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*Chair:* Mr. Biang ..... (Gabon)  
*later:* Ms. Kremžar (Vice-Chair) ..... (Slovenia)  
*later:* Ms. Ponce (Vice-Chair) ..... (Philippines)

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*The meeting was called to order at 3.05 p.m.*

**Agenda item 79: Criminal accountability of United Nations officials and experts on mission**  
(continued) (A/73/128, A/73/129 and A/73/155)

1. **Mr. Jaiteh** (Gambia), speaking on behalf of the Group of African States, said that the Group supported the zero-tolerance policy of the United Nations concerning criminal conduct, especially sexual exploitation and abuse, committed by United Nations officials or experts while on mission. Criminal accountability was a pillar of the rule of law, and it was crucial for safeguarding the integrity of and trust in the United Nations. A clear political signal of the Organization's complete rejection of criminal behaviour must be sent. Member States should exercise jurisdiction in applicable cases in order to ensure zero tolerance for impunity.

2. Jurisdictional gaps in ensuring accountability led to the repeated commission of crimes, particularly where the host State's options were limited regarding the exercise of criminal jurisdiction over an alleged offender whose State of nationality was unable to assert its jurisdiction in respect of crimes committed while on mission. Such gaps could be remedied by the measures set out in several General Assembly resolutions, if properly implemented. While some Member States expressed a preference for a predominant role to be played by the host State, the African Group and other States preferred to emphasize the role of the State of nationality. The United Nations was to be commended for its efforts to refer cases of possible crimes of a serious nature to the State of nationality.

3. The African Group welcomed the steps taken by the United Nations to provide training on standards of conduct, including through predeployment and in-mission induction training and awareness-raising programmes, as well as the technical assistance offered by the United Nations to States requesting support in developing their domestic criminal law. United Nations expertise went a long way towards developing and strengthening national capacities to investigate and prosecute serious crimes, especially in the context of mutual legal assistance and extradition. The Group encouraged States to cooperate with each other in criminal investigations and extradition proceedings involving serious crimes committed by United Nations officials and experts on mission.

4. **Ms. Van Rijssen** (Observer for the European Union), speaking also on behalf of the candidate countries Albania, Montenegro, Serbia, Turkey and the former Yugoslav Republic of Macedonia; the

stabilization and association process country Bosnia and Herzegovina; and, in addition, Georgia, Liechtenstein, the Republic of Moldova and Ukraine, said that, while the number of referrals of alleged crimes committed by United Nations officials and experts on mission had gone down during the last reporting period compared to the previous period, allegations of sexual exploitation and abuse were the most frequent in terms of numbers of referred cases, despite the zero-tolerance policy of the United Nations for sexual exploitation and abuse in operational areas. Hence it was vital to step up efforts to prevent and address sexual exploitation and abuse by those involved in peacekeeping and peace support operations. As the Secretary-General had indicated, it was a moral and organizational imperative to put an end to sexual exploitation and abuse throughout the United Nations system.

5. Since the primary responsibility for bringing perpetrators to justice rested with Member States, the State of nationality of an alleged offender must be promptly informed and consulted by the United Nations; that State must exercise its jurisdiction; and the crimes must be investigated and, where appropriate, prosecuted. While some States had submitted responses to the Secretary-General's request for information pursuant to resolution 72/112, the number of global responses was limited and, based on the information provided in the Secretary-General's report issued on 9 July 2018 (A/73/129), the majority of referrals of allegations since 2008 remained outstanding, as little or no information had been forthcoming from States of nationality. All States should respond in a transparent way to requests for information from the United Nations, including by providing, where appropriate, the reasons why investigations or prosecutions had not been pursued.

6. The European Union noted the efforts being made to coordinate a common framework for investigations of allegations that revealed that a crime might have been committed by United Nations officials or experts on mission, and urged harmonization of United Nations standards of investigation to ensure greater quality and consistency. It acknowledged the Secretary-General's continued efforts to further strengthen coordination and coherence within the United Nations system.

7. The European Union itself required that all civilian and military personnel serving in common security and defence policy missions and operations maintain the highest standards of behaviour and conduct. The European Union, its member States and participating third countries were required to uphold a zero-tolerance policy towards misconduct and criminal acts, especially sexual exploitation and abuse and all

forms of sexual and gender-based violence, in such missions and operations, and all relevant training reflected the principles of human rights, international humanitarian law, the rule of law, and United Nations resolutions on gender issues and combating sexual violence in conflict. The European Union was committed to exchanging best practices with the United Nations.

8. Training and awareness-raising on United Nations standards of conduct was an indispensable preventive measure in field missions and at United Nations Headquarters. The European Union welcomed efforts to support strengthening activities in that area, such as predeployment and induction training on conduct and discipline. The move from a "narrow" peacekeeping and uniformed personnel approach to a system-wide approach was a welcome development.

9. The European Union and its member States supported the effective combination of short-term measures with long-term processes to address jurisdictional gaps and obstacles to accountability. They remained ready to consider a proposal for a comprehensive international legal framework to clarify the circumstances under which Member States could exercise jurisdiction and the categories of individuals and crimes subject to that jurisdiction.

10. **Mr. Hattrem** (Norway), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said that the topic of criminal accountability of United Nations officials and experts on mission remained critically important; hence both the United Nations and its Member States must enforce a policy of zero tolerance for such crimes. The United Nations had taken important and timely steps over the past few years to root out sexual exploitation and abuse. The Nordic countries supported the work of the Special Coordinator on Improving the United Nations Response to Sexual Exploitation and Abuse and the Secretary-General's strategy to improve the system-wide approach to preventing and responding to sexual exploitation and abuse. They also welcomed the creation of the circle of leadership, consisting of global leaders who actively supported the Secretary-General's agenda. The fact that, as of 4 September 2018, 98 Member States had signed the voluntary compact on preventing and addressing sexual exploitation and abuse was also a welcome development. Although some visible results had been achieved, there was still a long way to go before the Secretary-General's zero-tolerance policy was fully implemented.

