

While we acknowledged that the definition was taken directly from the Rome Statute, we also noted that the international community's understanding of what constitutes "gender" has evolved since then. While the term "sex" is used to refer to biological attributes, "gender" is now more expansively used in recognition of the variety of gender identities and expressions – man or woman, both or neither – , which may or may not align with the gender typically or socially associated with a person's sex. We were thus pleased to see the definition removed in the second version of the draft articles.

Mr. Chairman,

As noted in our previous written submission, the Convention raises a number of other issues that would require more detailed consideration from the Government of Canada should the decision be taken to move forward with the negotiation of a Convention on Crimes Against Humanity.

Some of these issues stem from the same overarching concern with the treatment of gender. For instance, the current definition of "forced pregnancy" would need to be re-examined to ensure that transgender persons are included within the definition. In addition, Canada would view negotiations of a convention as an opportunity to clarify the definition of "sexual violence" to reflect recent discussions within the international community.

If negotiations proceed, Canada would also want to ensure that the ILC's concerted – and welcome – efforts to draw from existing international obligations in a wide variety of conventions in the drafting of the articles has not inadvertently created inconsistencies with any of those texts.

In conclusion, Mr. Chairma 0 62 2m0 | 0 0 1 00 | 0 0 .p 0 .p 0 .p 0 .p 0 .p 0 .p 0 .p 0 .p 0 .p 0 .p 0 .p 0 .p 0 .p 0 .p 0 .