



General Assembly

Seventy-eighth session

Official Records

Distr.: General
7 December 2023

Original: English

Sixth Committee

Summary record of the 8th meeting

Held at Headquarters, New York, on Tuesday, 10 October 2023, at 3 p.m.

Chair: Mr. Guerra Sansonetti (Vice-Chair) (Bolivarian Republic of Venezuela)

Contents

Agenda item 76: Criminal accountability of United Nations officials and experts
on mission

This record is subject to correction.

Corrections should be sent as soon as possible, under the signature of a member of the delegation concerned, to the Chief of the Documents Management Section (dms@un.org), and incorporated in a copy of the record.

Corrected records will be reissued electronically on the Official Document System of the United Nations (<http://documents.un.org/>).

23-19343 (E)



Please recycle



In the absence of Mr. Chindawongse (Thailand), Mr. Guerra Sansonetti (Bolivarian Republic of Venezuela), Vice-Chair, took the Chair.

The meeting was called to order at 3.10 p.m.

Agenda item 76: Criminal accountability of United Nations officials and experts on mission
(A/78/248 and A/78/275)

1. **Mr. Aref** (Islamic Republic of Iran), speaking on behalf of the Movement of Non-Aligned Countries, said that the Movement took note of the reports of the Secretary-General (A/78/248 and A/78/275), particularly his recommendation, contained in report A/78/275, that the United Nations system entities continue to utilize their internal networks to measure the adequacy of their existing policies and procedures and to identify potential disparities, as well as to promote enhanced cooperation on cross-cutting issues, such as financial recovery. The countries of the Non-Aligned Movement requested the Secretary-General to continue to improve reporting methods, providing a full picture of obstacles in the United Nations and practical problems in the implementation of the relevant resolutions, with the aim of developing appropriate policy and legal solutions.

2. The Movement continued to attach great importance to the criminal accountability of United Nations officials and experts on mission. The countries of the Movement contributed more than 80 per cent of peacekeeping personnel in the field and were also the major beneficiaries of peacekeeping missions. Peacekeeping personnel must continue to perform their duties in a manner that preserved the image, credibility, impartiality and integrity of the Organization. The Movement emphasized the importance of maintaining a policy of zero tolerance in addressing all cases of sexual exploitation and abuse committed by peacekeeping personnel.

3. More than a decade after the Committee had begun its consideration of the criminal accountability of United Nations officials and experts on mission, progress had been made, but much remained to be done. International cooperation should be enhanced, and the United Nations must continue to cooperate with States exercising jurisdiction in order to provide them, within the framework of the relevant rules of international law and agreements governing United Nations activities, with information and material for criminal proceedings initiated by States. The United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel, which had been adopted by virtue of

General Assembly resolution 62/214, would help to mitigate the suffering of victims and provide them with social support, legal services and medical attention. It was important to ensure that the victims were aware of the available support.

4. Full implementation by all Member States of General Assembly resolution 77/98 and previous resolutions could help to close jurisdictional gaps, strengthen accountability mechanisms and ensure due process with respect to investigations of sexual exploitation and abuse. The development of harmonized United Nations standards for investigating allegations against United Nations officials and experts on mission would strengthen the Organization's accountability system. Member States should exercise their jurisdiction in applicable cases to ensure that criminal acts did not go unpunished. It was crucial that the State of nationality act in a timely manner to investigate and prosecute alleged crimes. All States must provide information to the United Nations regarding any referrals to them of allegations of sexual exploitation or abuse. An assessment of the need for any further measures by the General Assembly could subsequently be undertaken.

5. The Non-Aligned Movement reiterated its concern about allegations of crimes committed by United Nations officials and experts on mission, including allegations of fraud, corruption and other financial crimes. The Secretary-General should continue to ensure that his zero-tolerance policy for criminal activities, including sexual exploitation and abuse and corruption, was made known to all United Nations officials and experts on mission, especially those in managerial positions. States must take all appropriate measures to ensure that such crimes did not go unpunished and that the perpetrators were brought to justice.

6. It was still premature to discuss a draft convention on criminal accountability of United Nations officials and experts on mission. For the time being, the Committee must focus on substantive matters and leave matters of form for a subsequent stage.

7. **Mr. Ikondere** (Uganda), speaking on behalf of the Group of African States, said that the topic of criminal accountability of United Nations officials and experts on mission was of significant importance to African States, given the substantial physical presence of United Nations peacekeeping operations and country teams on the continent. The Group maintained a no-compromise approach to criminal accountability, which was a fundamental pillar of the rule of law. African countries would continue to draw attention to any crimes

committed by such officials and experts, which unjustly tarnished the image of the United Nations. Member States should exercise jurisdiction in applicable cases in order to amplify the call for zero tolerance for impunity.

8. The Group fully supported the zero-tolerance policy of the United Nations concerning criminal acts, especially sexual exploitation and abuse, committed by United Nations officials and experts while on mission. It supported a system-wide approach to combating sexual exploitation and abuse within the United Nations, including but not limited to within peacekeeping forces. In order to maintain the momentum in that regard, the issue of sexual exploitation and abuse should be included in the General Assembly's agenda every year.

9. Jurisdictional gaps in ensuring accountability led to the repeated commission of crimes. 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, African States, along with other States, believed that responsibility for ensuring criminal accountability of United Nations officials and experts on mission lay with 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.

10. The 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 to combat and deter the commission of criminal offences by United Nations officials and experts on mission. United Nations expertise could go 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.

11. **Ms. Mark** (Saint Vincent and the Grenadines), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that any misconduct, especially criminal behaviour, by United Nations personnel on mission was unacceptable and must never go unpunished. Such conduct was particularly serious because of the nature of the perpetrators' functions and the vulnerability of the victimized. It also had a detrimental effect on the

fulfilment of United Nations mandates and on the credibility of the Organization as a whole. It was therefore crucial to ensure that all officials and experts on mission performed their duties in a manner that preserved the image, credibility, impartiality and integrity of the United Nations and upheld its highest ideals. CELAC was aware of allegations, as in previous years, of sexual abuse and excessive use of force by some peacekeepers. The international community must do much more to ensure that such crimes did not go unpunished.

12. CELAC took note of the reports of the Secretary-General ([A/78/248](#) and [A/78/275](#)). It took note in particular of section IV of document [A/78/248](#), which dealt with cooperation between States and with the United Nations in the exchange of information and the facilitation of investigations and prosecutions, and protection of victims and witnesses in that process. It also stressed the importance of receiving continuous information from the Secretariat on substantiated allegations. Improving on the reporting practice would facilitate the understanding of the problem so that it could be properly addressed. The Secretariat should continue to work to improve the quality of information regarding possible criminal offences and to communicate such information immediately to the States concerned. CELAC had noted the Secretariat's efforts to establish a standard procedure for notifying Member States of serious allegations of misconduct involving uniformed personnel deployed as experts on mission and believed that the same procedure should be followed for incidents involving United Nations officials and non-uniformed experts on mission. CELAC urged States to which cases had been referred to ensure proper follow-up and to inform the Secretary-General of the actions taken by national authorities, including prosecution where appropriate; for its part, the Organization should follow up on those actions.

13. CELAC was seriously concerned about the instances of sexual exploitation and abuse that continued to occur. It reaffirmed its support for a policy of zero tolerance of sexual exploitation and abuse and other criminal conduct, while reiterating the need to respect the rule of law in the implementation of that policy. The United Nations and its Member States should make every effort to prevent and punish criminal acts committed by United Nations personnel and to enforce standards of conduct. It was important to continue the dialogue with the Secretariat on the training and capacity-building of United Nations officials and experts on mission, and to take steps to prevent the abuse of privileges and immunities.

