



**Statement on behalf of the European Union and its Member States**

by

**Ms Cristina Mezdrea  
First Secretary  
Delegation of the European Union to the United Nations**

**at the Sixth Committee**

**on the Agenda item 78  
"Criminal Accountability of United Nations Officials and Experts on Mission"**

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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 Turkey, the former Yugoslav Republic of Macedonia\*, Montenegro\*, Serbia\* and Albania\*, as well as Ukraine, the Republic of Moldova and Georgia, 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 71/134 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 71/134. We underline our continued support for the UN's zero tolerance policy and the related approach of zero-impunity for sexual exploitation and abuse for all military, police and civilian personnel of the United Nations. In this regard we welcome the Secretary General's initiative in developing a Voluntary Compact which articulates our common purpose, values and mutual commitments to prevent and address sexual exploitation and abuse by those involved in peacekeeping and peace support operations. Impunity is detrimental to the fulfilment 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 71/134, 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 I to the report of the UN Secretary-General, the majority of the referrals since 2008 remain outstanding as no information or insufficient information has been provided by the States of nationality. We

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

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. We recall that the United Nations cooperates with law enforcement and judicial authorities and that information from the United Nations investigations may be used by the States exercising jurisdiction, in compliance with the Charter of the United Nations and rights and obligations under the Convention on the Privileges and Immunities of the United Nations as well as other relevant international agreements and applicable legal principles. We call upon all States exercising jurisdiction to make use of this framework of cooperation and ensure that referred cases are acted upon by the competent authorities. Member States need to play a role in ensuring that, where possible, they follow up investigations into and prosecutions of their own nationals. They should promote a joined up approach across the UN, using their leverage and regular dialogue with the UN and its agencies to insist on a coordinated approach at all levels of policy and delivery and by encouraging the UN to pursue prosecution of alleged perpetrators through reporting alleged crimes to the appropriate domestic authorities. We welcome the follow-up on referrals by the United Nations Secretariat this year and we strongly encourage continuing this practice.

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 efforts to support strengthening measures in this area, notably pre-deployment and mission training of personnel, including on human rights, international humanitarian law, sexual and gender-based violence and civilian protection. We welcome the dedicated mandatory e-learning programme on sexual exploitation and abuse launched at the end of 2016 and available through the United Nations System Staff College portal. We also commend the awareness raising efforts of the Department of Field Support aimed at increasing understanding and knowledge of the standards of conduct and discipline as well as transparency and clarity in the presentation of data. We endorse the determination to improve the quality and consistency of investigations by all investigative entities through the development of harmonized standards of investigation and capacity-building of UN and National Investigation Officers.

We also note the Secretary General's report A/72/121 containing information compiled from across the United Nations system relating to policies and procedures regarding credible allegations that reveal that a crime may have been committed by United Nations officials or experts on mission. We note that the report refers to the existence of several rules and procedures, and of different reporting mechanisms due to fragmentation within the United Nations system. In such a context, it is difficult to get a clear picture of the UN accountability mechanisms. Such mechanisms should be streamlined with the aim of unifying and harmonizing criteria, policies and procedures regarding such allegations, and to determine potential gaps across the entire system. The strongest and most effective mechanisms should be adopted across the UN system to tackle criminal activities by UN officials and experts on mission.

There is, rightly, much focus on allegations of sexual exploitation and abuse, but we should not tolerate any crimes by UN officials and experts on mission. We are also concerned by the increased number of allegations of corruption, fraud and theft, which represent 32 out of the 38 newly referred cases during the current reporting period. Such cases mean that UN funds are being stolen or diverted from their intended purposes, including work to promote peace, security and sustainable development. We welcomed the Anti-Fraud and Anti-Corruption Framework of the United Nations Secretariat and we further encourage the Secretariat to continue promoting a culture of integrity and honesty within the Organization, including by providing guidance and information to staff members and other personnel on how the Secretariat acts to prevent, detect, deter, respond to and report on fraud and corruption. We welcome in this respect the approval as a matter of priority by the Secretary General of an updated United Nations whistleblower policy seeking to enhance protection for individuals who report possible misconduct or cooperate with duly authorized audits or investigations.

Our 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 and its Member States remain ready to consider a proposal for a comprehensive international legal 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.

Thank you, Mr. Chairman.