



**UNITED
NATIONS**



**United Nations Diplomatic
Conference of Plenipotentiaries
on the Establishment of an
International Criminal Court**

Distr.
LIMITED

A/CONF.183/C.1/WGAL/L.2/Add.1
14 July 1998

Original: ENGLISH

Rome, Italy
15 June-17 July 1998

COMMITTEE OF THE WHOLE
Working Group on Applicable Law

REPORT OF THE WORKING GROUP ON APPLICABLE LAW

Addendum

I. INTRODUCTION

1. The Working Group held one additional meeting, on 14 July 1998, to consider article 20 of Part 2. The Working Group herewith transmits the following articles to the Committee of the Whole for its consideration: addition to the definition of persecution under crimes against humanity in article [5]; and article 20, paragraph 3.
2. The Working Group has thereby concluded its consideration of article 20.

II. TEXT OF DRAFT ARTICLES

Article [5 ter]

Insert the following language after the definition of "persecution" under crimes against humanity as paragraph 3 of article 5 ter:

"For the purpose of this Statute, it is understood that the term 'gender' refers to the two sexes, male and female, within the context of society. The term 'gender' does not indicate any meaning different from above."

Note

Whenever the word "gender" appears subsequently in the Statute, it shall be accompanied by the following footnote:

"As defined in article [5 ter]."

GE.98-72209 (E)

ROM.98-3523

Article 20

Applicable law

...

3. The application and interpretation of law pursuant to this article must be consistent with internationally recognized human rights,¹ and be without any adverse distinction founded on grounds such as gender,² age, race, colour, language, religion or belief, political or other opinion, national, ethnic or social origin, wealth, birth or other status.

¹Some delegations were of the view that this paragraph should end after the words "internationally recognized human rights".

²As defined in article [5 ter].