

Canada's support for including "gender apartheid" in the UN Convention on Crimes Against Humanity

EXECUTIVE SUMMARY

Canada should actively and publicly support the inclusion of **gender apartheid** as a crime against humanity in the forthcoming Convention on Crimes Against Humanity. Specifically, (1) Canada should publicly endorse the inclusion of gender apartheid in the Convention on Crimes Against Humanity through a joint ministerial statement and commit to working with partner countries to advance this language; (2) should also formally submit proposed amendments before the April 30, 2026 deadline to ensure gender is explicitly recognized under the crime of apartheid; and (3), convene like-minded states and civil society organizations to coordinate legal drafting, strategy, and diplomatic outreach to build broader international support.

This move aligns with existing Government of Canada statements condemning systemic and institutionalized gender exclusion and Canada's commitments under the Women, Peace, and Security frameworks. There is a critical window of opportunity, during the UN Preparatory Committee meetings coming up in early 2026, when states may submit proposals for amendments to the draft articles of the new Convention, no later than **April 30, 2026**.

BACKGROUND & INTERNATIONAL CONTEXT

What is "gender apartheid"?

The term describes systematic, state-level, or institutionalized policies and practices that segregate, remove, or deprive individuals of fundamental rights based on gender. UN experts, women's rights advocates, NGOs, and civil society campaigns have called for recognising gender apartheid as a crime against humanity to address regimes that impose large-scale gender exclusion, such as what is happening in Afghanistan today ([End Gender Apartheid Today](#)).

Gender Apartheid in Afghanistan

Since August 2021, the Taliban have issued over 150 edicts that aim to erase women from society ([United States Institute of Peace, 2025](#)). These include banning women and girls from pursuing an education beyond the 6th grade, having a career, and owning businesses. During the recent earthquakes that struck Afghanistan, female humanitarian aid workers were banned, and male workers were instructed not to rescue women, resulting in the death of thousands of women and girls ([United Nations, 2025](#)).

Ongoing Momentum

Since 2023, UN expert bodies, Afghan women human rights defenders, and civil society have advanced calls, arguing for the codification of gender apartheid within international criminal law. In November 2024, the United Nations ([United Nations, 2024](#)) approved the next steps on the Crimes Against Humanity treaty.

States, including Afghanistan, Australia, Brazil, Malta, Mexico, the United States, the Philippines, Chile, Iceland, and Austria, have begun to signal their support of the inclusion of gender apartheid in the Convention text. As more states publicly acknowledge gender apartheid, Canada can be an early supporter, shaping the legal definition and demonstrating leadership in ending violence and discrimination against women and girls.

A Window of Opportunity for Canada

The first session of the Preparatory Committee will be held January 19-30, 2026, and the second session will be held in 2027 ([United Nations, 2025](#)). The Committee 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.

POLICY ALIGNMENT

Why Canada Should Take a Leadership Role

Canada has previously used UN fora to denounce systemic gender-based repression and to promote women, peace, and security. Supporting gender apartheid codification by championing treaty language would translate rhetorical support into measurable legal tools for accountability and ensure policy coherence between Canada's statements on Afghanistan, its sanctions regime, and its foreign policy. An early, public stance is also in Canada's interest: it maintains Canada's leadership, credibility, and impact, strengthens Canadian influence within the Preparatory Committee process, and shapes the drafting baseline.

1. Consistent with Canada's commitments to gender equality. Supporting legal recognition of gender apartheid is a natural extension of policy that seeks to end discrimination and injustice against women and girls, into international criminal law and accountability mechanisms ([Global Affairs Canada, 2017](#)).

In March 2024, Canada released a new six-year Women, Peace, & Security (WPS) national action plan that includes both domestic and international strategies ([Global Affairs Canada, 2024](#)). Canada's Security, Justice & Accountability commitments aim to strengthen partner justice systems and push for accountability for gender-based violence. Canada, through its WPS mandate, stands firm with the principle that systemic gender oppression must be legally addressed, and it can do so by working through multilateral forums where it can push for the codification of gender apartheid as a crime against humanity.

