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later: Mr. Abdelaziz (Vice-Chair) (Egypt)

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The meeting was called to order at 3 p.m.

Agenda item 79: Criminal accountability of United Nations officials and experts on mission
(A/76/205 and A/76/208)

1. **Mr. Ghorbanpour Najafabadi** (Islamic Republic of Iran), speaking on behalf of the Movement of Non-Aligned Countries, said that the Movement took particular note of the recommendation in the Secretary-General's report (A/76/205) that United Nations system entities should 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 attached great importance to the issue of the criminal accountability of United Nations officials and experts on mission. The countries of the Non-Aligned Movement contributed more than 80 per cent of the 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.

4. Full implementation by all Member States of General Assembly resolution 75/132 and previous General Assembly resolutions could help to close jurisdictional gaps, strengthen accountability mechanisms and contribute to guaranteeing 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 alleged crimes on the part of 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. **Ms. Lahmiri** (Morocco), 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 paramount importance to African States, given the substantial physical presence of United Nations peacekeeping operations and country teams on the continent. The Group had adopted 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. It was crucial to preserve the integrity of the Organization and safeguard the trust placed in it. 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 conduct, 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 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, the Group of 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 criminal offences committed by United Nations officials and experts on mission. United Nations expertise could 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. Tolstoi** (Representative of the European Union, in its capacity as observer), speaking also on behalf of the candidate countries Albania, Montenegro, North Macedonia and Serbia; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Georgia, the Republic of Moldova and Ukraine, said that United Nations officials and experts on mission, including peacekeeping personnel, played an instrumental role in delivering humanitarian assistance and establishing the conditions for lasting peace and development. However, misconduct by a few, and the failure to hold those persons to account, put the

Organization's credibility in jeopardy. It was concerning that the Secretary-General had had to refer 286 cases to Member States since 1 July 2007, and that no response had been received to the majority of those referrals. The European Union supported the policy of zero tolerance for crimes committed by United Nations officials and experts on mission, including those involving sexual exploitation and abuse. The European Union itself had established a zero-tolerance policy on misconduct and criminal acts committed by its civilian and military personnel serving in common security and defence policy missions and operations.

12. The primary responsibility for investigations and prosecutions concerning United Nations officials and experts on mission rested with the State of nationality of the official or expert in question. However, a State's lack of jurisdiction or refusal to cooperate should not serve to shield criminals from justice. The European Union welcomed the efforts of the United Nations to provide technical legislative assistance to States that requested it. Member States should update the Secretary-General on the status of relevant investigations and prosecutions. Given that justice could only be achieved through cooperation between States and the Organization, the European Union and its member States remained ready to consider a proposal for a comprehensive international legal framework that would clarify the circumstances under which States Members of the United Nations could exercise jurisdiction and the categories of individuals and crimes subject to such jurisdiction. The exercise of jurisdiction should be without prejudice to the privileges and immunities of United Nations officials and experts on mission. In addition, international human rights law, including the right to due process and a fair trial, must be respected.

13. Preventive measures were even more important than investigations and prosecutions. Predeployment and in-mission training on such topics as human rights, international humanitarian law, gender-based violence and civilian protection helped maintain a high standard of behaviour among personnel. Proper protection, support and access to justice must be afforded to victims, in particular women and children, with no one left behind. The code of conduct for civilian and military personnel serving in common security and defence policy missions of the European Union set out procedures to ensure that the highest standards of conduct were followed. It established safeguards – such as the possibility of calling in independent investigators – and ensured that whistle-blowers were protected.

14. In closing, the European Union encouraged the distinct legislative bodies of the United Nations system and related organizations to ensure the coherence and

coordination of policies and procedures relating to the reporting, investigation, referral and follow-up of credible allegations.

15. **Ms. Bierling** (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 was critically important. 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.

16. The Nordic countries welcomed the Secretary-General's reports ([A/76/205](#) and [A/76/208](#)) and supported the recommendation, contained in report [A/76/205](#), that Member States continue 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 revealing 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. However, the Nordic countries found it alarming, as shown in the table contained in report [A/76/208](#), that 67 of the 286 referrals to Member States since 2007 of cases of alleged serious criminal offences committed by United Nations officials or experts had been made between 1 July 2020 and 30 June 2021, and that 24 of the cases referred between July 2016 and June 2021 concerned sexual exploitation and abuse.

17. The Nordic countries continued to support the efforts by the United Nations to improve its system-wide approach to preventing and addressing sexual exploitation and abuse, including through the work of the Special Coordinator on Improving the United Nations Response to Sexual Exploitation and Abuse. 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 the problem increased. The Nordic countries therefore strongly encouraged States that had not provided the required information regarding those cases to do so.

18. Member States bore the primary responsibility for addressing the accountability of their nationals serving as United Nations officials and experts on mission. It

was therefore imperative that they establish jurisdiction over crimes committed by such persons. They must also ensure that investigations and prosecutions were conducted in accordance with the principles of due process and the rule of law, and that victims, witnesses and whistle-blowers were protected.

19. The Nordic countries encouraged all Member States that had not yet done so to submit information to the Secretariat on the status of their relevant domestic laws, in accordance with General Assembly resolution [75/132](#). In addition to such reporting, further measures must be considered in order to ensure transparency and provide incentives for Member States to undertake the necessary legislative amendments. In that connection, she recalled that the Nordic countries had proposed the elaboration of a general policy on minimum 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.

20. 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.

21. **Ms. Hutchison** (Australia), speaking also on behalf of Canada and New Zealand, said that United Nations officials and experts on mission, including those serving as corrections, military and police personnel, took on many risks and challenges in the course of their critical work to ensure peace, justice and the rule of law. Those persons held positions of trust and authority, and allegations that they had engaged in sexual exploitation and abuse, fraud or corruption undermined the integrity and credibility of the Organization, in particular when perpetrators were not held to account. To prevent impunity, it was important to build a culture of support for individuals who reported misconduct, ensure that allegations were addressed in a transparent and timely manner, raise awareness of victim support services in the field and put in place appropriate safeguards against reprisals. Immunities must not be used to shield perpetrators from accountability. Appropriate screening and predeployment training were crucial to preventing abuses.

