



UNITED STATES MISSION TO THE UNITED NATIONS

799 UNITED NATIONS PLAZA
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Statement of the United States of America
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Criminal Accountability of UN Officials and Experts on Mission
Agenda Item 80
Ms. Cassandra Q. Butts, Senior Adviser
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Thank you, Mr. Chairman.

The United States very much welcomes the initiatives that the Secretary-General has launched with respect to sexual exploitation and sexual abuse by UN peacekeeping personnel – military, police, and civilian. As President Obama stated in his September 28 Memorandum to the Heads of all U.S. Government Departments and Agencies on the subject of U.S. support for UN Peace Operations: “The United States fully supports the UN’s zero tolerance policy against Sexual Exploitation and Abuse by UN personnel and supports aggressive action by the Secretary General to root it out of peacekeeping, including by strengthening mechanisms for investigating Sexual Exploitation and Abuse allegations.”

In this regard, the Secretary General is taking important and critical steps to hold individuals and leaders accountable for misconduct and pursuing financial and administrative penalties, improved measures for investigation, and, particularly important for this committee, referral of cases to the judicial authorities of the host country, and, where relevant, the contributing country.

We commend the UN’s efforts to refer credible allegations against civilian staff and experts on mission to the State of the alleged offender’s nationality. From July 2014 through June 2015, the UN referred 22 such cases to the respective States of nationality for investigation and possible domestic prosecution. This is seven more than the previous year. We welcome the positive development that for ten of these cases, the State concerned has communicated directly with the UN on its progress, and in four of the 22 cases, requested the UN’s assistance in the investigation.

In the last few months, however, particularly appalling allegations of Sexual Exploitation and Abuse in peacekeeping have repeatedly surfaced. These allegations are coupled with discouraging reports from the Independent Panel of Experts and the Office of Internal Oversight Services indicating significant underreporting of Sexual Exploitation and Abuse in UN peacekeeping missions and the inability of the UN to enforce fully prohibitions against

transactional sex and exploitative sexual relationships between UN peacekeepers and members of host populations.

We look forward to the full implementation of those initiatives aimed at Sexual Exploitation and Abuse prevention, enforcement and remedial Sexual Exploitation and Abuse measures, as highlighted in the Secretary-General's most recent annual Sexual Exploitation and Abuse report (A/69/779). Such initiatives include tightening the accountability framework within UN peacekeeping, enhancing transparency regarding credible Sexual Exploitation and Abuse allegations, and increasing community outreach and reporting.

One action this Committee can take is to review carefully our annual resolution on criminal accountability and strengthen it appropriately. This could include possible new measures aimed at enhanced reporting on cases and follow-up. We expect to have some proposals ourselves and to work with other delegations in that regard. Such measures could include practical initiatives, such as integrating the annual report of criminal accountability into the overall Sexual Exploitation and Abuse report, with a separate section for UN officials and experts.

With regard to the draft convention, the United States is actively considering whether a convention could play a useful role in helping close any gaps, particularly jurisdictional gaps, in Member States' domestic legal systems that prevent them from prosecuting their own nationals who commit Sexual Exploitation and Abuse-related crimes while serving abroad in UN peacekeeping missions. For our part, for instance, U.S. federal law allows prosecution of American nationals for crimes committed abroad, including the sexual abuse of children, human trafficking, bribery of foreign officials, and a number of other serious offenses under specific circumstances.

We are also exploring whether other approaches or solutions would be more effective in addressing such legal obstacles to accountability in UN peacekeeping. We welcome further discussion and deeper consideration of the nature and scope of jurisdictional gaps and the potential impact and form of any potentially legally-binding instrument. It would be helpful to have additional information on several particular issues that we look forward to discussing in the format of the Working Group.

More broadly, however, discussion of the draft convention illuminates a key aspect of this issue: the UN cannot prosecute Sexual Exploitation and Abuse -- it can take administrative action by dismissing civilian employees and repatriating uniformed personnel, but Member States must take appropriate actions to hold offenders accountable. It was encouraging to hear how strongly and positively troop- and police-contributing countries responded to the Secretary-General's call for accountability in the Security Council consultations on September 17. We States must all act, in the first place, to support efforts to prevent misconduct, and then to take the necessary steps to investigate and hold accountable those who commit acts of Sexual Exploitation and Abuse.

We are aware that some contributors to UN peacekeeping have limited expertise and capacity for investigation and prosecution; and strongly support bilateral and multilateral efforts to address these challenges.

This is a critical time to be discussing this topic, and we look forward to hearing the views of other delegations.

Thank you.