14. CELAC looked forward to the results of the implementation of the accountability framework developed by the Secretariat to measure the performance of field missions in connection with indicators relating to conduct and discipline. Attention should also be given to addressing other challenges, such as investigations in the field and during criminal proceedings, and the gathering and assessment of evidence in administrative and jurisdictional procedures, which must be conducted bearing in mind the interests of the alleged victims and the right of the accused to due process. United Nations personnel must comply with United Nations policy guidelines regarding their expected standards of conduct, including those set out in documents [A/67/775](#) and [A/67/828](#).

15. **Mr. Ramopoulos** (Representative of the European Union, in its capacity as observer), speaking also on behalf of the candidate countries Albania, Bosnia and Herzegovina, Montenegro, the Republic of Moldova, Serbia, Türkiye and Ukraine; and, in addition, Andorra, Georgia, Monaco and San Marino, said that United Nations officials and experts on mission were to be commended for their courageous efforts to maintain peace and security, uphold the rule of law and protect civilian populations. There could be no excuse for misconduct by those entrusted with pursuing those noble goals. Even a single act of misconduct could cause suffering and undermine the reputation and credibility of the United Nations. Officials and experts on mission must always maintain high standards of professional and personal conduct, and there must be a zero-tolerance policy for misconduct and criminal acts, especially sexual exploitation, abuse and harassment. A comprehensive policy on the prevention, investigation and prosecution of misconduct and protection and support for victims should be put in place.

16. In keeping with its zero-tolerance policy, the European Union had implemented a code of conduct for civilian and military personnel serving in common security and defence policy missions, together with upgraded generic standards of behaviour for such missions. It had also established safeguards – such as the possibility of calling in independent investigators – and protected whistle-blowers.

17. States should ensure that personnel that they deployed to United Nations missions had undergone a rigorous predeployment vetting, awareness-raising and training process with a view to ensuring that they respected the laws and regulations of the host country and were sensitive to local traditions, cultures and religions. The United Nations should also conduct thorough vetting, in addition to delivering predeployment training on topics such as gender equality, international

human rights law and international humanitarian law. In that regard, the European Union and its member States welcomed the use of the Clear Check database and the launch of a revised mandatory e-learning course on sexual exploitation and abuse. It looked forward to the swift finalization and implementation of a training package on misconduct for military and police commanders.

18. In order to ensure accountability and access to justice and safeguard the reputation and credibility of the United Nations, there must be no impunity for United Nations officials and experts on mission who engaged in crime or misconduct. The primary responsibility for investigations and prosecutions lay with the State of nationality of the accused. In exercising jurisdiction, States should respect international human rights law, including the right to a fair trial and due process. They should also respect the privileges and immunities of United Nations officials and experts on mission under international law, although waivers of immunity might be sought where immunity would impede the course of justice. The European Union and its member States 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.

19. All States should engage in the cooperation, coordination and exchange of information necessary for successful investigations and prosecutions. In order to prevent revictimization and rebuild the trust of affected individuals and communities, victims and witnesses must be encouraged to speak, receive support and be protected from retaliation.

20. It was concerning that no responses had been received in relation to the majority of allegations of criminal conducted referred to Member States by the Secretary-General. All States that received such referrals should conduct investigations and prosecutions, as appropriate, and provide the Secretary-General with regular updates.

21. **Ms. Russell** (New Zealand), speaking also on behalf of Australia and Canada, said that the issue of accountability for sexual exploitation, abuse and harassment, as well as fraud and corruption, was of utmost importance. While the vast majority of United Nations officials and experts on mission conducted their work in accordance with the highest standards of efficiency, competence and integrity, the misconduct and criminal acts of a few inflicted significant harm on those affected and eroded the reputation, credibility, integrity and impartiality of missions. The impact was

compounded when perpetrators were not held to account.

22. The three countries reiterated their wholehearted support for the zero-tolerance policy of the United Nations and commended the Secretary-General's demand that all United Nations personnel, including uniformed personnel deployed in peacekeeping and special political missions, maintain the highest standards of integrity. They welcomed the Organization's strengthened commitment to transparency and reporting and called upon all Member States to provide relevant information on their responses to allegations that had been referred to them. They supported the Secretary-General's recommendation that Member States continue to encourage the distinct legislative bodies of the United Nations system and related organizations to help ensure the coherence and coordination of relevant policies and procedures. They also supported the Organization's efforts to assess the adequacy of existing procedures and policies and promote enhanced cooperation.

23. The three countries supported the Secretary-General's focus on prevention, and also the practical measures that had been taken to strengthen predeployment vetting and training. Police and military personnel deployed to field missions must be fully aware of the requirements to abide by local laws and uphold the highest standards of integrity. Member States should enhance their efforts to prevent and respond to misconduct and criminal acts. As a first step, they should jointly establish enhanced personnel screening standards.

24. Protecting the rights and dignity of victims and survivors was central to securing accountability. The United Nations and its Member States must, therefore, build a culture in which individuals were genuinely supported in reporting misconduct and properly protected from reprisals. Member States should investigate allegations of misconduct by their nationals and cooperate with other Member States in relevant investigations.

25. The three countries continued to support, in principle, the proposal for a convention concerning the exercise by Member States of criminal jurisdiction over their nationals serving in United Nations operations abroad.

26. **Ms. Ijaz** (Pakistan) said that the criminal accountability of United Nations officials and experts on mission was of utmost importance. The Organization played a crucial role in upholding peace, security and the rule of law and must incorporate those principles into its own operations. As a major troop-contributing country, Pakistan fully subscribed to the policy of zero

tolerance for crimes committed by United Nations officials and experts on mission. Its personnel had consistently adhered to the highest standards of conduct and professionalism, and it remained committed to enforcing strict discipline in cases of misconduct.

27. Pakistan had been one of the first countries to sign the voluntary compact on preventing and addressing sexual exploitation and abuse. It had developed training modules on that topic that were an integral part of the mandatory training required for officials to progress in their careers. It stood ready to share its experience with the Organization and other Member States.

28. While there was no dispute among States concerning the need to ensure that United Nations officials and experts on mission who committed criminal offences were held accountable for their actions, their collective efforts to that end continued to fall short. There was an urgent need to ensure the coherence and consistency of reporting, investigation, referral and follow-up policies within the United Nations system, particularly with regard to specialized agencies and organizations that fell outside the scope of General Assembly resolutions. The referral system should be strengthened by drawing on best practices and lessons learned with regard to the sharing of information with Member States on wrongful acts allegedly committed by their nationals. In that connection, it was concerning that most follow-up requests sent to Member States currently went unanswered.

29. While sexual exploitation was the most egregious type of misconduct, it should not be the sole focus of efforts to ensure the criminal accountability of officials and experts on mission, particularly since the majority of cases of misconduct involved fraud and other types of financial offences.

30. It was imperative to address jurisdictional gaps. Despite the divergence of viewpoints on a comprehensive international legal framework on the criminal accountability of United Nations officials and experts on mission, her delegation was reassured by the ongoing discussions in the relevant working group of the Committee.

31. **Ms. Patton** (United States of America) said that the vast majority of United Nations officials and experts on mission complied with the highest standards of integrity. However, when officials or experts on mission did commit crimes, they should be held to account. Her delegation thanked the Secretary-General for his reports ([A/78/248](#) and [A/78/275](#)), which helped the United Nations and its Member States remain vigilant in protecting the credibility of the United Nations.

