

*CENTERING
VICTIMS &
SURVIVORS*

**REALISING VICTIM AND
SURVIVOR PROPOSALS FOR
AN EFFECTIVE VICTIM- AND
SURVIVOR-CENTRED
APPROACH TO A FUTURE
CRIMES HUMANITY
CONVENTION**

CENTER FOR HUMAN RIGHTS ADVOCACY



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The Center for Human Rights Advocacy is an international human rights non-governmental organisation founded in Geneva, Switzerland on International Women's Day in 2023. As human rights crises persist and emerge around the world, the Center for Human Rights Advocacy was created to ensure victims and survivors are heard, by providing support to facilitate their access to international human rights mechanisms and international and national courts.

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**“WHAT IS ESSENTIAL IS NOT JUST BEING INVITED TO SPEAK,
BUT BEING LISTENED TO AND TAKEN SERIOUSLY
AS CO-CREATORS OF THE PROCESS.”
- SURVIVOR**

I. INTRODUCTION

The coming years offer a historic opportunity to create an effective treaty on the prevention and punishment of crimes against humanity and ensure victims and survivors remain at its centre. Over the past years, the notion of a “victim/survivor-centred approach” has been developed, refined, and elaborated upon by international institutions, CSOs, victims’ associations, experts, advocates and additional relevant actors. As multiple crises continue to unfold and deepen around the world, concretely and meaningfully ensuring the inclusion of the perspectives of those directly affected by issues being discussed, debated and decided has never been more critical. As the former High Commissioner for Human Rights said, “inclusive alliances – where the most vulnerable participate in decisions that affect them – have the power to prevent.”¹

Several delegations have “recalled that crimes against humanity were among the most serious crimes under international law and shocked the conscience of humanity, noting their devastating and long-lasting impact on victims, communities and societies as a whole.”² Several delegations have also “expressed the view that a future convention should be victim and survivor-centred.”³ Malta, for instance, has underlined “a survivor centric approach ... places the rights and agency of survivors and victims at the forefront of all actions.”⁴ Latvia, on behalf of itself, Estonia and Lithuania, has underscored that the focus on “victim-centred” is what “ensures that the emphasis remains on preventing and punishing crimes that have a significant impact on civilians.”⁵ While support for a victim / survivor-centred approach has grown over time on one hand, Türkiye has expressed hesitation regarding “whether there is consensus or clarity about the terms ‘victim-centred’ and ‘survivor-centred’ approaches in international law.”⁶

Moving from principle to practice, this brief intends to mobilise all relevant actors in the international community to realise a victim- and survivor-centred approach in all stages of the process of ensuring the adoption of a robust Crimes Against Humanity Convention, its implementation and monitoring. Each stage represents a critical opportunity to ensure victims' views, priorities and perspectives are considered and incorporated. Considering this project as a form of intensifying the global fight against impunity and ensuring those responsible are held accountable for crimes against humanity; this unique moment presents a window for States, civil society, victims, survivors and affected communities to shape a law that will dictate peace and prevention for generations to come.

To do so, this brief builds on an essential effort, *Draft Crimes Against Humanity Convention Must Center Victims and Survivors*,⁷ first, by outlining the current progress and next steps ahead towards a future Crimes Against Humanity Convention; second, by conceptualising 'victims' and 'survivors' and a 'victim- and survivor-centred approach'; and finally, by offering concrete recommendations to facilitate how States, civil society organisations, victims' associations and all other relevant actors in the international community can ensure victims and survivors can meaningfully engage and participate in each stage, informed by victims and survivors themselves and supported by best practices.⁸



Photo: Parliamentarians for Global Action

II. PROGRESS TOWARDS A CRIMES AGAINST HUMANITY CONVENTION

The story of crimes against humanity in international law began following the Second World War, reflected in the Charter of the International Military Tribunal at Nuremberg, in Article 6(1)(c) and the Charter of the International Military Tribunal for the Far East at Tokyo, in Article 5(c).⁹ Until the establishment of the International Criminal Tribunals for the former Yugoslavia and Rwanda, the Special Court of Sierra Leone and the Extraordinary Chambers in the Courts of Cambodia, “they were punished only by national courts.”¹⁰

On the 17th of July 1998, the Rome Statute of the International Criminal Court was adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court and it entered into force on the 1st of July 2002.¹¹ Under Article 5(b) of the Statute: “The Court has jurisdiction in accordance with this Statute with respect to ... crimes against humanity.”¹² Under Article 7(1), “crime against humanity” means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack”: including imprisonment, rape, torture, enforced disappearances, and enslavement, among others.¹³

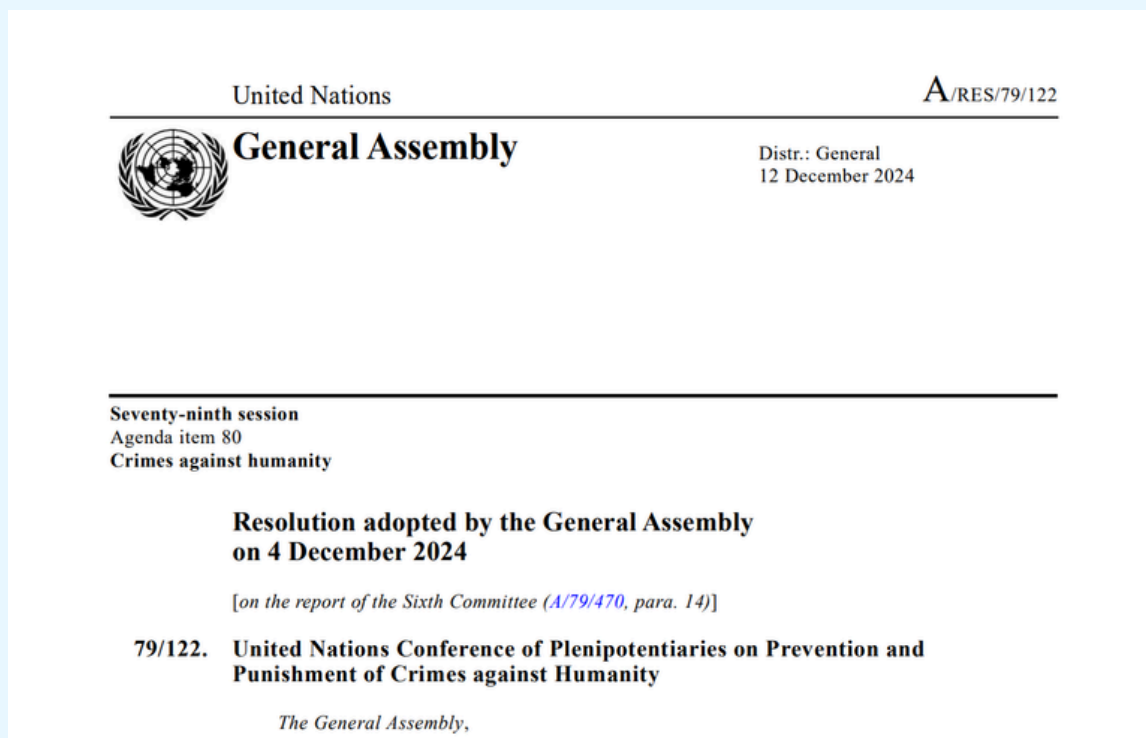
In 2019, following extensive consultations and examination, the United Nations International Law Commission (ILC) adopted the Draft Articles on the Prevention and Punishment of Crimes against Humanity (Draft Articles), which was then transmitted to the United Nations General Assembly (UNGA)’s Sixth Committee.¹⁴

**Draft articles on Prevention and Punishment of
Crimes Against Humanity**
2019

Humanity took a significant step forward against impunity and in favour of victims and survivors when, following extensive advocacy by civil society,¹⁵ the Sixth Committee finally adopted a resolution by consensus on the 22nd of November 2024 to advance the Draft Articles to negotiations.¹⁶ There is now a path forward towards, as the Gambia put it, “a world where the voices of victims are heard louder than their perpetrators.”¹⁷

On the 4th of December 2024, the UNGA adopted Resolution 79/122 and decided “to convene the United Nations Conference of Plenipotentiaries on Prevention and Punishment of Crimes against Humanity, to meet at United Nations Headquarters in New York for three consecutive weeks in early 2028, and for three consecutive weeks in 2029, unless otherwise agreed by the Preparatory Committee, **“to elaborate and conclude a legally binding instrument on prevention and punishment of crimes against humanity**, with a possibility to hold an additional session, if necessary, bearing in mind the aim of developing an instrument enjoying the broadest possible support.”¹⁸

This is a landmark moment: a treaty that can go beyond the Rome Statute and relevant jurisprudence;¹⁹ and can reflect current realities and developments in international law. While this represents a massive breakthrough, the time available for States must be used wisely.



