

**Sixth Committee**  
**Criminal Accountability of UN Officials and Experts on Mission**  
**CANZ Statement**  
**October 6, 2016**

Mr. Chairman,

I have the honour today of speaking on behalf of New Zealand, Australia, and Canada.

CANZ recognizes the dedicated and courageous work of the tens of thousands of UN personnel in the field who protect civilians, support development, deliver humanitarian assistance, and help rebuild societies each and every day. Their work embodies our shared commitment to promote security, development and human rights.

CANZ agrees with the Secretary-General that criminal acts by persons exploiting their status and positions as UN officials or experts on mission represent a serious threat to the credibility and work of the UN and the thousands of international civil servants who serve the public interest with dedication, integrity and professionalism.

The failure to hold these individuals to account risks tarnishing relations between the UN and the local populations its missions are meant to serve, which, in turn, can undermine the UN's wider efforts to promote rule of law, security, development and human rights.

We are appalled to hear of continuing, and indeed increased, allegations of sexual exploitation and abuse by UN officials and experts on mission, which often harm the most vulnerable groups in the very populations we are seeking to protect.

Such conduct, particularly where it reaches the threshold of criminal conduct, is deplorable and cannot be tolerated. All criminal activities, including corruption and other financial crimes, committed by UN officials and experts on mission, undermine the credibility of the Organisation and its work on the ground and may end up discouraging local communities from cooperating with the UN in environments where support from the local community is needed most.

In this context, CANZ welcomes the appointment, this year, of the first Special Coordinator on Improving the UN's Response to Sexual Exploitation and Abuse.

We support the measures set out in UNSC Resolution 2272 on sexual exploitation and abuse. We also note with interest some of the measures cited in the Secretary-General's report (A/70/729) intended to strengthen investigations into allegations of sexual exploitation and abuse, including a six-month timeline for UN investigative agencies to conclude investigations and the development of uniform standards of investigation

We are deeply concerned, however, that the Secretary-General's Report on criminal accountability of UN officials and experts on mission records that in 73 out of the 89 cases that

have been referred to Member States for investigation and, where appropriate, prosecution, no information was received from the Member States concerned.

The UN has neither the jurisdiction nor the capacity to deal with serious criminal cases. The duty remains squarely on Member States to investigate allegations and, where appropriate, prosecute crimes committed by their personnel serving as UN officials and experts on mission.

We urge Member States that have not yet done so to consider establishing jurisdiction over serious crimes committed by their nationals while serving as UN officials or experts on mission. We urge all Member States to investigate allegations of criminal conduct by their personnel, to hold perpetrators accountable – including through prosecution, where appropriate – and to take preventative steps, including pre-deployment training and screening.

And we urge Member States to report on efforts taken to investigate and, where appropriate, prosecute their nationals.

In closing the impunity gap, it is important that Member States and the UN develop a culture in which individuals are encouraged and supported to report alleged crimes, and appropriate safeguards against retaliation are established. Further, we encourage States to provide information on any obstacles to effective prosecution they may encounter, whether jurisdictional, evidentiary or otherwise.

We are mindful that, in all of this, there is a need to not only act but to strike a balance – between a speedy and effective investigation, the protection of the rights of the victims and the accused, and the functional independence and neutrality of the UN.

Mr. Chairman,

If our commitment to the rule of law is to be more than rhetoric, the UN and Member States must lead by example. We support, in principle, the proposal for a convention that would require Member States to exercise criminal jurisdiction over their nationals participating in UN operations abroad and we would welcome further discussions on the feasibility of such a convention.

In closing, CANZ reiterates the call for continued implementation of the zero-tolerance policy promoted by the Secretary-General. No one, including UN officials and experts on mission who are the “face” of the United Nations to the world, should be above or outside the law.