



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 77:

"Criminal accountability of UN 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 North Macedonia*, Montenegro*, Serbia*, Ukraine, the Republic of Moldova, Bosnia and Herzegovina* and Georgia, and the EFTA country Liechtenstein member of the European Economic Area, as well as Monaco themselves with this statement.

The EU and its MS would like to thank the Secretary General for his latest report on the criminal accountability of United Nations officials and experts on mission (A/80/239 and A/80/270) pursuant to resolution 79/116. We stand fully behind his unwavering commitment and demand to all UN personnel to uphold the highest standards of integrity. It goes without saying that this applies to UN personnel deployed in field missions who represent the UN in many different parts of the world.

Mr. /Madam Chair,

A successful zero-tolerance policy on misconduct and crimes starts with robust **prevention** measures, as well as **response mechanisms**, including adequate and timely **investigation** of all credible allegations of such alleged incidents. When these allegations are substantiated, effective criminal prosecution and just and proportionate **sanctioning** are needed to make sure there will be no impunity. Establishing in parallel an environment that protects people and supports **victims** and **survivors**, **witnesses** and **whistle-blowers**, is also necessary. These are

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

necessary in order to deliver on the promise of accountability and access to justice for victims as well as to safeguard the reputation, credibility and integrity of the United Nations and its missions.

Prevention is best-served by careful vetting of personnel at the pre-deployment phase as well as awareness-raising and training both before and during deployment. Prevention is a continuous exercise.

In this regard, we support the UN's practice of checking external applicants for staff positions as well as continuing doing so for staff members. The use of the ClearCheck database prior to offers of appointment for staff positions is a potent tool in prevention efforts. Its significance has increased at least in two respects. First, other forms of misconduct, including racism and racial discrimination, were added next to those of sexual exploitation, abuse and sexual harassment from the Secretariat. Secondly, it includes records shared by other participating United Nations entities. We urge entities within the UN system to populate this tool regularly and in a consistent manner, and institutionalise its use for all personnel categories. The overall aim cannot but be the avoidance of any loopholes in checks. The EU and its Member States wish to underline also that the continuous update and possible enlargement of the scope of this database and other tools while fully respecting the rights of UN personnel, must continue to be a priority for the UN. Having noted the number of cases concerning corruption and fraud documented in the Report of the Secretary-General, we would urge the Secretariat to explore including these crimes explicitly in this database. At the same time, each State should ensure that the uniformed personnel it provides for field missions undergoes a rigorous vetting process.

We acknowledge the training courses and awareness-raising activities in place by the UN focusing in particular on sexual exploitation and abuse and other

prohibited conduct. We also express our appreciation for the implementation of the reinforcement training package that was anticipated in previous reports and has now been made available for military and police commanders. The EU and its Member States are of the view that for training to be most effective, it has to be mandatory at the pre-deployment phase as well as after deployment for both non-uniformed and uniformed personnel. Specific modules adapted to the responsibilities of managers and police and military commanders should be available. Content-wise it should cover comprehensively prohibited conduct while focusing particularly on gender equality, international human rights law and international humanitarian law. Lastly, training and awareness-raising should also be specific to the laws and regulations of the host State, instilling UN personnel with sensitivity to local traditions, culture and religion. The EU and its MS encourage the Secretary-General to continue his prevention efforts with the above in mind.

A comprehensive strategy to address misconduct and crimes by UN personnel on mission also requires the **full investigation of allegations** and **prosecution** of such actions. Impunity of perpetrators can never be an option. We recall that the State of nationality of the individual concerned has the primary responsibility for the investigation and prosecution of misconduct. This responsibility must be exercised in accordance with international human rights law, including the right to a fair trial and due process. States must establish jurisdiction over crimes committed by their nationals when deployed in a UN mission abroad. We share the understanding that the privileges and immunities accorded to UN officials and experts on mission under international law need to be respected. However, waivers of immunity should be sought in instances where the continuation of such immunity would result in impunity. This aligns with the very rationale of these privileges and immunities, which are granted in the interest of the United Nations

rather than for the personal benefit of the individuals concerned. We strongly encourage all States to do so as well as to improve exchange of information with the UN and between the host State and other States. These are necessary for the successful investigation and prosecution of alleged crimes.

Lastly, the EU and its Member States will continue stressing the paramount importance of protecting and supporting **victims** and **survivors, witnesses** and **whistle-blowers**, including from retaliation. Victims should be encouraged to come forward and speak up, and should be provided with the support they need. During (and after) an investigation process, seeking informed consent and applying a victim-centered approach is of paramount importance. 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,

From our side, as detailed in our statements in previous sessions, the EU has a zero-tolerance policy toward misconduct and crimes committed by civilian or military personnel in its Common Security and Defence Policy (CSDP) missions and operations. There cannot be impunity for such actions. More specifically, we provide training and have instituted measures for in-depth investigation of allegations of such conduct. In case allegations are substantiated, disciplinary measures against perpetrators are adopted while our rules provide for access to justice ensuring full accountability, and for the protection of victims and whistle-blowers.

The EU and its Member States would like to express yet again our 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.

Lastly, we are particularly concerned about the number of cases concerning corruption and fraud. We note in that respect that in some jurisdictions the successful prosecution of the perpetrators of such crimes is often not a sufficient basis to recover misappropriated funds of the UN. In light of this, we would kindly ask the Secretariat to elaborate on what measures could be adopted to address this issue, specifically how the Secretariat could act to safeguard the financial interests of the Organization and ensure the recovery of misappropriated funds.

In closing, Mr. /Madam Chair, the EU and its Member States reiterate our continued readiness to consider a proposal for a comprehensive international legal framework, which would clarify the circumstances under which 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 and ensuring accountability.

Thank you.