III. KEY STEPS AHEAD

The General Assembly also “invited Governments to **submit to the Secretary-General, no later than 30 April 2026, proposals for amendments to the draft articles for inclusion in the compiled text** which will serve as the basis for negotiations at the conference, and requested the Secretary-General to submit a proposed compiled text to the Preparatory Committee at its second session.”²⁰

The “compiled text” that is “to serve as the basis for negotiations” will include:

- “both the draft articles and a compilation of proposals for amendments to the draft articles submitted by Governments, to be prepared by the Preparatory Committee”;
- “the commentaries to the draft articles”;
- “the written comments and observations of Governments”;
- “the views expressed in discussions at the seventy-fourth to seventy-eighth sessions of the General Assembly”;
- “the written summary of the resumed sessions of the Sixth Committee;” and
- “the recommendation of the Commission.”²¹

While according to the Resolution, “States may submit proposals until April 30, 2026 ... they may, of course, **submit amendments and proposals at any time during the negotiations as they unfold.**”²²

In accordance with Resolution 79/122, and decision 80/521 (15 December 2025), “**the Preparatory Committee for the United Nations Diplomatic Conference of Plenipotentiaries on Prevention and Punishment of Crimes against Humanity** met from 19 to 30 January 2026 (first session), and **will meet from 12 to 15 April 2027 (second session) at United Nations Headquarters in New York.**”²³

Notably, in January 2026, the Preparatory Committee decided to: “invite representatives of relevant non-governmental organizations, other than those in consultative status with the Economic and Social Council ... civil society organizations, academic institutions and the private sector, taking into account the principles of transparency, equitable geographical representation and gender parity, to submit requests to participate in the Conference,” “with the list reviewed by U.N. Member States on a ‘non-objection basis.’”²⁴

It is in this context that the present brief is situated — to build upon existing efforts and realise a strategy for victims’ and survivors’ centering during these next years, and the following. This critical moment could ultimately lead to an international legal document that is grounded in victim and survivor perspectives and experiences and crystallises responsibilities for States. This brief seeks to fill a crucial gap: on the one hand, “the world’s understanding of crimes against humanity ... has evolved through the lived experiences of victims, survivors, and affected communities”; and on the other hand, they “remain on the margins of such processes.”²⁵

IV. VICTIMS AND SURVIVORS: FROM PASSIVE SUBJECTS TO ACTIVE AGENTS

A. DEFINING VICTIMS AND SURVIVORS

It must first be noted that the Draft Articles do not include a definition of the term ‘victim’ or ‘survivor,’ though several proposals have been offered.²⁶ According to the International Network of Victims and Survivors of Serious Human Rights Abuses, which is led by victims and survivors, the “meaning of both terms is constantly evolving, often as a result of victims and survivors themselves fighting to overcome structural and cultural issues to achieve more inclusive definitions.”²⁷

Existing definitions may serve as a starting point for considerations to help develop a definition for victims and survivors; including Rule 85(a) of the International Criminal Court Rules of Procedure and Evidence, which defines victims as “natural persons who have suffered harm as a result of the commission of any crime within the jurisdiction of the Court.”²⁸ The Ljubljana-The Hague Convention On International Cooperation In The Investigation and Prosecution Of The Crime of Genocide, Crimes Against Humanity, War Crimes and other International Crimes, also defines “victims” in Article 81(1)(a) as follows: “natural persons who have suffered harm as a result of the commission of any crime to which this Convention applies.”²⁹

Additional international instruments, as well as treaty bodies, courts and other forums may further guide a deeper understanding of ‘victims’ and ‘survivors,’ often depicting the notion of harm originating from a human rights violation or abuse foreseen in law. Harm can include “physical or mental injury, emotional suffering, economic loss or substantial impairment of ... fundamental rights.”³⁰ Harm could be suffered individually or collectively.³¹ Transgenerational harm has also been recognised.³²

The term “victim” has also been considered to include: “where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization”; as well as “organizations or institutions that have sustained direct harm to any of their property which is dedicated to religion, education, art or science or charitable purposes, and to their historic monuments, hospitals and other places and objects for humanitarian purposes.”³³ Additionally, a “person may be considered a victim ... regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim.”³⁴

‘Victim,’ under the International Convention on Protection of All Persons from Enforced Disappearance in its Article 24(1), meant not only the “disappeared person,” but also any individual who “suffered harm as the direct result” of this violation or abuse.³⁵ This understanding was also followed by the Inter-American Court of Human Rights, which, on more than one occasion, granted reparations to missing persons’ family members, recognizing the psychological harm it caused them, even if not directly.³⁶ According to all applicable regional human rights instruments, ‘victim’ “is not construed narrowly or in a discriminatory manner.”³⁷

This brief reaffirms support for advocacy efforts to ensure “a clear and unambiguous definition” and for “this revision to be based on consultation with victims and survivors.”³⁸ A broad, comprehensive and inclusive definition would ensure victims and survivors are not left behind.³⁹ The definition should not only align with international standards, but also guarantee the rights of victims and survivors.⁴⁰

B. EVOLUTION OF THE VICTIM- AND SURVIVOR-CENTRED APPROACH

The evolution of victims and survivors as no longer passive objects, but as central actors of change, brought forth a new approach: the victim- and survivor-centred approach.⁴¹ This approach remains essential for all victims and survivors of crimes against humanity who would be impacted by the decisions that concern the Convention; it would bring forth “a tangible impact in the betterment of the lives of those who have already lost so much.”⁴²

The UNGA, “[c]onvinced that, in adopting a victim-oriented perspective, the international community” has affirmed “its human solidarity with victims of violations of international law, including violations of international human rights law and international humanitarian law, as well as with humanity at large.”⁴³ Participants at a recent side event that took place at the margins of the 61st session of the United Nations Human Rights Council, *From Impunity to Justice: Victim-Centred Accountability*, specifically “emphasised the need for accountability systems—both national and international—to become more accessible, inclusive, and responsive to victims’ lived realities.”⁴⁴

To realise a victim- and survivor-centred approach, States must ensure victims and survivors can meaningfully participate and engage in all stages of the treaty and that their voices, perspectives and priorities are represented in the final text and beyond. The following are essential principles to guide the adoption of a victim- and survivor-centred approach:

Key Principles to effectively implement a Victim- and Survivor-Centred Approach:

1 Respect for Rights

A victim- and survivor-centred approach “prioritises a survivor’s rights.”⁴⁵ These rights are enumerated in international human rights law and international criminal law.⁴⁶ These rights include, but are not limited to: the right to complain to competent authorities; to receive information; to participation; to be heard; to access support services; to protection; to truth; and to reparation.⁴⁷



