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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 made on behalf of the EU and its member states and wishes to add the following observations in its national capacity.

In 2022, resolution A/77/249 established a path for substantive discussions within the Sixth Committee on the draft articles concerning crimes against humanity. Operative paragraph 4 (OP4) decided on holding two resumed sessions, each lasting five days, to exchange substantive views interactively on all aspects of the draft articles. Hungary welcomed the broad participation in these resumed sessions, noting with appreciation the marked increase in the number of states and regional groups contributing this year compared to 2023. This robust engagement underscores the importance of the Draft Articles, as states have clearly given thorough consideration to the text.

Madam / Mr Chair,

It is Hungary's firm view that the Draft Articles on Crimes Against Humanity are adequate to form the basis for future intergovernmental negotiations, and we support the ILC's recommendation on convening a diplomatic conference. Allow me to elaborate on this position briefly.

When preparing the draft articles, the choice was made that the draft convention on crimes against humanity should build upon the text and techniques of relevant existing treaty regimes.¹ As articulated in the first report of the Special Rapporteur Sean Murphy: *'Many of the acts that fall within the scope of crimes against humanity [...] are also acts addressed in existing treaty regimes, such as the Convention on the Prevention and Punishment of the Crime of Genocide and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.'* Hungary, having signed and ratified all these major treaties, emphasizes the imperative of preventing fragmentation and conflicting legal obligations. As a result of the ILC's work, to quote Sean Murphy again: *'Every provision in the draft articles has a direct lineage in existing treaties, as may be seen in the ILC's commentary. As such, there is nothing*

¹ First report on Crimes against Humanity (First report), UN Doc. A/CN.4/680 (2015), para. 20.

*unusual about the ILC's text; the only thing new is the application of such provisions to crimes against humanity.*² When selecting among the available treaties, the Special Rapporteur noted in the Fourth Report that the objective was to draft articles that are based on provisions that fulfil the following three criteria: (1) they are often used in treaties, (2) originate from treaties addressing crimes, and (3) these said treaties were widely-adhered-to. Furthermore, the ILC assessed whether the provisions, selected in the above fashion, would be both effective and acceptable to States.³ This methodology ensured that the Draft Articles have a solid basis in international law, and that, where necessary, they address gaps in the legal framework for crimes against humanity.

Having said that, allow me to emphasize the Draft Articles should serve as a foundation, rather than a final product. In this context, Hungary carefully listened to States during the resumed sessions and noted divergent views on numerous articles. A positive outcome of the interactive format was the opportunity for States to not only express divergent views but also propose bridging solutions and demonstrate flexibility. We are convinced that this discussion can and should continue in a negotiation setting to iron out the disagreements.

Thus, Hungary fully supports the elaboration of a convention by an international conference of plenipotentiaries.

Mr / Madame Chair,

Crimes against humanity strike at the very core of fundamental principles upheld by the international community. The moral imperative to address this issue is clear. Hungary stands ready to take concrete steps towards ensuring the elaboration of a convention on crimes against humanity, in partnership with fellow member states.

I thank you.

² Sean D. Murphy: Striking the Right Balance for a Draft Convention on Crimes against Humanity. (17 September 2021) <https://www.justsecurity.org/78257/striking-the-right-balance-for-a-draft-convention-on-crimes-against-humanity/>

³ Fourth report on Crimes against Humanity (Fourth report), UN Doc. A/CN.4/725, para 19.