



PERMANENT MISSION OF HUNGARY
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**National Statement of Hungary
on
Agenda item 80: ‘Crimes against humanity’**

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Check against delivery!

Thank you, Madam / Mr Chair.

Hungary aligns itself with the intervention of the European Union and wishes to add the following observations in its national capacity.

At the outset, we express our deep appreciation to the Secretariat for the comprehensive briefing about the recommendation of the International Law Commission in the previous year. To briefly reiterate some key points, we recall that the Statute of the International Law Commission expressly requires that the Commission make a recommendation, that may take four different forms, as well as the combination of these four actions. The types of recommendations that the Commission can make to the General Assembly are:¹

1. To take no action, the report having already been published;
2. To take note of or adopt the report by resolution;
3. To recommend the draft to Members with a view to the conclusion of a convention; and
4. To convoke a conference to conclude a convention.

The practice of the International Law Commission varies when it comes to the choice between these actions. The decision is preceded by serious and extensive discussions. In a small group of cases, the Commission felt sufficiently confident to directly propose the elaboration of an international convention. The present set of Draft Articles belongs to this group of cases.

Hungary fully supports this conclusion for four main reasons. First, crimes against humanity threaten fundamental principles of the international community. Therefore, we see a moral imperative for the international community to effectively address this topic. Second, as emphasized by numerous delegations, there is indeed a gap in the international criminal law framework. There is currently no international agreement that imposes obligations directly on states to act in their respective national jurisdictions to prevent and punish crimes against

¹ Article 23, paragraph 1 of the Statute of the International Law Commission.

humanity. Neither the Rome Statute, that establishes individual criminal liability and sets up a complementary jurisdiction, nor mutual legal assistance treaties are alternative to such a comprehensive treaty. 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 common denominator is desirable. And fourth, the prevention component of the Draft Articles means a clear added value to the international legal framework. Accountability and punishment are crucial to eventual reconciliation within the society. Having said that, history teaches us to recognize that crimes against humanity emerge from unique sociological circumstances. Addressing these circumstances with tailor-made prevention measures equally contribute to our ultimate goal: to protect the people.

Mr / Madame Chair,

let me conclude by saying that negotiating and adopting an international legally binding instrument is not a rapid process. This very resumed session proves that there are meaningful and valuable proposals that merit further discussions in a negotiation setting. Time is ripe to take the first steps and effectively create this setting, so that we can move forward with the elaboration of a convention by the General Assembly or by an international conference of plenipotentiaries.

I thank you.