VICTIMS & SURVIVORS

2 Compassion and Respect for Dignity

The victim- and survivor-centred approach strives to ensure “all policy, actions, and decision-making” treats all victims and survivors “with dignity and respect” as well as “kindness, compassion and empathy.”⁴⁸ The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law reaffirmed “the principles enunciated in the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, including that victims should be treated with compassion and respect for their dignity...”⁴⁹

3 Survivor-Led

Approaches might fall on a continuum between survivor- “blind, aware, informed, centred and led.”⁵⁰ While the first parts indicate a low form of influence, the latter consolidates the ideal of victims and survivors occupying spaces of protagonism.⁵¹ In the face of countless challenges, victims and survivors “have always been and continue to be the driving force for accountability.”⁵² They are “active agents that play or ought to play a crucial role in efforts to hold perpetrators of international crimes to account.”⁵³

4 Inclusiveness and Non-discrimination

Victims and survivors must be treated equally, irrespective of their language, ethnicity, race, religion, political beliefs, gender, disability, age or any other basis.⁵⁴ Yet, victims and survivors are often subjected to marginalisation and discrimination.⁵⁵ Moreover, an intersectional approach comprehends persons in a net of relationships and kinds of oppression, and such different dimensions may affect the specific manner one experiences discrimination. In addition, victims are not uniform groups, and may also present within their dynamics, forms of exclusion.⁵⁶ A notable example of inclusive efforts in the face of such challenges can be seen in the work of the the International, Impartial and Independent Mechanism to assist in the investigation and prosecution of persons responsible for the most serious crimes under International Law committed in the Syrian Arab Republic since March 2011; it considers its “Victim/Survivor Centred Approach (VSCA) Strategy,” as serving to “operationalise” its “focus on the experiences, perspectives and priorities of the broad range of victims/survivors of the Syrian conflict, as a core part of its daily work.”⁵⁷ The approach aims to include overlooked perspectives, often covered underneath stigma, such as in the case of victims of sexual violence.⁵⁸

5 Trauma-Informed

Victims and survivors “may be affected by trauma” and thus adopting a trauma-informed approach remains essential.⁵⁹ At the International Criminal Court’s “Victims’ Strategy Seminar: A Renewed Commitment”: speakers also “underscored the importance of recognizing the profound and intergenerational effects of trauma, underscoring that the effects of abuse can extend beyond immediate victims to future generations.”⁶⁰ If one looks at the creation of procedural rules on testifying that do not encompass the specific trauma that some group of persons might have as a consequence of violations or abuses, for instance, it can create an unsafe environment for some, as it was never thought from the vulnerable person’s perspective.⁶¹ Integrating their perspectives, is therefore, a primordial point for any program.⁶²

6 Trust-Building

Including the needs and perspectives of victims and survivors builds a feeling of trust between them and the State, especially after this connection may have been broken for a long time.⁶³

7 Continuous and Ongoing

The victim- and survivor-centred approach is not a momentary and temporary idea, but rather a continuous, ongoing process.⁶⁴

9 Respect for Autonomy

The autonomy of victims and survivors must also be respected. Victims and survivors have “the right, appropriate to their age and circumstances, to be informed about relevant developments, to decide who should know about what has happened to them and what should happen next.”⁶⁸ Respect for the choices of victims and survivors must be “the fundamental basis for all aspects and stages of ... interaction.”⁶⁹ Support should also be ensured for “a survivor’s agency and participation in decision-making processes.”⁷⁰

10 Assistance and Support

The victim- and survivor-centred approach “acknowledges that every survivor has equal rights to care and support; is different and unique; will react differently to their experiences of violence; has different strengths, capacities, coping skills, resources and needs.”⁷¹ As victims and survivors have experienced violations and abuses, “providing the necessary support to victims” remains essential.⁷² The concept of “survivor empowerment” serves to “promote the resourcefulness of survivors by facilitating their access to a range of support services and providing opportunities to build their own capacities, support networks, and act on their own choices.”⁷³ Support should be responsive to the needs of victims and survivors, holistic and sustainable, and can include medical, psychological, legal, and social support.⁷⁴

8 Safety

Putting a victim- and survivor-centred approach into practice “means establishing a relationship with the survivor that promotes their emotional and physical safety, builds trust and helps them to restore some control over their life.”⁶⁵ At the International Criminal Court’s “Victims’ Strategy Seminar: A Renewed Commitment”: “Multiple speakers called for moving past the fear of “doing harm” and instead building the confidence and capacity to engage with victims safely and effectively.”⁶⁶ This principle entails steps such as developing “clear and accessible protocols” to avoid further risks and guarantee the safety of all involved.⁶⁷



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V. CONCRETE PROPOSALS TO ENSURE VICTIMS AND SURVIVORS REMAIN AT THE CENTRE OF A CRIMES AGAINST HUMANITY CONVENTION

On the 5th of October 2023, a letter endorsed by several civil society organisations and individuals urged States “to approach the development of a new crimes against humanity treaty with a ... survivor-centric ... lens.”⁷⁵ Ahead of the January 2026 Preparatory Committee meeting, the “Advancing Gender Justice in the Crimes Against Humanity Convention: A Declaration,” endorsed by hundreds of civil society organisations and individuals, emphasised: “Center victims and survivors in the convention.”⁷⁶

This section will thus present concrete methods for States to effectively apply a victim- and survivor-centred approach to each stage of a future Crimes Against Humanity Convention, informed by the perspectives of victims and survivors and grounded in best practices. Their “lived experience and expertise are essential to crafting a convention that is credible, legitimate, and responsive.”⁷⁷ This approach, however, is not restricted to a specific stage of this process, but must remain a continuous practice.⁷⁸ Therefore, this section will demonstrate how to ensure victims and survivors can remain at the centre across three critical stages: first, treaty development; second, treaty implementation; and finally, treaty monitoring.⁷⁹

As one survivor put it: “**Victims and survivors must be active participants throughout every stage of the treaty process.**” Another emphasised: “**Participation of victims and survivors must be built into the process so their lived experiences guide the treaty from start to finish.**” For another: “**For victims’ participation to be real and meaningful, it must be integrated into the structure of the process from the very beginning ... It should be clear how victims’ views are reflected in the treaty text, implementation, and monitoring.**”

A. TREATY NEGOTIATION

VICTIM & SURVIVOR PERSPECTIVES

“IT IS IMPORTANT TO PROVIDE ENOUGH INFORMATION ABOUT THE TREATY SO THAT PEOPLE UNDERSTAND HOW THEY CAN TAKE PART IN THE PROCESS.”

“TO ENSURE SURVIVOR VOICES ARE HEARD, WE MUST CREATE INCLUSIVE PLATFORMS WITH ACCESSIBLE LANGUAGES AND SURVIVOR-LED FORUMS.”

“THEY MUST BE GENUINELY CONSULTED IN DECISION-MAKING.”

“THEY NEED A SEAT AT THE TABLE.”

“THEIR STORIES, THEIR SUFFERING, AND ALSO THEIR IDEAS MUST GUIDE THE TEXT ... THEIR PARTICIPATION MUST HAVE A REAL IMPACT.”

“THIS REQUIRES STRUCTURED AND SAFE CONSULTATION PROCESSES, WHERE THEIR VOICES ARE NOT ONLY HEARD BUT ALSO REFLECTED IN DECISIONS.”

“PARTICIPATION MUST NOT BE SYMBOLIC; IT SHOULD HAVE REAL INFLUENCE ON OUTCOMES.”

“STATES MUST ALSO ACTIVELY ENSURE THAT THE VOICES OF THOSE MOST VULNERABLE, AND THOSE IN MARGINALISED COMMUNITIES ARE AT THE FOREFRONT.”

RECOMMENDATION

Establish a Victims and Survivors Advisory Group by conducting outreach and victim- and survivor- mapping in order to create a representative group that is able to meaningfully contribute to the treaty negotiation process.

