



**United Nations General Assembly | Sixth Committee**

**Crimes against humanity  
(Agenda item 78)  
Resumed Session  
Cluster II**

11 April 2023

*(check against delivery)*

Mister Chair,

I would like to thank you for providing us with the opportunity to speak once again.

Turning to Cluster II, comprising the articles on the definition of crimes against humanity, general obligations and obligation to prevent, Brazil would like to reiterate its appreciation for the work conducted by the ILC. They illustrate the ILC's ability to draft articles which are balanced and draw inspiration from existing conventional and customary law, thereby enhancing their potential for wide acceptance.

Mister Chair,

We welcome the initiative taken by the ILC and suggested by Brazil in 2018 to eliminate former paragraph 3 of the article on the definition of crimes against humanity. It disregarded the current human rights definition of gender and did not take into account contemporary developments in discussions thereon.

In article 3, Brazil considers that the explicit reference to the obligation of States not to engage in acts that amount to crimes against humanity is an important provision, as it is a corollary of the obligation to prevent them. It is also essential to be adamant about the fact that no circumstances whatsoever could ever justify the perpetration of such heinous crimes.

As for draft article 4 (a), Brazil believes that the provision could benefit from an express reference to both “de jure” and “de facto” jurisdictions. It would enhance the legal certainty of the article as to the obligation of States to prevent crimes against humanity in territories they control.

I thank you.