22. The three countries recognized the ongoing efforts of the Secretary-General to address the issue, and fully supported the Organization's policy of zero tolerance for criminal activities, including sexual exploitation and abuse. They also supported the Secretary-General's

recommendation that Member States 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 revealing 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. Implementing the recommendation would send a strong signal that there was no place for criminal conduct within the United Nations system.

23. While the United Nations had made encouraging efforts to prioritize the rights of victims, the coronavirus disease (COVID-19) pandemic had deepened existing inequalities, exposed those in vulnerable situations to increased risks of sexual exploitation and abuse and adversely affected the capacity to investigate allegations and assist victims. Over the past year, there had been reports that United Nations officials and experts on mission had continued to engage in criminal activities, including sexual harassment, assault and misconduct.

24. The three countries encouraged Member States and the United Nations to enhance cooperation on combating such crimes and to dedicate more funds to such efforts. They also urged Member States that had not yet done so to establish jurisdiction over serious crimes committed by their nationals while serving as United Nations officials or experts on mission. Member States should investigate allegations against their nationals, conduct prosecutions, in accordance with their domestic laws, and take steps to prevent such crimes from being committed in the future. It was important to protect victims and to ensure that complaints were taken seriously. It would be useful for Member States to share their experiences of overcoming obstacles to accountability.

25. The three countries supported, 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 and would welcome further dialogue on the feasibility of such a convention.

26. **Mr. Molefe** (South Africa) said that his delegation commended the States that had shared their experiences in developing legal frameworks to close jurisdictional gaps. It also 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 prejudice. South Africa condemned all criminal

acts committed by United Nations officials and experts on missions against vulnerable persons who depended on them for protection. The courts of his country were able to prosecute citizens who committed crimes abroad and could not be prosecuted by the courts of the country in which the crimes were committed, provided that the acts in question were crimes under South African law. The national legal framework also allowed his Government to enter into agreements with other countries for the purposes of ensuring that persons engaging in cross-border crime did not go unpunished.

27. **Mr. Abdelaziz** (Egypt) said that there was broad consensus among Member States regarding the need to hold accountable United Nations experts and officials on mission. His delegation believed that prosecution of United Nations experts and officials on mission should be the exclusive responsibility of their State of nationality, which should take legal action as soon as the matter was referred to it by the United Nations. Numerous legal and practical obstacles might arise; for instance, the criminal law of the State of nationality might not apply to offences committed abroad, or international mechanisms for the collection of evidence might be inadequate. In efforts to tackle those issues, due consideration should be given to the experiences of States.

28. His delegation remained sceptical of novel legal theories according to which the perpetrators could be prosecuted by States other than their State of nationality; any such initiative, including the idea of concluding an international convention for that purpose, would not enjoy the necessary consensus. Egypt was a major troop-contributing country. Some of its peacekeepers had paid the ultimate price, most recently in an attack in Mali on 2 October 2021. Egypt selected only the most qualified personnel to serve on United Nations missions. They underwent comprehensive training and had shown high rates of compliance. Under the Criminal Code, any Egyptian who, while abroad, committed an offence recognized under the Code was liable to prosecution upon returning to Egypt.

29. Following an Egyptian initiative, the General Assembly now adopted a resolution on an annual basis concerning United Nations action on sexual exploitation and abuse. The most recent example was resolution [75/321](#), in which the General Assembly, inter alia, called for immediate measures to tackle sexual exploitation and abuse; underscored that victims should be at the core of the Organization's efforts; stressed the need for a comprehensive understanding of accountability at all levels, including at the senior leadership level; acknowledged the sacrifices made by peacekeepers around the world; noted with concern that the

coronavirus disease (COVID-19) pandemic had affected the capacity to address and investigate allegations; and urged the Secretary-General and Member States to enhance the alignment of the policies and practices of the Organization.

30. **Mr. Asiabipour** (Islamic Republic of Iran) said that his Government had taken legislative measures to fulfil its obligations under the Charter of the United Nations and other relevant instruments, such as the Convention on the Privileges and Immunities of the United Nations. It was also committed to establishing appropriate conditions for United Nations officials working in the Islamic Republic of Iran and to bringing to justice anyone who violated the laws in place for their protection. In return, his Government expected that such officials and experts would fully comply with the laws and regulations of his country. The approach to ensuring accountability should include both punitive measures as well as preventive measures such as vetting, predeployment and in-mission training, awareness-raising, and oversight by the United Nations and contributing countries.

31. 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 also 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. Addressing the current shortcomings would require coherent and coordinated policies. In that regard, the United Nations should develop a platform to ensure the smooth and timely referral of cases and exchange of evidence and information between the Organization, host countries and contributing countries. In each case, the United Nations and the State of nationality of the alleged perpetrator should work together to ensure that the Organization's disciplinary measures and the State's criminal procedures were strictly observed, without violating the double jeopardy principle. Member States should also ensure that their domestic laws afforded victims proper protection, support, access to justice and reparation.

32. 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 provided for legal assistance in criminal matters and permitted extradition on the basis of a bilateral or multilateral agreement or, in the absence of a treaty, on the basis of reciprocity. Laws to protect victims and witnesses were also in force.

33. The priorities of the United Nations and its Member States on the matter of criminal accountability of United Nations officials and experts on mission should be to ensure that States had appropriate legal frameworks in place, to promote cooperation between the United Nations, host countries and contributing countries, and to generate the political will to address the issue.

