



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

**By**

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

**at the Sixth Committee**

**on the Agenda item 78:**

**"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 Türkiye, Montenegro\*, Serbia\*, Albania\*, Ukraine, the Republic of Moldova and Bosnia and Herzegovina\*, the potential candidate country Georgia, as well as Andorra, Monaco and San Marino align themselves with this statement.

United Nations officials and experts on mission are the face of the United Nations on the ground around the globe. They put their own lives at risk in order to maintain peace and security, to uphold the rule of law and to protect civilian populations, as well as to support development and international cooperation. We commend them for these efforts, which are often made in the face of adversity.

At the same time, there can be no excuse for acts of misconduct by the very same individuals who are meant to serve these noble goals. Even a single act of misconduct can cause suffering and have a detrimental effect on trust as well as the reputation and credibility of the United Nations. Officials and experts on mission must always maintain high professional and personal standards in their relations with local authorities and the host population, as well as with each other. There must be a zero-tolerance policy for misconduct and crimes committed by UN personnel on mission, especially sexual exploitation, abuse and harassment.

A comprehensive policy must be put in place in order to prevent acts of misconduct and, should this fail, ensure their investigation and prosecution, as well as protect and support the victim.

Mr. /Madam Chair,

We would like to thank the Secretary General for his latest reports on this topic (A/78/275 and A/78/248).

The EU has adopted a zero-tolerance policy toward misconduct and crimes 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 aims to ensure that the members of our missions preserve the credibility, integrity and impartiality of the UN and EU. In addition, the EU Upgraded Generic Standards of Behaviour for CSDP Missions and Operations incorporate a zero-tolerance policy towards misconduct. Further measures and safeguards have also been included, such as the

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

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 necessary to minimise the risk of misconduct or crimes. Each individual State should ensure that the personnel they deploy undergo a rigorous vetting process and that, beyond the necessary expert knowledge, the individuals respect the laws and regulations of the host State and are sensitive to local traditions, culture and religion. However, the UN also has a role in this regard. The EU and its Member States welcome the efforts undertaken by the United Nations to use technical enhancements to check against records of prior misconduct or substantiated allegations of sexual exploitation and abuse, as well as sexual harassment including through the ClearCheck database. We also welcome the launch of a revised mandatory e-learning course on sexual exploitation and abuse. We look forward to the swift finalisation and implementation of a further 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 the efforts to vet extensively, raise awareness and train all personnel before deployment.

In the event of alleged misconduct or crimes, there can be no impunity for the perpetrators. This is essential in order to ensure accountability and access to justice for victims as well as to safeguard the reputation, credibility and integrity of the United Nations and its missions. The primary responsibility for the **investigation and prosecution** of misconduct lies with the State of nationality of the individual concerned. The State must exercise this responsibility in accordance with international human rights law, including the right to a fair trial and due process. It is therefore paramount that States establish jurisdiction over crimes committed by their nationals when deployed in a UN mission abroad. The exercise of jurisdiction should be without prejudice to the privileges and immunities of UN officials and experts on mission under international law. However, privileges and immunities are granted in the interests of the United Nations and not for the personal benefit of the individuals themselves. Thus, waivers of immunity may be sought where immunity would lead to impunity. At the same time, cooperation with the host State and other States remains important for the successful investigation and prosecution of alleged crimes. Thus, we call on all States to cooperate,

exchange information and coordinate their approach with regard to investigating and prosecuting.

The responsibility to act in cases of misconduct or crimes by UN personnel on mission does not end with their investigation and prosecution. It extends to the **protection and support of victims and witnesses**, including protection from retaliation. It also includes efforts to encourage victims to come forward and speak up. 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.