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**National Statement of Hungary
on
Agenda item 80: ‘Crimes against humanity’**

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Mr / Madam Chair,

Hungary aligns itself with the statement of the European Union and the cross-regional statement, and wishes to make a few observations in its national capacity.

First of all, let me recall that the International Law Commission adopted these Draft Articles in 2019, after five years of research and extensive consultations. Following another few years of deliberation and limited progress, we have been participating with great interest and commitment in the resumed session of the Sixth Committee this April, in 2023. The intense and substantive exchange of views proved that the work of the ILC forms indeed a solid basis for further discussion.

With the hope that this rich debate would continue in the next resumed session in April 2024, permit me to avoid engaging in the substantive aspects for now and focus on the recommendation of the ILC, namely, on the elaboration of a convention by the General Assembly or by an international conference of plenipotentiaries.

During the resumed session, divergent views were expressed whether a gap existed in the international legal framework that a possible convention might address. In this respect, let me convey four observations.

First, crimes against humanity threaten fundamental principles of the international community. In this context, I would like to remind you that the ILC has included the prohibition of crimes against humanity in the list of peremptory norms of general international law, which should be respected in any circumstances. Perpetrators of these crimes must be brought to justice. Yet, unlike genocide or war crimes, crimes against humanity have not yet been codified in a dedicated treaty of international law.

Second, some delegations pointed out that the Rome Statute (more specifically, Article 7 of the Rome Statute) contains widely supported provisions on crimes against humanity. In response to this argument, we highlight that the Draft Articles, instead of creating an international body of criminal justice, impose obligations directly on states to act in their respective national jurisdictions. The Draft Articles also capture the obligation of prevention that is essential to protect people from these heinous crimes. While accountability for crimes against humanity

does serve as a strong deterrent, the prevention obligation as contained in the Draft Articles means a clear added value to the international legal framework.

Third, opinions were voiced about the customary nature of the prohibition of crimes against humanity. While recognizing that indeed a number of jurisdictions introduced such prohibition in their respective criminal codes, we point out that these definitions are not uniform. Although some of their elements are very similar or even identical, subtle differences between these definitions remain. Therefore, for the sake of legal certainty, an internationally agreed legal definition is desirable.

Finally, with respect to the question of legislative gaps and the recent codification activities, let me also remark that on 26 May this year the Ljubljana-Hague Convention was adopted which will enable countries to cooperate internationally in the investigation and prosecution of the most serious international crimes, including the crime of aggression. However, as the focus of this new instrument is mutual legal assistance, this cannot be considered as an alternative to the draft prepared by the ILC.

To conclude, in Hungary's firm view, the need for a comprehensive international legal framework is undeniable. Therefore, we are of the view that it is time to take further steps towards negotiating and adopting an international legally binding instrument based on the ILC's draft articles.

I thank you.