32. The United States was encouraged by the ongoing work of the Food and Agriculture Organization of the United Nations to establish an internal policy for the referral of credible allegations against its personnel. It welcomed the efforts of the International Telecommunication Union to introduce mandatory training on the prevention of sexual exploitation, abuse and harassment and to adopt tools to facilitate the reporting of misconduct. It appreciated the efforts of the United Nations to strengthen predeployment training and vetting measures. It thanked the Secretary-General for his report on special measures for protection from sexual exploitation and abuse (A/77/748). It welcomed the efforts made under the development, humanitarian, human rights and peace operations pillars of the Organization to raise awareness, identify and manage risks and implement survivor-centred institutional and operational processes to prevent and respond to misconduct.

33. Her delegation welcomed the work of the Special Coordinator on Improving the United Nations Response to Sexual Exploitation and Abuse and had contributed to the trust fund in support of victims of sexual exploitation and abuse. All United Nations programmes, specialized agencies, and related organizations should continue to examine the issues addressed in the Secretary-General's reports and to revise their rules and procedures with a view to improving the accountability of United Nations officials and experts for criminal conduct and sexual exploitation or abuse.

34. The United States national who had pled guilty in May 2022 to one count of sexual assault while admitting to the perpetration of 19 other criminal acts, including 13 additional sexual assaults, committed while serving in the United Nations Assistance Mission for Iraq, had been sentenced in October 2022 to 15 years in prison for the drugging and sexual assault of one of the victims and making false statements to cover up another sexual assault.

35. **Mr. Silveira Braoios** (Brazil) said that United Nations officials and experts had been diligently performing their duties for many years. The misconduct of a few must not be allowed to tarnish its reputation. In order to safeguard the legitimacy of the organization and its ability to conduct missions, any suspected criminal conduct by a United Nations official or expert must be investigated and, as appropriate, prosecuted, in strict compliance with due process guarantees. In that regard, it was encouraging to note that there were standard procedures in place within the United Nations system for referring credible allegations of misconduct to Member States.

36. Brazil reiterated its support for the policy of zero tolerance for sexual exploitation, abuse, fraud, corruption and other criminal conduct. Repressive measures should be accompanied by preventive measures, and victims must receive support and protection. While significant progress had been made on addressing allegations, there was still room for improvement. The United Nations system entities and related organizations should review the adequacy of their existing policies and procedures and identify potential disparities. His delegation commended the Secretariat units and other entities that had appointed a conduct and discipline focal point to provide advice and support.

37. Member States should strive to overcome remaining legal challenges for asserting jurisdiction over crimes committed by their nationals serving as United Nations officials or experts on mission. The instances of sexual violence, exploitation and abuse in peacekeeping operations reported by the Secretary-General were a matter of serious concern and should be addressed in earnest by the State of nationality, which was the primary forum for the prosecution of such crimes. Cooperation between the United Nations and Member States, including on the sharing of information and material for criminal proceedings initiated by States having jurisdiction, was also of the essence.

38. Brazil was proud of the record of its peacekeepers, who had been serving under the United Nations flag for more than seven decades, and it had strict protocols for addressing misconduct in order to ensure criminal accountability. Efficient peacekeeping and the promotion of human rights were among his country's priorities for its current mandate on the Security Council.

39. Crimes committed abroad by Brazilian nationals, including serious misconduct by those serving as United Nations officials and experts on mission, were subject to the jurisdiction of the country's courts. Since 2015, the Office of the Military Public Prosecutor, the Ministry of Foreign Affairs and the Ministry of Defence had been maintaining a structured dialogue to promote the Secretary-General's zero-tolerance policy, and military personnel on mission had been required to undergo special training on standards of conduct concerning sexual exploitation and abuse since 2017. In 2021, the procedural mechanisms for addressing allegations of misconduct of military personnel serving in United Nations missions had been updated. Additionally, Brazil had a wide network of bilateral and multilateral treaties on mutual legal assistance in criminal and civil matters.

40. **Ms. van der Made-Wesselink** (Kingdom of the Netherlands), expressing appreciation for the important and brave work of United Nations peacekeepers, said that her delegation welcomed the continued efforts of the Secretary-General to bring credible allegations of criminal conduct by United Nations officials or experts on mission to the attention of the States of nationality of those individuals. A policy of zero tolerance for crimes committed by officials and experts on mission was essential to preserve the Organization's credibility, impartiality and integrity.

41. A continued focus on preventing and responding to sexual exploitation, abuse and harassment by United Nations officials and experts on mission was needed, given that allegations of such abuses by peacekeepers against vulnerable persons whom they were supposed to be protecting continued to emerge. While the deployment of more women could help, women peacekeepers continued to face increased risks of discrimination, sexual harassment and abuse. Those risks must be addressed, including through predeployment vetting and training, the promotion of a culture in which individuals were encouraged to report misconduct and crimes, and the establishment of safeguards against retaliation.

42. When allegations of criminal conduct were made against a United Nations official or expert on mission, the State of nationality of the accused should conduct an effective investigation and, as appropriate, prosecution. Holding perpetrators accountable was important for victims and for United Nations peacekeepers as a whole, as it helped to preserve the credibility, impartiality and integrity of the Organization. Her Government had a zero-tolerance policy for inaction in case of credible allegations of alleged misconduct or criminal acts and fully supported the Organization's zero-tolerance policy for misconduct for crimes committed by its officials and experts on mission.

43. **Mr. Amaral Alves De Carvalho** (Portugal) said that most United Nations officials and experts on mission had impeccable legal records and demonstrated unwavering moral character, even in the face of adversity. Their remarkable work must go hand in hand with zero tolerance for misconduct. Ensuring the criminal accountability of officials and experts on mission was necessary to preserve the credibility of the Organization. Moreover, the sound administration of justice and the protection of the right to due process were important for the fulfilment of the mandates of the United Nations, including those of its specialized agencies and subsidiary bodies. Addressing such a sensitive topic required a whole-of-organization approach.

44. It was important for States to establish appropriate national mechanisms with sufficient resources to exercise jurisdiction over crimes committed by their nationals serving as United Nations officials or experts on mission. Portugal took all allegations against its nationals very seriously. Portuguese law permitted the criminal prosecution of a United Nations official or expert on mission whose immunity had been waived and provided for international judicial cooperation in criminal matters, giving effect to the principle of *aut dedere aut judicare*. His delegation also considered preventive measures, such as predeployment training, to be of the utmost importance.

45. In accordance with the Secretary-General's recommendation in his report [A/78/275](#), Portugal continued to encourage the distinct legislative bodies of the United Nations system and related organizations to help to ensure the coherence and coordination of policies and procedures relating to the reporting, investigation, referral and follow-up of credible allegations that a crime might have been committed by personnel of such agencies and organizations who fell outside the scope of General Assembly resolutions with policies and procedures related to United Nations officials and experts on mission. Portugal also encouraged the United Nations and its Member States to continue to work together to ensure the prevention and prosecution of crimes committed by United Nations officials and experts on mission in an effective and transparent manner.

46. **Mr. Heidari** (Islamic Republic of Iran) said that his delegation supported the efforts of the United Nations and its Member States to preserve the credibility, reputation and integrity of the United Nations system by combating impunity for crimes committed by United Nations officials and experts on mission. It also continued to support the Organization's zero-tolerance policy on sexual exploitation and abuse.