Establishing a Victims and Survivors Advisory Group will enable the representation of realities on the ground and allow for victims and survivors to present proposals to States on how to meaningfully develop the Convention. At the heart of the Advisory Group is the concept of effective participation, in which the contributions from victims and survivors will effectively and concretely be able to influence the process.

Proactive, continuous, and creative outreach activities should first be conducted to increase awareness about the treaty and how to engage in the negotiation stage and then be consistently carried into each subsequent stage in a timely manner through diverse, appropriate and accessible channels.⁸⁰ Victims and survivors should be able to understand their rights, how the treaty would affect them, and how to effectively participate and be kept informed of progress and results. Victims and survivors should also be consulted with respect to the manner they wish to participate.

Reaching out to victims and survivors in an inclusive and extensive manner is a difficult task, considering that information and channels for engagement should be available in different languages, approaches, and geographical regions.⁸¹ Therefore, any outreach approach should be designed in partnership with trusted local partners, to guarantee an approach that will ensure accessible language, terms, understandings of cultural contexts and local realities, and appropriate means to reach even the most remote communities.⁸²

The Advisory Group must ensure participation is inclusive, non-discriminatory, and enables representation of diverse victims, survivors, groups, and communities. A superficial approach is insufficient; rather, a comprehensive approach is required, capable of ensuring marginalised communities or individuals are not ignored.⁸³ In order to establish such an Advisory Group, victim- and survivor-mapping must be conducted because victims and survivors do not form a uniform group, but rather a complex and diverse population, within which dynamics of oppression, discrimination, and inequality may be present.⁸⁴ Victim- and survivor-mapping must give regard to inequalities, uncovering individuals, groups or communities that might be hidden under the complexity of trauma and social relations. Factors such as: gender; race; religion; ethnicity; language; culture; migrant status; disability; age; socio-economic status; among other relevant factors must therefore be taken into consideration.⁸⁵ The aim is to overcome processes of invisibilization and marginalisation. Victim- and survivor-mapping should accordingly count on local NGOs for reaching such persons in order to leave no one behind.

In addition, victim and survivor perspectives may never be assumed from their representatives because biases due to culture, gender, and other factors may influence how one comprehends justice, violations and abuses. The more plural and democratic these processes may therefore be, the fairer the outcomes will be. Mapping victims and survivors is thus a tool to comprehend the different mindsets and identities behind the plurality of victims; and moreover, the different experiences each one has had with violations or abuses. Thus, creating a group that represents the full diversity of perspectives when drafting the treaty remains essential.

BEST PRACTICES

Successful examples of mapping victims include the Colombian Unique Victims Register, Registro Unico de Victimas, established by Law 1448 of 2011.⁸⁶ As a fundamental part of the Colombian transitional justice process, it captures in official records, different realities of victims throughout the country, paying special attention to their different cultural and social backgrounds.⁸⁷ As such, it serves not only as a bureaucratic register, but also as a source of information to formulate public policies.⁸⁸

The Victims' Rights Working Group, "a collaborative initiative of NGOs and other experts coordinated under the auspices of the [Coalition for the International Criminal Court]," aimed to "ensure that the [International Criminal Court] [was] set up in a way that [took] into account both the realities of victims and the clear provisions contained in the Statute and Rules of Procedure and Evidence."⁸⁹

More recently, in July 2025, the International Criminal Court hosted the "Victims' Strategy Seminar: A Renewed Commitment," which brought together victims, survivors, experts, civil society representatives, and legal practitioners in person and online. The primary objective of the seminar was to gather input for the Court's Victims' Strategy, which is under development in response to "the request of the Assembly of States Parties ("ASP") for an updated Revised Strategy in Relation to Victims."⁹⁰ The "seminar provided a dedicated forum to discuss key issues, including victim participation, victim-centred, survivor-led, and trauma-informed approaches, as well as accessibility and reparations."⁹¹

The international NGO REDRESS also formed a "survivor advisory group," through which victims of torture based in the United Kingdom are consulted as experts to inform public policies.⁹² Rather than establishing a nationals-only composition, the group includes any person who experienced torture or ill-treatment and lives in the country, including perspectives of asylum-seekers, for instance.⁹³

B. TREATY IMPLEMENTATION

VICTIM & SURVIVOR PERSPECTIVES

“ONCE THE TREATY IS ADOPTED, THEIR ROLE DOES NOT END THERE. THEY MUST REMAIN AT THE HEART OF ITS IMPLEMENTATION.”

“ONE IMPORTANT STEP IS THE CREATION OF MECHANISMS THAT ALLOW FOR DIRECT ENGAGEMENT WHETHER THROUGH FORMAL OR INFORMAL CONSULTATIONS.”

“ENSURING THAT THE TREATY BECOMES AN EFFECTIVE TOOL MEANS MAKING IT A PLATFORM FOR THE REALISATION OF A SURVIVOR-CENTRED APPROACH.”

RECOMMENDATION

Create nationwide victims and survivors assemblies in order to allow victims and survivors to maintain long-term engagement and frequent review of the treaty implementation.

Including the views and perspectives of victims and survivors in the process of treaty implementation is a fundamental element for ensuring that this process is effective and addresses the feelings of injustice and exclusion sustained by those affected by atrocities.

The aim is to create a structure that makes it possible for victims and survivors all over each country to debate and present their views in a safe and informed manner. These assemblies should offer spaces on the national, regional, and local level where victims and survivors can come together for sharing their stories, communicating among themselves, presenting proposals, and evaluating implementation on a continuous basis.

While the path to ensuring such assemblies can enable victims and survivors to remain active actors is not straightforward, steps can be taken to overcome challenges. For instance, it is necessary to first build a relationship of trust with the population, which is likely damaged from the failure to protect them from previous violations and abuses.⁹⁴ Moreover, engagement with these assemblies may represent a risk for victims and survivors, especially those most vulnerable; thereby, requiring the establishment of measures for protection. Using traditional and community-based mechanisms may also end up reproducing already-existent patterns of discrimination in society; thus, the national assemblies should accordingly create and adopt rules and procedures for ensuring respect for human rights.

BEST PRACTICES

In Columbia, the Victims and Land Restitution Law (Law 1448) demanded complex institutional developments, allocating resources, services, and infrastructure to create a comprehensive decentralized body able to engage victims, including from the most remote locations.⁹⁵ The process frequently took the form of local workshops and roundtables.⁹⁶

In Guatemala, a different dynamic may be found. The transitional justice process did not create these kinds of bodies as a part of its policies; rather, they were created in an organic manner. Communities of victims spontaneously organised themselves into local committees, forming a space to call on the government for changes and also to support each other.⁹⁷ Such bodies became so numerous that they ended up becoming part of national networks, functioning almost as advisers to the peacebuilding process.⁹⁸

Other formats, however, may be used; for instance, the Kinhasa Declaration On the Rights to Reparation and Co-creation of Survivors and Victims of Conflict-Related Sexual and Gender-Based Violence, goes beyond consultations, emphasising the concept of “co-creation,” which can be characterised as “collaborative ... processes, measures and strategies that bring together survivors and victims as equal partners alongside other relevant stakeholders.”⁹⁹

C. TREATY MONITORING

VICTIM & SURVIVOR PERSPECTIVES

**“THE TREATY SHOULD ALSO PROVIDE FOR
MONITORING AND OVERSIGHT MECHANISMS.”**

**“VICTIMS AND SURVIVORS SHOULD BE PART OF
MONITORING THE TREATY.”**

**“THEY MUST BE ABLE TO MONITOR WHETHER
THE TREATY IS BEING RESPECTED.”**

**“PUT SURVIVORS AT THE CENTRE. DON’T JUST
CREATE A TREATY THAT SPEAKS FOR THEM,
CREATE ONE THAT SPEAKS WITH THEM.”**

RECOMMENDATION

Establish a Comprehensive Victim- and Survivor-Centred Monitoring Mechanism.

