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**Subject:** Definition of the term „gender“ in the *Proposed Convention on the Prevention and Punishment of Crimes Against Humanity, A/CN.4.L.892*

I am addressing you in context of the ongoing open comments process regarding the **Proposed Convention on the Prevention and Punishment of Crimes Against Humanity**, which was developed by the **International Law Commission** and presented at their 69th session (**A/CN.4/L.892**).

**Ministry of Human Rights and Refugees of Bosnia and Herzegovina** is, among other, responsible for advancement of gender equality and monitoring and implementation of the international documents in this area. In that capacity, we would like to draw your attention to the definition of the term „gender“ in the text of the Proposed Convention on the Prevention and Punishment of Crimes Against Humanity and to ask you to consider amending the definition.

Namely, we find the definition of „gender“, as stated in the Article 3 of the proposed Convention, to be opaque, outdated and not in line with the recent, more inclusive and more gender sensitive definitions of „gender“ such as those in the **Council of Europe Convention on preventing and combating violence against women and domestic violence** (Istanbul Convention) or **CEDAW General recommendation No. 25**, on article 4, paragraph 1 of the Convention on the Elimination of All Forms of Discrimination against Women.

In particular, the CEDAW General Recommendation No. 25 is referring to the definition of the term “gender” by using the following citation from the **United Nation Document “1999 World Survey on the Role of Women in Development” (New York, 1999)**: *“Gender is defined as the social meanings given to biological sex differences. It is an ideological and cultural construct, but is also reproduced within the realm of material practices; in turn it influences the outcomes of such practices. It affects the distribution of resources, wealth, work, decision-making and political power, and enjoyment of rights and entitlements within the family as well as public life. Despite variations across cultures and over time, gender relations throughout the world entail asymmetry of power between men and women as a pervasive trait. Thus, gender is a social stratifier, and in this sense it is similar to other stratifiers such as race, class, ethnicity, sexuality, and age. It helps us understand the social construction of gender identities and the unequal structure of power that underlies the relationship between the sexes.”*



In addition, in the Article 3. of the Istanbul Convention, the term “gender “ is defined as follows:  
*“Gender” shall mean the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men“.*

As a country which ratified the Istanbul Convention as early as 2013, we hope you will take this request into account and that you will consider harmonizing the definition „gender“ in the Proposed Convention on the Prevention and Punishment of Crimes Against Humanity with the above-cited newer, more comprehensive and more adequate definitions and, thereby, add to the quality of this important UN Convention.