11. While there was certainly a need for a continued focus on sexual exploitation and abuse, any kind of

criminality on the part of United Nations officials and experts on mission needed to be addressed, and effective measures for ensuring accountability were imperative. Member States had primary responsibility for ensuring or establishing jurisdiction for serious crimes committed by their nationals while serving on United Nations missions. The Nordic countries encouraged all Member States that had not yet done so to submit information to the Secretariat on the status of their domestic legislation in that regard, in accordance with General Assembly resolution 72/112.

12. In addition to such reporting, further measures must be considered to ensure transparency and provide incentives for Member States to undertake the necessary legislative amendments. The Nordic countries had therefore proposed the elaboration of a general policy on minimal requirements for States that contributed officials and experts to United Nations missions. An essential requirement should be that all contributing countries had the jurisdiction in place to be able to investigate and prosecute crimes committed by their nationals while serving as United Nations officials or experts abroad. The Nordic countries looked forward to a constructive debate on a comprehensive international legal framework to ensure that such criminal conduct was addressed.

13. The report of the Secretary-General providing information on Member States' reporting on, and follow-up of, cases of alleged criminal conduct by United Nations officials and experts on mission (A/73/129) painted a gloomy picture. Of the 148 cases referred to Member States, the latter had provided information to the Secretary-General on follow-up in their national jurisdictions in only 31 instances. The response to such cases was clearly insufficient, which was unacceptable. As the list of referred cases lengthened and States failed to provide the necessary information on follow-up, the pressure on the United Nations and its Member States to address that grave problem increased.

14. The resolution on the item to be adopted at the current session should contain wording to ensure the inclusion in the Secretary-General's next report of information on which Member States had – and more importantly, which Member States had not – provided feedback on their follow-up of cases. It was crucial to ensure accountability for persons who committed crimes while in the service of the United Nations. Anything less than full transparency regarding Member States' willingness and ability to hold their own nationals accountable for such crimes was unacceptable. The very credibility and integrity of the Organization was at stake. All Member States must uphold the principles of

due process and the rule of law while investigating and prosecuting such cases, and it was equally important to ensure the effective protection of victims, witnesses and whistle-blowers.

15. **Mr. Scott-Kemmis** (Australia), speaking also on behalf of Canada and New Zealand, said that United Nations officials and experts on mission played an important role in delivering vital humanitarian assistance, maintaining and sustaining peace, advancing the rule of law and supporting development. They were often placed in positions of trust and authority, where the vulnerability of local communities was heightened by the very emergency to which the United Nations was responding. Failure to hold accountable those who committed criminal acts while serving the United Nations undermined the Organization's reputation, credibility and integrity. It was critical to continue taking steps to close the impunity gap, specifically in relation to prevention of, protection from and response to sexual exploitation and abuse.

16. The Secretary-General's report (A/73/129) revealed an unacceptably high number of referrals. It was to be hoped that the upward trend in such referrals was due to greater awareness of reporting procedures on the part of victims. However, the failure of Member States that had received referrals to act on them and to update the United Nations on relevant developments was regrettable. It was alarming to see that some Member States had failed to respond to allegations of particularly serious crimes committed over two decades earlier. Continued efforts were needed to strengthen the effectiveness of follow-up after referral to a State of nationality of credible allegations.

17. The three countries commended the Secretariat for the compilation of relevant United Nations policies and procedures. They noted the Secretary-General's conclusion that there was a great measure of coherence and coordination within the United Nations system in bringing credible allegations of crimes by United Nations officials and experts on mission to the attention of the States of nationality and they would appreciate continued reporting on the implementation of his efforts to further strengthen such coordination and coherence. All parties must ensure that any practical problems in the implementation of policies and procedures on reporting, investigation, referral and follow-up of credible allegations were resolved. The table of national provisions on extraterritorial jurisdiction, available on the Committee's website, was useful and should continue to be updated. Ultimately, the Secretary-General should be given a stronger mandate to take action on the basis of the information collected.

18. The primary responsibility to investigate and prosecute credible allegations of criminal misconduct by United Nations officials and experts on mission rested with the State of nationality of the alleged perpetrator. Member States that had not yet done so should consider establishing jurisdiction over serious crimes committed by their nationals while serving as United Nations officials or experts on mission. All Member States should investigate allegations of criminal conduct by their nationals, hold perpetrators to account and take preventative steps, including predeployment training and screening. They should also report any obstacles to effective prosecution, whether jurisdictional, evidentiary or otherwise. The international community must hold individuals representing the United Nations to account for criminal conduct, since impunity for such actions served to undermine the trust, reputation and credibility of the United Nations itself. The three countries therefore supported, in principle, the proposal for a convention that would require Member States to exercise criminal jurisdiction over their nationals serving in United Nations operations abroad.

19. **Mr. Luna** (Brazil) said that for years, United Nations personnel had been diligently working to have a positive impact in societies around the world. Yet every crime committed by United Nations officials or experts on mission tainted the credibility of all other workers of the Organization, compromising their ability to cooperate with Governments and the population in the field. Such crimes often affected the most vulnerable, who were normally the main beneficiaries of the Organization's activities. While significant progress had been made in addressing credible allegations of crimes that might have been committed by United Nations officials or experts on mission and in expanding protection against retaliation for reporting misconduct, his delegation endorsed the Secretary-General's appeal for Member States to ensure that the specialized agencies and related organizations addressed practical problems in the implementation of policies related to the reporting, investigation, referral and follow-up of credible allegations that a crime might have been committed by their personnel.

20. All Member States should strive to overcome remaining legal challenges to asserting jurisdiction over crimes committed by their nationals when serving as United Nations officials or experts on mission. Member States whose domestic law did not envisage extraterritorial jurisdiction should put in place mechanisms to promote accountability for crimes committed by their nationals abroad. The instances of sexual violence, exploitation and abuse in peacekeeping

operations reported by the Secretary-General were a matter of serious concern. His delegation reiterated its support for the zero-tolerance policy in cases of sexual exploitation, abuse and other criminal conduct, while stressing the need for observance of the rule of law. Preventive and repressive measures should be combined to forestall such crimes, and the victims must receive adequate support and protection.