After a treaty is formally adopted and integrated into the legal system, the work is not over; it is also necessary to make sure it remains effective. In a report by the Special Rapporteur of the International Law Commission on crimes against humanity, he has offered what a potential monitoring mechanism or mechanisms could do to monitor “a State’s implementation of and compliance with the convention.”¹⁰⁰ He explored various institutional structures, including committees, commissions, courts or meetings of State parties; and various existing procedures, “including: (a) reports by States parties; (b) complaints, applications or communications by individuals; (c) inter-State complaints; (d) inquiries or visits; (e) urgent action; and (f) presentation of information for meetings of States parties.”¹⁰¹

A monitoring mechanism could play a critical role; namely, it “can also serve as an important conduit for centering the concerns and requests of victims, survivors, and civil society, ensuring that States Parties are responsive to those most impacted by crimes against humanity.”¹⁰²

To ensure that such a mechanism is effective, enabling victims and survivors to receive information in an accessible manner on how to provide constant feedback on various aspects of the convention and ensure their input is considered remains essential. More than presenting a one-time perspective, the possibility to provide constant feedback is a way to improve institutions’ work over time.¹⁰³ Adopting an accurate metric to measure the effectiveness is not a simple task; while different groups might portray different visions of the process, determining the failure or success of a certain measure is thus not a binary choice, but rather a multifactorial evaluation.

Participation should, therefore, be a dynamic and constant activity, able to point out gaps and new issues that appear over time.¹⁰⁴ In addition, keeping the population informed about progress and challenges becomes crucial in order to maintain victim and survivor engagement. Moreover, previously-created institutions and contact with trusted organisations can also serve to enable effective engagement of victims and survivors with respect to monitoring.

BEST PRACTICES

A project developed by Verité Research presented a continuous approach focused on the feelings and perceptions of civilians around Sri Lanka, presenting, through questionnaires and workshops, how the population felt about the peace process outcomes.¹⁰⁵ Through it, it became possible to comprehend in which aspects such an approach has been successful and in which it has not.¹⁰⁶

The Sierra Leone Court Monitoring Programme, on the other hand, united civil society in order to produce constant reports on the implementation of transitional justice measures; it “has been one of the few consistent local voices to give independent comment on developments at the Special Court.”¹⁰⁷

D. VICTIMS AND SURVIVORS FUND

VICTIM & SURVIVOR PERSPECTIVES

“VICTIMS AND SURVIVORS FACE COMPLEX AND MULTI-LAYERED CHALLENGES.”

“SURVIVORS FACE MANY BARRIERS, FROM RELIVING TRAUMA TO FINANCIAL AND PRACTICAL CHALLENGES, AND OFTEN FEELING EXCLUDED OR MISUNDERSTOOD.”

“OBSTACLES ARE NOT MERELY TECHNICAL OR PROCEDURAL, THEY ARE HUMAN.”

“MANY SURVIVORS FEEL ... MARGINALIZED.”

“SOME CANNOT SPEAK THE LANGUAGE, SOME ARE NOT ALLOWED TO SPEAK, AND MANY FEEL INVISIBLE.”

“MANY VICTIMS ARE ... WITHOUT SUPPORT.”

“WITHOUT APPROPRIATE SUPPORT SYSTEMS, MANY GIVE UP, AFRAID OF SUFFERING A SECOND TIME.”

“A TREATY MUST ANTICIPATE THESE DIFFICULTIES.”

“VICTIMS MAY NOT BE FLUENT IN THE LANGUAGE OF LAW OR UNDERSTAND THE COMPLEXITIES OF EACH PROCESS.”

“MANY VICTIMS EITHER DO NOT ENTER THESE PROCESSES AT ALL OR FEEL THAT THEY DO NOT BELONG IN THEM.”

“THE COMPLEXITY OF THE LAW ITSELF CAN BECOME AN INSTRUMENT OF EXCLUSION.”

“FOR VICTIMS TO PARTICIPATE IN A REAL AND MEANINGFUL WAY, SAFE AND SUPPORTIVE CONDITIONS MUST BE PROVIDED FOR THEM.”

“WE MUST GIVE THEM CONCRETE MEANS TO PARTICIPATE.”

“SUPPORT MEASURES SHOULD BE MULTI-DIMENSIONAL, COORDINATED, AND BASED ON THE ACTUAL NEEDS OF VICTIMS.”

“THEY ARE THE PRIMARY EXPERTS ON WHAT THEY NEED.”

“TO ENSURE SURVIVORS’ NEEDS ARE PRIORITISED, THEY MUST RECEIVE COMPREHENSIVE SUPPORT THAT ADDRESSES BOTH IMMEDIATE AND LONG-TERM NEEDS.”

“SUPPORT MUST BE HOLISTIC AND SURVIVOR-CENTRED AND THAT MEANS PROVIDING MENTAL HEALTH CARE, SAFE SPACES FOR SHARING, FINANCIAL SUPPORT, TRANSLATION SERVICES AND LEGAL GUIDANCE.”

“HOLISTIC SUPPORT MEANS BUILDING A COHERENT SYSTEM WHERE EACH FORM OF SUPPORT REINFORCES THE OTHERS.”

“SAFE AND FLEXIBLE METHODS OF PARTICIPATION MUST BE ESTABLISHED.”

RECOMMENDATION

Establish a Victims and Survivors Fund as a means to allow for essential services and support that enable victims and survivors to have a safe means to become co-creators of the design, implementation, monitoring of the treaty.

The fund should be available at all stages of the treaty process. This fund should also be designed with the full participation of victims, survivors, affected communities, and civil society. In order to define the scope and priorities of such support, the perspectives and needs of victims and survivors should be taken into account on a continuous basis.

The fund should aim to provide a holistic approach to victims and survivors, with experts in diverse areas, for example, law, psychology, medicine, and social services.¹⁰⁸ The fund should also incorporate tools to empower victims and survivors to participate in an informed manner and “take a leadership role,” ensuring they are provided with legal, technical, psychosocial, and any other forms of support that may be required.¹⁰⁹ By ensuring technical, health, mental health, and other forms of assistance, the fund can thus enable safe and meaningful interaction between victims and survivors, delegations and institutions, creating conditions for fully, meaningfully, and effectively contributing to the treaty process.

Through this fund, reparations should also be granted in an effective and inclusive manner, by providing psychological, physical, monetary and transgenerational responses.¹¹⁰ The fund should ensure the meaningful participation of victims and survivors in the design and implementation of reparation programmes. The fund would accordingly be able to contribute to the restoration of the agency and dignity of victims and survivors.

This fund, finally, can serve as a fundamental tool in ensuring flexible, long-term, sustainable and effective victim and survivor support. The aim is to guarantee dynamic and long-lasting support, which will accompany and contribute to the evolution of peacebuilding processes, prevention, and lasting change.¹¹¹

Such funds, however, are sophisticated structures. Another major challenge will be to gather numerous capable experts in such different areas. For instance, finding individuals capable of providing psychological and physical rehabilitation, among other kinds of services, is difficult when they should also be informed of local realities and trained for the complex work of engaging with victims and survivors. Trusted-community-based groups and support services will thus have a critical role to play.¹¹² The fund may also not be able to solve all victims’ trauma, nor related issues, such as poverty, marginalisation, and stigma. However, these gaps are precisely why a constant fund should be available for victims and survivors.

