

30 January 2026

**Preparatory Committee for the United Nations
Conference of Plenipotentiaries on Prevention
and Punishment of Crimes against Humanity**

First session

New York, 19–30 January 2026

Oral report of the Chair of the Working Group

Chair: Mr. Declan Smyth (Ireland)

Distinguished Delegates,

I. Introduction

1. Pursuant to paragraph 7 of General Assembly resolution 79/122 of 4 December 2024, the Preparatory Committee, at its first meeting, on 19 January 2026, decided to establish a working group of the whole. The mandate of the Working Group, as set out in that same paragraph, was to facilitate consultations on the draft articles on prevention and punishment of crimes against humanity to enable Governments to prepare formal proposals for amendments to the draft articles for consideration by the United Nations Conference of Plenipotentiaries on Prevention and Punishment of Crimes against Humanity to be included in the compiled text. It bears recalling that, in accordance with paragraph 5 of resolution 79/122, the compiled text will serve as the basis for negotiations, consisting of both the draft articles and a compilation of proposals for amendments to the draft articles as submitted by Governments.

2. The proceedings of the Working Group were governed by the rules of procedure of the General Assembly, as had been decided by the Assembly in paragraph 7 of resolution 79/122. I wish to recall that, at the time of the adoption of resolution 79/122, it was understood that the Chair would not provide a Chair's summary of the discussions held in the Working Group. Accordingly, the present oral report is purely technical in nature.

3. Further to paragraph 14 of resolution 79/122, the Working Group was open to all States Members of the United Nations and members of the specialized agencies. In addition, observers having received a standing invitation to participate in the sessions and the work of the General Assembly, on the understanding that they would participate in the Conference in accordance with the rights and privileges conferred upon them by the Assembly, as well as observers from relevant non-governmental organizations in consultative status with the Economic and Social Council in accordance with the provisions of Council resolution 1996/31 of 25 July 1996, were

allowed to observe the proceedings of the Working Group, consistent with paragraphs 15 and 16 of resolution 79/122.

4. The Special Rapporteur of the International Law Commission on crimes against humanity, Professor Sean D. Murphy, attended the meetings of the Working Group as an Expert, in light of paragraph 19 of resolution 79/122.

5. The Working Group had before it for discussion the draft articles on prevention and punishment of crimes against humanity, as adopted by the International Law Commission in 2019.¹

II. Proceedings of the Working Group

6. The Working Group held nine meetings, from 20 to 23, from 26 to 28, and on 30 January.

III. Informal summary

7. The present informal summary is for reference purposes only and is not an official record of the proceedings.

8. The Working Group structured its work on the basis of five thematic clusters of provisions in the draft articles. It should be recalled that such an arrangement of thematic clusters was also used to organize the discussion during the two resumed sessions of the Sixth Committee, held in 2023 and 2024.²

9. At the first, second and third meetings of the Working Group, held from 20 to 22 January, delegations exchanged views regarding cluster 1. Cluster 1 consists of the introductory provisions, that is, the preamble and draft article 1 on the scope of the draft articles.

10. At the third, fourth and eighth meetings, held on 22 and 28 January, delegations discussed draft articles 2, 3 and 4, which cover the definition of crimes against humanity and general obligations of States, and are grouped in cluster 2.

11. Cluster 3, consisting of the provisions on national measures, namely draft articles 6, 7, 8, 9 and 10, was discussed at the fifth, sixth, seventh and eighth meetings, held on 23, 26, 27 and 28 January, while cluster 4 on international measures, as reflected in draft articles 13, 14, 15 and the annex, was discussed at the seventh and eighth meetings, held on 27 and 28 January.

¹ *Official Records of the General Assembly, Seventy-fourth Session, Supplement No. 10 (A/74/10), chap. IV.*

² See A/C.6/78/2.

12. Cluster 5, which deals with safeguards, comprises draft articles 5, 11 and 12 and was discussed at the eighth and ninth meetings, held on 28 and 30 January.

13. In addition to the consideration of the five thematic clusters, a discussion of proposals for additional provisions took place at the ninth meeting, held on 30 January.

14. At the beginning of the discussion of each cluster, the Expert was invited to take the floor and introduce the draft articles in the cluster, by explaining the background, scope and content of the relevant draft articles. During the discussions that ensued, some delegations posed questions to the Expert, or sought clarifications. The Expert was given the floor at the end of the discussion of each cluster to respond to those questions or to clarify issues that had been raised during the debate.

Distinguished Delegates,

15. As Chair of the Working Group, I am most grateful to delegations for their active and constructive engagement on a matter that is complex in many dimensions. I also wish to extend my gratitude to the Secretariat for its invaluable assistance, and in particular to the interpreters.

16. I encourage delegations to submit their formal proposals for amendments to the draft articles to the Secretariat by the 30 April deadline, in line with paragraph 9 of resolution 79/122.

17. I recommend that the Committee take note of the present oral report.

Thank you.