

Translated from Spanish

Contribution to the work of the Sixth Committee on the draft convention on crimes against humanity

1. Spain welcomes the draft articles prepared by the International Law Commission on prevention and punishment of crimes against humanity and acknowledges the constructive discussions held in the Sixth Committee of the General Assembly. The draft articles represent a good opportunity to negotiate a new convention with the aim of preventing and punishing crimes against humanity. Unlike the crime of genocide or war crimes, for which there is a dedicated convention, crimes against humanity are not regulated by any international convention. Through the current exercise, the prosecution of this atrocity crime will be strengthened.
 2. The draft articles contain significant positive elements, including the definition of these crimes, as well as the obligation of States to prevent and punish them, ensure that they are offences under national law and extradite or prosecute the alleged offenders.
 3. Spain is pleased that the definition of crimes against humanity included in the draft articles is in line with that set forth in the Rome Statute. It is essential to maintain uniformity in the establishment of criminality under international criminal law, thus avoiding the fragmentation thereof. The Rome Statute represented a major step forward in the codification of atrocity crimes; that progress needs to be preserved.
 4. However, international criminal law must also be developed and updated in line with the realities that it is intended to regulate. Twenty-five years after the adoption of the Statute, the understanding of sexual and gender-based crimes has evolved and there is now increased awareness about the importance of prosecuting such crimes.
 5. Spain considers that the draft articles provide a unique opportunity to reflect such progress in international criminal law. We support the integration of a gender perspective in the draft articles, including in the definition of some crimes, as is already the case in draft article 2, paragraph 1 (h). This should be done in line with the social context, facilitating the prosecution of crimes committed on such grounds and strengthening the protection of victims.
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