



Statement on behalf of The Kingdom of the Netherlands

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Ministry of Foreign Affairs

agenda Item 77

Criminal accountability of United Nations Officials and Experts on Mission

at the Sixth Committee

-Check against delivery-

Mr. President,

As this is the first time my delegation is taking the floor, let me congratulate you and the other members of the bureau on their election. Let me assure you of my delegation's full support and confidence that under your able leadership we will be able to conclude the work of the Sixth Committee expeditiously.

Let me also align myself with the statement made by the European Union on behalf of the EU and its Member States.

At the outset, my delegation would like to thank the Secretary-General for his two reports A/74/142 and A/74/145, and his commitment to combat criminal misconduct by United Nations officials and experts on mission.

Please allow me to start with the story of a little girl named Helen, before addressing the SG's reports.

[Introduction]

Mr. President,

Helen is a 12 year old girl who would sell fruit for a couple of cents to UN Peacekeepers stationed in the town of Bunia in Congo. As she walked from tent to tent with the fruit balancing on her head, a peacekeeper lured her into his tent with a cup of milk. It was her favorite drink but one her family could rarely afford.

After she gulped it down, the foreign soldier pulled Helen into bed. About an hour later, he gave her USD 1, put a finger to his lips and pushed her out of his tent. Helen did not dare tell her father for fear of a beating. She said she knew he would blame her for going near the soldiers in the first place and might even throw her out of the house. Helen did go on her own to a health clinic soon after the assault because she said she had pain between her legs. The health worker gave her something to drink, which she paid for with the same dollar that the soldier had given her.

Mr. President,

We recall the story of Helen because it's 15 years ago this year that the first horrific stories of sexual exploitation and abuse by UN peacekeepers emerged in the media. The New York Times published the story of Helen on 18 December 2004. By the way, Helen stopped selling fruit at the military camp immediately after the attack and never went back. She has trouble sleeping at night and cannot forget what the soldiers did to her. The soldier who raped Helen, was never caught.

[SG Report A/74/145]

Mister President,

We thank the Secretary-General for his report A/74/145 which contains information received from Member States on criminal accountability of their nationals when serving as United Nations official or expert on mission. We are especially appreciative for Annex 1 containing additional information on the nature of the allegations and information received from States on all referrals.

We note with appreciation the repeated efforts of the secretariat to obtain information on cases referred to Member States for investigation and prosecution. We note with concern however, that despite repeated requests from the secretariat for information, some Member States do not even take the effort to acknowledge receipt of the SG's communication.

The SG started referring cases to Member States for investigation, prosecution and punishment in 2008, four years after the first stories of sexual exploitation and abuse emerged. Yet, to date, 11 years later, we are still waiting for answers from some Member States on the cases referred to them by the SG in 2008.

At this point we have lost all hope that those who committed criminal misconduct in those years will be held accountable. But that Member States simply refuse to provide information to the SG can no longer be accepted, and will no longer be accepted by my Government.

In order to assist the SG to obtain information on the status of referrals from Member States, we have the following two proposals:

(1) The SG established the 'Circle of Leadership on the prevention of and response to sexual exploitation and abuse in United Nations operations'. Membership currently stands at 87 sitting and former heads of State/Government. The Circle of Leadership represents a visible and formidable symbol of the commitment of Member States to end impunity, to strengthen measures to prevent sexual exploitation and abuse, to respond rapidly and decisively to credible reports of such acts, and to meet the needs of victims quickly and appropriately.

When all efforts of the SG to receive information on referrals have failed, the SG could ask the assistance of two or three members of the Circle of Leadership to bring the referrals to the attention of the Member State refusing to provide information.

This will not only bring the allegations of criminal misconduct of a national to the attention of the highest level and most senior officials in government. It will also bring to their attention the refusal to undertake any action at all.

(2) In accordance with paragraphs 2 and 3 of Security Council resolution 2272 (2016), exclude from participating in current and/or future UN peacekeeping operations those Member States refusing to comply with their obligations, refusing to take the appropriate steps to investigate, hold accountable and inform the SG of the progress of their investigations.

We understand the operational difficulties this might pose for the SG, but accepting military and police officers in the knowledge that the Troop or Police contributing country will not hold their nationals accountable for criminal misconduct, is just as problematic.

[SG Report 74/142]

Mr. President,

Turning now to SG Report 74/142 containing information on the policies and procedures regarding credible allegations of criminal misconduct of the UN secretariat, funds, programmes and other entities, specialized agencies and related organizations. We note with appreciation the SG's efforts to (1) strengthen procedures for the reporting of misconduct, (2) harmonize the standards for investigations across the UN System and (3) apply a victim centered approach.

On (1) and (2): We fully support the Secretary-General's strategy to combat Sexual Exploitation and Abuse, launched in 2017. We commend the work done so far and strongly encourage further work. Over the past years, new Administrative Instructions have been issued and new policies and measures have been adopted and implemented.

We have reviewed the policies and measures carefully, including the proposed amendments to the Staff Regulations and Rules, contained in document A/74/289. In this regard, my Government supports the proposed revision providing a clearer basis for the UN to make voluntary deductions to the salary of UN staff members, in accordance with orders of National Family Courts, when staff members fail to comply with such orders.

My Government also supports the proposed deletion of an exception to the general prohibition of sexual activity with children, understood as persons under the age of 18.

This prohibition introduces a substantive zero-tolerance policy approach.

We urge the Secretary-General to ensure that the administrative issuances which will contain the details as to how it would be implemented are promulgated as soon as possible.

Mr. President,

Last year, we announced that the Kingdom of the Netherlands, as a donor to the United Nations, its Funds and Programs, no longer wanted to be seen as enabling, financing and approving UN entities that wilfully refuse not to properly prevent, investigate and sanction misconduct. We announced that, before we financially contribute to any UN entity, we would require the organization to establish appropriate procedures that address misconduct and to properly apply the established procedures.

The Kingdom of the Netherlands, as a result of this policy, over the past year suspended financial contributions to UNEP, UNAIDS and UNRWA. As long as these organizations are not ready and willing to

properly apply established procedures that addresses misconduct, our financial contribution will remain suspended.

In addition, the obligation to have the appropriate procedures in place, is part of the contribution arrangement with my Government. My Government has not entered in any contribution arrangement that does not contain this obligation. If UN entities cannot accept this obligation as part of a contribution arrangement, we will not enter in such arrangement.

We urge all Member States, but especially the members of the Group of Friends to Eliminate Sexual Harassment, to follow our example.

My Government therefore fully supports the recommendation of the SG to ensure the coherence and coordination of policies and procedures relating to the reporting, investigation, referral and follow-up of credible allegations of criminal misconduct by personnel of such agencies. That is what we have been doing the past year, and will continue to do the coming years.

[SG victim centered approach]

We note with appreciation that in the summer more than 50 Member States took stock of assistance provided to victims through the Trust Fund in support of sexual exploitation and abuse, under the able leadership of the Under-Secretary General for the Department of Management Strategy, Policy and Compliance.

The Trust Fund has helped elevate the voices of victims through reinforced community networks.

Victims have also learned new skills and trades which supported reintegration into their respective communities without fear of retribution or stigma.

The Trust Fund currently stands at USD 2 million, We call on all Member States that are in a position to do so, to contribute to the Trust Fund.

Mr. President,

We can't change what happened to girls like Helen. But we can and must prevent this from happening in the future. We can also support and help restore the dignity of victims of sexual exploitation and abuse, and help pave their way forward to economic independence.

Thank you