34. **Ms. Fatima** (Bangladesh) said that sexual exploitation and abuse, corruption, fraud and other forms of misappropriation of funds by United Nations officials and experts on mission must be addressed without delay, to ensure that the perpetrators did not go unpunished, and to preserve the credibility and integrity of the United Nations, including its field missions. Her delegation commended the Organization's policy of zero tolerance for crimes committed by its officials and experts on mission, in particular sexual exploitation and abuse. It also welcomed the steps taken to provide training on standards of conduct and to provide Member States with technical legislative assistance, at their request.

35. Bangladesh was currently the top troop-contributing country and maintained a policy of zero tolerance of 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 one of the first countries to endorse the voluntary compact on preventing and addressing sexual exploitation and abuse. In respect of its peacekeepers, Bangladesh had introduced both punitive and preventive measures, including predeployment training, that covered the unique cultural settings in different field missions and also the possible repercussions for those who engaged in sexual exploitation and abuse or other crimes. Any allegations of misconduct were addressed promptly, and firm disciplinary action was taken against those individuals found guilty. Superior officers were held to account in cases involving members of their contingents.

36. More must be done 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 United Nations should further promote the regular exchange of information and sharing of best practices among stakeholders, with a view to harmonizing investigation standards. 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. Since ensuring accountability was a joint responsibility, all stakeholders should cooperate with one another by making available information and materials required for investigations and criminal proceedings in a timely manner. The United Nations could support Member States in developing or adjusting their criminal laws to facilitate such cooperation.

37. Bangladesh reaffirmed the centrality of the rights and protection of victims and had made a contribution of \$100,000 to the Secretary-General's trust fund in support of victims of sexual exploitation and abuse.

38. **Mr. Turay** (Sierra Leone) said that his delegation noted with appreciation the issuance of the Secretary-General's bulletin on addressing discrimination, harassment, including sexual harassment, and abuse of authority (ST/SGB/2019/8) and welcomed the ensuing appointment of conduct and discipline focal points by a number of Secretariat units and other entities. 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 United Nations personnel. However, failing to hold the few who committed crimes accountable for their actions would undermine global confidence in the United Nations. It was therefore essential that States with jurisdiction and the United Nations system responded to credible allegations of such crimes.

39. Sierra Leone, a troop- and police-contributing country, was gradually developing legislative and policy frameworks to strengthen the criminal accountability of its nationals serving in United Nations missions. Acts of sexual and gender-based violence and sexual exploitation and abuse were prohibited under his country's military and general laws. The armed forces were implementing a zero-tolerance policy on sexual and gender-based violence, which had been supplemented by the country's first gender equality and women's empowerment policy, launched in December 2020. Peacekeeping personnel received training on their obligations to act in accordance with the highest standards of integrity in their professional and private lives; to be sensitive to local traditions, customs and culture; and to demonstrate respect for the local population, including women and children. As a result, military and police personnel from Sierra Leone serving

in African Union peace support operations and United Nations peacekeeping operations demonstrated exemplary conduct and discipline.

40. His Government considered that the State of nationality of the alleged perpetrator should have precedence over the host country in addressing allegations.

41. **Ms. Solano Ramirez** (Colombia) said that while the vast majority of United Nations officials and experts on mission maintained the highest standards of integrity, any who were suspected of engaging in criminal activity should be duly investigated, prosecuted and, if found guilty, punished, in order to preserve the credibility of the Organization. Her delegation welcomed the initiatives taken by the Secretariat on the matter 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 revealing that a crime may have been committed by personnel of such agencies and organizations.

42. Her Government had taken steps to prevent and address criminal acts by officials and experts on mission and encouraged other States to do the same. It was crucial for the State of nationality of the alleged perpetrator to investigate and prosecute such crimes in a timely manner. It was vital that the United Nations, the State of nationality and the State of occurrence of the criminal acts be investigated or punished, as the case might be, and that they cooperate and coordinate their efforts, in order to facilitate investigations and ensure the necessary exchange of information.

43. Her delegation encouraged all Member States to provide mutual assistance in relation to criminal investigations and proceedings concerning serious crimes committed by United Nations officials and experts on mission, in accordance with their domestic laws and the relevant rules and regulations of the Organization. It would also be beneficial for Member States to share their lessons learned in that regard. The United Nations should continue to provide capacity-building assistance to investigative and judicial authorities in respect of peacekeeping activities and the legal regime applicable to United Nations officials and experts on mission. It might also be worth considering additional mechanisms that could be put in place to prevent crimes by United Nations officials and experts on mission, mitigate their impact when they did occur, and ensure that victims received reparation.

44. **Mr. Amaral Alves De Carvalho** (Portugal) said that the vast majority of United Nations officials and

experts on mission worked with selfless dedication to promote peace, development and human rights and lived up to the very high standards of ethics expected by the United Nations and their host States. Nevertheless, the criminal behaviour of a few, and any real or perceived impunity, were detrimental to the Organization. The sound administration of justice was thus key to the ability of the United Nations to fulfil its mandates.

45. It was important for States to establish appropriate national frameworks and allocate sufficient resources to ensuring criminal accountability of United Nations officials and experts on mission by exercising jurisdiction over crimes committed by their nationals while serving in those positions. Portugal took all such 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, provided that certain conditions were met. The law also provided for international judicial cooperation in criminal matters, thereby ensuring respect for the principle of *aut dedere aut judicare*. His delegation also considered preventive measures, such as predeployment training, to be of the utmost importance.

46. As recommended by the Secretary-General in his report [A/76/205](#), 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 revealing 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 ensure the prevention and prosecution of crimes committed by United Nations officials and experts on mission in an effective and transparent manner.