47. The State of nationality was the appropriate forum for the prosecution of alleged crimes. It was therefore incumbent on States to close jurisdictional gaps and to establish the legal bases for mutual legal assistance and extradition for the conduct of criminal proceedings. While no Member State disputed the need to ensure accountability for crimes committed by United Nations officials and experts on mission, there was no consensus on how to achieve that objective. Host countries and sending countries must address the current shortcomings and develop coherent and coordinated policies with a view to ensuring accountability and eliminating impunity. In so doing, they would ensure that the State of nationality had priority in the adoption of disciplinary measures and the conduct of criminal

procedures, and that the principle of the prohibition of double jeopardy was respected.

48. His country's domestic laws established the legal basis for preventing impunity for Iranian nationals, including those serving as United Nations officials and experts on mission who committed crimes, regardless of where those crimes were committed. The Islamic Republic of Iran exercised extraterritorial jurisdiction over such crimes on the basis of the nationality principle, provided that the offence in question was recognized as such under the Iranian Penal Code. Iranian law also permitted legal assistance in criminal matters and extradition on the basis of bilateral or multilateral agreements or, in the absence of such agreements, on the basis of reciprocity. Laws to protect victims and witnesses were also in force.

49. **Mr. Uddin** (Bangladesh) said that United Nations peacekeepers demonstrated exceptional bravery and made an invaluable contribution to global peace and security. Any allegations of wrongdoing by United Nations officials and experts on mission should be promptly and thoroughly investigated and resolved in order to preserve the Organization's integrity and credibility.

50. Bangladesh was currently the top troop-contributing country and maintained a policy of zero tolerance for misconduct. Its Prime Minister had been one of the first leaders to join the Secretary-General's circle of leadership on the prevention of and response to sexual exploitation and abuse in United Nations operations, and Bangladesh had been quick to endorse the voluntary compact on preventing and addressing sexual exploitation and abuse. His country's peacekeepers underwent predeployment training that reflected the unique cultural settings of different field missions and included the possible repercussions for those who engaged in sexual exploitation and abuse or other crimes. While deployed, they were subject to a system of stringent discipline.

51. To eliminate misconduct among United Nations officials and experts on mission, the United Nations and Member States should invest more in preventive measures, such as customized predeployment and in-mission training in the native languages of participants. The regular exchange of information and sharing of best practices among stakeholders should be promoted, with a view to harmonizing investigation standards. His delegation welcomed the various measures already taken by the Organization in that regard. All parties should provide timely information and other materials required for investigations and criminal proceedings. At the same time, extreme care should be taken to ensure

the confidentiality of communications concerning allegations, in particular when the allegations had not been proven beyond a reasonable doubt, in order to prevent individuals from being unfairly stigmatized. Host countries should receive capacity-building support, in particular to strengthen their judicial and security sectors. Bangladesh had been providing such support in connection with several peacekeeping operations, including by deploying judges as part of some peacekeeping contingents.

52. Bangladesh reaffirmed the centrality of the rights and protection of victims of misconduct and called for enhanced measures to support victims, in coordination with their home countries. It had previously made a contribution of \$100,000 to the trust fund in support of victims of sexual exploitation and abuse and had pledged to contribute a further \$50,000.

53. Lastly, Bangladesh called upon the United Nations and host countries to do more to prevent attacks against peacekeepers and enhance measures to ensure accountability for crimes committed against them. The measures currently in place were grossly inadequate.

54. **Mr. Ndoye** (Senegal) said that his delegation paid tribute to the work of United Nations officials and experts on mission, who often risked their lives in their efforts to uphold the principles and purposes of the Charter of the United Nations. Like other troop-contributing countries, Senegal had paid a heavy toll in peacekeeping operations around the world.

55. As noted by the Secretary-General in his report [A/78/248](#), 11 cases involving 11 United Nations officials and experts on mission during the period from 1 July 2022 to 30 June 2023 had been referred to States of nationality for investigation and possible prosecution. Even though his delegation believed that it was for Member States to exercise their jurisdiction over such crimes, that should not be used to shield the perpetrators from accountability. Maintaining the Organization's image, credibility, impartiality and integrity was at stake.

56. To combat impunity, his Government had adopted laws to facilitate investigations and prosecutions in cases concerning serious crimes committed by Senegalese nationals abroad. The State of nationality should have precedence over the host country in addressing such crimes. Indeed, the Convention on the Privileges and Immunities of the United Nations, which could have been an impediment in that regard, stated in its section 15 that: "the provisions of [privileges and immunities set out in] sections 11, 12 and 13 are not applicable as between a representative and the authorities of the State of which he is a national or of which he is or has been a representative".

57. Senegal would spare no effort to enforce a zero-tolerance policy in respect of crimes committed by its nationals serving as United Nations officials or experts on mission. In 2016, the President of Senegal, who was a member of the Secretary-General's circle of leadership on the prevention of and response to sexual exploitation and abuse in United Nations operations, had issued a directive calling upon 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 and reported to the United Nations. In 2019, Senegal had appointed a focal point for paternity and child support claims, in order to facilitate communication and cooperation with the United Nations in national proceedings. His Government fully supported the Organization's strategy for supporting women victims and children born to them as a result of abuse by United Nations officials and experts on mission.

58. His delegation stressed the importance of predeployment training and the need to take disciplinary and judicial action against the perpetrators of certain crimes, in particular those of a sexual nature. The United Nations should be actively involved in strengthening the capacities of Member States to investigate and prosecute such crimes. Moreover, greater attention should be given to supporting victims and upholding their rights. Member States, in particular troop- and police-contributing countries, that had not yet done so, should take all appropriate measures to ensure that cases concerning the criminal accountability of United Nations officials and experts on mission were brought before the competent national courts, in keeping with the principles governing the rule of law. They should also cooperate closely with the United Nations regarding any assistance they might need in order to conduct judicial proceedings in relation to referrals from the Organization. The privileges and immunities granted to United Nations personnel must never be an obstacle to criminal investigations and prosecutions concerning their misconduct.

59. **Ms. Jiménez Alegría** (Mexico) said that her delegation welcomed the efforts made by certain United Nations system entities to combat impunity. In particular, it commended the Food and Agriculture Organization of the United Nations for updating its administrative circular on privileges and immunities and private obligations of staff members and the International Telecommunication Union for providing training on the prevention of sexual harassment. Other programmes, funds and specialized agencies should take similar initiatives.

60. Mexico noted with concern that allegations of corruption, fraud and sexual harassment by United Nations officials and experts on mission had had to be referred to Member States during the reporting period. It was crucial to ensure that officials and experts were thoroughly vetted before deployment in order to detect any possible past misconduct. It was also concerning that, in most cases, the Organization had not received any response after referring allegations to a Member State. The lack of action and follow-up on allegations contributed to impunity and was inconsistent with the objectives of the United Nations. While it was important for the Organization to have policies in place to investigate and discipline its staff, such policies would always be insufficient when Member States were unwilling to exercise jurisdiction over their nationals. A system should be established to monitor the processes taking place at the national level, in order to enhance accountability and victims' access to justice.

61. The primary responsibility for prosecutions lay with the State of nationality of the alleged perpetrator, which should exercise extraterritorial criminal jurisdiction to prosecute the official or expert concerned. Any immunities that would impede the course of justice should be waived, in order to protect the interests of the Organization and the victims.

62. **Mr. Hollis** (United Kingdom) said that tackling impunity and promoting accountability continued to be priorities for his delegation. The United Nations should demonstrate zero tolerance for inaction on sexual exploitation and abuse and sexual harassment. To that end, it was important to enforce the United Nations standards of conduct; ensure that people felt protected; enhance the system for reporting concerns; conduct investigations with priority given to the rights, dignity and needs of victim-survivors; protect whistle-blowers; and ensure that perpetrators were held accountable, including through criminal processes, where appropriate.

