



Statement on behalf of the European Union and its Member States

By

Ms. Simona Popan, Counsellor, Delegation of the European Union to the United Nations

at the Sixth Committee

**on the Agenda item 83:
"Crimes against humanity"**

United Nations

New York

October 2021

– CHECK AGAINST DELIVERY –

Thank you, Mr./Madam Chair,

I have the honour to speak on behalf of the European Union and its Member States.

The Candidate Countries the Republic of North Macedonia*, Montenegro*, and Albania*, the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, as well as the Republic of Moldova, and Georgia, align themselves with this statement.

Mr./Madam Chair,

Crimes against humanity are horrendous atrocity crimes. The international community cannot be indifferent to these crimes. We need to do all that we can to prevent them and ensure that when such crimes do occur, they do not go unpunished. We see a new Convention on the Prevention and Punishment of Crimes against Humanity as an additional step in that direction, and as an integral part of our common efforts to strengthen accountability for grave violations of international law.

Together with genocide and war crimes, crimes against humanity are the most serious crimes of concern to the international community as a whole. However, while genocide and war crimes are regulated by conventions that require States to prevent and punish such conduct, and to cooperate amongst themselves toward those ends, crimes against humanity are not. They may nevertheless be more widespread than genocide or war crimes, as they may also occur in situations not involving armed conflict and do not require the intent to destroy certain groups of people, in whole or in part, as the crime of genocide does.

A new Convention on the Prevention and Punishment of Crimes against Humanity will close a gap in international treaty law on the criminalization, prevention and prohibition of such atrocity crimes. The Convention will offer an important legal tool to prevent and punish crimes against humanity at the national level by facilitating national investigations, prosecutions and

* *The Republic of North Macedonia, Montenegro and Albania continue to be part of the Stabilisation and Association Process.*

punishments. At the same time, such a Convention will offer a new legal basis for inter-state cooperation.

We also recall the MLA initiative, supported by all EU Member States, aiming at enhancing inter-state cooperation in the prosecution of perpetrators of international crimes. We see both processes as complementing each other. Adoption of these new instruments would substantially contribute to the fight against impunity at international level.

Mr./Madam Chair,

The EU and its Member States commend the work of the International Law Commission (ILC), which at its 71st Session (2019) adopted the Draft Articles on Prevention and Punishment of Crimes Against Humanity. We recall that in the fall of 2019, many delegations supported the ILC's recommendation to elaborate a convention by the General Assembly or by an international conference of plenipotentiaries based on the Draft Articles. While some delegations now consider that a number of the draft articles require further clarification, we trust that there is consensus around the core aspects of the Draft Articles, namely the prevention and punishment of the crimes against humanity, so as to enable the negotiation of a Convention on this matter. It is particularly important to agree a Convention when we consider that the prohibition of crimes against humanity, like the prohibition of the crime of genocide, is a peremptory norm of international law, from which no derogation is permitted and which is applicable to all States.

We understand that some delegations are hesitant to convene a diplomatic conference at this stage. There are, however, suitable institutional frameworks that would allow us to address those concerns in an effective and inclusive manner and where an open and frank preparatory debate can take place among delegations. An Ad Hoc Committee could offer an ideal framework to that effect, where the more ambitious and the more cautious approaches could be discussed in a balanced, constructive and efficient expert setting.

An Ad Hoc Committee would not, and should not be, an end in itself. It would rather serve the purpose of ensuring progress on this subject. Therefore, we believe that it is essential for such an Ad Hoc Committee to have a clear mandate and a clear timeline for the completion of its work.

In closing, I would reiterate our support for the elaboration of a Convention on the basis of the draft articles, as recommended by the ILC, preferably by an international conference of plenipotentiaries. We stand ready to work towards ensuring progress on this agenda item.

I thank you, Mr./Madam Chair.