21. Brazil reiterated its steadfast support for measures aimed at fighting impunity for serious crimes, including those committed by United Nations officials and experts on mission. Ensuring that credible allegations were properly investigated, perpetrators brought to justice and redress made available to victims was key to upholding the values that inspired the work of the United Nations.

22. **Ms. Seiferas** (Israel) said that the agenda item encompassed not only serious allegations of sexual exploitation and abuse by United Nations peacekeepers, but also actions resulting in loss of life and involvement in terrorist activity. Such crimes must be investigated and prosecuted in accordance with international human rights standards and general principles of criminal law, without prejudice to the privileges and immunities of the United Nations under applicable international law. States should develop legal and practical ways to strengthen the capacity of their national authorities to do so.

23. Member States' actions would be more effective if the United Nations showed a willingness to investigate allegations against its personnel and to cooperate with the authorities of the host State and the perpetrator's State of nationality. The privileges and immunities to which United Nations personnel were entitled were not granted for the personal benefit of the individuals themselves. The Secretary-General had the right and duty to waive immunity in any case where he could do so without prejudice to the interests of the United Nations and where immunity would impede the course of justice. In cases where the Secretary-General had concluded that immunity could not be waived, United Nations authorities must work to find solutions outside of domestic tribunals, such as compensation for victims, especially in cases involving death or serious injury. Efforts should also be made to increase oversight and develop internal United Nations mechanisms for implementing disciplinary and punitive measures.

24. Israel hoped that such joint efforts would lead to greater awareness regarding the principles of proper conduct and crime prevention within the United Nations system. It was proud to have been one of the founders of the Group of Friends to Eliminate Sexual Harassment

and had been heartened by the dozens of participants who had attended the Group's first meeting.

25. **Ms. Onanga** (Gabon) said that she wished to pay tribute to the many peacekeepers, including those of her country, who had lost their lives while seeking to bring peace to war-torn countries. Gabon sought to deploy well-trained troops to carry out their missions competently and with professionalism. It endorsed the zero-tolerance policy of the United Nations on sexual exploitation and abuse committed by peacekeepers or officials and experts on mission. Every country must commit itself to combating impunity, whether in relation to sexual exploitation or any other crime committed during a peacekeeping operation.

26. With regard to the credible allegations that some members of the Gabonese contingent in the Central African Republic from 2014 to 2015 might have engaged in sexual exploitation, her country had engaged in a constructive dialogue with the Secretariat in order to elucidate the facts, in accordance with Security Council resolution [2272 \(2016\)](#). Gabon, which was a signatory of the Secretary-General's "Action for Peacekeeping" initiative, had already imposed exemplary punishments on all soldiers who had been found responsible following rigorous investigations, often carried out in collaboration with the Office of Internal Oversight Services. Since 2016, the authorities had done everything possible to shed light on the facts, including by subjecting all the soldiers concerned to DNA testing and by sending additional Gabonese investigators to the Central African Republic. In March 2018, a special investigative unit had interviewed victims in accordance with Gabonese law and pursued investigations in cooperation with the United Nations. Her Government thus hoped that the cases relating to the allegations would soon be closed.

27. **Mr. Kemble** (Netherlands) said that the criminal accountability of United Nations officials and experts covered a broad range of unlawful conduct, from fraud and theft to sexual abuse and exploitation. All unlawful conduct by United Nations officials and experts on mission was unacceptable and had a detrimental effect on the fulfilment of the Organization's mandate. Even though prosecution was sometimes difficult, no United Nations officials stood above the law. They must be held accountable for their actions like anyone else.

28. Although progress in the reporting of criminal misconduct had been made over the past ten years, preventing it and holding the perpetrators accountable seemed impossible. That situation could no longer continue. Ensuring accountability required effective reporting, investigation and prosecution, where

appropriate. It also required cooperation between the United Nations and Member States, in particular the State of nationality of the perpetrator, which had the responsibility to ensure that it could exercise jurisdiction.

29. During the latest reporting period, the number of referrals of crimes allegedly committed by United Nations officials and experts on mission had decreased compared to the previous reporting period. If that reflected a decrease in alleged crimes, it was a positive development. His delegation noted with appreciation that 60 Member States had submitted information on their establishment of jurisdiction over crimes committed by United Nations officials and experts on mission. However, the Secretariat's analysis of that information suggested that there were situations in which no jurisdiction could be exercised. His delegation supported the Secretary-General's call for Member States to extend extraterritorial jurisdiction over crimes, particularly those of a serious nature, that might be committed by their nationals when assigned to the United Nations or operating under its authority. It appreciated the fact that 98 States, of which it was one, had signed the voluntary compact on preventing and addressing sexual exploitation and abuse, and welcomed the efforts by the Secretary-General to increase that number.

30. In paragraph 56 of his report (A/73/129), the Secretary-General expressed his expectation that any criminal conduct committed by United Nations staff members or other categories of personnel would be prosecuted in a manner consistent with the gravity of the offence. His Government shared that expectation; however, the immunities that could apply to United Nations officials might prevent certain legal proceedings. Annex I to the report listed all cases that the Secretary-General had referred to the State of nationality for investigation and prosecution and indicated whether the State of nationality had requested a waiver of immunity. According to the report on practice of the Secretary-General in disciplinary matters and cases of possible criminal behaviour (A/73/71), nine cases involving credible allegations of criminal conduct by United Nations officials or experts on mission had been referred to Member States between 1 July to 31 December 2017. It was unclear, however, whether the immunity of those nine officials had been waived, or whether that had been unnecessary since they had enjoyed only functional immunity, which evidently did not cover misconduct.