47. **Mr. Butt** (Pakistan) said that all allegations of wrongdoing against United Nations officials and experts on mission should be duly investigated in a transparent manner. Allegations should be proven beyond a reasonable doubt before any disciplinary action was taken. Member States had a responsibility to cooperate with the United Nations on such matters. 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 were falling short. There was a need to ensure the coherence and consistency of policies and practices

within the United Nations system, especially when of the entities involved were specialized agencies or independent international organizations, with policies and procedures of their own, that were not subject to the functional authority of the Secretary-General. While sexual exploitation was the most heinous type of abuse, 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 appeared to involve fraud and other types of financial offences.

48. The system for the referral of cases to Member States needed to be strengthened. It was clear from the table contained in the Secretary-General's report [A/76/208](#) that, in the vast majority of cases, no response was received from Member States to follow-up requests for information. The allegations in those cases should not be left unaddressed. Although action had been taken by Member States in only 10 of 67 cases referred to them during the reporting period, that still represented progress in comparison with previous years. The momentum should be sustained 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.

49. Given the importance of addressing gaps in jurisdiction, his delegation supported the continuation of discussions with a view to reaching an agreement on the matter of developing a comprehensive international legal framework on criminal accountability of United Nations officials and experts on mission. Legal gaps, including gaps in jurisdiction, should not be allowed to impede the course of justice. Technical assistance and support could strengthen the capacity of national institutions and criminal justice systems to bring perpetrators to account.

50. Pakistan fully subscribed to the policy of zero tolerance for crimes committed by United Nations officials and experts on mission. Its personnel had always adhered to the highest standards of professionalism, and it remained committed to enforcing strict discipline in cases of misconduct. Pakistan had been one of the first countries to sign the voluntary compact on preventing and addressing sexual exploitation and abuse, and its Prime Minister was a member of the circle of leadership on the prevention of and response to sexual exploitation and abuse in United Nations operations. Pakistan had developed predeployment training modules on respect for human rights and the protection of civilians and stood ready to share its experience with the Organization and Member States.

51. **Ms. Grosso** (United States of America) said that her delegation was grateful to the vast majority of United Nations officials and experts on mission, who performed the critical and sometimes dangerous work of the United Nations with integrity. On the rare occasions when officials or experts on mission committed crimes, they should be held to account. Several promising developments had taken place during the reporting period, including the adoption by different entities of the United Nations system of policies on matters such as combating fraud, protecting whistle-blowers and implementing a victim-centred approach in response to sexual misconduct. Her delegation also welcomed the appointment of a conduct and discipline focal point by the United Nations Human Settlements Programme (UN-Habitat) and the appointment by the International Organization for Migration of a senior coordinator for the prevention of and response to sexual exploitation and abuse and sexual harassment.

52. United Nations personnel continued to be accused of sexual exploitation and abuse with some regularity, despite the significant efforts of the Secretariat, missions and specialized agencies to address the issue. Continued vigilance was needed to prevent and respond to sexual exploitation and abuse within the United Nations system.

53. **Ms. Cytrin** (Israel) said that her delegation welcomed the Secretary-General's commitment to a zero-tolerance approach to sexual harassment, as well as the initiatives of Member States to explore new channels for addressing impunity. It was therefore proud to have been among the sponsors of draft resolution [A/C.6/76/L.12](#), which dealt with, among other things, the implementation of a zero-tolerance policy on sexual exploitation and abuse by United Nations personnel throughout the United Nations system. Sadly, the current agenda item encompassed not only sexual exploitation and abuse, but a broad range of serious criminal activities, including terrorism, fraud and corruption. Measures should be taken to ensure that the zero-tolerance policy was applied to all such criminal acts, and that they were properly investigated and prosecuted.

54. Israel was very engaged with the United Nations and its personnel, and therefore attached great importance to the issue of accountability. The Secretary-General had the right and the duty to waive the immunity of United Nations personnel whenever such immunity would impede the course of justice and could be waived without prejudice to the interests of the Organization. The waiving of immunity was important not only to achieve justice and prevent impunity, but also to provide adequate redress for victims and their

families. When immunity was not waived, there must be full transparency; the United Nations should make publicly available the results of any internal investigations of its personnel, or at least share them with the Member States concerned.

55. Efforts should also be made to increase oversight and to develop internal United Nations mechanisms for taking disciplinary and punitive measures. In addition, the Organization and the relevant Member State should collaborate to provide remedies to victims outside the formal judicial process. International cooperation was key. Member States and the United Nations must work together to develop new tools to prevent impunity and promote transparency and accountability.

56. **Mr. Fox Drummond Cançado Trindade** (Brazil) said that the United Nations must be above suspicion in order to remain credible and effective. For years, United Nations officials and experts had been diligently performing their duties and furthering the purposes of the Organization. The misconduct of a few must not be allowed to tarnish its reputation. Although significant progress had been made with regard to accountability, Brazil 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 to ensure the coherence and coordination of policies and procedures relating to the reporting, investigation, referral and follow-up of credible allegations revealing 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. His delegation encouraged United Nations system entities to continue to assess their existing policies and procedures, and welcomed the fact that a number of Secretariat units and other entities had appointed conduct and discipline focal points.

57. 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, and the United Nations and Member States must cooperate to facilitate criminal proceedings initiated by States having jurisdiction. 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.

58. Brazil was proud of the overall track 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, to ensure criminal accountability. 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. As a member of the Security Council for the 2022–2023 term and having among its priorities efficient peacekeeping and the promotion of human rights, Brazil considered it of paramount importance to ensure that credible allegations were properly investigated, perpetrators brought to justice and redress made available to victims.

59. **Mr. Segura Aragon** (El Salvador) said that United Nations officials and experts made a significant contribution to upholding the purposes and principles set out in the Charter of the United Nations, particularly the maintenance of international peace and security and respect for human rights and fundamental freedoms. It was important to preserve the image, credibility, impartiality and integrity of the Organization so that it could continue to address emerging challenges, including those caused by the coronavirus disease (COVID-19) pandemic. Noting with concern that, as shown in the Secretary-General's report [A/76/208](#), 286 allegations of criminal acts by United Nations officials and experts on mission had been referred to States since 2007, his delegation reiterated its support for the United Nations system. It also urged the Organization to continue utilizing its existing policies and procedures to strengthen the investigation, referral and follow-up of allegations that a crime might have been committed by United Nations officials and experts on mission.

