



Statement on behalf of the European Union and its Member States

By

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Second Secretary
Delegation of the European Union to the United Nations**

at the Sixth Committee

on

**Agenda item 75
"Criminal Accountability of United Nations Officials and experts on Mission"**

United Nations

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- CHECK AGAINST DELIVERY -

Mr. Chairman,

I have the honour to speak on behalf of the European Union and its Member States.

The Candidate Countries the former Yugoslav Republic of Macedonia*, Montenegro*, Serbia* and Albania*, the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, as well as the Republic of Moldova align themselves with this statement.

The European Union and its Member States thank the Secretary-General for his report on the criminal accountability of United Nations officials and experts on mission pursuant to resolution 70/114 and for his continued commitment to the fight against impunity.

We reiterate our concern regarding all crimes committed by United Nations officials and experts on mission including sexual exploitation and abuse, and corruption, fraud, and other financial crimes, as reflected in resolution 70/114. We underline our continued support for the UN's zero tolerance policy and the related approach of zero-impunity for sexual exploitation and abuse which must extend to all types of crimes committed by all military, police and civilian personnel of the United Nations. Impunity is detrimental to the fulfillment of the mandate of the United Nations, its credibility and effectiveness, and undermines the trust of local communities and deprives victims of justice. We should not let the actions of a few tarnish the heroic work of thousands.

We recognize that the primary responsibility to bring perpetrators to justice rests with Member States. It is only through concentrated action and cooperation between states and the UN, with both playing their part, that we can achieve this goal. It is crucial that the State of nationality of an alleged offender is promptly informed and consulted by the UN. It is equally crucial that the State of nationality acts in a timely manner, establishes and exercises jurisdiction, investigates and where appropriate prosecutes. In this regard we note with appreciation the responses submitted by Member States following the Secretary-General's request for information pursuant to resolution 70/114, indicating how allegations have been handled in their domestic jurisdictions and what legislation and arrangements for cooperation with the UN and other States they have in place. At the same time, we note with regret that, based on the information provided in Annex II to the report of the UN Secretary-General, virtually all the referrals since 1 July 2007 remain outstanding as no information or insufficient information has been provided by the States of nationality. We call upon all States to provide information on referrals as soon as possible, including the reasons why investigations and/or prosecutions have not been pursued, and we request the Secretariat to follow up with individual States.

* *The former Yugoslav Republic of Macedonia, Montenegro, Serbia and Albania continue to be part of the Stabilisation and Association Process.*

While we welcome many positive measures announced by the Secretary-General, throughout the past year new appalling allegations of sexual exploitations and abuse by UN peacekeepers have surfaced. There is nothing more damning to UN peacekeeping than when those entrusted to protect and advise commit such horrific acts.

The number of new allegations of sexual exploitation or sexual abuse totaled 99 in 2015, compared with 80 allegations in 2014¹. While this may in part reflect better awareness and more reporting, it also signifies the need for a more resolute response to sexual exploitation and abuse in the areas of prevention, enforcement and remedial action. In this regard, we welcome the report of the Secretary-General A/70/729 on Special measures for protection from sexual exploitation and sexual abuse, which provides an update on system-wide initiatives undertaken since February 2016.

Another welcome step towards ensuring accountability of those who commit such crimes is Security Council resolution 2272 (2016), requesting that the Secretary-General assess whether a Member State had taken steps to investigate allegations, held the perpetrators accountable, and informed him about the progress of investigations when determining its participation in peacekeeping operations.

We further welcome General Assembly resolution 70/286 on cross-cutting peacekeeping issues, which provides for the necessary tools to enforce a zero tolerance policy.

We note that training on UN standards of conduct is an indispensable preventive measure. UN personnel both in headquarters and in the field must meet the highest standards of behaviour. We welcome the strengthening of the UN Conduct and Discipline Unit at the Department of Field support, agreed by the General Assembly in June and support strengthening measures in this area, notably pre-deployment and mission training of personnel, including on human rights, international humanitarian law, gender-based violence and civilian protection.

Although there is, rightly, much focus on allegations of sexual exploitation and abuse, we should not tolerate any crimes by UN officials and experts on mission. We are also concerned by the number of allegations of corruption, fraud and theft. Such actions means UN funds are being stolen or diverted from their intended purposes, including work to promote peace, security and sustainable development.

Our further approach to address the jurisdictional gaps and obstacles to accountability should also effectively combine short-term measures with long-term processes. In the long-term, the European Union remains ready to consider a proposal for a comprehensive international legal

¹ A/70/729 para.4

framework, which would clarify the circumstances under which UN Member States can exercise jurisdiction, as well as the categories of individuals and crimes subject to that jurisdiction. In order to assess such a possibility, more information should be provided both by the Member States and the UN Secretariat. We commend in this respect the Secretariat's efforts to gather relevant information and encourage all Member States to provide the requested information as soon as possible. We also request the Secretariat to produce a summary, in table form, of information provided by States on jurisdiction and cooperation provisions in their domestic systems.

Thank you, Mr. Chairman.