



Statement on behalf of the European Union and its Member States

by

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Delegation of the European Union to the United Nations

at the Sixth Committee

on the Agenda item 79:

**"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 Turkey, the former Yugoslav Republic of Macedonia*, Montenegro*, Serbia* and Albania*, the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, and the EFTA country, Liechtenstein, member of the European Economic Area, 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 reports on the criminal accountability of United Nations officials and experts on mission pursuant to resolution 72/112 and for his continued commitment to the fight against impunity for crimes committed by all personnel serving under the UN flag.

We note that during the last reporting period the number of referrals of alleged crimes committed by United Nations officials and experts on mission went down compared to the previous reporting period. Alleged crimes included sexual exploitation and abuse, corruption, fraud, physical assault and drug crime. Despite the UN's zero tolerance policy for sexual exploitation and abuse in operational areas, allegations of sexual exploitation and abuse are the most frequent in terms of numbers of referred cases. We should therefore step up our commitments to prevent and address sexual exploitation and abuse by those involved in peacekeeping and peace support operations. The EU is looking forward to the discussion of this important question in plenary during the 73rd session of the General Assembly. As expressed by the Secretary General, it is a moral and organizational imperative to put an end to sexual exploitation and abuse throughout the UN system, including the agencies, funds and programmes. If we want the UN to fulfill its mandate, being a credible and effective partner, for victims and host States, we should work together to bring these crimes to justice.

Since the primary responsibility to bring perpetrators to justice rests with Member States, 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 exercises its jurisdiction and that these crimes are investigated and prosecuted as appropriate. In this regard, it is encouraging that some States have submitted their responses to the Secretary-General's request for information pursuant to resolution 72/112, 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.

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

At the same time, the number of responses is limited on a global scale and, based on the information provided in Annex I to the 9 July 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 commend in this respect the Secretariat's efforts to gather relevant information and encourage all States to answer in a transparent way to requests for information made by the UN on investigations and prosecutions undertaken by the competent national authorities, including, where appropriate, the reasons why investigations or prosecutions have not been pursued.

We welcome the reporting provided on the support and protection of the rights of victims not only in the field of sexual exploitation and abuse but also in relation to other criminal conduct and note the efforts in coordinating a common framework for investigations of allegations that reveal that a crime may have been committed by United Nations officials or experts on mission. Harmonisation of UN standards of investigation is needed to ensure greater quality and consistency in investigations. We acknowledge the Secretary-General's continued efforts within the United Nations system to further strengthen coordination and coherence.

The EU itself requires that all civilian and military personnel serving in Common Security and Defence Policy (CSDP) missions and operations maintain the highest standards of behaviour and conduct. The EU, its Member States and participating Third Countries are required to uphold a zero tolerance policy towards misconduct and criminal acts, especially sexual exploitation and abuse and all forms of sexual and gender-based violence, in CSDP missions and operations. The key policy that incorporates conduct and discipline elements into CSDP missions and operations is found in the *Upgraded Generic Standards of Behaviour for CSDP Missions and Operations* of 7 March 2018 which defines common standards for all CSDP missions and operations, both military and civilian. In addition, all training for CSDP missions and operations reflects the principles of human rights, international humanitarian law, the rule of law and democracy, as well as UN Resolutions (including UNSCR 1325 on women, peace and security), and training in gender issues and combatting sexual violence in conflict. The EU is committed to continuing exchanges of best practices with the UN.

We note that training and awareness-raising on UN standards of conduct is an indispensable preventive measure that should remain at the core of action by field missions and at UN Headquarters level. 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 induction training on conduct and discipline. The move by the UN from a 'narrow' peacekeeping and 'uniformed' personnel approach to a system-wide approach is a welcome development.

The EU and its Member States support the effective combination of short-term measures with long-term processes to address the jurisdictional gaps and obstacles to accountability. We

welcome efforts to provide requesting States with technical and other appropriate assistance in developing relevant national legal measures. 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.

Thank you, Mr. Chairman.