

African Commission on Human and Peoples' Rights

85th Ordinary Session: Human Rights Situation in Africa

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A landmark decision by the UN General Assembly at the end of 2024 to move to a negotiating process for an international Convention on the Prevention and Punishment of Crimes against Humanity provides an opportunity for African States to lead on filling a critical gap in international law, to address some of the gravest crimes under international law. Starting in January 2026, States will embark on a four-year process to develop and conclude a convention in 2029.

Now, States have the opportunity to develop a tool that will expressly codify the obligation to prevent and punish crimes against humanity, strengthen domestic systems to ensure accountability for these crimes, facilitate criminal justice cooperation across borders, and provide victims and survivors with better access to justice and reparations. These crimes are a blight on the continent, whether committed by States, armed groups or corporate actors, in peace or in wartime.

African States can and should play an important role in the development of the convention and can do so in three ways.

First, African States should support the meaningful, equitable and safe participation of diverse civil society and survivors in the elaboration of the convention. While the General Assembly resolution only recognizes a role for ECOSOC accredited NGOs, those without ECOSOC accreditation should also be permitted to participate through a non-objection procedure. Due consideration should also be given to facilitating equitable geographical representation, gender parity and the inclusion of underrepresented groups and individuals.

Second, African States should engage in a critical review of the existing draft text to identify areas where it can be strengthened, particularly to ensure that it requires a trauma-informed, gender-competent and intersectional approach to access to justice and accountability and provides tools and mechanisms for its effective implementation. We welcome Sierra Leone's leadership and wide African state support for incorporating the slave trade into the convention. We encourage States to identify additional amendments to strengthen the text, particularly those that promote protection of marginalized groups and the interests of victims and survivors.

And third, African States should provide forums at the regional level in 2025 and 2026 for further discussion and development of proposals to strengthen the existing draft text of the convention and to deliver meaningful regional input, ensuring negotiations at the United Nations in New York are not conducted in a vacuum.

Thank you.

This statement has also been endorsed by Professor Bonita Meyersfeld (University of Witwatersand) and Her Ladyship Judge Margie Victor (South Africa).