31. The Netherlands fully supported the Secretary-General's strategy to improve the system-wide approach to preventing and responding to sexual exploitation and

abuse, which was aimed at bringing about a cultural and operational change, and commended the work done so far. On paper, the right policies were in place, but policy alone had not been successful. The fact that there was still a culture of silence concerning sexual exploitation and abuse, sexual harassment and criminal misconduct by officials of the United Nations, its funds and programmes, was deeply troubling. The Netherlands was committed to eliminating sexual exploitation and abuse, as demonstrated by the fact that its Prime Minister had joined the Secretary-General's circle of leadership. As a donor to United Nations funds and programmes, however, his Government no longer wished to be seen as enabling, financing or approving such conduct, and if internal procedures addressing criminal misconduct, sexual exploitation and abuse and sexual harassment were not put in place and properly executed, it would suspend its contributions.

32. The Netherlands remained ready to consider a proposal for a comprehensive international legal framework to clarify the circumstances under which Member States could exercise jurisdiction and the categories of individuals and crimes subject to that jurisdiction.

33. **Mr. Umasankar** (India) said that his delegation welcomed and actively supported the initiatives taken by the Secretary-General in relation to incidents of sexual exploitation and abuse reportedly committed by certain individuals involved with United Nations peacekeeping operations. A solution to the problem of accountability had remained elusive because of the complex legal aspects relating to the sovereignty and jurisdiction of Member States. The legal personality of the United Nations, under which some immunity or privileges necessary for operations in Member States were accorded, and the functional capacity or willingness of Member States to investigate and prosecute the accused, had further complicated the matter. The immunity from prosecution in national courts enjoyed by the United Nations as an organization should not be confused with freedom of United Nations officials and experts from responsibility for their criminal acts or omissions. However, the United Nations itself could only take disciplinary measures and did not exercise criminal jurisdiction. It was unclear whether investigations that it conducted could be accepted as evidence in criminal law proceedings in Member States.

34. The primary responsibility to bring perpetrators to justice rested with Member States. The State of nationality of an alleged offender must be promptly informed and consulted by the United Nations and must act in a timely manner, establish and exercise jurisdiction, investigate and prosecute, where

appropriate. Member States that did not assert extraterritorial jurisdiction over crimes committed abroad by their nationals should be encouraged and assisted in updating their national laws to provide for such jurisdiction and to prosecute any misconduct of their nationals serving as United Nations officials on mission abroad. Such laws should also provide for international assistance for the investigation and prosecution of the crimes committed. The United Nations could compile a list of Member States that had implemented the nationality principle, thereby revealing potential jurisdictional gaps. In that regard, the Indian Penal Code and Code of Criminal Procedure had provisions for addressing extraterritorial offences committed by nationals and for seeking and providing assistance in criminal matters. The Indian Extradition Act of 1962 dealt with extradition of fugitive criminals and allowed for extradition under a bilateral treaty or international convention.

35. Although the United Nations had worked hard to establish clear standards and rules by which its personnel must abide, much more progress was needed. The development of uniform rules, investigation capacity, organizational, managerial and command accountability, and individual disciplinary, financial and criminal accountability would help to address the issue effectively. A policy of zero tolerance for any criminal acts committed by United Nations personnel must be implemented and provisions to enforce accountability strengthened so that no crimes went unpunished and the image and work of the United Nations were not tarnished.

36. **Ms. Yvard** (Thailand) said that her delegation commended the vast majority of United Nations officials and experts on mission for their dedication and sacrifices in protecting civilian populations while upholding international law. It welcomed the Secretary-General's "Action for Peacekeeping" initiative and had recently endorsed the Declaration of Shared Commitments on United Nations Peacekeeping Operations. However, should any United Nations officials or experts ever engage in misconduct, or worse, criminal conduct, in particular conduct involving sexual abuse, or violence against and exploitation of women and children, they must not go unpunished. Wrongdoers must be held accountable. The victims must be heard, and justice must be served. A minority must not be allowed to destroy the integrity and credibility of the Organization.

37. Thailand strongly supported the Secretary-General's zero-tolerance policy for misconduct and the commission of crimes by United Nations officials and experts on mission. The United Nations and its Member

States must urgently step up efforts to enhance the effectiveness of the investigation and prosecution of crimes committed by personnel serving under the United Nations flag. Over 27,000 military and police personnel from Thailand, both men and women, had served in over 20 peacekeeping and related missions of the United Nations since 1946. As it prepared to deploy a military engineering unit in support of the United Nations Mission in South Sudan (UNMISS), Thailand reaffirmed its commitment to strictly adhere to the high standards of its own code of conduct as well as that of the United Nations. It had signed the voluntary compact on preventing and addressing sexual exploitation and abuse and would translate that commitment into action. Adequate mandatory predeployment training was instrumental in equipping peacekeepers with the knowledge to prevent and deter crimes in the first place. Women had a significant role to play as well as a tremendous contribution to make in protecting civilians, especially women and girls.

38. **Ms. Schneider Rittener** (Switzerland) said that every day, thousands of people carried out their mandate for the United Nations in an irreproachable manner. When crimes were committed by United Nations personnel, however, the acts of a few undermined the good work of many. It was therefore essential to ensure that those who committed crimes were held accountable.

39. The Secretary-General's reports provided important information on referrals to Member States of allegations of criminal conduct involving United Nations officials and experts on mission. Her delegation appreciated the Secretariat's regular follow-up; however, the picture emerging from the reports showed with dismal clarity that Member States must do more in responding to referrals. While the information provided was invaluable, the picture was still incomplete. Ideally, a single report should contain information on all cases of crimes alleged to have been committed by United Nations officials and experts on mission. Such an overview should also contain information on cases that had been brought to the attention of a State other than the State of nationality of the individual concerned. Switzerland had provided such information on alleged crimes by United Nations officials of various nationalities in its territory. It was important to deliver a coherent and comprehensive response that covered all types of crimes, including financial ones, and all United Nations personnel, both civilian and military.

40. For the second time, the Secretary-General's reports contained a compilation of all information received from Member States since 2007 on how they exercised jurisdiction over their nationals serving as United Nations officials. Switzerland regretted that only

four additional States had chosen to submit information. It strongly encouraged all Member States to respond to the repeated requests of the General Assembly for such information, which was crucial for an informed debate on how to proceed.