63. Survivors who reported crimes and wrongdoing must receive proper support. His Government provided training on investigations concerning sexual and gender-based violence to police personnel being deployed to United Nations and African Union peacekeeping missions. That training was focused on trauma-informed and victim-centred investigations and was designed to enable police officers to support the most vulnerable victims, with the ultimate aim of bringing more perpetrators to justice. The United Nations should ensure that all of its peacekeepers received extensive predeployment training on sexual exploitation and abuse. The United Kingdom welcomed the work of the Victims' Rights Advocate and the Senior Victims' Rights Officers.

64. All States should report in a timely manner on the action they had taken in response to allegations. In its 2006 report on ensuring the accountability of United Nations staff and experts on mission with respect to criminal acts committed in peacekeeping operations (A/60/980), the Group of Legal Experts had recommended that priority be given by the United Nations to facilitating the exercise of jurisdiction by the host State and that, where the host State was unable to exercise jurisdiction, other States should do so, including by exercising extraterritorial jurisdiction. His delegation therefore encouraged all relevant States to exercise their jurisdiction, where possible.

65. The United Kingdom had been working with the United Nations and other stakeholders over the past year to develop a proposal for a common approach to protection from sexual exploitation and abuse and sexual harassment, with a view to aligning efforts in humanitarian, development and peacekeeping contexts to tackle sexual exploitation and abuse and improve accountability. Public consultations on the proposed approach would begin shortly.

66. **Mr. Mosad** (Egypt) said that ensuring the criminal accountability of United Nations officials and experts on mission was important to achieving transparency and effectiveness in the work of the Organization, maintaining its credibility and reputation, and instilling trust among Member States that hosted United Nations missions. A policy of zero tolerance of any crimes committed by staff deployed on United Nations missions would ensure justice and prevent negative repercussions on their work.

67. The prosecution of United Nations experts and officials on mission should be the exclusive responsibility of their State of nationality, which should take all required legal measures as soon as the matter was referred to it by the United Nations. The Egyptian Criminal Code applied to Egyptian nationals working for the United Nations. Under the Code, any Egyptian who, while abroad, committed an offence recognized in Egyptian law was liable to prosecution upon returning to Egypt. Egypt selected only the most qualified personnel to serve on United Nations missions. They underwent comprehensive training, including on their criminal liability while on mission, and had shown high rates of compliance. Many Egyptian peacekeepers had paid the ultimate price while performing their duties.

68. There was a need to address legal and procedural issues related to the criminal accountability of United Nations personnel and experts on mission, such as the non-applicability of the criminal codes of some States to crimes perpetrated outside their territories.

International cooperation should also be strengthened in order to build the capacities of countries to exercise their jurisdiction over such individuals. The fact that there had been problems in some States in terms of holding perpetrators accountable did not justify any proposals for States other than the State of the nationality of the perpetrator to bring them to trial. Rather, the exchange of information and best practices among Member States, in the Committee and other forums, should be promoted. In the spirit of cooperation, Egypt had consistently informed the United Nations of the measures it took at the national level to exercise its jurisdiction over its nationals employed by the United Nations. Egypt was open to sharing with other States its experiences in building capacity.

69. **Mr. Wang Yuanjie** (China) said that United Nations officials and experts on mission must be held accountable for criminal acts in order to preserve the Organization's image, reputation and authority. Sending countries should take an approach that included deterrent and preventive measures, including education, in-mission training and supervision to instil professional ethics and clarify the code of conduct. All countries, especially the countries of nationality of perpetrators, should take all necessary legislative and law enforcement measures to ensure that criminals were brought to justice. Within the scope of its mandate, the United Nations should strengthen practical initiatives and implement a zero-tolerance policy to ensure that all criminal acts were punished in accordance with the law and that justice was achieved. To end impunity, there should be greater cooperation on extradition and legal assistance between host countries and sending countries, and on the sharing of information and evidence between the United Nations and States exercising jurisdiction. It was also necessary to strengthen coordination within the United Nations system on relevant policies and procedures to respond to criminal activities.

70. Under its criminal law, China had jurisdiction over acts committed by Chinese nationals outside its territory, including offences stipulated in international treaties ratified by the State. China attached great importance to United Nations peacekeeping operations. In June 2023, China had promulgated its law on foreign relations, which provided that the State would support and participate in peacekeeping operations mandated by the Security Council, observe the basic principles of peacekeeping operations and respect the territorial integrity and political independence of sovereign States. Peacekeepers sent by China would faithfully fulfil their mandate and conduct peacekeeping operations in accordance with the applicable laws and regulations.

71. China was a party to more than 20 multilateral treaties and 172 bilateral treaties with 83 countries on judicial cooperation. In addition, China cooperated on extradition and criminal judicial assistance with countries with which it did not have bilateral or multilateral treaty relations. Cooperation with other countries concerning individual cases was based on the principle of reciprocity. China was also willing to explore additional ways to contribute to international cooperation.

72. **Ms. Motsepe** (South Africa) said that the criminal accountability of United Nations officials and experts on mission was particularly significant, as they were generally deployed to locations with highly vulnerable populations who were least protected. Her delegation commended officials and experts on mission who carried out their duties with the integrity necessary to preserve the credibility of the United Nations, especially in terms of complying fully with the zero-tolerance approach to sexual exploitation and abuse. Those who continued reporting criminal activity and misconduct at risk of personal prejudice were also to be commended.

73. South Africa remained fully supportive of a multilateral convention as a long-term means of ensuring accountability, preventing future occurrences of criminal misconduct and protecting victims and whistle-blowers. It encouraged Member States to close the jurisdictional gap in the prosecution of perpetrators of serious crimes in the short term by developing domestic legislation that vested local courts with the requisite jurisdiction over United Nations officials and experts on mission who had immunity for criminal acts committed in foreign jurisdictions. South Africa valued the extensive work of the Secretary-General on the matter and encouraged him to make further progress in ensuring the protection of the human rights of vulnerable groups.

74. **Mr. Mohammed** (Sudan) said that the criminal accountability of United Nations personnel and experts on mission was a matter of great importance given that the actions of such individuals reflected on the image of the Organization's image, impartiality and integrity. There should be zero tolerance for criminal acts, including sexual exploitation and abuse and fraud, and perpetrators should be duly punished. Misconduct affected not only victims, but also the reputation and efficiency of the United Nations. Member States must help prevent impunity, particularly when a perpetrator enjoyed immunity in the State where the offence was committed. In that regard, his Government had introduced a number of laws at the domestic level to ensure the necessary security and judicial investigations and to prosecute persons accused of such crimes. The

Sudan had acceded to many multilateral instruments and bilateral agreements on judicial assistance.

75. Tangible measures should be taken in response to misconduct. The immunities and privileges enjoyed by international personnel must not prevent host States with jurisdiction from bringing perpetrators to justice for crimes committed on their soil. It was imperative to introduce standard procedures for waiving the immunity of the perpetrators, especially when they only had temporary contracts for particular programmes in the host State.

76. **Ms. Antonova** (Russian Federation) said that the measures taken to ensure the criminal accountability of United Nations officials and experts on mission must not impinge on the privileges and immunities of such persons or of the Organization itself. Such measures must also be in strict compliance with international law and international human rights standards and include legal safeguards. The immunities enjoyed by United Nations officials were, first and foremost, a means to ensure that, in accordance with the Charter of the United Nations, such personnel remained impartial and were not swayed by pressure.

