



Disability: A Missing Piece of the International Criminal Law Puzzle

Harvard Law School Project on Disability

In support of the

International Disability Peace & Security Network,
Working Group on Crimes against Humanity



Key Facts

- Crimes against humanity, along with genocide, war crimes and the crime of aggression, are recognized as among the most heinous international crimes.
- These crimes fall heavily on the world's population of persons with disabilities who are at risk of violence *generally* as a consequence of persistent inequalities and *specifically* during times of crisis when heinous crimes occur.
- Crimes against humanity, which can be perpetrated in times of armed conflict and in times of peace, are not specifically regulated by treaty in a way that can address the prevention of such crimes in the first place, and the punishment of such crimes when they do occur.

Timeline

- In 2013: The UN International Law Commission moved to place crimes against humanity in its programme of work.
- In 2019, the Commission recommended the development of a convention on crimes against humanity by the UN General Assembly or by an international conference and produced Draft Articles.
- In 2022, the UN General Assembly's Sixth Committee adopted resolution 77/249 to initiate further work for developing a potential treaty on crimes against humanity.
- 2023 & 2024: Two interactive sessions were held in New York to discuss in detail the ILC's Draft Articles and to consider the elaboration of a treaty. Meetings were held by States and civil society organizations intersessionally.
- 2024: The UN General Assembly



Crimes against Humanity Treaty Process

Two Prep Comm meetings will occur, one from Jan. 19-30, 2026, and for four days in 2027.

The Prep Comm is tasked with the following:

- To discuss and decide upon the organization and methods of work of the Conference, including the rules of procedure;
- To determine the modalities of the participation of NGOs without accreditation from the Economic and Social Council (ECOSOC), and other stakeholders.
- A Working Group to facilitate discussions and amendment proposals will meet for the entirety of the first Prep Comm session.

After the first Prep Comm, States have until April 30, 2026, to submit proposals for amendments to the Draft ILC Articles to be included in the U.N. Secretary General's compiled text.

These meetings will precede treaty negotiations, now to be held in 2028 and 2029.





For more information,
visit the US
International Council on
Disabilities Website