BEST PRACTICES

The Trust Fund for Victims (TFV) at the International Criminal Court (ICC), has been effective for instance, in implementing transformative programmes in support of victims.¹¹³ The Trust Fund for Victims “places victims and survivors at the centre of everything” it does, and its “holistic approach aims to bring long-lasting peace to individuals, their families and communities.”¹¹⁴ The TFV also produces best practices and guidance materials based on its own work, which may be used to guide similar contexts.¹¹⁵

The United Nations Voluntary Fund for Victims of Torture enables “direct help to victims of torture and their families.”¹¹⁶ It aims “to help victims and their families to rebuild their lives and to seek redress for the human rights violations they have suffered.”¹¹⁷ The Fund awards grants, including to “survivor-led initiatives” and has awarded “hundreds of grants to civil society organizations worldwide to deliver medical, psychological, legal, social and other assistance to the victims of torture.”¹¹⁸

The approach of the Global Survivors Fund emphasises “survivors are a part of the decision-making process from the very beginning” and “they actively participate in project design and implementation,” which is in itself a “reparative” process.¹¹⁹

An example from the Democratic Republic of Congo demonstrated “reparations can be both affordable and impactful when designed with survivors at the centre.”¹²⁰ Efforts were coordinated, allowing for “access to compensation, psychosocial care, documentation for children born of war, and community advocacy spaces.”¹²¹ It was the combination of “synchronised services, trusted local support, and survivor-led governance” that led to “improved outcomes across physical, psychological, and social dimensions.”¹²²

E. VICTIM- AND SURVIVOR-CENTRED TRAINING

VICTIM & SURVIVOR PERSPECTIVES

**“SURVIVORS SHOULD FEEL SAFE,
RESPECTED AND EMPOWERED.”**

**“IT IS ALSO CRITICAL TO ADOPT A
VICTIM-CENTERED AND TRAUMA-
INFORMED APPROACH, ENSURING
DIGNITY AND RESPECT AT ALL TIMES.”**

**“FOR VICTIMS TO REGAIN THEIR DIGNITY
AND AGENCY, THIS MEANS FOSTERING A
FRAMEWORK OF RESPECT AND CULTURAL
SENSITIVITY, RECOGNIZING VICTIMS AS
FULL ACTORS.”**

**“CULTURAL SENSITIVITY SHOULD
GUIDE ALL ENGAGEMENT.”**

**“SURVIVORS SHOULD BE TREATED AS
PARTNERS IN JUSTICE.”**

RECOMMENDATION

Implement victim- and survivor-centred training programmes for all applicable actors, which are informed by victims and survivors who could effectively shape trauma-informed, gender competent, intersectional, and culturally sensitive approaches to all stages of the treaty.

Keeping the long-term effects of human rights violations and abuses in mind, the need for capable individuals to effectively assist and engage with victims, survivors, and their descendants is essential.¹²³ This training should be mandatory and apply to various actors, including those in law enforcement, social services, lawyers, judges, and other relevant professionals.¹²⁴ This type of training is inherently interdisciplinary, and accordingly, curricula should encompass, for example, matters of inter-generational trauma, cultural sensitivity, historical and conflict contexts, effective communication, and avoidance of re-victimization.¹²⁵ Protocols, guidelines, or manuals should also be developed for direct interactions with victims and survivors to support the training. Training could be offered before a professional enters service; following the establishment of specialised units; at institutes or organisations; and in partnership with or part of university programmes. At the same time, training programmes must accompany other measures.

Furthermore, States should maintain a long-term victim- and survivor- centred approach; accordingly, this learning should be comprehended as a dynamic, iterative, and interactive process. The frequent arrangement of events, workshops, conferences, regular exchanges of best practices, continuing professional education requirements, and other avenues can also be helpful in this respect.

BEST PRACTICES

Survivors have become pillars of essential guides. The GET TO KNOW ME FIRST: A Survivor-Informed Guide for Interviewing Yazidis from Sinjar and the Survivor's Guide to the Murad Code are excellent examples that have strived to shape empowering interactions “in a culturally and gender-sensitive manner” and make exchanges “truly ... survivor and community-centered.”¹²⁶

Several NGOs also provide training services based on their own experiences related to victims' assistance. For instance, the Victim Support Hub is dedicated to sharing this “knowledge and experience” with a range of diverse actors.¹²⁷ Similarly, the network Victim Support Europe offers training in areas such as: victim referral, victims' needs, the provision of information to victims, the rights of victims, communication, and strategic litigation.¹²⁸ It also provides long-distance training.¹²⁹

A partnership of the African Policing Civilian Oversight Forum (APCOF), the Centre for Human Rights and Policy Studies (CHRiPS), the Danish Institute for Human Rights, (DIHR), Freedom from Violence Initiative University of Pretoria and the Independent Policing Oversight Authority of Kenya (IPOA), The Independent Medico-Legal Unit (IMLU) and Haki Afrika compiled a manual on victim support.¹³⁰ It focuses on training law enforcement professionals on how to handle contact with victims and survivors, along with principles and approaches that should be followed in any procedure relating to their experiences.¹³¹

On a more structural level, the Minnesota Department of Public Safety created a best practices-gathering practice, through which legal, commercial, and administrative efforts that had a positive impact on victims are shared among police forces.¹³² In South Wales, a similar mapping resulted in a Code of Practice for Victims of Crime, in which minimum actions to be taken by law enforcement officials are presented to the public, and guide staff training.¹³³

VI. CONCLUSION

As crises worsen worldwide, the next stages of a Crimes against Humanity Convention present a decisive moment in international law and for the victims and survivors at its heart. Ensuring a victim- and survivor-centred approach is realised at every stage of the treaty process means it can reach those most affected by crimes against humanity. The Convention can become an effective tool for accountability and prevention, which are essential for durable peace. The recommendations offered above and presented again here present an actionable way forward:

RECOMMENDATIONS:

- 1 ESTABLISH A VICTIMS AND SURVIVORS ADVISORY GROUP
- 2 CREATE NATIONWIDE VICTIM AND SURVIVOR ASSEMBLIES
- 3 ESTABLISH A COMPREHENSIVE VICTIM- AND SURVIVOR-CENTRED MONITORING MECHANISM
- 4 ESTABLISH A VICTIMS AND SURVIVORS FUND
- 5 IMPLEMENT VICTIM- AND SURVIVOR-CENTRED TRAINING PROGRAMMES

When considering these recommendations, rather than separating them depending on the addressee, for instance, States, civil society, victims and survivors, this brief aims to establish a general framework through which such different actors may collaborate. Having this in mind, this brief recommends creating a broad and inclusive integration of diverse stakeholders in the drafting, implementation and monitoring of the treaty. Each recommendation must be interpreted as directed not only to one actor, but rather to all of them, in order to form an effective collaborative dynamic. Through this approach, victims and survivors can remain the protagonists of each process and we may ensure what one survivor concluded, which is that: **“victims feel that they are truly heard.”**

1 *Oral update on Afghanistan, Statement by Michelle Bachelet, UN High Commissioner for Human Rights*, 15 June 2022, (OHCHR), <https://www.ohchr.org/en/statements-and-speeches/2022/06/high-commissioner-updates-human-rights-council-afghanistan#:~:text=Such%20inclusive%20alliances%20%E2%80%93%20where%20the,suffering%20in%20Afghanistan%20will%20persist.>

2 *Sixth Committee (Legal) – 80th session, Crimes against humanity (Agenda item 81)*, (United Nations General Assembly), <https://www.un.org/en/ga/sixth/80/cah.shtml>.

3 *Sixth Committee (Legal) – 80th session, Crimes against humanity (Agenda item 81)*, (United Nations General Assembly), <https://www.un.org/en/ga/sixth/80/cah.shtml>; (“See, for example, the comments and observations submitted by Australia, Belgium, Colombia, Germany, Netherlands (Kingdom of the), Malta, Portugal, the United Kingdom and the United States. See also the comments and observations submitted by New Zealand.”), A/78/717, *Crimes against humanity, Report of the Secretary-General*, 12 January 2024 (United Nations General Assembly), para. 7, Footnote 27.