77. The issue of respect for the special status enjoyed by United Nations officials had become particularly important in view of the increasing frequency of cases where host countries did not respect the status of such officials and the glaring acts of discrimination, including restrictions on visas and travel, committed against specific members of the Secretariat based on their citizenship.

78. While the Russian Federation resolutely condemned sexual exploitation and abuse, it noted that the Secretary-General's focus on such acts in his report (A/78/248) was not consistent with the information contained therein. It was indicated in the report that of the 11 cases of misconduct that had been recorded during the most recent reporting period, only 2 involved alleged sexual assault and harassment, while the rest concerned fraud and corruption. The same pattern had also been evident in previous reports. The obvious conclusion was that financial crimes were the primary form of misconduct at the United Nations. Within that context, the persistent effort to shift the focus to sexually motivated acts appeared to be an attempt to distract from corruption and fraud, which in fact occurred more frequently. That was inappropriate given that the United Nations budget was funded by the taxpayers of Member States. There was also a glaring lack of information in the report from States regarding the investigation of cases under their jurisdiction. It was not clear why in some cases the date of the second

follow-up action by the United Nations with such States had not been provided.

79. Holding a United Nations official criminally accountable was the prerogative of the official's State of nationality. Most States already had an array of tools for bringing their nationals to justice for engaging in criminal activity. Concluding a separate international legal instrument on the subject would not resolve areas of concern in criminally prosecuting United Nations officials and experts on mission. Implementation of the existing mechanisms would not be improved with the establishment of additional rules. Instead, the Organization should focus on preventing criminal activity by ensuring that its officials and experts on mission rigorously observed key standards of behaviour, in keeping with the Charter and the Staff Regulations and Staff Rules of the United Nations.

80. Preventive measures required a balanced approach. In that regard, her delegation suggested that the policy of zero-tolerance for crimes of a sexual nature should be applied to corruption and financial crimes. At the national level, States should develop systems for monitoring the process of bringing perpetrators to justice and ensuring that the interests of victims were protected. A targeted solution to the problem would be facilitated by more effective cooperation and mutual legal assistance between States in the investigation and prosecution of criminal acts.

81. **Ms. Hackman** (Ghana) said that, as a long-standing troop-contributing country for United Nations peacekeeping missions, Ghana valued the indispensable contributions of peacekeepers and experts and noted with concern the persisting reports of corruption, fraud, theft and serious human rights violations, such as sexual abuse and exploitation, in peacekeeping operations. Such criminal acts committed against the very people requiring protection tainted the reputation of the Organization and undermined its integrity and credibility. Her delegation reaffirmed its support for the system-wide approach to preventing and ensuring accountability for criminal offences committed by United Nations officials and experts on mission. While immunity was necessary for the effective discharge of duties by United Nations personnel, it must not enable impunity. Ghana reiterated its strong support for the policy of zero tolerance for sexual abuse and exploitation and called for strict observance of the policy by all staff.

82. Ensuring criminal accountability and securing justice for victims must be a shared responsibility of Member States and the United Nations. In that respect, her delegation advocated close cooperation on the

investigation of criminal offences, extradition processes, prosecution and measures for the protection of witnesses where necessary. It also encouraged Member States to adopt regulations and policies in order to close existing jurisdictional gaps. The rules and regulations of the Ghana Armed Forces provided the legal basis for competent jurisdiction over its personnel accused of committing criminal offences during peacekeeping operations. The Government was fully committed to taking all appropriate measures to ensure accountability on the part of its nationals on mission.

83. Given the importance of prevention, her delegation affirmed its support for the measures outlined in the Secretary-General's report ([A/78/248](#)) concerning the strengthening of existing predeployment, training and vetting measures and looked forward to the reporting on the scaling up of the reinforcement training package following its successful trial.

84. **Ms. González López** (El Salvador) said that States played a key role in laying the groundwork for the exercise of their jurisdiction over United Nations officials and experts on mission, for example through mutual assistance in relation to criminal investigations and international legal cooperation. In order to ensure the criminal accountability of such individuals, the countries of nationality of the alleged perpetrators must have effective mechanisms in place to investigate the acts and subsequently conduct legal proceedings. In that regard, the Penal Code of El Salvador recognized the active personality principle and the principle of universal jurisdiction, on the basis of which Salvadoran law would apply in respect of crimes committed abroad by an individual in the service of the State, when that individual had not been prosecuted in the forum State, thereby ensuring victims' access to justice and comprehensive redress.

85. Capacity-building of peacekeeping personnel was key. As of July 2023, El Salvador had deployed 174 nationals, 153 men and 21 women, to peacekeeping missions. The Government had created and implemented training and orientation programmes for such personnel prior to their deployment in order to ensure they upheld the highest possible ethical standards and engaged in appropriate conduct. The training programmes involved the Ministries of Justice and Defence, the national police and other State institutions, and emphasized human rights, international humanitarian law and United Nations standards of conduct. In addition, the National Civil Police conducted criminal record checks of staff to be deployed, certified them and promoted foreign language learning as part of their training. Personnel were clearly informed that if they should be subject to an

investigation of conduct criminalized under national or international law while deployed, an administrative procedure and criminal proceedings would be initiated, as appropriate.

86. Her delegation reaffirmed its commitment to the zero-tolerance policy for misconduct or any type of crime, especially serious crimes, committed by United Nations officials and experts on mission. El Salvador supported the effective implementation of policies and procedures for reporting, investigation, referral, follow-up of credible allegations and compliance with due process, not to mention the gender perspective and intersectionalities that should be taken into account with regard to compensation for victims. Her delegation welcomed initiatives launched within the United Nations system, such as the Code of Conduct to Prevent Harassment, Including Sexual Harassment, at United Nations System Events, which applied to all personnel.

87. **Mr. Charmakar** (Nepal) said that United Nations officials and experts on mission advanced the principles and purposes of the Organization, shaped its public image and offered a beacon of hope for people in desperate need of peace, security and humanitarian assistance. Such individuals should demonstrate professionalism, good conduct and discipline in the field, exemplifying the credibility and integrity of the United Nations. Upholding the highest standards in the exercise of their duties would also ensure the civic trust and confidence of host States.

88. In order to render justice to victims, it was crucial that Member States provide timely status updates on the investigation of credible allegations and prosecution of criminal cases concerning United Nations officials and experts on mission. The diligent implementation of the Secretary-General's zero-tolerance policy with regard to criminal acts, including fraud, corruption and other financial crimes, was essential to ending impunity. The State of nationality of the alleged perpetrator was primarily responsible not only for the investigation and prosecution of the criminal conduct but also for holding the individual accountable.

89. Nepal was committed to holding its nationals accountable for any crimes they committed while serving the United Nations. In that regard, it was adopting various measures to prevent, investigate and prosecute criminal conduct, including sexual exploitation and abuse. United Nations resolutions played an important role in encouraging Member States to exercise criminal jurisdiction over United Nations officials and experts on mission in response to credible criminal allegations. Nepal commended the Secretary-General's initiatives to harmonize policies of the United Nations system in order

to improve the Organization's response to sexual exploitation and abuse. The appointment of a conduct and discipline focal point within the Secretariat had been crucial in curbing criminal incidents.

90. Nepal was one of the largest troop-contributing countries, often supporting United Nations peacekeeping mandates on short call. It remained committed to upholding the highest standard of conduct, professionalism, respect for human rights, self-discipline and integrity among peacekeepers deployed on mission and subscribed to the zero-tolerance policy with respect to sexual exploitation and abuse. Individual incidents of misconduct should not be generalized to name and shame a mission or a country as a whole. Nepali officials received predeployment and in-mission training on United Nations standards, local rules and regulations, and the severe punishments imposed in cases of substantiated allegations, including of sexual exploitation and abuse. Nepal would continue increasing the number of women peacekeepers, which should help to reduce sexual exploitation and abuse.

