



**Statement on behalf of the European Union and its Member States**

**By**

**Ms. Daniela Gauci, Counsellor, Delegation of the European Union to the  
United Nations**

**at the Sixth Committee**

**on the Agenda item 79:**

**"Criminal accountability of UN officials and experts on mission"**

**United Nations**

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**– 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 Ukraine, the Republic of Moldova and Georgia, align themselves with this statement.

We would like to thank the Secretary-General for his recent reports (A/76/205 and A/76/208), which give a good picture of progress made, but at the same time also reveal the need for more action to prevent and combat misconduct.

Mr./Madam Chair,

We express our appreciation to the United Nations officials and experts on mission, and to all peacekeeping personnel. Their tireless work and sacrifice is instrumental in keeping peace in conflict zones, in delivering humanitarian assistance, and in creating conditions conducive to lasting peace and development. At the same time, acts of misconduct by a few, and failure to hold them accountable risk putting the image and credibility of the United Nations in jeopardy.

We welcome the efforts made by the United Nations to ensure criminal accountability. Yet, we remain concerned at the fact that the Secretary-General has referred 286 allegations to Member States, a majority of which (over 250) remain unanswered.

Mr./Madam Chair,

No one is above the law and there should be **zero-tolerance** for any crime. Crimes committed by officials and experts on mission, including those towards sexual exploitation and abuse, can be no exception and must not go unpunished. Zero-tolerance towards misconduct and criminal acts is equally a key guiding principle of the EU civilian and military personnel serving in its Common Security and Defence Policy missions and operations.

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

The **primary responsibility** for the investigation and prosecution of accusations against United Nations officials and experts on mission lies with the State of nationality. However, lack of State cooperation or jurisdictional issues should not be a shield to serving justice and to holding those responsible for crime to account. In this regard, we welcome efforts to provide requesting States with technical and other appropriate assistance to adopt appropriate legislative measures. We also encourage Member States to provide the Secretary General with more updates on the status of their investigations or prosecutions.

The State of nationality, the host State or other States must cooperate with each other to deal with misconduct and crime. Justice could only be achieved through concerted action and cooperation between States and the Organization. With this in mind, 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 - while upholding the independence of justice - the circumstances under which the UN Member States can exercise jurisdiction, as well as the categories of individuals and crimes subject to that jurisdiction.

The exercise of jurisdiction by States should be without prejudice to the **privileges and immunities** of the UN officials and experts on mission under international law. It should also be with respect for international human rights law, the right to a fair trial and due process.

Mr./Madam Chair,

While investigation and prosecution is key, **prevention** is even better. Training on UN standards of conduct is an essential preventive measure. Experience shows that pre-deployment and mission training, including on human rights, international humanitarian law, sexual and gender-based violence, and civilian protection helps raise awareness and maintain a high professional and personal standard of behaviour of personnel. We must work more on prevention to preclude crimes from happening.

We also need to stay united in support of the **rights of the victims**, of those vulnerable groups that the UN personnel are meant to serve and protect. Victims must receive proper protection, support and access to justice. No one should be left behind, especially women and children.

We would like to share some **practice from the EU side**. The Code of Conduct and Discipline for European Union Civilian Common Security and Defence Policy (CSDP) Missions provides the civilian CSDP missions with consistent procedures in order to ensure that the highest norms and standards in terms of professionalism and conduct are being effectively implemented. Additional measures and safeguards have also been included, such as the possibility to call for independent experts (investigators and Disciplinary Board members) or the proper protection of whistle-blowers. The implementation of the Code is an ongoing process.

In this context there is a strong focus on prevention. Mandatory Pre Deployment Training for Missions' staff contains an extensive session on the Code and the Standards as well as on Human Rights and Gender. The Civilian Planning and Conduct Capability (CPCC), the operational headquarters of all EU's civilian CSDP Missions, supports the missions in induction trainings, whilst an e-learning module on the Code and the Standards is mandatory for all mission members. Currently, the EU is establishing a mechanism to make confidential counselling available to mission' staff. Finally, 'selection' is a key word in the framework of integrity as well. Exemplary behaviour of mission members starts with the recruiting of qualified staff.

Before concluding, we would like to take note of the policies and procedures of the UN Secretariat, funds and programmes and other entities, as detailed in the Report of the Secretary-General A/76/205, regarding credible allegations that reveal that crime may have been committed and information with respect to investigations or prosecutions of such crimes. We encourage the distinct legislative bodies of the UN system and related organizations to ensure the coherence and coordination of policies and procedures relating to reporting, investigation, referral and follow-up of credible allegations.

In closing, Mr./Madam Chair, we stand ready to work towards making progress on this file.

I thank you.