4 *Resumption of the seventy-eight session of the Sixth Committee, exchange of substantive views on draft articles on prevention and punishment of crimes against humanity, Cluster II, Malta Statement delivered by Mr. Adam Kuymizakis, Deputy Permanent Representative*, 02 April 2024, (United Nations General Assembly), https://www.un.org/en/ga/sixth/78/pdfs/statements/cah/40mtg_malta_2.pdf.

5 *Statement on behalf of Estonia, Lithuania and Latvia by Elvira Cupika-Mavrina, Legal advisor of Latvia to the United Nations at the Resumed Sixth Committee Session "Crimes against humanity" Cluster 2*, (United Nations General Assembly), https://www.un.org/en/ga/sixth/78/pdfs/statements/cah/39mtg_baltic_2.pdf.

6 (“Ten individual States, as well as Finland (on behalf of the Nordic States) and Latvia (on behalf of the Baltic States) expressly advocated for this approach. Many other States made more general references to the importance of considering victims and survivors, as well as the impact that a future convention would have on both present and future victims and survivors.”), Adams, Kelly, *Support Grows for Gender Justice at UN Session on Draft Crimes Against Humanity Treaty*, 23 May 2024, (Just Security), <https://www.justsecurity.org/96034/gender-justice-crimes-against-humanity-treaty/>; (“Denmark (on behalf of the Nordic Group), El Salvador, Poland, and Mongolia all also expressed support for a survivor-centered approach to a future convention. In particular, Poland noted that it has been “a strong advocate of the victim-centered approach...”), Adams, Kelly, *Progress on Gender Justice Continues as States Consider Next Steps on Draft Crimes Against Humanity Treaty*, 18 November 2022, (Just Security), <https://www.justsecurity.org/104884/gender-progress-crimes-against-humanity-treaty/>; *Crimes against humanity, Agenda item 80, 78th session (resumed), DRAFT DECLARATION FOR THE USE OF EXCHANGE OF VIEWS ON THEMATIC CLUSTER I*, (United Nations General Assembly), Turkiyë Statement: https://www.un.org/en/ga/sixth/78/pdfs/statements/cah/39mtg_turkey_1.pdf.

7 *Draft Crimes Against Humanity Convention Must Center Victims and Survivors*, (Global Justice Center), <https://www.globaljusticecenter.net/wp-content/uploads/2023/11/Victims-and-Survivors-Expert-Legal-Brief-CAH-Treaty.pdf>; See Also, *The Draft Crimes Against Humanity Convention Proposals to Center Victims and Survivors*, December 2025, (Global Justice Center), https://www.globaljusticecenter.net/wp-content/uploads/2025/12/CAH-Victims-Survivors_Short-Form.pdf.

8 The Center for Human Rights Advocacy (CHRA) is an international human rights non-governmental organisation headquartered in Geneva, Switzerland, that aims to serve as a bridge between victims and survivors and international human rights mechanisms and courts in the context of human rights crises. Through this brief, the Center strives to ensure the perspectives of victims and survivors are heard and remain at the centre of each stage of the treaty. Each victim and survivor perspective has been collected through a confidential survey and to ensure their safety and that of their families, all contributions remain anonymous.

9 *Agreement for the Prosecution and Punishment of the Major War Criminals of the European Axis, and Charter of the International Military Tribunal*, art. 6(c), 08 August 1945, 82 U.N.T.S. 280; *International Military Tribunal for the Far East*, art. 5(c), 19 January 1946, 20 T.I.A.S. 1589.

10 Sadat, Leila N., *The Long Arc of Justice: Forging a Convention for Crimes Against Humanity*, 14 July 2025, (Washington University in St. Louis Legal Studies Research Paper No. 25-08-03), <https://ssrn.com/abstract=5389408>, P. 18; *Statute of the Special Court for Sierra Leone*, S.C. Res. 1315, art. 2, 2002; *Statute of the International Criminal Tribunal for the Former Yugoslavia*, S.C. Res 827, art. 5, 1993; *Statute of the International Tribunal for Rwanda*, S.C. 955, art. 3, 1994; *Law on the Establishment of the Extraordinary Chambers*, art. 5 NS/RKM/1004/006, 2004.

11 *Rome Statute of the International Criminal Court*, 17 July 1998, 2187 U.N.T.S. 3, 7 I.L.M. 1002 (1998), <https://www.icc-cpi.int/publications/core-legal-texts/rome-statute-international-criminal-court>.

12 *Rome Statute of the International Criminal Court*, 17 July 1998, 2187 U.N.T.S. 3, 7 I.L.M. 1002 (1998), <https://www.icc-cpi.int/publications/core-legal-texts/rome-statute-international-criminal-court>, art. 5(b).

13 *Rome Statute of the International Criminal Court*, 17 July 1998, 2187 U.N.T.S. 3, 7 I.L.M. 1002 (1998), <https://www.icc-cpi.int/publications/core-legal-texts/rome-statute-international-criminal-court>, art. 7(1).

14 International Law Commission, *Draft articles on Prevention and Punishment of Crimes Against Humanity*, U.N. Doc. A/74/10 (2019), (International Law Commission), https://legal.un.org/ilc/texts/instruments/english/draft_articles/7_7_2019.pdf; (The Sixth Committee is “the primary forum for the consideration of legal questions in the General Assembly.”), Sixth Committee (Legal), (United Nations General Assembly), <https://www.un.org/en/ga/sixth/>; See Also, *Why a New Treaty on Crimes Against Humanity? An Analysis of the International Law Commission’s 2019 Draft Articles*, (Crimes Against Humanity Initiative), <https://bpb-us-e2.wpmucdn.com/sites.wustl.edu/dist/b/2004/files/2024/09/Final-CAH-Fact-Sheet.pdf>.

15 *Joint Statement in Support of Progress toward a Crimes Against Humanity Treaty*, (CAH Treaty Now) <https://cahtreatynow.org/joint-statement-in-support-of-progress-toward-a-crimes-against-humanity-treaty/>; See the following understanding of civil society: (It broadly can include: “victim/survivor associations, non-governmental organizations working on justice and accountability, human rights, humanitarian, and other relevant issues, and academic institutions, as well as individuals and groups from affected communities – as technical experts with essential knowledge and/or as individuals with directly relevant lived experiences and ties to key constituencies.”), *CIVIL SOCIETY PARTICIPATION, Proposed Language for Adoption by the Preparatory Committee for the United Nations Conference of Plenipotentiaries on Prevention and Punishment of Crimes against Humanity*, 16 October 2025, (American Branch of the International Law Association’s Study Group on Crimes Against Humanity), <https://www.ila-americanbranch.org/wp-content/uploads/2025/10/ABILA-CAH-Civil-Society-Participation-Final-with-cover-v2.pdf>, P. 2, Explanatory Note 2.

16 *Sixth Committee, 38th meeting - General Assembly, 79th session, 22 November 2024*, (UN Web TV), <https://webtv.un.org/en/asset/k1j/k1jyvkgz1>; *Sixth Committee, 39th meeting - General Assembly, 79th session, 22 November 2024*, (UN Web TV), <https://webtv.un.org/en/asset/k1d/k1dxxqkld3>.

17 *Sixth Committee, 38th meeting - General Assembly, 79th session, 22 November 2024*, (UN Web TV), <https://webtv.un.org/en/asset/k1j/k1jyvkgz1>; *Sixth Committee, 39th meeting - General Assembly, 79th session, 22 November 2024*, (UN Web TV), <https://webtv.un.org/en/asset/k1d/k1dxxqkld3>.

