



**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 81:
"Crimes against humanity"**

United Nations

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– 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 Montenegro*, Albania*, Ukraine and the Republic of Moldova, the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, as well as Georgia and San Marino align themselves with this statement.

Mr./Madam Chair,

Crimes against humanity are one of the core international crimes. Although crimes against humanity are not regulated by a dedicated convention, unlike the crimes of genocide and war crimes, they are not a 'lesser evil'. Nor do they inflict less harm or pain on civilian population at risk.

The lack of a convention on crimes against humanity is a significant gap in international treaty law. This is a gap that the international community must fill without delay.

Last year, the Sixth Committee had a substantive debate on this topic. Some delegations expressed concerns regarding the ILC draft articles. Some others wanted to study the issue further. Very few spoke against. However, the large

majority was in favour of the elaboration of a convention on the basis of the ILC draft articles.

These different perspectives could be usefully discussed in a dedicated body established by the General Assembly. This body could be mandated to examine and exchange substantive views on the draft Articles, and to consider further the recommendation of the ILC for the elaboration of a convention.

An Ad Hoc Committee could offer an ideal framework for further deliberations, where more ambitious and more cautious approaches could be discussed in a balanced, constructive and efficient expert setting.

It is well known that the EU and its Member States support the elaboration of a convention, preferably by an international conference of plenipotentiaries. We respect that some delegations have a different perspective. But we cannot ignore that a large part of the international community has spoken in favour of progress and that, since last year, more crimes against humanity, not fewer, have been committed around the world.

A convention might not stop all crimes against humanity from being perpetrated – as some have argued. It might not *per se* bring perpetrators to account. Yet, it will undoubtedly strengthen the prevention and punishment at national level, and will offer a new legal basis for inter-state cooperation.

At this stage, all we want is to start a structured discussion on these issues. We believe we must start this conversation now!

If not now, when is the right time to have such conversation? A conversation about better equipping our national jurisdictions to prevent horrendous crimes from happening. When is there a better time to start discussing more effective cooperation to deliver accountability for victims of crimes against humanity?

The work of this committee has stagnated for too many years. We also have a responsibility to advance our work. What is at stake is the credibility of the Sixth Committee and the role of the General Assembly in the codification and progressive development of international law, as mandated by the UN Charter. But above all, what is at stake is our shared humanity and our goal of protecting the most vulnerable.

An Ad Hoc Committee is not an end in and of itself. Rather, it serves the purpose of ensuring progress on this subject. It is therefore essential to have a clear mandate and a clear timeline for the completion of its work. In that regard, we appreciate the draft proposal put forward by Mexico and a number of other delegations, which reflects the views expressed by many delegations, including ours, during the previous sessions of the Sixth Committee, and which constitutes a good basis for our discussions this year. We stand ready to constructively engage in negotiations on this proposal.

We do not seek to impose views, nor compel any State to sign up to a convention. The work of the Ad Hoc Committee would be without prejudice to States' positions and participation in a future convention.

We call though upon those who share the goal of protecting humanity to engage constructively in the debate, as together we can make a difference.

We stand ready to work with everyone in an inclusive and transparent manner towards ensuring meaningful progress on this agenda item.

I thank you.