41. In a complementary effort to shed further light on the issue, her Government had commissioned the Swiss Institute of Comparative Law to conduct an independent study on the national rules in effect in 20 representative countries, in order to examine whether gaps existed between various national legal systems and whether an international convention would be able to fill some of those gaps. The Secretary-General, too, had prepared a report on the policies and procedures of the United Nations Secretariat, funds and programmes and specialized agencies, which showed that allegations of criminal conduct were handled differently from one entity to the next. That raised challenges for the coordination and coherence of the Organization's approach and, crucially, for victims who wanted to report a crime. Switzerland encouraged the Secretary-General to continue his consideration of the matter and provide substantial recommendations in his future reports.

42. **Mr. Elsadig Ali Sayed Ahmed** (Sudan) said that his delegation was deeply concerned about the serious allegations of sexual exploitation and abuse, physical violence and killings committed by United Nations peacekeepers as well as military and police personnel. The fact that no information had been received from Member States on many of those allegations merely exacerbated that concern. Gaps in reporting and notification between the host country and the United Nations Secretariat led to jurisdictional gaps and to impunity. Since the criminal accountability of United Nations officials and experts on mission, including those on peacekeeping missions, was of the utmost priority, a zero-tolerance policy must be applied and punishment delivered, pursuant to the principles of international law, regarding all crimes perpetrated by United Nations officials. The harm resulting from such crimes was not limited to the victims but extended to the status of the United Nations as a whole and injured its reputation as well as its effectiveness. Member States must guarantee not to provide any special status to United Nations officials and experts on mission that might justify impunity in the event that they committed offences, especially when the host country was unable to prosecute the officials.

43. At the national level, his Government had issued a series of comprehensive laws guaranteeing the necessary investigations and judicial proceedings for all crimes. It had acceded to a number of international,

multilateral and bilateral instruments related to judicial and legal assistance. While it supported the zero-tolerance policy, Sudan considered that real and tangible measures were needed in order to punish perpetrators of crimes. It was important to ensure that the privileges and immunities granted to United Nations officials were not an impediment to the exercise of jurisdiction by States in their territory. Specific criteria must be developed for lifting the immunities afforded to United Nations officials and experts on mission in the event that they committed crimes, and for ensuring that they were given a fair trial. United Nations officials and experts on mission must respect the laws of the host country and its right to exercise criminal jurisdiction according to the rules of international law.

44. **Ms. Brammer** (South Africa), underscoring the importance of the criminal accountability of United Nations officials and experts on mission, given that such personnel were almost always deployed to locations where the most vulnerable groups of persons were left with the least protection, said that her delegation recognized the courageous actions of United Nations officials and experts on mission, and other persons within the United Nations system, who reported criminal activity and misconduct at the risk of personal jeopardy. While it remained fully supportive of a multilateral convention to regulate the matter as a means of ensuring accountability and preventing future occurrences of criminal misconduct, her delegation would also continue to encourage the development of domestic legislation that vested local courts with the requisite jurisdiction over United Nations officials and experts on mission.

45. The three reports issued by the Secretary-General aided Member States in evaluating their own legislation for compliance with the requirements for closing the jurisdictional gap. The Secretary-General should continue his efforts to further strengthen coordination and coherence within the United Nations system in bringing credible allegations against United Nations officials and experts on mission to the attention of the States against whose nationals such allegations were made. The Secretary-General had noted in the reports that significant gaps continued to exist in Member States between prescriptive and enforcement jurisdiction. In that regard, as the President of South Africa had recently stated, the international community should draw on the strength of the collective in resolving complex challenges; the United Nations could only succeed to the degree that global leaders provided visionary leadership transcending ideological differences and narrow national interests. Her delegation called on Member States to prioritize the closing of jurisdictional gaps as a



collective measure. Predeployment vetting procedures and training to align the values and conduct of personnel with those of the missions to which they were being deployed should be further strengthened as a means of preventive action to ensure that fewer crimes were committed by United Nations officials and experts on mission.

46. *Ms. Kremžar (Slovenia) Vice-Chair, took the Chair.*

47. **Ms. Fierro** (Mexico) said that the normal arrangements for extraterritorial jurisdiction based on the nationality of the perpetrator were sufficient to enable most countries to exercise criminal jurisdiction over their nationals accused of committing crimes while serving as United Nations officials or experts on mission, even if no special legislation on such matters was in place. However, the Secretary-General's reports on the current item showed that there was a significant gap between prescriptive and enforcement jurisdiction: few States had exercised jurisdiction over their nationals serving as United Nations officials or experts on mission, even though their legislation permitted it. It was also alarming to see that in the past year, 24 cases of credible allegations of misconduct had been referred to States of nationality, 13 involving staff of peacekeeping operations or special political missions, and 8 relating to sexual exploitation or abuse, but only three of those cases were being investigated and there had been no convictions. The cases relating to sexual exploitation or abuse were those that merited the closest attention and the most effective response. Mexico reaffirmed its full support for the zero-tolerance policy regarding such cases. Such conduct was reprehensible in all circumstances, but particularly when it was committed by officials or experts representing the United Nations.

48. Mexico agreed with the Secretary-General that it was principally the State of nationality of a perpetrator that should exercise extraterritorial jurisdiction and prosecute those who committed offences while serving the United Nations on mission. Predeployment training, including on conduct and discipline and on sexual exploitation and abuse, as well as the screening of officials and experts, was essential. United Nations staff members must uphold the highest principles of ethical conduct; impunity should under no circumstances be tolerated, so as to protect the integrity of the Organization and enable it to continue transmitting its message of peace, security, justice and respect for human rights.