2. In October 2020, during the United Nations Security Council Open Debate on Women, Peace and Security, Canada expressed deep concern over the rollback of women's rights in various conflict and crisis contexts, including Afghanistan's Taliban regime ([Global Affairs Canada, 2022](#)). Canada highlighted the resilience of women and girls worldwide, but emphasized the need for structural change to create long-term solutions.

In the same forum, Canada reaffirmed its renewal of the Elsie Initiative for another five years. The Elsie Initiative strengthens Canada's leadership in international justice and gender-equality mechanisms by demonstrating its commitment to gender equality in security governance, providing a platform to advocate for international norms addressing systematic, state-imposed gender discrimination, such as gender apartheid ([Global Affairs Canada, 2025](#)). Canada pledged to continue working globally with partners to build environments that welcome women peacebuilders and to root out negative or discriminatory practices.

LEGAL RATIONALE

Gap in existing laws: While existing laws criminalize many gender-based harms, such as rape, sexual slavery, and persecution, they do not include institutionalized, multi-sectoral programs of gender segregation that deny all civic, educational, and economic life to a class defined by gender ([Parliamentarians for Global Action](#)). A distinct "gender apartheid" offence recognizes the systemic nature and specific intent to erase or segregate. Codification closes a gap by recognising that gender apartheid is not simply a collection of individual abuses, but a system of governance whose purpose is to eliminate women and girls from public life—something existing categories do not fully capture.

Compatibility with apartheid/crimes against humanity frameworks: The definition of apartheid in international law addresses segregation and domination across life sectors. Adapting this to gender, to differentiate from racial apartheid, will meet established elements for crimes against humanity, which is defined as a widespread or systematic attack against a civilian population, with knowledge (carried out by actors who understand that their actions are part of that broader attack) ([United Nations, 2024](#)).

SUGGESTED LANGUAGE

Aligned with the [Atlantic Council's Strategic Litigation Project](#), below is the recommended amendment (in bolded text) to the definition of the "crime of apartheid" contained in Article 2(2)(h) of the draft treaty:

"the crime of apartheid" means inhumane acts of a character similar to those referred to in paragraph 1, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups, **or by one gender group over another gender group or groups**, and committed with the intention of maintaining that regime.

The above language has been endorsed by prominent jurists, scholars, and civil society representatives. By inserting gender into the definition of the "crime of apartheid," the treaty will fill the ongoing impunity gap under international law and ensure a gender-inclusive approach that better reflects the realities, both historical and ongoing, of institutionalized regimes of systematic oppression and domination. This language does not replace racial apartheid but expands the definition to address parallel structures of gender-based domination.

RECOMMENDED NEXT STEPS

1. **Public statement of support.** We recommend that the government of Canada, through the Minister of Foreign Affairs and Minister of International Development, should issue a joint statement affirming Canada's support for explicit inclusion of "gender apartheid" in the Convention and commit Canada to working with like-minded states to secure text.
2. **Submit recommended changes.** Canada should submit to the Assembly, before the deadline of April 30th, 2026, a proposal to include gender under the crime of apartheid.
3. **Engage like-minded states in solidarity.** Convene a group of like-minded states and civil society to coordinate technical drafting, legal briefings, and outreach to skeptical states.

CONCLUSION

The risks of inaction are great. The status quo – legal ambiguity, glaring accountability gaps, the perpetuation of impunity – will continue to deny justice to Afghan women and girls, and to constrain existing international justice mechanisms. Codifying gender apartheid as a crime against humanity aligns with Canada's current position and existing policy, strengthens accountability for systemic gender oppression, and provides tools to prevent and respond to some of the most severe rights-denying regimes in the world. Canada's leadership and values, as seen in prior statements and initiatives, provide a strong platform from which to lead and to build a coalition to secure an effective, legally robust treaty provision. The situation of women and girls in Afghanistan—where gender segregation is systematically enforced at every level of public and private life—demonstrates the urgent need for a legal framework that captures and prohibits such systems of governance.



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