



PHILIPPINES

CHECK AGAINST DELIVERY

STATEMENT

Permanent Mission of the Republic of the Philippines to the United Nations
Agenda Item 80: Crimes Against Humanity (*Cluster I -Preamble and Article 1*)

Sixth Committee

Resumed 78th Session of the United Nations General Assembly

1 April 2024, 10:00 AM

UN Headquarters New York

Thank you, Chair.

For the Philippines, as matter of state policy, “the most serious crimes of concern to the international community as a whole must not go unpunished and their effective prosecution must be ensured by taking measures at the national level, in order to put an end to impunity for the perpetrators of these crimes and thus contribute to the prevention of such crimes, it being the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes.”

When the draft articles on the prevention and punishment of crimes against humanity was first introduced into the agenda of the Sixth Committee, we joined delegations in recognizing the work of the International Law Commission (ILC), and cited the Draft Articles as ‘an important contribution to the international community’s collective efforts to deter and curtail atrocity crimes’.

The Philippines is grateful for this second resumed session and the opportunity for states to further deliberate on the substantive aspects of the Draft Articles on Crimes Against Humanity.

We have flagged concerns raised during our previous deliberations on state sovereignty, overbroad assertions of jurisdiction, politicization of human rights, as captured in the relevant summary records. We expressed the view that the question of the elaboration of a convention by the General Assembly or by an international conference of plenipotentiaries needs further examination both by Member States and by this Committee.

We believe this second resumed session, building on what we have collectively achieved at the resumed session last year, provides exactly that forum for examination and meaningful engagement.

First, on the preamble, the Philippines notes that preambular provisions echo similar language from the Rome Statute of the International Criminal Court: the recognition that crimes against humanity threaten the peace, security and well-being of the world;” the determination to put an end to impunity for the perpetrators of these crimes and thus to contribute to the prevention of

such crimes;’ and recollection that it is the duty of every State to exercise its criminal jurisdiction with respect to crimes against humanity.’

The preamble defines the treaty’s context and objectives, as clearly set out in the Vienna Convention on the Law of Treaties. Our discussions here provide the context and we must make clear that we are not merely appropriating provisions from twenty-five years ago. There are important lessons to be drawn from the past two decades, and these must be reflected in the text – including shifts in our understanding of sexual and gender-based crimes.

We are ready to support stronger language on international cooperation, including based on what is present in similar conventions, such as the Convention on Genocide, which explicitly states that ‘international co-operation is required.’ Our aspiration is that this instrument paves the way for enhanced inter-state cooperation and strengthen the complementary nature of efforts to address impunity, firmly anchored on respect for sovereignty.

Second, on Article 1 on the Scope of Application, the Philippines supports the current language with the understanding that draft articles are meant to apply in two parts: prevention and punishment. Prevention of crimes against humanity is focused on precluding the commission of such offences, while punishment of crimes against humanity is focused on criminal proceedings against persons after such crimes have occurred or when they are in the process of being committed.”

Third, we reiterate that if the present draft articles were to become the basis of a legally binding Convention, then the Philippines would have complied with the fundamental obligation contained in draft Article 6 that each state shall take necessary measures to ensure that crimes against humanity constitute offences under its criminal law.

As early as 2009, we passed into law the ‘Philippine Act on Crimes against International Humanitarian Law, Genocide and Other Crimes Against Humanity’ which defines “crimes against humanity’, based on a list of acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.

Philippine law has elements that could inform this aspiration for progressive development of international law and its codification. We highlight the protection of victims and witnesses, and in particular, consistency with principles relating to reparations of victims, including restitution, compensation, and rehabilitation. International law, including relevant human rights instruments also apply, as explicitly stated in our law.

Finally, let us not lose this momentum. Let us seize the opportunity and work together to fill the normative gap that has constrained access to justice of victims of crimes that deeply shock the conscience of humanity.

Thank you. **END**

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