



Statement on behalf of the European Union and its Member States

at the Sixth Committee

on the Agenda item 77:

"Criminal accountability of UN officials and experts on mission"

United Nations

New York

12 October 2020

– CHECK AGAINST DELIVERY –

Thank you, Mr./Madam Chair,

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

The Candidate Countries the Republic of North Macedonia*, Montenegro*, Serbia* and Albania*, the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, as well as the Republic of Moldova and Georgia, align themselves with this statement.

We would like to thank the Secretary-General for his recent reports. We welcome the steps taken by the United Nations to combat misconduct. Progress has been made, but there is scope for more action and results. As recommended in the report A/75/228, the UN system and related organizations should help ensure the coherence and coordination of policies and procedure relating to the reporting, investigation, referral and follow-up of credible allegations of crimes committed by personnel.

Mr./Madam Chair,

The United Nations officials and experts on mission have been instrumental in creating conditions for lasting peace, for protecting citizens and supporting development across the world. However, a single act of misconduct can lead to suffering and ruin trust or the reputation that took years to build.

All personnel on mission has to maintain a **high professional and personal standard of behaviour** in relations with the local authorities and host population as well as with regard to each other. They must respect the laws and regulations of the host country and be sensitive to local traditions, culture and religion.

The EU and its Member States reiterate the importance of the **zero-tolerance policy** for crimes committed by officials and experts on mission, especially towards sexual exploitation and abuse. The EU itself has established a zero tolerance policy towards misconduct and criminal acts for its civilian and military personnel serving in its Common Security and Defence Policy (CSDP) missions and operations. Zero-tolerance policy is a key guiding principle of the EU 'Upgraded Generic Standards of Behaviour for CSDP Missions and Operations' and of the 'Code of Conduct and Discipline for EU Civilian missions'.

While the primary responsibility for the **investigation and prosecution** of accusations against United Nations officials and experts on mission lies with the State of nationality, it is for all States to take appropriate measures to ensure that such crimes do not go unpunished and are brought to justice. **States must cooperate and coordinate their approach** in dealing with misconduct and crimes. The State of nationality, the host State and other States may be involved in different but mutually supportive ways in the exercise of criminal jurisdiction. Jurisdiction should not be an excuse or an obstacle to cooperation on investigation and

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

prosecution. In this regard, we welcome efforts to provide requesting States with technical and other appropriate assistance to adopt appropriate legislative measures.

It is crucial that **States cooperate with the UN** through adequate and timely consultations. There must be a constant feedback mechanism to build the necessary mutual trust and confidence for the investigation and prosecution of misconduct and crimes. At the same time, the exercise of jurisdiction should be without prejudice to the **privileges and immunities that the United Nations officials and experts** on mission enjoy under international law. International human rights law has to be respected, including the right to a fair trial and due process.

Misconduct and crimes must be addressed not only through enforcement measures, but also through **preventive measures and remedial actions**. Pre-deployment training, vetting and awareness raising, both within the United Nations and by the Member States have proved effective to sensitize personnel to local culture and traditions and to avoid crimes. Equally, providing assistance to victims - while not replacing the responsibility of the perpetrator - helps alleviating the consequences of crime. Victims must receive proper protection, support and access to justice. They should not be left behind, especially women and children, who find themselves in the most vulnerable situations.

In closing, 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.

I thank you, Mr./Madam Chair.