91. Nepal had incorporated extraterritorial criminal jurisdiction into its law regulating the military in order to hold its troops accountable for criminal acts they committed while deployed on United Nations missions. Nepali nationals were brought to trial for crimes they committed while serving in any office of a diplomatic mission or international or intergovernmental organization. The Penal Code provided for the imposition of fines and imprisonment on nationals in such cases, regardless of the territorial jurisdiction of the crimes. Nepal fully complied with the voluntary compact on preventing and addressing sexual exploitation and abuse. In that connection, it welcomed Security Council resolution [2272 \(2016\)](#) on addressing sexual exploitation and abuse in peacekeeping operations. It was also implementing Security Council resolutions [1325 \(2000\)](#) and [1820 \(2008\)](#) on women and peace and security.

92. To ensure the criminal accountability of United Nations officials and experts on mission, cooperation and coordination between the Secretariat, United Nations field missions, host States and the States of nationality of alleged perpetrators must be strengthened. Justice for the victims and protection of witnesses and whistle-blowers should also be ensured, through the adoption of appropriate measures. International cooperation efforts should also focus on capacity-building and technical assistance to help Member States close jurisdictional gaps and accelerate the investigation and prosecution of serious crimes.

93. **Mr. Ganou** (Burkina Faso) said that, as a troop-contributing country, Burkina Faso was mindful of the sacrifice made by United Nations officials and experts on mission, most of whom carried out their duties with professionalism. The privileges and immunities arising from the Convention on the Privileges and Immunities of the United Nations and from headquarters agreements between the United Nations and host countries had been established with the sole aim of facilitating the work of the Organization and should not be used as a pretext for allowing crimes committed by officials and experts on mission to go unpunished.

94. His delegation supported the zero-tolerance policy with respect to criminal behaviour of United Nations officials and experts on mission. While rare, criminal acts committed by such individuals eroded people's trust in the United Nations, at a time when the Organization was facing a number of challenges. States must ensure that the personnel they deployed were aware of their obligation to respect the laws, rules and customs of the host State. The United Nations standards of conduct must be regularly updated. His delegation welcomed the technical assistance provided by the United Nations to States to build their capacity to address offences committed by officials and experts on mission.

95. The United Nations should update its internal investigation mechanisms so that no crime went unpunished and ensure that internal proceedings were conducted transparently by independent actors, duly taking into account the presumption of innocence and guarantees of fair treatment. Special attention should be devoted to victims, both those in the United Nations system and those from civilian populations. Measures to address retaliation and influence peddling must be strengthened and communicated widely. United Nations officials and experts on mission, irrespective of their position, must respect all administrative and legal measures imposed by the host country, as a consistent failure to do so led to the erosion of trust among the authorities of the host country.

96. Pursuant to its criminal laws, Burkina Faso exercised jurisdiction over its nationals who had committed offences, without prejudice to their status as United Nations officials or experts. His delegation called on the Secretary-General to effectively implement the zero-tolerance policy concerning criminal behaviour of United Nations officials and experts on mission and urged Member States to exercise their jurisdiction to ensure criminal accountability. Member States should also fulfil their obligation to provide related information to the United Nations.

97. **Mr. Holm** (Norway), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said that United Nations officials and experts on mission must uphold high standards of integrity, and the question of their criminal accountability was critical. The United Nations and its Member States must take preventive, legislative and practical measures to implement a policy of zero tolerance for crimes committed by United Nations officials and experts on mission. Investigations and prosecutions were crucial, both for the sake of the victims and for the credibility and integrity of the Organization.

98. In line with the Secretary-General's recommendation, contained in report [A/78/275](#), the Nordic countries continued to encourage the distinct legislative bodies of the United Nations system and related organizations to help ensure the coherence and coordination of relevant policies and procedures. The most recent overview of all reported cases of criminal conduct since July 2007, provided in the Secretary-General's report [A/78/248](#), indicated that 11 cases of serious criminal offences committed by United Nations officials or experts on mission had been referred to Member States during the 2022/23 reporting period. While that was a welcome decrease from the previous reporting period, it was 11 cases too many.

99. The Nordic countries expressed particular concern about allegations of sexual exploitation and abuse. Between 1 July 2017 and 30 June 2023, 26 credible allegations of such crimes committed by United Nations officials and experts on mission had been referred to their States of nationality, underscoring the importance of continued focus on the matter, particularly given the possibility of there being a significant number of unreported cases. Two sexual offences had been reported for the most recent reporting period, which was lower than previous periods, demonstrating the effectiveness of the measures initiated by the United Nations to root out sexual exploitation and abuse in its organs and operations. With continuous joint efforts, the vision behind the zero-tolerance policy could become reality. The Nordic countries fully supported the Secretary-General's strategy to improve the organization's system-wide approach to preventing and responding to exploitation and abuse.

100. The persistently high number of crimes committed for profit, such as fraud, corruption and theft, was also a matter of concern. The Nordic countries condemned those reprehensible crimes, which resulted in damage to operations and programmes intended to help people in dire need and the exploitation of some of the most vulnerable people in the world.

101. States had the primary responsibility for addressing the serious issue of accountability of United Nations officials and experts on mission. In that regard, it was unacceptable that so many States failed to respond adequately to cases of misconduct and crimes referred to them. As the list of referred cases lengthened, the pressure on the United Nations and its Member States to address that issue increased. The Nordic countries therefore strongly encouraged States that had not provided the required information to do so; nothing less than full transparency was acceptable. Member States should also take the necessary legislative steps to establish jurisdiction over crimes committed by their nationals while serving as United Nations officials or experts on mission. All Member States must uphold the principles of due process and the rule of law when investigating and prosecuting those cases and ensure the effective protection of victims, witnesses and whistle-blowers.

102. The Nordic countries urged all Member States that had not yet done so to submit relevant information to the Secretary-General regarding the status of their national laws on that matter, in accordance with paragraphs 28 and 29 of General Assembly resolution 77/98. The Nordic countries looked forward to a future debate on a comprehensive international legal framework to address the criminal conduct of United Nations officials and experts on mission, which could be an important tool for fighting impunity.

103. **Ms. Bhat** (India) said that United Nations officials had a responsibility to advance the purposes and principles of the Organization. Any illegal action on their part seriously undermined the integrity, credibility and image of the Organization. Streamlining the policies and procedures in response to such actions across the United Nations system was an important exercise. The information received from Member States regarding the establishment of jurisdiction over their nationals was useful for that purpose.

104. Her delegation noted that, as indicated in the Secretary-General's report (A/78/248), during the 2022/23 reporting period, the Office of Legal Affairs had referred to States of nationality 11 cases involving 11 United Nations officials and experts on mission for investigation and possible prosecution. While the number of cases referred had decreased substantially compared to the previous reporting period, which was encouraging evidence of collective progress, even a single case was enough to tarnish the image of the Organization.

105. The Secretariat had been informed in only one case of action taken in relation to a referral made during the reporting period. The significant number of instances

where States were failing to report on steps taken in response to referrals was a matter of concern, especially since the primary responsibility for bringing perpetrators to justice rested with Member States. It was crucial that the United Nations promptly inform States of nationality of alleged offenders when allegations were made, and it was equally important that the State of nationality respond in a timely manner by establishing and exercising jurisdiction and investigating, prosecuting and punishing the accused officials, as appropriate.

