



Observations on the first week of the

United Nations Diplomatic Conference of Plenipotentiaries on Prevention and Punishment of Crimes against Humanity

19 – 24 January 2026 in New York, USA.

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I write this report as President of Australian Graduate Women and as the representative of Graduate Women International at the First Session of the Preparatory Committee for the United Nations Conference of Plenipotentiaries on the Prevention and Punishment of Crimes against Humanity, held from 19 to 30 January 2026. The session brought together Member States to begin formal negotiations on a dedicated international treaty addressing crimes against humanity, building on the International Law Commission's draft articles. Its purpose was to identify areas of consensus and contention, establish the scope of negotiations, and advance a shared commitment under the auspices of the United Nations to close longstanding gaps in international law relating to prevention, accountability, and cooperation.

This conference is directly relevant to the objectives of Graduate Women International as it advances international legal frameworks that protect human rights, promote gender equality, and address crimes that disproportionately affect women and girls through violence, displacement, and systemic discrimination.

I am grateful to the Museum of Understanding Through Tolerance and Inclusion Ltd. for its financial support, which enabled my participation in these discussions. My reasons for engaging in this process are both professional and deeply personal. My father's childhood was profoundly shaped by the atrocities of the Second World War, including years spent in a displaced persons camp in Germany after being smuggled out of the Russian Zone of East Germany, and my grandmother's survival as a non-Jewish political prisoner at Ravensbrück Concentration Camp, where medical experiments were conducted on inmates, while my grandfather was killed and buried in a mass grave. My mother-in-law's family also arrived in Australia as refugees from a different conflict marked by crimes against humanity. In Australia, both sides of our family found safety, dignity, and hope for a new future. These lived histories underscore why I believe a dedicated international treaty on crimes against humanity is essential, to close persistent gaps in prevention and accountability and to affirm that international collaboration in this process is not only a matter of policy, but a moral and intergenerational responsibility to ensure that such crimes are neither relegated to history nor repeated through silence, inaction, or legal gaps.

This report reflects on the substance and significance of the negotiations and discussions at the United Nations in New York on the draft articles of future conventions on the Prevention and Punishment of Crimes Against Humanity, marking a significant moment in the evolution of international criminal law. While genocide and war crimes have long been governed by dedicated treaties, crimes against humanity remain without a standalone convention. This absence has created gaps in prevention, accountability, and international cooperation. The current process seeks to address that deficiency, building upon the draft articles adopted by the International Law Commission in 2019 and advancing them towards a binding international treaty.

The 2019 draft articles provide the conceptual and legal foundation for the present negotiations. They affirm that crimes against humanity constitute a peremptory norm of general international law and impose clear obligations on states to prevent, criminalise, investigate, and punish such crimes. Importantly, the draft adopts a definition closely aligned with Article 7 of the Rome Statute of the International Criminal Court, encompassing acts such as murder, enslavement, deportation, torture, sexual violence, persecution, enforced disappearance, apartheid, and other inhumane acts committed as part of a widespread or systematic attack against a civilian population. This alignment reflects an effort to ensure coherence with existing international jurisprudence while recognising that not all states are parties to the Rome Statute.

A central theme of the debate has been the balance between universality and state sovereignty. Numerous delegations stressed that any future convention must respect territorial integrity and the principle of non-intervention, grounding obligations primarily in domestic legal systems. The 2019 draft articles explicitly reflect this approach by prioritising national criminalisation, jurisdiction, and prosecution, with international cooperation operating as a complementary mechanism rather than a substitute for domestic responsibility. Provisions such as *aut dedere aut judicare* (either extradite or prosecute) reinforce this model by requiring states either to prosecute alleged offenders found within their jurisdiction or to extradite them to another competent jurisdiction.

At the same time, other states and experts highlighted that excessive deference to sovereignty risks perpetuating impunity, particularly where crimes against humanity are committed or tolerated by state authorities themselves. References were made to the historical lessons of Nuremberg and to the continuing relevance of international accountability mechanisms. In this context, the Rome Statute was frequently invoked as evidence that shared definitions and standards are achievable, even if the new convention must operate independently of the International Criminal Court's Rome Statute framework.