60. It was essential that Member States commit to adopting normative measures and frameworks for the prevention, investigation and punishment of criminal acts by their nationals. Under the Criminal Code and the Code of Criminal Procedure of El Salvador, the competent authorities had the power to exercise the State's *ius puniendi*, in a proportional manner and in accordance with the requirements of due process. That power was based on two key principles: the active personality principle, which allowed the law to be applied to crimes committed by Salvadoran nationals abroad; and the principle of universal jurisdiction, which allowed Salvadoran criminal law to be applied to crimes by whomsoever committed in a place outside its

jurisdiction, so long as such crimes affected property that was internationally protected by specific covenants, or were in breach of norms of international law, or seriously violated human rights.

61. In terms of cooperation between States and the United Nations for the exchange of information and facilitation of investigations and prosecutions, El Salvador was governed by the provisions of its Constitution, in particular those relating to extradition. That topic was regulated in accordance with international treaties, in which the principle of reciprocity or due process requirements must be enshrined. El Salvador therefore had the normative tools needed to ensure that criminal acts were investigated and to provide protection and care for victims, including proper treatment that incorporated a gender perspective.

62. El Salvador strongly condemned acts of sexual exploitation and abuse committed by United Nations personnel, including those committed by peacekeeping personnel, and reaffirmed the importance of the zero-tolerance policy in respect of such misconduct. As a troop- and police-contributing country for various peacekeeping missions, El Salvador considered prevention to be a basic component of such missions. It therefore ensured that, before deploying, its military and police personnel received training on human rights, international humanitarian law and United Nations conduct guidelines.

63. El Salvador remained firmly committed to reducing impunity for sexual exploitation and abuse, and to providing immediate and comprehensive support for victims and their families. Although United Nations officials, experts and other personnel on mission had immunities, they must never be authorized to violate the laws of their host countries. In that connection, El Salvador reaffirmed its willingness to conduct prompt investigations and to eventually determine criminal responsibility in respect of any misconduct or crime committed in its territory. It would do so in accordance with the requirements of due process, the relevant memorandums of understanding with the United Nations and other relevant normative instruments.

64. **Ms. Jiménez Alegría** (Mexico) said that her delegation welcomed the range of policies adopted by various United Nations system entities to combat impunity and ensure accountability. It was important that those policies be implemented, to ensure that investigations were conducted and justice was rendered. Without the willingness of States to exercise criminal jurisdiction over their nationals, such well-designed policies and other instruments, procedures and institutions within the United Nations system would be

insufficient, and the victims of those crimes would continue to be denied justice. It was therefore essential to develop a system for monitoring national-level processes in order to strengthen accountability and ensure justice for victims.

65. Mexico remained of the view that States bore the primary responsibility for the criminal acts of their nationals, and should exercise extraterritorial criminal jurisdiction and prosecute them for any offences that they committed when serving in a United Nations mission. Her delegation agreed with the Secretary-General that immunity should be waived when it would impede the course of justice, in the interests of the Organization and of victims. Since its establishment, the United Nations had had as a standard to seek peace, security and justice. Its mandate left no room for impunity, particularly for those charged with carrying out its mission.

66. *Mr. Abdelaziz (Egypt), Vice-Chair, took the Chair.*

67. **Ms. Bhat** (India) said that while the United Nations could take disciplinary measures, it could not initiate criminal proceedings, and the immunities and privileges necessary for the Organization's operations in Member States sometimes prevented the exercise of criminal jurisdiction by host States. However, immunity did not imply impunity for crimes and misconduct. To ensure that the actions of a few did not tarnish the achievements of the majority, the Organization must have a clear code of conduct and a policy of zero tolerance for abuse, exploitation and all other criminal acts. Equally, States must make sure that their nationals serving as United Nations officials or experts on mission understood the implications of any untoward act they might commit, including through predeployment training and in-mission training and supervision, and that they were made aware of their obligation to respect the laws of both the host country and their country of nationality.

68. India had been contributing regularly to the trust fund in support of victims of sexual exploitation and abuse and encouraged other Member States to follow suit. Under the Indian Penal Code and Code of Criminal Procedure, national courts were allowed to exercise extraterritorial jurisdiction over crimes committed abroad by Indian nationals, and to seek and provide assistance on criminal matters. Indian law also allowed for extradition under a bilateral treaty or an international convention.

69. United Nations technical assistance and capacity-building measures for Member States, particularly in the area of extraterritorial jurisdiction, were important for further strengthening the accountability system.

Multiple investigations into the same allegations could be avoided if Member States and the United Nations exchanged information, cooperated in the conduct of investigations and accepted one another's findings as evidence for the purposes of United Nations disciplinary processes and national criminal proceedings. The United Nations had an institutional responsibility for acts committed by staff serving in its missions and must therefore work with Member States to ensure accountability. Member States must ensure that their laws provided for extraterritorial jurisdiction over crimes committed by their nationals when serving as United Nations officials or experts abroad, and for international assistance for investigation and prosecution purposes. Lastly, reporting of the action taken by States in response to allegations of crimes or misconduct against their nationals would improve transparency and send a clear signal that impunity would not be tolerated.

70. **Ms. Oppong-Ntiri** (Ghana) said that the Secretary-General's recommendation that 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, was valuable both for accountability and for deterrence. Currently ranked the tenth largest troop- and police-contributing country, Ghana was well aware of the immense contribution of United Nations officials and experts on mission to international peace and security. However, there must be no derogation from the highest standards of professionalism and integrity. Her Government's commitment to the policy of zero tolerance for misconduct and crimes stemmed from its recognition that accountability was essential to maintaining the integrity, credibility and relevance of the United Nations.

