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STATEMENT BY
THE REPUBLIC OF POLAND

77TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

RESUMED SESSION OF THE SIXTH COMMITTEE
“CRIMES AGAINST HUMANITY”
CLUSTER 5

NEW YORK, 13TH APRIL 2023

Madam/Mr. Chair, Distinguished Delegates,

Poland aligns itself with the statement delivered by the European Union on behalf of its Member States. I wish to underline some issues in my national capacity.

In the period of the ILC's work on the Draft Articles, we have strongly advocated for taking a victim oriented approach in the prosecution of international crimes. We welcome the fact that the Commission drafted Article 12 on victims and witnesses. However, in our view their protection could be further strengthened by adding in the scope of obligations set out in Article 3 a direct referral to States' obligation towards victims.

At the same time, in our view the Draft could be even more ambitious by including a separate provision with particular attention to the most vulnerable category of victims, namely children. Such a provision might be modeled on Articles 1 and 39 of the Convention on the Rights of the Child, Article 24 of the International Covenant on Civil and Political Rights and Article 25 of the International Convention for the Protection of All Persons from Enforced Disappearance. In our viewpoint it should be stressed that the best interests of children must be a primary consideration in the process of their physical and psychological recovery and social reintegration. Such recovery and reintegration should take place in an environment which fosters the health, self-respect and dignity of the child.

Madam/Mr. Chair,

Lastly, on a cross-cutting issue, Poland advocates that the language of the Articles should not depart from the agreed language of the widely ratified human rights instruments. In particular the language of the anti-discrimination clauses – Article 2 paragraph 1 (h) and Article 13 paragraph 11 – should be harmonized with the language of the Universal Declaration of Human Rights, Convention on the Elimination of All Forms of Discrimination against Women, International Covenant on Civil and Political Rights, Convention on the Rights of the Child, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War that refer *inter alia* to sex, race, religion, nationality, ethnic origin, culture and membership of a particular social group.

In this context, we do not view the exclusion of a definition of 'gender' from Article 2 of the Draft as a positive change. In our opinion the definition agreed upon and codified in the Rome Statute should be retained in the Draft Articles, adding to the terminological consistency and coherence in international law.

Madam/Mr. Chair,

We stand ready to engage in the work on the Draft and discuss our proposal with the aim of achieving greater protection of victims of crimes against humanity.

I thank you.