



PERMANENT MISSION OF THE REPUBLIC OF BULGARIA TO THE UNITED NATIONS

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The Permanent Mission of the Republic of Bulgaria to the United Nations in New York presents its compliments to the United Nations Office of Legal Affairs and with reference to communication LA/COD/66, dated 20 January 2023 would like to present the following written comments:

„Definition of Crimes against humanity

Draft Art. 2.1 (h)

In regard with the fact that Draft Art. 2.1 (h) contains the term *gender*, Bulgaria is of the view that the Draft Articles On Prevention and Punishment of Crimes Against Humanity should contain a separate provision clarifying the meaning and the scope the term *gender*, reproducing the provision of Art. 7.3 of the Rome Statute of the International Criminal Court, namely:

“[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 the above”.

If the scope and the meaning of the term is not clarified, this would create legal uncertainty and would impede the application of the future Convention. Additionally, in regard to Bulgaria, the absence of such provision in the future convention, would constitute a Constitutional obstacle for accession to the Convention.“

The Permanent Mission of the Republic of Bulgaria to the United Nations avails itself of this