



Statement on behalf of the European Union and its Member States

By

**Mr. Thomas Ramopoulos, Counsellor, Delegation of the European Union to
the United Nations**

at the Sixth Committee

on the Agenda item 76:

**"Criminal accountability of United Nations officials and experts on
mission"**

United Nations

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– CHECK AGAINST DELIVERY –

Mr. /Madam Chair,

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

The Candidate Countries Türkiye, North Macedonia*, Montenegro*, Serbia*, Albania*, Ukraine, the Republic of Moldova, Bosnia and Herzegovina* as well as Monaco align themselves with this statement.

We would like to thank the Secretary General for his latest reports on this topic (A/79/185 and A/79/189) and for his steadfast commitment to preventing and fighting impunity for crimes committed by UN officials and experts on mission. The European Union and its Member States subscribe fully to his demand that all personnel serving under the UN flag uphold the highest standards of integrity. There can be no tolerance to misconduct and crimes committed by UN personnel on mission, especially sexual exploitation, abuse and harassment.

United Nations officials and experts on mission are the face of the UN on the ground. They represent its values working at great personal risk at times in order to achieve its goals. We acknowledge and commend them for their efforts. However, there can be no excuse for acts of misconduct. Even isolated acts of misconduct can cause suffering on people, including colleagues, undermine trust in the UN by local authorities and the host population, and more broadly affect profoundly the reputation and credibility of the UN.

A comprehensive zero-tolerance policy must start from robust prevention while ensuring investigation and prosecution of misconduct and crimes. Lastly, it must protect and support victims, witnesses and whistle-blowers.

Mr. /Madam Chair,

The EU has adopted a zero-tolerance policy toward misconduct and crimes, including sexual harassment, bullying and discrimination, by its civilian and military personnel in Common Security and Defence Policy (CSDP) missions and operations. More specifically, the Code of Conduct and Discipline for EU Civilian Common Security and Defence Policy (CSDP) Missions requires all mission members to maintain the highest personal standards of ethical behaviour, impartiality and integrity and to act in an irreproachable manner at all times. It

* North Macedonia, Montenegro, Serbia, Albania and Bosnia and Herzegovina continue to be part of the Stabilisation and Association Process.

further provides for the reporting of possible breaches of the code, investigation and disciplinary action without prejudice to further criminal action. In addition, the EU Upgraded Generic Standards of Behaviour for CSDP Missions and Operations incorporate a zero-tolerance policy to abuse and misconduct. Personnel has to follow mandatory pre-deployment eLearning training as well as in-mission training. Further measures and safeguards have also been included, such as the possibility to appoint independent experts (investigators and Disciplinary Board members) in the context of the disciplinary procedures, and the protection of whistle-blowers.

Mr. /Madam Chair,

Prevention through vetting, awareness-raising and training of personnel at the pre-deployment phase is the first indispensable step in a comprehensive effort to limit the risk of misconduct or crimes. Responsibility for this lies both with States providing personnel for missions and the UN. Each individual State should implement a rigorous vetting process, awareness-raising and training of personnel prior to their deployment. Personnel should be made aware and respect the laws of the host State and be sensitive to local traditions, culture and religion.

Turning to the UN, we welcome the vetting of staff members and uniformed personnel against the Organization's records, including through the ClearCheck database for substantiated allegations of sexual exploitation and abuse and sexual harassment. We also welcome the existence of a mandatory e-learning course on sexual exploitation and abuse with tailored versions depending on the function of the personnel. We look forward to the swift roll-out of a reinforcement training package for military and police commanders on misconduct, including sexual exploitation and abuse. Training should include gender equality, international human rights law and international humanitarian law. We urge the Secretary-General to continue efforts to vet extensively, raise awareness and train all personnel before deployment.

Should there be instances of alleged misconduct or crimes, the primary responsibility for their **investigation and prosecution** lies with the State of nationality of the individual concerned. The exercise of jurisdiction must always be in accordance with international human rights law, including the right to a fair trial and due process. We invite all States that have not done so yet to establish jurisdiction over crimes committed by their nationals when deployed in a UN mission abroad. We take note in this regard of the information provided by some States and is contained in the reports of the Secretary-General. In cases where privileges and immunities of

UN personnel on mission under international law risk leading to impunity, waivers may be sought. This is in line with the rationale of these privileges and immunities, which are granted in the interest of the United Nations and not for the personal benefit of the individuals themselves. At the same time, we reiterate the importance of cooperation, including through the exchange of information and coordination, between the host State and other States for the successful investigation and prosecution of alleged misconduct and crimes.

Next to prevention and investigation and prosecution, we must not lose sight of the need to protect, including from retaliation, and support victims and witnesses as well as whistle-blowers. Measures must be in place to encourage them to come forward and speak up. For victims this is necessary to prevent re-victimisation and begin to re-establish a feeling of trust and justice among individuals and local communities.

Mr. /Madam Chair,

The EU and its Member States would like to express yet again their concern about the fact that the majority of cases of alleged misconduct and crimes referred to UN Member States by the Secretary-General remain unanswered. We call on all States to investigate the referrals and to provide the Secretary-General with regular updates on the status of their investigations or prosecutions.

In closing, Mr. /Madam Chair, the EU and its Member States reaffirm our readiness to consider a proposal for a comprehensive international legal framework, which would clarify the circumstances under which UN Member States can exercise jurisdiction for misconduct and crimes committed by UN officials and experts on mission, as well as the categories of individuals and crimes subject to that jurisdiction. Nobody is above the law and we will continue to work towards ending impunity.

Thank you.