71. Ghana appreciated having had the opportunity to share its experience in the investigation and handling of disciplinary cases involving its personnel on peacekeeping missions at the high-level meeting on strengthening the conduct of peacekeeping personnel held in June 2021. The legal regime that regulated the armed forces of Ghana, comprised of the Code of Service Discipline of the Ghana Armed Forces and the Armed Forces Act, guaranteed jurisdiction over the activities of service personnel operating at home and abroad. Pursuant to that regime, the armed forces sought to ensure that allegations of misconduct or crimes by its personnel were thoroughly investigated and conclusively resolved, and that appropriate sanctions were applied.

72. However, the exercise of criminal jurisdiction through domestic legislation and mechanisms was not without challenges. Delays in receiving complaints, inadequate cooperation by complainants during investigations and trials, and loss and damage of evidence underscored the need for enhanced cooperation between Member States and the United Nations. The appointment of a national investigation officer and the conduct of joint investigations with the Office of Internal Oversight Services had been helpful steps towards bridging the existing jurisdictional gaps.

73. Lastly, her Government encouraged the strengthening of preventive measures such as predeployment training, in-mission awareness-building and robust enforcement, in order to restore the image of the United Nations and, more importantly, to protect the vulnerable populations it served.

74. **Ms. Crček Beović** (Slovenia) said that her delegation supported the Secretary-General's systematic approach to preventing and responding to crimes committed by United Nations officials and experts on mission, and welcomed the commitment to preparing recommendations aimed at ensuring the coherence and coordination of the relevant policies throughout the United Nations system. Under the Charter, the paramount consideration in the employment of staff and the determination of the conditions of service was the need to secure the highest standards of efficiency, competence and integrity; the behaviour of United Nations staff was also governed by the Staff Regulations and Rules of the United Nations.

75. Member States and the United Nations must cooperate with each other in order to enhance communication and build partnerships to prevent crimes. It was also necessary to build positive relationships between Member States and the United Nations, and between host States and their people. Together, those relationships would facilitate missions' success and lead to improved accountability.

76. Her Government supported appropriate preventive measures, including the provision of training for officials and experts on mission. More must be done to establish services that would allow for prompt, appropriate and effective action to be taken in the event of a suspected crime, and to protect victims. Her country's efforts to monitor crime and strengthen preventive work at the national level had proven highly effective, with the number of crimes committed decreasing significantly over the most recent five-year programming period. Slovenia had improved prevention by upgrading the resources needed to protect citizens, establishing the necessary information systems

architecture and generally strengthening research on and efforts to combat various forms of crime. Slovenia aimed to cooperate further with other States in the areas of justice, home affairs and protection and rescue.

77. A strictly enforced zero-tolerance policy for misconduct and crimes was necessary to reinforce the credibility, integrity and impartiality of the United Nations and its missions.

78. **Mr. Rai** (Nepal) said that the criminal accountability of United Nations officials and experts on mission was crucial to preserving the credibility of the Organization; accordingly, the United Nations should always pursue a zero-tolerance policy on sexual exploitation and abuse. Member States bore the primary responsibility for addressing any violation of human rights, abuse of authority or exploitation of local populations. In conducting investigations and trials, they must adhere to due process, while ensuring that they protected victims, witnesses and whistle-blowers, and gave victims access to justice. The perpetrators should not go unpunished just because they enjoyed diplomatic privileges and immunities. The Secretary-General should waive such privileges and immunities to ensure justice for the victims. Information exchange was important for facilitating investigations and prosecutions.

79. As a major troop- and police-contributing country, Nepal understood the importance of the professionalism and integrity of United Nations personnel to securing peace and stability in troubled regions. Nepali peacekeepers had always displayed the highest standards of professionalism, self-discipline and respect for human rights, and Nepal maintained a zero-tolerance policy on sexual exploitation and abuse. Nepalese military law provided for extraterritorial jurisdiction over military personnel for offences committed by them while participating in United Nations missions. The National Penal Code set out sanctions for crimes committed by Nepali nationals outside Nepal, and for criminal mischief committed in the offices of any foreign diplomatic mission or international or intergovernmental organization.

80. Allegations should be treated as individual incidents; entire missions or countries should not be shamed for the criminal acts of individuals. Nepal complied with the voluntary compact on preventing and addressing sexual exploitation and abuse, and therefore welcomed Security Council resolution [2272 \(2016\)](#). Persuaded that greater female participation in peacekeeping helped to reduce sexual exploitation and abuse in the field, his Government been deploying more female peacekeepers. Nepal had a national action plan

to ensure that it effectively implemented Security Council resolutions 1325 (2000) and 1820 (2008) on women, peace and security.

81. **Ms. Betachew Berhanu** (Ethiopia) said that, as one of the largest contributors to United Nations peacekeeping missions and the seat of the Economic Commission for Africa, other regional organizations and the offices of various United Nations agencies, Ethiopia bore a dual obligation to ensure the criminal accountability of United Nations officials and experts on mission: it sent peacekeeping personnel with immunity to other countries, and it played host to a great number of United Nations personnel who were not subject to its national laws.

82. Her Government had a strict zero-tolerance policy on misconduct by Ethiopian personnel and blue helmets deployed to African Union, United Nations and hybrid peacekeeping missions, and prevented impunity through laws that provided for extraterritorial jurisdiction over crimes committed by Ethiopian nationals in places where they enjoyed immunity. In that connection, all Member States must assume jurisdiction over crimes committed by their nationals who enjoyed diplomatic immunity as United Nations personnel. The United Nations had a critical role to play in providing evidence and information in relation to allegations of offences and in following up on measures taken by States of nationality.