Delegations engaged substantively with the foundations laid by the International Law Commission's draft articles, while also confronting complex legal, moral, and political questions that will shape any future convention. The discussions revealed both areas of convergence and significant points of tension, particularly regarding lived experience, contested definitions of gender, and state sovereignty. Collectively, these exchanges underscored the gravity of the task before states as they seek to develop a treaty capable of preventing atrocities, addressing impunity, and responding meaningfully to the realities faced by affected communities, while firmly asserting their sovereign authority.

Central to the legitimacy and effectiveness of the proposed treaty was the recognition that lived experience must be meaningfully centred throughout its development. The draft articles devote significant attention to victim-centred approaches, including the right to complain, protection against intimidation, participation in proceedings, and access to reparations such as restitution, compensation, rehabilitation, and guarantees of non-repetition. During the recent debates, many delegations underscored that without centring the lived realities of victims, particularly women, children, displaced persons, and marginalised communities, the convention would remain incomplete. The language used to describe affected persons was itself debated, with several states advocating for the inclusion of the term survivors to better reflect agency and continuity beyond victimhood.

Survivors, victims, and affected communities were widely acknowledged as bringing essential knowledge about how crimes against humanity are experienced, endured, and transmitted across generations. There was powerful and widespread agreement among the majority of countries that lived experience must inform the treaty process, particularly in shaping definitions, prevention measures, and protections for victims and witnesses. Australia also emphasised the importance of embedding Indigenous perspectives throughout the treaty framework and ensuring the meaningful involvement of Indigenous Peoples in both the negotiation process and the implementation of the convention.

Contentious issues emerged around definitional elements, particularly gender, persecution, and emerging forms of harm. While some states called for restrictive definitions to avoid legal uncertainty, others argued that flexibility is essential to ensure the convention remains responsive to evolving forms of violence and discrimination. The 2019 draft attempts to navigate this tension by setting a minimum floor rather than a ceiling, expressly allowing for broader definitions under national or customary international law.

Many states emphasised that such engagement must occur within frameworks that respect national sovereignty and domestic legal systems, reinforcing the principle that responsibility for prevention and punishment rests primarily with the state. Grounding the treaty in lived experience was nonetheless seen as critical to ensuring that legal frameworks reflect real harms rather than abstract categories, and to reinforcing a victim-centred approach to justice, reparation, and non-repetition.

The negotiations also exposed unresolved tensions around time and accountability. Historical crimes against humanity remain largely excluded from the draft framework, despite the profound intergenerational harm that arises when past atrocities go unpunished, unacknowledged, or unrepaired. The absence of accountability perpetuates trauma, weakens social cohesion, and entrenches systemic injustice across generations.

Equally unresolved is how ongoing crimes against humanity are addressed when they exist in the present, neither confined to history nor clearly framed as future atrocities. These concerns were repeatedly linked to assertions of sovereign jurisdiction, with states cautioning against retroactive application of international obligations and external interference in domestic affairs, even as they acknowledged the moral urgency of prevention.

Overall, the first week of negotiations demonstrated both the urgency and the complexity of developing a Crimes Against Humanity Convention. While broad agreement emerged around the importance of centring lived experience and strengthening victim-centred approaches, this consensus was consistently accompanied by strong assertions of sovereign rights and the principle of non-interference while also highlighting the legal and political challenge of reconciling collective international responsibility with the enduring primacy of state sovereignty as the process moves forward.

Reflecting on the discussions, we were asked us to bear witness, to listen, and to act with foresight and responsibility, so that crimes against humanity are neither repeated nor ignored. Left unspoken during the discussion on the draft treaty on the Prevention and Punishment of Crimes Against Humanity is the intergenerational harm caused when past crimes against humanity go unpunished. Equally unresolved is how ongoing crimes against humanity are addressed when they sit in the present, neither confined to history nor clearly framed as future atrocities.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Belinda', written in a cursive style.

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