49. **Mr. Escalante Hasbún** (El Salvador) said that his Government was committed to ensuring that crimes

committed by United Nations officials and experts on mission did not go unpunished and that the perpetrators were brought to justice, without prejudice to their privileges and immunities. By virtue of the active personality principle, the State of nationality of the alleged offender had the right to exercise its criminal jurisdiction over acts committed by its nationals abroad. The possibility of impunity could thus be reduced through mechanisms to establish such jurisdiction. All Salvadoran personnel participating in United Nations missions were aware of the obligation to respect applicable national and international law and no cases had been recorded in which responsibility for criminal conduct of any kind, including sexual exploitation or abuse, could be attributed to any member of the Salvadoran armed forces. However, if such a situation should arise, the legal and procedural mechanisms for prosecution and punishment of the person concerned were available under national legislation.

50. In view of the importance of preventing such criminal acts, the armed forces of his country had a number of institutional mechanisms in place for raising awareness of the applicable codes of conduct. In particular, before taking part in a United Nations peacekeeping operation, armed forces personnel received training on such issues as human rights, the use of force, rules of engagement and the laws of the country to which they would be posted, as well as on relevant national and international regulations, including the Code of Personal Conduct for Blue Helmets; background checks were also conducted to ensure that they had not been involved in any kind of criminal conduct, including sexual offences, corruption, financial misconduct and breaches of human rights or international humanitarian law. Such measures demonstrated his country's recognition of the duty to prevent, investigate and exercise jurisdiction over crimes committed by officials and experts on mission.

51. **Mr. Musikhin** (Russian Federation) said that the measures worked out by the General Assembly to ensure prosecution of United Nations officials and experts who committed crimes while on mission were generally satisfactory. There was insufficient added value to be gained from the elaboration of a convention or another new instrument on the matter. However, it was important to carry out the steps outlined in General Assembly resolutions concerning cooperation by the United Nations with States exercising criminal jurisdiction. Situations where citizens of a State were suspected of having committed a crime must be promptly and fully reported by the Secretariat to the State in question. As far as prosecution was concerned, the primary role in establishing jurisdiction must be

played by the State of nationality of an international staff member. Emphasis must be placed on the prevention of any criminal conduct through the appropriate training of United Nations officials and experts on mission.

52. **Ms. Pierce** (United States of America) said that, while the vast majority of United Nations officials and experts on mission performed their duties admirably, upholding the high standards of integrity expected of those working on behalf of the Organization, performance failures, particularly incidents of criminal behaviour, affected the credibility of the United Nations and public confidence in its ability to protect and serve. United Nations officials and experts on mission should be held accountable for the crimes they committed.

53. The United States welcomed the efforts of the Office of Legal Affairs to carry out the request of the General Assembly for more follow-up with Member States that did not respond to referrals of criminal allegations. The Office should provide relevant Member States with as much information as was possible and appropriate in its referrals, in order to help them effectively and efficiently make jurisdiction determinations. It was the responsibility of Member States to take action on referrals; in view of the information contained in annex I to the report of the Secretary-General (A/73/129), many of them were failing to respond to such referrals and must do better. The Committee should also consider whether allegations of criminal conduct by United Nations officials and experts on mission should be referred to appropriate jurisdictions other than the State of nationality of the alleged perpetrator in order to help ensure accountability.

54. The United States appreciated the Secretary-General's continued leadership on the critical issue of sexual exploitation and abuse. It remained open to consideration by the Committee of whether an international convention could play a useful role in closing jurisdictional gaps that might prevent Member States from holding their nationals accountable for criminal acts committed while serving as United Nations officials and experts on mission. However, more information from Member States was still needed in order to have a well-informed discussion. The United States was currently reviewing options to close jurisdictional gaps in its own domestic law and encouraged other Member States to do the same.

55. Referring to the report of the Secretary-General containing information from across the United Nations system on policies and procedures for handling credible allegations that a crime might have been committed by

United Nations officials or experts on mission (A/73/155), she said that the United States welcomed the Secretary-General's call to Member States to ensure that the legislative bodies of the specialized agencies and related organizations addressed practical problems in the implementation of their policies and procedures. The United States would continue its ongoing efforts to that end, in particular with regard to the effective implementation of policies and procedures related to sexual exploitation and abuse and sexual harassment.

56. *Ms. Ponce (Philippines), Vice-Chair, took the Chair.*

57. **Mr. Ruru** (Indonesia) said that, in its history, Indonesia had deployed more than 38,000 persons to 28 United Nations peacekeeping operations. It now ranked eighth of all troop- or police-contributing countries, with 2,679 persons currently serving in nine United Nations peacekeeping operations, and another 850 to be deployed to the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and 140 to the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA). His delegation paid tribute to the outstanding contributions and sacrifices of peacekeeping personnel and noted the disturbing rise in peacekeeper fatalities due to violent acts over the last four years.

58. Nevertheless, serving in a peacekeeping mission should not be a justification for any wrongful behaviour or criminal activities on the part of any officials. There should be no tolerance for anyone breaking the law, particularly in the area of sexual exploitation and abuse. Peacekeepers must adhere fully to the highest standards of conduct and integrity and respect local laws and customs. To that end, Indonesia had set up a state-of-the-art facility to provide predeployment training for peacekeepers in such areas as protection of civilians, conduct and discipline and the role of women peacekeepers. The training emphasized the obligation to respect the laws of the host State, and anyone who violated those laws, both staff and leaders, must be held accountable.

59. In seeking to ensure accountability, gaps in jurisdiction or enforcement could arise. A jurisdictional gap occurred, for example, when an institutional defect prevented a host State from exercising its jurisdiction, yet the State of nationality could not establish its jurisdiction; in order to close such gaps, Member States should establish the necessary jurisdiction over their nationals. An enforcement gap could occur due to barriers arising from differing legal systems, problems in accessing evidence, the admissibility of evidence, the

cost of proceedings, and so on. In that connection, Member States must equip themselves with the necessary legal tools, such as extradition and mutual legal assistance. Status-of-forces agreements with the host country and memorandums of understanding with troop providers could be used to prescribe the prevailing jurisdiction in cases of misconduct. The Indonesian Criminal Code allowed for the establishment of criminal jurisdiction over Indonesian nationals wherever they committed crimes, and the necessary tools for judicial cooperation with other States, such as legislation on extradition and on mutual legal assistance, were in place.