83. While United Nations measures to enhance the coherence and coordination of its internal policies and procedures were encouraging, there was an urgent need for the Organization to strengthen its preventive and redress mechanisms in connection with transgressions such as favouritism, misappropriation of resources, use of functions for political objectives, open violation of the duty to maintain neutrality and impartiality, undue political declarations, unethical use and misuse of conventional and social media, and interference in the internal affairs of States. The United Nations must augment its internal investigation and accountability mechanisms and strengthen protections for whistle-blowers and witnesses. Self-initiated evaluation of conduct and accountability mechanisms were essential if the Organization was to have the personnel with the requisite integrity and competence. Lastly, it was vital that the United Nations cooperate with host countries and with Member States to ensure accountability.

84. **Mr. Nyanid** (Cameroon) said that United Nations officials and experts on mission were fundamental pillars in the promotion of the rule of law and criminal accountability. Accordingly, recognizing the accountability of such officials and experts for any

misconduct committed while performing their functions was of the utmost importance for the Organization's integrity, credibility and effectiveness. As a troop-contributing country, Cameroon took the matter of sexual exploitation and abuse by United Nations staff extremely seriously and adhered to the policy of zero tolerance for such acts, as well as for acts of corruption and even participation in subversive activities that deviated from missions' mandates. The zero-tolerance policy should apply to all United Nations personnel, and not only to peacekeeping forces.

85. The United Nations should, in accordance with the law, provide Member States with the information and documents they needed to conduct criminal proceedings. In that regard, his Government appreciated the assistance and expertise offered by the Organization in relation to investigations into and prosecutions of serious crimes, and called for redoubled efforts to ensure that the perpetrators of such crimes were brought to justice. Given that the responsibility for criminal conduct rested with Member States, they should be informed of any allegations against their nationals as soon as possible. Officials and experts on mission carried out valuable work, and host States and the United Nations should continue to take appropriate measures to protect them in order to keep their morale high and enable them to act with peace of mind. It was also the strong wish of his delegation that the Secretary-General continue to improve his methods for collecting information on the policies and procedures related to credible allegations of offences committed by United Nations officials and experts on mission.

86. His delegation called for the full implementation of General Assembly resolutions relating to the criminal accountability of United Nations officials and experts on mission and urged Member States to exercise their jurisdiction in that regard, in order to ensure that offences committed did not remain unpunished. It was also vital for the State of nationality to swiftly investigate any allegations against their nationals. However, considering the legal status that the Organization had in the territories of each of its Member States under Article 104 of its Charter and the diplomatic privileges that its personnel enjoyed in those States under Article 105 of the Charter, it was essential to follow procedures, taking into account the privileges and immunities regime, which derogated from ordinary law.

87. In that connection, Cameroon had included provisions in its relevant law for the exercise of extraterritorial jurisdiction over offences committed by its nationals abroad. However, it was convinced that there should be an emphasis on the prevention of such

offences, in the light of the sensitivity of the mandates of United Nations officials and experts on mission. His Government supported the strengthening of existing training programmes for officials and experts on mission, and encouraged the Organization to also increase its support for regional training centres for peacekeepers.

88. **Mr. Hollis** (United Kingdom) said that action to tackle impunity must be strong, visible and United Nations system-wide. Accountability, particularly in relation to sexual exploitation and abuse, remained a top priority for the United Kingdom, which sought to raise standards, ensure justice was fair and respond sensitively but robustly when harm or allegations of harm occurred. The final report of the independent commission on the review of sexual abuse and exploitation during the response to the tenth Ebola virus disease epidemic in the Democratic Republic of the Congo, which had been commissioned by the Director-General of the World Health Organization (WHO) and published in September 2021, had exposed widespread abuse and wrongdoing. It had come as a timely reminder of the need to prevent and address such incidents and to ensure accountability. For the zero-tolerance policy to be effective, there must be comprehensive training and vetting; Member States must conduct timely criminal investigations and consider legislative reform, as required; and all parties must prioritize the rights and dignity of victims, survivors and whistle-blowers.

89. His delegation applauded the work of the Special Coordinator on Improving the United Nations Response to Sexual Exploitation and Abuse and the Victims' Rights Advocate in ensuring that the rights, experiences and needs of victims were at the forefront of United Nations efforts to combat sexual exploitation and abuse. Sadly, however, incidents of sexual exploitation and abuse continued to take place, in part because individuals thought that they could act with impunity. When there were widespread allegations, as there had been against WHO personnel, the relevant entity must acknowledge that there was a pervasive problem. Sexual exploitation and abuse undermined the work of the entire Organization and failure to hold individuals accountable, not only for perpetrating acts of sexual exploitation and abuse, but also for failing to act when reports of such crimes came to their attention, caused suffering among the people the United Nations was mandated to help and protect.

90. His delegation welcomed the Secretary-General's commitment to implementing his strategy for preventing sexual exploitation and abuse, including through strong system-wide leadership and the waiving of immunity as appropriate. However, since the responsibility for

bringing perpetrators to justice rested with Member States, all States should exercise their jurisdiction to ensure that all allegations of sexual exploitation and abuse were investigated and the perpetrators prosecuted. Many Member States, including the United Kingdom, had already committed to doing that through the voluntary compact on preventing and addressing sexual exploitation and abuse. All States needed, however, to turn their words into action. Through its Domestic Abuse Act (2021), for example, the United Kingdom had extended the scope of the extraterritorial jurisdiction of its criminal courts to further violent and sexual offences. It encouraged other Member States to take similar measures.

91. **Mr. Proskuryakov** (Russian Federation) said that the measures developed to prevent the commission of crimes by United Nations officials – work in which the General Assembly had participated directly – were adequate to the scale of the task. Based on the information provided in the Secretary-General's reports ([A/76/205](#) and [A/76/208](#)), the majority of States had the necessary mechanisms, including national laws and international instruments on inter-State cooperation, to bring their nationals to justice. In order to combat impunity effectively, it was important for the Secretariat to inform States promptly and fully when one of their nationals was suspected of committing a crime while on mission. When transmitting information to national authorities, the Organization should follow established procedures and ensure that the information being provided met procedural requirements and could be used in national criminal investigations.