18 G.A. Res. 79/122, U.N. Doc. A/RES/79/122, 12 December 2024, <https://docs.un.org/en/A/RES/79/122>.

19 See e.g., Mettraux, Guénaël, *Crimes against Humanity in the Jurisprudence of the International Criminal Tribunals for the Former Yugoslavia and for Rwanda*, December 2002, (Harvard International Law Journal, 43(1): 237-316); Jalloh, Charles Chernor, *The contribution of the Special Court for Sierra Leone to the development of international law*, September 2007, (African Journal of International and Comparative Law, 15(2): 165–207), <https://doi.org/10.3366/ajicl.2007.15.2.165>.

20 *United Nations Diplomatic Conference of Plenipotentiaries on Prevention and Punishment of Crimes against Humanity, Preparatory Committee*, (Codification Division, Office of Legal Affairs, United Nations), <https://legal.un.org/diplomaticconferences/cah/prepcom.shtml>.

21 *United Nations Diplomatic Conference of Plenipotentiaries on Prevention and Punishment of Crimes against Humanity*, (Codification Division, Office of Legal Affairs, United Nations), <https://legal.un.org/diplomaticconferences/cah/>.

22 Sadat, Leila N., *Forging a Convention for Crimes Against Humanity*, 15 January 2026, (EJIL: Talk! Blog of the European Journal of International Law), <https://www.ejiltalk.org/forging-a-convention-for-crimes-against-humanity/>.

23 *United Nations Diplomatic Conference of Plenipotentiaries on Prevention and Punishment of Crimes against Humanity, Preparatory Committee*, (Codification Division, Office of Legal Affairs, United Nations), <https://legal.un.org/diplomaticconferences/cah/prepcom.shtml>.

24 United Nations Diplomatic Conference of Plenipotentiaries on Prevention and Punishment of Crimes against Humanity, (Codification Division, Office of Legal Affairs, United Nations), <https://legal.un.org/diplomaticconferences/cah/>; Sadat, Leila Nadya, and Radhakrishnan, Akila, *The Crimes Against Humanity Treaty Advances with First Preparatory Committee*, 11 March 2026, (Just Security), <https://www.justsecurity.org/133160/crimes-against-humanity-first-preparatory-committee/>.

25 Mehran, Metra & Sulimani, Venesa, *Centering Survivors: The Imperative for Inclusive Justice in Crimes Against Humanity Treaty Negotiations*, 28 January 2026, (Opinio Juris), <https://opiniojuris.org/2026/01/28/centering-survivors-the-imperative-for-inclusive-justice-in-crimes-against-humanity-treaty-negotiations/>.

26 See e.g., *Draft Crimes Against Humanity Convention Must Center Victims and Survivors*, (Global Justice Center), <https://www.globaljusticecenter.net/wp-content/uploads/2023/11/Victims-and-Survivors-Expert-Legal-Brief-CAH-Treaty.pdf>; *Proposals by the ABILA Study Group*, (American Branch of the International Law Association's Study Group on Crimes Against Humanity), <https://www.ila-americanbranch.org/wp-content/uploads/2026/03/Proposals-by-the-ABILA-Study-Group-Articles.pdf>; *Victims' and Survivors' Rights in a Convention on the Prevention and Punishment of Crimes Against Humanity Policy Submission: Recommendations to States*, March 2024, (REDRESS, the International Federation for Human Rights (FIDH), the Global Survivors Fund (GSF) and TRIAL International), <https://redress.org/storage/2024/03/Victims-Rights-in-a-Convention-on-the-Prevention-and-Punishment-of-Crimes-Against-Humanity-2.pdf>; *A Convention on Prevention and Punishment of Crimes against Humanity: Further Recommendations*, 20 October 2025, (Amnesty International), <https://www.amnesty.org/en/documents/IOR40/0303/2025/en/>.

27 *Guidelines for Victim Participation in Justice Processes*, February 2025, (International Network of Victims and Survivors of Serious Human Rights Abuses), https://i-novas.org/wp-content/uploads/2025/03/INOVAS_Guidelines_EN.pdf, P. 22.

28 *Rules of Procedure and Evidence of the International Criminal Court*, <https://www.icc-cpi.int/sites/default/files/RulesProcedureEvidenceEng.pdf>, Rule 85(a).

29 *Ljubljana – The Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes Against Humanity, War Crimes and Other International Crimes*, 26 May 2023, art. 81(1)(a).

30 *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, Adopted by General Assembly resolution 40/34, 29 November 1985, <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-basic-principles-justice-victims-crime-and-abuse>, A(1); See Also, *Judgment on the appeals of The Prosecutor and The Defence against Trial Chamber I's Decision on Victims' Participation of 18 January 2008, Case: The Prosecutor v. Thomas Lubanga Dyilo, Situation: Situation in the Democratic Republic of the Congo*, ICC-01/04-01/06-1432, 11 July 2008, (International Criminal Court, Appeals Chamber, Decision), <https://www.icc-cpi.int/court-record/icc-01/04-01/06-1432>, para. 31, (“Material, physical, and psychological harm are all forms of harm that fall within the rule if they are suffered personally by the victim.”); See Also, Committee against Torture, General Comment No. 3, para. 3.

31 *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, Adopted by General Assembly resolution 40/34, 29 November 1985, <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-basic-principles-justice-victims-crime-and-abuse>, A(1); See Also, Committee against Torture, General Comment No. 3, para. 3.

32 *Reparations Order, Case: The Prosecutor v. Dominic Ongwen, Situation: Situation in Uganda*, ICC-02/04-01/15-2074, 28 February 2024, (International Criminal Court, Trial Chamber, Decision), <https://www.icc-cpi.int/court-record/icc-02/04-01/15-2074>, paras. 206-07.

33 *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, Adopted by General Assembly resolution 40/34, 29 November 1985, <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-basic-principles-justice-victims-crime-and-abuse>, A(2); See Also, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, Resolution adopted by the General Assembly on 16 December 2005, G.A. Res. 60/1147, U.N. Doc. A/RES/60/147, 21 March 2006, (United Nations General Assembly), <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation>, (V)(8); *Rules of Procedure and Evidence of the International Criminal Court*, <https://www.icc-cpi.int/sites/default/files/RulesProcedureEvidenceEng.pdf>, Rule 85(b); See Also, *Ljubljana – The Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes Against Humanity, War Crimes and Other International Crimes*, 26 May 2023, art. 81(1)(b); See Also, Committee against Torture, General Comment No. 3, para. 3.

34 *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, Adopted by General Assembly resolution 40/34, 29 November 1985, <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-basic-principles-justice-victims-crime-and-abuse>, A(2); ; See Also, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, Resolution adopted by the General Assembly on 16 December 2005, G.A. Res. 60/1147, U.N. Doc. A/RES/60/147, 21 March 2006, (United Nations General Assembly), <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation>, (V)(9); Committee against Torture, General Comment No. 3, para. 3.

35 *International Convention for the Protection of All Persons from Enforced Disappearance*, 20 December 2006, Adopted by the General Assembly in its resolution 61/177, Entry into force: 23 December 2010, (OHCHR), <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-all-persons-enforced>, art. 24(1).

36 See e.g., *Gelman v. Uruguay*, 24, February, 2011, (IACHR), https://www.corteidh.or.cr/docs/casos/articulos/seriec_221_esp1.pdf, para. 133; *Bámaca Velásquez v. Guatemala*, 25 November 2000, (IACHR), <https://edld.ehrc.org.uk/case/bamaca-velasquez-v-guatemala/>, paras. 159-166.

37 *Draft articles on Prevention and Punishment of Crimes Against Humanity, with commentaries*, 2019, (International Law Commission), https://legal.un.org/ilc/texts/instruments/english/commentaries/7_7_2019.pdf, PP. 103-04.

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