60. **Mr. Kazi** (Bangladesh) said that the Secretary-General's reports provided a useful snapshot of the policies and procedures guiding criminal accountability in various United Nations entities, revealing a large degree of coordination and coherence across such entities in terms of reporting, investigation, referral and follow-up with the concerned national authorities on credible allegations. The overriding importance of leadership responsibility and accountability could not be overemphasized. It was crucial for there to be clear, standard procedures for reporting incidents without fear of reprisal or retaliation and with adequate safeguards for whistle-blowers. Regular training and strategic communication involving staff members had proved effective and should be carried out diligently.

61. It was encouraging to see that the Secretary-General's strategy aimed at bringing about a cultural and operational change to improve the system-wide response to sexual exploitation and abuse was yielding results. The concrete initiatives taken with regard to predeployment training, attestation and screening, risk mitigation and accountability appeared to be steps in the right direction. The United Nations country team in Bangladesh deserved thanks for its attention to the accelerated training of staff prior to deployment in managing the Rohingya humanitarian crisis in Cox's Bazar.

62. The zero-tolerance policy on sexual exploitation and abuse must be translated into a zero-case scenario. Recurrent allegations from different mission settings made it obvious that there was no room for complacency. Bangladesh reaffirmed the centrality of the rights and protection of victims and welcomed the Secretary-General's appointment of a Victims' Rights Advocate, whose role and function should be clearly delineated in order to avoid duplication of efforts with the Special Coordinator on Improving the United Nations Response to Sexual Exploitation and Abuse. The Secretary-General's trust fund in support of victims of sexual exploitation and abuse had the potential to

make a difference in the lives of those affected and should continue to be supported. It was reprehensible for any peacekeeper to betray the trust of those he or she was mandated to serve and protect. The actions of a few aberrant individuals should not, however, give grounds for collective punishment against any troop or contingent. All United Nations officials and experts deployed on missions bore a solemn responsibility to uphold the principles of the Charter of the United Nations and the image, credibility and integrity of the Organization itself. Any allegation of wrongdoing levelled against those individuals should be duly investigated and the outcomes shared in a transparent manner in order to send a strong message against impunity.

63. **Mr. Hwang Woo Jin** (Republic of Korea) said that the in-depth analysis of the jurisdictions of Member States in the reports of the Secretary-General would help to minimize the legal loopholes that arose in respect of punishment for crimes committed by United Nations officials and experts on mission. Relevant measures should be taken to prevent impunity for crimes, not only through regulations but also in practice. Close cooperation between the internal investigative offices of the United Nations and national law enforcement agencies should be promoted systematically. Strengthening training on ethics and regulations for United Nations officials and experts was important for preventing crime. It was also necessary to raise awareness of reporting procedures and reciprocal protection through training and publications. His delegation reiterated its support for the zero-tolerance policy of the United Nations concerning sexual crimes.

64. **Mr. Ly** (Senegal) said that his delegation paid tribute to the devotion and professionalism of United Nations officials and experts on mission who worked every day to maintain international peace and security. At the same time, it forcefully affirmed that nothing could exonerate those men and women from their responsibilities to both the United Nations and local populations; the image, integrity and impartiality of the United Nations was at stake. Inaction in the face of grave offences merely added to the suffering of victims. It was therefore essential to ensure that the privileges and immunities accorded to United Nations personnel did not serve as a pretext for the commission of reprehensible acts with impunity. As a troop-contributing country, Senegal was making every effort to fully implement the zero-tolerance policy on criminal conduct, and in particular sexual exploitation and abuse.

65. The President of Senegal, who was a member of the circle of leadership on the prevention of and response to sexual exploitation and abuse in United

Nations operations, had issued a directive calling on all defence and security forces operating as part of peacekeeping missions to comply strictly with relevant ethical standards and instructing commanders to ensure that all breaches of such standards were duly investigated and, where appropriate, punished. That high-level political commitment was supplemented by national legislation to facilitate the investigation and prosecution of Senegalese nationals who committed serious crimes abroad. The State of nationality should have precedence over the host country in addressing such breaches. In that regard, his delegation appreciated the Organization's efforts to refer credible allegations of criminal conduct to the State of nationality. It also welcomed the measures adopted with regard to training on United Nations standards of conduct, including through predeployment and in-mission training programmes, as well as the technical assistance provided by the Organization to States requesting support in developing their domestic criminal law.

66. All of those measures had helped to produce tangible improvements, but the road was still long and successes were fragile. States that had not yet done so must take all appropriate steps to ensure that offences did not go unpunished and that the perpetrators were prosecuted. It was also necessary to promote a coordinated approach between the United Nations, national authorities and the host country and to correct any gaps in accountability, especially where the host country's ability to exercise criminal jurisdiction was limited. Absence of accountability for criminal conduct undermined the values of the United Nations and betrayed the confidence of victims and their families.

67. **Mr. Ibrahim** (Nigeria) said that his Government had sent special teams to sensitize Nigerian troops serving in peacekeeping missions regarding the implications of any untoward actions, not just for themselves and their families, but also for society, the United Nations and Nigeria. In general, more targeted orientation and awareness campaigns were needed concerning the risks of irresponsible behaviour and the zero-tolerance policy of the United Nations for such acts. Nigeria supported the referral of cases of alleged criminal conduct to the State of nationality of the official or expert concerned, for investigation and possible prosecution. States should report back to the Organization on steps taken and adopt the necessary measures to prosecute their nationals for any offence committed while on mission, including by adapting their legislation to guarantee that jurisdiction could be exercised. Nigeria had taken appropriate legal action against one of its officials alleged to have committed a crime while on mission with the United Nations.

68. Victims of sexual exploitation and abuse should not be stigmatized; rather, they should be rehabilitated. His Government had contributed to the United Nations trust fund in support of victims of sexual exploitation and abuse and called on other Member States to do the same.

