rights law.

At the same time, considering the current discussions on this topic, it would be a pragmatic decision to avoid a definition of what constitutes gender in a future convention, which does not preclude the development of customary law. Leaving for Member States to interpret the meaning of the term in accordance with their national legislations can avoid concerns that would prevent ratification of a future convention.

While Brazil supports the inclusion of the crimes already described in the draft articles that are connected with sexual and gender-based violence, we understand that these conducts do not exhaust all forms of sexual and gender-based violence of such gravity as that of a crime against humanity. It would be desirable to specify as much as possible, in light of the principle of strict legality that guides criminal law, other forms of sexual and gender-based violence of comparable gravity.

In this vein, a future convention is an opportunity to also codify conducts of such nature already identified in jurisprudence. This



than the definition of the crime set forth in the International Convention for the Protection of All Persons from Enforced Disappearance. The removal from the protection of the law is not

In article 3, Brazil considers that the explicit reference to the obligation of States not to engage in acts that amount to crimes against humanity is an important provision, as it is a corollary of the obligation to prevent them. We are also supportive of the notion that crimes against humanity are not exclusively perpetrated in conflict settings (paragraph 2) and of the language according to which no circumstances whatsoever could ever justify the perpetration of such heinous crimes (paragraph 3).

As for draft article 4 (a), Brazil believes that the provision could benefit from an express reference to both de jure and de facto jurisdictions. It would enhance the legal certainty of the article as to the obligation of States to prevent crimes against humanity in any territory they control.

I thank you.