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STATEMENT BY
THE REPUBLIC OF POLAND

78TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

RESUMED SESSION OF THE SIXTH COMMITTEE
“CRIMES AGAINST HUMANITY”
ILC RECOMMENDATION

NEW YORK, APRIL 2024

Madam/Mr. Chair, Distinguished Delegates,

As we are moving closer to the end of our deliberations during the second resumed session of the Sixth Committee, we wish to compliment the work of the Bureau members, the co-facilitators: Iceland, Guatemala and Malaysia and the Secretariat. We value the opportunity not only to exchange substantive views on the Articles, but also to consider the recommendation made by the International Law Commission.

Poland fully aligns itself with the statement delivered by the European Union on behalf of its Member States. We recall that the ILC recommended the elaboration of a convention based on the Draft Articles. We reiterate our strong support for its prompt elaboration. We must add coherence in the international system of human rights protection that includes international human rights law and international criminal law. We have binding international Convention on the Prevention and Punishment of the Crime of Genocide, a body of the Hague and Geneva conventions on war crimes, but we lack not only victim-oriented but also child-sensitive convention on the crimes against humanity.

This lacuna must be eliminated. In this context we note that the Convention on the Rights of the Child is the most universally accepted human rights instrument, ratified by 196 countries. Children should be treated as fully-fledged human beings, for their voice to be heard, and for their rights to be known and respected. I am convinced that we can all agree that in all cases concerning children, the best interests of a child must be a primary consideration. Hence, Poland advocates for stronger protection of the rights of a child in the Draft Articles. This threefold concept includes a substantive right, a fundamental and interpretative legal principle and a rule of procedure that is aimed at ensuring the full and effective enjoyment of all the rights of a child. It should ensure the holistic development of a child, a well-being of a child in a broad sense which includes his or her basic material, physical, educational and emotional needs as well as needs for affection and safety. Furthermore, the protection of a dignity of a child requires the establishment of measures of protection that are required by his or her status as a minor. We feel that the topic of psychosocial rehabilitation and social reintegration of children involved in crimes against humanity deserves special recognition, especially given the multiple and complex crises we are facing today.

Draft Articles are a perfect base for an ambitious binding instrument that would ensure such a recognition.

Madam/Mr. Chair,

We stand ready to engage in the work towards the convention based on the Draft Articles, as recommended by the ILC, preferably in the format of an international conference of plenipotentiaries. It is our duty and obligation towards the future generations to ensure that crimes against humanity - the gravest offences reoccurring in different regions of the world - will be prevented and punished.

I thank you.