69. **Mr. Atlassi** (Morocco) said that since 1960, his country had been contributing qualified troops to United Nations peacekeeping operations. Any criminal offence committed by a United Nations official or expert on mission should be subject to prosecution in the competent national courts of the State of nationality. Such officials and experts were bound to respect the laws of the host State, irrespective of any privileges or immunities accorded under the 1946 Convention on the Privileges and Immunities of the United Nations. In view of the importance of implementing the zero-tolerance policy for misconduct and the commission of crimes, including sexual exploitation or other abuse, by United Nations officials and experts on mission, greater cooperation among Member States, and between Member States and the United Nations, was needed to investigate serious allegations of criminal offences and to exchange information and practices that might facilitate investigations and prosecution. In that regard, it was vital for the United Nations to refer credible allegations of criminal conduct to the State of nationality. His delegation acknowledged the importance of strengthening the mechanism to prevent impunity together with parallel efforts to prevent misconduct, to enhance the legal training of each State's civil and military personnel concerning their criminal responsibility under national and international law, and to raise awareness among such personnel about applicable procedures when offences had been committed. In that regard, his delegation welcomed the efforts being made by the Department of Peacekeeping Operations and the Department of Field Support to establish a strategy to eliminate all forms of reprehensible conduct through preventive measures; strengthen compliance with the United Nations rules of conduct and the relevant Secretary-General's bulletins and administrative instructions on the topic; and to impose corrective measures where necessary.

70. The Moroccan Criminal Code set out penalties for all acts of sexual exploitation and abuse, by whomever committed. Investigative officers were embedded with the various contingents of the armed forces, and as soon as a complaint regarding sexual exploitation or abuse was filed or suspicion raised against any member of such contingents, the commander could order an investigation to be undertaken. The use of DNA testing facilitated such investigations, and if evidence of abuse

was found, a report on the violation of military discipline was issued against the officer concerned. The United Nations was informed through the usual channels and within the requisite time frame. The new Constitution provided for the implementation of all international conventions ratified by Morocco, including in relation to international humanitarian law.

71. His delegation was supportive of the training and awareness-raising activities organized by the United Nations to educate peacekeepers and members of special political missions of the United Nations about their obligation to respect the Organization's rules of conduct and the laws of the host country, and the consequences of failing to do so. Offences committed by personnel on mission with the United Nations were detrimental not only to the victims of such offences and to the host countries, but also to the entire international community. Member States must therefore combine efforts to ensure that such offences did not go unpunished, in keeping with the universal principles of fair trial, including the presumption of innocence, respect of the rights of the defence and victims' right of access to justice. On the other hand, when allegations against United Nations officials or experts on mission were determined by a United Nations administrative investigation to be unfounded, the Organization must take appropriate measures to restore the credibility and the reputation of such officials and experts, in accordance with paragraph 22 of General Assembly resolution 72/112.

72. **Mr. Hidug** (Ethiopia) said that in order to preserve the credibility of the United Nations, its officials and personnel and their host countries must adhere strictly to the international instruments on diplomatic privileges and immunities. His Government greatly valued the sacrifices made by United Nations peacekeepers and commended the contributions of United Nations officials and experts on mission to fulfilling the purposes and principles of the Charter. Troop-contributing States had a major role to play in ensuring that officials and other personnel had the personality and training that befitted their role as protectors and role models for the world: to that end, screening needed to be effective. States should fight impunity by making sure their nationals who worked for the United Nations were held accountable for any illegal actions, particularly grave crimes. Ethiopian courts were vested with the power to adjudicate serious crimes committed by Ethiopian nationals who were not prosecuted abroad owing to their immunity. Member States must continue to be informed about allegations of criminal activity or abuse by United Nations officials or experts on mission. The General Assembly was the appropriate forum for

discussing the matter and finding a comprehensive solution.

73. **Mr. Elshenawy** (Egypt), recalling that, following an Egyptian initiative, the General Assembly had adopted resolution 72/312 on United Nations action on sexual exploitation and abuse, said that Egypt – a major troop- and police-contributing country – would support the Secretary-General's efforts to implement the zero-tolerance policy in the context of peacekeeping operations. It welcomed the steps taken by the Secretariat concerning the criminal accountability of United Nations officials and experts on mission, in cooperation with the countries that had jurisdiction, but called on the Secretariat to intensify its efforts in that area. The President of Egypt had become a member of the circle of leadership in 2017 and had taken part in two recent high-level meetings on peacekeeping operations, demonstrating the importance that his Government attached to peacekeeping. Its efforts to implement the zero-tolerance policy, including by means of rapid investigation and accountability through imposition of sanctions, upon substantiation, had been mentioned as an example of best practice in the report of the Secretary-General on special measures for protection from sexual exploitation and abuse (A/71/818).

74. **Mr. Carrillo Gomez** (Paraguay), recalling the many United Nations funds, programmes and specialized agencies working in his country, said that his Government had a high regard for the contributions made by United Nations officials and experts. It endorsed the zero-tolerance policy for misconduct and the commission of crimes by United Nations officials and experts on mission and was working with the Organization to ensure that duly investigated and proven criminal conduct was subject to prosecution and punishment, where appropriate. His Government was making the necessary investments to ensure that the 36 Paraguayan nationals participating in United Nations peacekeeping operations received proper predeployment training. It emphasized the obligation for such personnel to respect the laws of the host country, as well as the relevant rules of international law and the agreements governing United Nations missions.

75. The legislation of Paraguay conformed to international human rights law, including guarantees of due process. Its criminal law covered offences committed abroad if the offence was punishable in the country where it was committed and if the perpetrator had held Paraguayan nationality when the offence had been committed or had subsequently acquired such nationality. Its criminal law was also applicable when the perpetrator was a stateless person but was present in Paraguayan territory. Paraguayan nationals in service to

the United Nations could thus be prosecuted in Paraguay if they had engaged in criminal conduct while fulfilling their functions. His Government was prepared to cooperate with other countries to facilitate the exchange of information and the conduct of investigations and prosecution, where appropriate, of United Nations officials and experts on mission.

*The meeting rose at 5.35 p.m.*