Egypt’s position on the definition of crimes against humanity in the 2026 Preparatory Committee negotiations

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During the 2026 Preparatory Committee negotiations for the United Nations Diplomatic Conference of Plenipotentiaries on the Prevention and Punishment of Crimes against Humanity, held from 19 to 30 January, Egypt delivered two publicly available statements: a general statement and a more detailed intervention addressing the definition of the crime under draft article 2, within discussions on Cluster #2 (Definition and General Obligations), covering draft articles 2, 3, and 4.

In its general statement, Egypt emphasized **two key indicators to be considered in assessing the success of the convention’s drafting process**. First, a **quantitative indicator**, namely that the convention should attract a number of States parties exceeding those to the Rome Statute, thereby achieving broad participation. Second, a **qualitative indicator**, focusing on the effective prevention and punishment of crimes against humanity through domestic legal systems, while respecting State sovereignty and ensuring the integration of the convention within national frameworks.

In its detailed intervention, Egypt emphasized that **the definition of crimes against humanity, as reflected in article 7 of the Rome Statute, does not in its entirety constitute customary international law** and should not be treated as a minimum standard to be directly incorporated into a future convention. Egypt further stressed the need to distinguish between elements that reflect established customary international law and those that do not, cautioning against importing the existing definition wholesale into the new instrument.

Egypt also underscored that **the definition must be formulated with sufficient precision, in line with the principle of legality, noting that several elements remain insufficiently clear and require reconsideration**. In this regard, Egypt raised concerns regarding the structure of the definition, **arguing that the elements of “widespread” and “systematic” should be cumulative rather than alternative**, in order to ensure that only the most serious conduct is classified as crimes against humanity. It further highlighted the importance of explicitly **including the requirement that such acts be committed pursuant to a State or organizational policy**, considering this a core element of the crime. Egypt also cautioned against an overly broad formulation that could expand the scope of application of the convention and affect State sovereignty.

Egypt further identified a number of provisions within draft article 2 that, in its view, require reconsideration due to concerns regarding their clarity and formulation. These include provisions relating to **enforced disappearance of persons, other inhumane acts, deportation or forcible transfer of population, and persecution**, particularly where broadly framed terms—such as "persecution on other grounds"—may give rise to ambiguity. Egypt also emphasized the importance of taking into account the views of African States with respect to the addition of new crimes or the reformulation of existing ones.

Egypt also expressed **its disagreement with the decision of the International Law Commission (ILC) to delete article 7(3) of the Rome Statute concerning the definition of gender.** (Note: Iraq delivered a statement during the final plenary meeting on behalf of Algeria, Bahrain, Egypt, Iran, Jordan, Kuwait, Libya, Oman, Pakistan, Qatar, Saudi Arabia, Sudan, Syria, Tunisia, and Yemen, **reaffirming that 'gender' refers only to biological sex**—namely female and male—and does not allow for any other meaning or interpretation, and requesting that the **term 'sex' be incorporated throughout the convention**.)

With respect to draft articles 3 and 4, which respectively set out the general obligation of States to prevent and punish crimes against humanity and the obligation to adopt effective legislative, administrative, and other measures for their prevention, Egypt expressed the view that t**hese provisions, as currently drafted, are superfluous and repetitive, suggesting that they could be deleted or their elements consolidated into a single provision.**

For contextual background, the 2026 Preparatory Committee was established pursuant to UN General Assembly resolution A/RES/79/122 (4 December 2024), with a mandate to prepare for the elaboration of a convention on the prevention and punishment of crimes against humanity. Within this framework, States are engaging in structured negotiations on the scope, content, and formulation of the draft articles, which are based on the draft articles adopted by the ILC in 2019.

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