



the drafting Committee for its constructive engagement with the Special Rapporteur's proposals.

Mr Chairman,

We meet at a time at which the international community is grappling with a range of intense conflicts and situations in which crimes against humanity are a constant feature. Our objective must be to prevent, and to punish, such crimes. The ILC's work to clarify the elements of crimes against humanity is a crucial element of this endeavour.

As we know, a legal framework for dealing with crimes against humanity exists in the Rome Statute of the International Criminal Court. Importantly, the Special Rapporteur has made clear that these draft articles seek not to replace or compete with this framework, but to complement it. The definition of 'crimes against humanity' is taken directly from the Rome Statute and the commentary to Article 1 underlines that the draft articles will avoid any conflicts with relevant existing treaties.

Australia welcomes emphasis in the draft articles on the importance of the adoption of national laws and inter-State cooperation on the prevention of crimes against humanity.

Australia considers that the Commission's work on this topic will contribute to our efforts to prevent and punish these crimes and encourage States to implement effective legislative, administrative, judicial or other preventive measures as envisaged by draft article 4.

Mr Chairman,

Australia has expressly and comprehensively criminalised crimes against humanity under Australian domestic law. Australia has provided for such crimes consistent with the Rome Statute and therefore, draft article 3 as provisionally adopted by the Commission.

Australia has made these offences unrestricted such that they apply whether or not the conduct constituting the alleged offence occurs in Australia, and whether or not the victim or the offender was an Australian citizen, resident or body corporate. In addition to domestic criminalisation of crimes against humanity, Australia has criminalised attempting to commit such a crime; and inciting, aiding, abetting, counselling or procuring the commission of such a crime, or conspiring to commit such a crime. Australia provided detailed information in January, including the text of the relevant statute, in response to the request of the Commission.

Mr Chairman,

Australia welcomes the Special Rapporteur's next tranche of work in this important area and efforts to achieve a first reading of the entire set of draft articles by 2018. We look forward to engaging with the Commission on the next six proposed draft articles including in relation to criminalisation under domestic law, investigation and prosecution, international cooperation and treatment of an offender.