



Statement on behalf of the European Union and its Member States

By

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Second Secretary
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at the Sixth Committee

on

**Agenda item 80
"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 welcome the Secretary-General's report on the implementation of resolution 69/114. We commend the response by Member States to the Secretary-General's request for information pursuant to resolution 69/114.

We strongly support a zero tolerance policy for crimes committed by United Nations officials and experts on mission and more generally for a coherent approach within the Organization to establish the "age of accountability", in particular when serious crimes are committed.

Impunity for crimes of a serious nature committed by UN officials and experts on mission would have long term detrimental effects on the credibility of the Organisation and its effectiveness. Therefore, impunity for such crimes must not be tolerated, for the victims and the host States, and for the reputation of the UN. Allegations of wrongdoing must be investigated and those responsible held accountable.

While upholding the privileges and immunities of UN officials and experts on mission, it is expected that international law and national legislation of the host State shall be respected by such personnel and no crime committed by them should go unpunished.

In this respect, the EU and its Member States wholeheartedly support the Rights up Front initiative. We also welcome special measures for protection from sexual exploitation and sexual abuse as contained in the corresponding report of the Secretary-General dated 13 February 2015,

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

and we reiterate that proper investigation must take place into allegations of criminal conduct where reported against UN officials and experts on mission.

With regard to recent allegations of sexual exploitation and abuse by UN peacekeepers in the Central African Republic, we take note of the remedial actions taken by the United Nations and we share the view expressed by the Secretary-General on 17 September 2015 that much more needs to be done to address unacceptable conduct. Allegations must be reported, investigations must be speedy and thorough and perpetrators must be punished.

The evaluation report issued by the UN Office of Internal Oversight Services on 15 May 2015 also contains important recommendations towards better preventing, reporting and sanctioning such misconduct. The report of the high-level independent panel on peace operations issued on 16 June 2015 rightly points out that United Nations personnel and those associated with or otherwise providing services to the United Nations must live up to the highest standards of conduct, integrity and accountability.

We strongly support the call for leadership and accountability contained in the Secretary-General's report of 2 September 2015 on the implementation of the recommendations of the high-level independent panel on peace operations, and we share the view that both UN personnel and staff deployed by contributing countries must conduct themselves in a manner consistent with UN values. We welcome the measures announced by the Secretary-General, including the setting up of immediate response teams by the end of 2015, the imposition of strong sanctions against those who commit acts of misconduct and those who fail to take action against them, and the dissemination to missions early in 2016 of detailed guidance on standards and procedures for alerting UN Headquarters. We welcome the intention of the UN to reach out to affected communities, to create an adequately resourced victim assistance programme, to expand vetting of personnel and to develop a mandatory e-learning programme for all field personnel. Pre-deployment, as well as in mission training for civilian and uniformed personnel, including on humanitarian and human rights law, sexual and gender based-violence and child protection, should be enhanced.

The EU and its Member States recognize that genuine accountability rests on the cooperation of UN Member States. As stated in the report of the high-level independent panel on peace

operations, troop-contributing countries must vigorously investigate and prosecute all credible allegations of misconduct and crime by national personnel. Cooperation between States and with the UN in investigating allegations of criminal conduct is essential, and the UN plays a major role in enhancing the cooperation among States. It is crucial, with regard to the commission of crimes of a serious nature by UN officials and experts on mission, that the State of nationality of the relevant person is promptly informed and consulted by the UN in order to be able to establish the necessary jurisdiction to investigate and prosecute such crimes when appropriate. We underline, in this regard, that States have to implement fully their obligations under international law, including applicable agreements.

While the primary responsibility for bringing offenders to justice lies with States themselves in conformity with the principle of complementarity enshrined in the Rome Statute, the International Criminal Court should exercise its jurisdiction where the preconditions to the exercise of the Court's jurisdiction are fulfilled and national authorities are unable or unwilling to genuinely prosecute the most serious crimes.

The EU and its Member States continue to support the dual track approach, combining short-term measures and long-term measures to deal with existing jurisdictional gaps. We welcome efforts to provide requesting States with technical and other appropriate assistance in developing relevant national legal measures. We also acknowledge the value of discussions regarding principles for an international legal instrument. In the long-term, the EU remains 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.

I thank you Mr. Chairman.