



*The Permanent Mission of Portugal
to the United Nations*

Crimes Against Humanity (*Agenda item 83*)

Madam Chair,

My delegation aligns itself with the statement delivered by the European Union on the agenda item on Crimes Against Humanity, and would like to convey a few additional remarks in its national capacity.

Our position remains unchanged: it is possible and imperative that States heed the recommendation of the International Law Commission and convene a diplomatic conference to negotiate and adopt a convention on the basis of the *Draft Articles on Prevention and Punishment of Crimes Against Humanity*.

Such an international legally binding instrument would offer an additional important substantive and procedural mechanism towards fighting impunity and ensuring accountability for Crimes Against Humanity.

Madam Chair,

Last year, the Sixth Committee failed to achieve effective progress on the agenda item on Crimes Against Humanity.

Upon the adoption of the draft resolution in the previous session, Portugal and several other delegations conveyed that we saw the said resolution as a deferral of the consideration of the agenda item due to restrictions imposed by the COVID-19 pandemic, rather than a technical rollover.



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At the present session, and although recognizing that some pandemic-related challenges remain, we strongly believe that the Sixth Committee must fulfil its role and seek to make substantive progress on this agenda item.

Portugal is aware of the differing opinions on the timing and shape of a discussion that could lead towards the elaboration of a convention on the basis of Draft Articles. We are also mindful of the different views expressed on the maturity of the reflection on the Draft Articles in the Sixth Committee, and on the need for more time to iron out divergences.

Those differences must not trap the Sixth Committee in a sterile repetition of arguments leading to a cycle of consideration and postponement of the Draft Articles without concrete action. This Committee cannot remain paralysed. Like it did many times in the past, the Sixth Committee must be willing and able to work through the different views held by its Member States.

In fact, those differences and those arguments should be the very reason for delegations to accept coming together and establishing a structured process, with a clear timeframe and within a concrete framework, to guide the Sixth Committee in a meaningful, forward-looking discussion on this agenda item.

Madam Chair,

In line with statements in previous sessions, my delegation would also like to recall the Mutual Legal Assistance Initiative.

In this Initiative, the possibility of concluding an international convention to enhance cooperation among States – not only where Crimes Against Humanity are concerned, but also other most serious crimes – is also under consideration.



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The existence of the two projects should not be used as an excuse not to advance any of them.

Portugal remains convinced that the projects can be developed and implemented together towards a common goal in setting an effective and comprehensive international legal framework for the fight against these crimes.

Madam Chair,

We trust that the General Assembly will act on its responsibility under the Charter of the United Nations to codify and progressively develop international law.

Thus, the Sixth Committee must urgently deliver on its mission to recommend to the General Assembly a meaningful way forward on this agenda item.

To conclude, my delegation stresses its flexible and pragmatical position to continue its active contribution for this Committee to adopt a forward-looking approach, meant to achieve tangible progress in a balanced manner and within an appropriate and concrete timeframe, on the agenda item on Crimes Against Humanity.

Thank you, Madam Chair.