106. Implementation of paragraph 10 of General Assembly resolution 77/98 would help fill the jurisdictional gap in respect of Member States that did not assert extraterritorial jurisdiction over crimes committed abroad by their nationals. It was also vital to encourage and provide necessary assistance to Member States to enable them to lay down or update laws and regulations providing for their jurisdiction over any wrongful conduct of their nationals serving as United Nations officials or experts on mission. Her delegation appreciated the initiative to develop and finalize a reinforced training package as part of the learning programme entitled "Pipeline to peacekeeping command". The training package would be useful to contributing countries when providing predeployment training to their military and police commanders on preventing and reporting all forms of misconduct, including sexual exploitation and abuse, and cooperating effectively with investigations.

107. The Penal Code of India and other national laws applied to extraterritorial offences committed by Indian nationals, including those serving as United Nations officials or experts on mission. The Code of Criminal Procedure provided for mutual legal assistance with other States in criminal matters. Her country's Extradition Act set out the terms for implementation of bilateral extradition treaties and provided that an international convention could serve as the legal basis for considering an extradition request in the absence of a bilateral treaty. Where no bilateral treaty existed, the Government could provide assistance to another State on a reciprocal and case-by-case basis, in accordance with the provisions of the applicable national laws.

108. India had been regularly contributing to the trust fund in support of victims of sexual exploitation and abuse established by the Secretary-General and hoped that all Member States would do the same.

109. **Mr. Sowa** (Sierra Leone) said that the vast majority of United Nations officials and experts on mission performed their duties with integrity and in accordance with the high standards expected of them.

However, failing to hold the few who committed crimes accountable for their actions would undermine global confidence in the United Nations. In the performance of their duties, peacekeeping personnel and experts on mission should remain sensitive to local customs and cultures and demonstrate respect for the local population, particularly women and children. In that regard, Sierra Leonean peacekeepers and experts on mission received capacity-building and sensitivity training. His delegation commended the Member States and international organizations that had contributed to efforts to ensure personnel conducted themselves with cultural and social sensitivity.

110. His delegation supported the comprehensive approach to criminal accountability and the zero-tolerance policy on sexual exploitation and abuse throughout the United Nations system. While there had been only two allegations of sexual violence in the 2022/23 reporting period, which was a great improvement on previous reporting periods, his delegation continued to advocate the complete eradication of all forms of sexual and gender-based violence. The zero-tolerance policy should continue to be widely communicated, particularly among peacekeeping personnel.

111. His delegation welcomed the course on sexual and gender-based violence investigations for police deploying to United Nations and African Union peacekeeping missions, conducted by the United Kingdom. The course, which was focused on preparing personnel to carry out complex trauma-informed, victim-centred investigations, would enable police officers to support the most vulnerable victims and bring more perpetrators to justice. That training had been conducted in Sierra Leone and was also being rolled out across neighbouring countries. His delegation called for more Member States to offer such much-needed capacity support to troop-contributing countries. His Government continued to strengthen and advance legislative and policy documents to end sexual and gender-based violence and bring perpetrators to justice. Sierra Leone also continued to closely monitor the implementation of General Assembly resolution [76/304](#) on international cooperation for access to justice, remedies and assistance for survivors of sexual violence.

112. The number of fraud and corruption cases reported by the Secretary-General was a grave concern. As the issue could lead to a trust deficit, his delegation called for continual active engagement with the Ad Hoc Committee on criminal accountability of United Nations officials and experts on mission to develop sustainable strategies to combat the scourge of corruption.

113. Regarding the exercise of jurisdiction over a United Nations official or expert on mission accused of misconduct, Sierra Leone reiterated that the State of nationality should have precedence over the host country. The Organization's efforts to refer credible allegations of criminal conduct to the State of nationality were welcome. His delegation urged all States to comply with the relevant United Nations resolutions and to prevent the privileges and immunities granted to United Nations personnel from being used as a means to commit criminal acts with impunity.

114. **Ms. Carral Castelo** (Cuba) said that her delegation joined others in support of the zero-tolerance policy with respect to the commission of criminal acts by United Nations personnel and urged such personnel to continue carrying out their duties with a view to maintaining the credibility, impartiality and integrity of the United Nations. Cuba welcomed the initiatives and measures taken by the United Nations on the criminal accountability of its officials and experts on mission and encouraged the distinct legislative bodies of the United Nations system and related organizations to help to ensure the coherence and coordination of policies and procedures relating to the reporting, investigation, referral and follow-up of credible allegations of crimes committed by their personnel.

115. The primary responsibility for the investigation and prosecution of such allegations lay with the State of nationality of the accused. However, jurisdictional issues or the absence of cooperation should not prevent the responsible judicial bodies from delivering justice and holding the perpetrators accountable. In that connection, Cuba commended the efforts of the United Nations to provide requesting States with assistance in developing appropriate legislation.

116. The Secretariat should continue its efforts to improve communication with States to which cases were referred, from the moment an incident with possible criminal implications was reported. The corresponding notification processes should be implemented effectively and efficiently. States should also provide up-to-date information on the status of investigations and prosecutions. Her delegation requested the Secretary-General to continue reporting on those issues, including by providing an overview of challenges faced within the United Nations, as well as obstacles to implementing the General Assembly resolutions on the criminal responsibility of United Nations officials and experts on mission, which would inform the Committee's development of appropriate policies and legal solutions.

117. The United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel would help to facilitate the provision of social support, legal services and medical attention to victims. It was also important to ensure that the victims of crimes committed by United Nations officials and experts on mission were aware of their rights and of available assistance programmes. Given the particular vulnerability of victims of such crimes and the need to uphold the authority of the Organization, such acts must not go unpunished.

118. **Ms. Abd Karim** (Malaysia) said that her delegation supported the zero-tolerance policy concerning criminal conduct, especially sexual exploitation and abuse, committed by United Nations officials and experts on mission. Her delegation was pleased that considerable efforts were consistently being made by the Secretariat and the United Nations funds, programmes, agencies and related organizations to institute and implement policies and procedures relating to the reporting, investigation, referral and follow-up of credible allegations of such conduct, including through practical measures such as the use of the Clear Check database for predeployment vetting.

119. In the Secretary-General's report ([A/78/248](#)), it was indicated that 11 cases had been referred to States of nationality during the reporting period, bringing the number of allegations of serious criminal offences committed by United Nations officials or experts since 2007 to 342. Malaysia remained concerned that many Member States had failed to provide information regarding cases of alleged criminal conduct, which could negatively affect the confidence of host countries.

120. Member States had primary responsibility for establishing jurisdiction over crimes committed by their nationals while serving in United Nations missions. The issue of the criminal accountability of United Nations officials and experts on mission was relevant to Malaysia as both a sending and a host country. Malaysia gave effect to its obligations under the United Nations Convention on the Privileges and Immunities of the United Nations through its International Organizations (Privileges and Immunities) Act and related regulations and expected United Nations officials and experts on mission to respect and comply with Malaysian law and procedures when carrying out their missions in its territory. Since 1960, Malaysia had participated in 38 peacekeeping operations involving nearly 40,000 military personnel and civilian police personnel. In that regard, the Malaysian Peacekeeping Centre, established in 1996, continued to adapt to meet new standards and conduct of present-day peacekeeping operations.

Malaysia remained committed to providing capacity-building training for its peacekeepers, including on the protection of civilians and gender mainstreaming, through the Centre.

The meeting rose at 6 p.m.