92. Investigations of allegations against United Nations officials should be conducted in strict compliance with the rules of international law. Without prejudice to the legal status of United Nations officials and experts on mission, it was important to ensure that they were not absolved of accountability for criminal acts that they committed. Court proceedings initiated for that purpose should be efficient and fair. The State of nationality of the official must play the leading role in exercising jurisdiction.

93. In his report [A/76/205](#), the Secretary-General placed undue emphasis on crimes involving sexual misconduct. However, as was apparent from the statistics on the nature of the crimes allegedly committed by United Nations officials and experts on mission provided in report [A/76/208](#), the majority of allegations concerned corruption, embezzlement and abuse of authority. The Secretariat should make its intolerance of all types of crimes, not just sexual offences, clear in its policies. Ultimately, the emphasis should be placed on preventing all types of crimes by

providing predeployment training to the relevant personnel.

94. There was no need to develop a legally binding instrument on the criminal accountability of United Nations officials and experts on mission, as it had become clear, following several years of discussion in the Committee, that there was no legal lacuna preventing the prosecution of such officials and experts. There were sufficient mechanisms for the prevention, investigation and punishment of crimes; a new convention would not be appropriate for strengthening cooperation between States and the Secretariat in that regard.

95. **Ms. Abu-ali** (Saudi Arabia) said that the United Nations should continue to enforce a zero-tolerance policy in respect of misconduct and offences committed by its officials. Special measures should be taken to prevent sexual exploitation and abuse, and United Nations officials must comply with local laws and with the applicable United Nations policies and procedures, particularly those related to sexual exploitation and abuse. Those policies and procedures should be applied in a coherent, systematic and coordinated manner across the United Nations system.

96. Saudi Arabia had put in place robust accountability measures, including a regulation on sexual exploitation and abuse aimed at prosecuting perpetrators and protecting the rights and dignity of the victims in accordance with the teachings of Islam.

97. Her delegation supported the recommendation, set out in the Secretary-General's report [A/76/205](#), that Member States should continue 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 revealing that a crime might have been committed by personnel of 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. Victims and witnesses should be provided with effective protection, and officials and experts on mission should receive appropriate predeployment training concerning ethical conduct and the prevention of retaliation.

98. Her delegation also welcomed the recommendation 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. Detailed, credible, impartial and transparent mechanisms should be established to ensure the proper conduct of humanitarian work and prevent exploitation.

99. **Mr. Mohammed** (Sudan) said that the criminal accountability of United Nations officials and experts on mission, including those working in peacekeeping operations, was of great importance. A zero-tolerance policy must be applied, and any crimes committed by such persons, including sexual exploitation or abuse and fraud, must be punished in accordance with the principles of justice and international law. Member States must not allow the special status enjoyed by United Nations officials and experts on mission to shield them from criminal accountability and punishment for their conduct, in particular when the host State was unable to prosecute them.

100. 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.

101. There was a need for concrete procedures to bring perpetrators to justice. Not only must justice be done but it must also be seen to be done. 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 had temporary contracts for particular programmes in the host State.

102. **Mr. Abd Aziz** (Malaysia) said that the ClearCheck database put in place to record substantiated allegations of sexual exploitation and abuse was a practical tool that could contribute to preserving the credibility and integrity of the United Nations as a whole. With regard to the Secretary-General's report [A/76/208](#), his delegation remained concerned that many Member States had failed to provide information on their follow-up of allegations of criminal conduct by their nationals. As Member States bore the primary responsibility for establishing jurisdiction over crimes committed by their nationals serving in United Nations missions abroad, his delegation strongly encouraged those that had not yet provided the required information on such cases, and on their implementation of the relevant resolutions, to do so.

103. Malaysia had taken legislative measures to give effect to its obligations under the Charter of the United Nations and other relevant instruments, such as the Convention on the Privileges and Immunities of the United Nations. In turn, it expected United Nations

officials and experts on mission to act in accordance with Malaysian laws and regulations when operating in Malaysian territory. His Government fully supported the United Nations zero-tolerance policy on criminal conduct, in particular sexual exploitation and abuse.

104. Malaysia had participated in 39 peacekeeping operations since 1960 and continuously adapted its training to ensure that the peacekeepers it trained – from both Malaysia and other States – were equipped to act in accordance with the most up-to-date standards of conduct. It therefore viewed with concern any act that discredited the noble efforts and sacrifices of United Nations personnel and experts serving in missions. His Government remained committed to working with other Member States to address the question of the criminal accountability of United Nations officials and experts on mission. To ensure that such offenders were held accountable for their crimes, States must engage in genuine cooperation and, as appropriate, exercise their jurisdiction.

105. **Mr. Sadnovic** (Indonesia) said that it was important to acknowledge the dedication and courageous work of thousands of United Nations officials and experts on mission, as well as the outstanding contributions and sacrifices of peacekeeping personnel in the field. However, serving in United Nations missions should never be used to excuse a wrongful act or crime. Indonesia strongly supported the Organization's zero-tolerance policy, especially in relation to sexual exploitation and abuse. If United Nations personnel committed violations, the law must take its course, and States must ensure that they had the legal infrastructure to prosecute offenders.

106. The Indonesian Criminal Code allowed his country's courts to assert criminal jurisdiction over Indonesian nationals wherever they committed crimes. Furthermore, Indonesia cooperated with other States on extradition and mutual legal assistance on the basis of bilateral, regional and multilateral agreements or, in the absence of such agreements, on a case-by-case basis and in accordance with the principle of reciprocity. Indonesia had also signed the voluntary compact on preventing and addressing sexual exploitation and abuse. Strong coordination between the Secretariat, host countries and troop- and police-contributing countries to ensure the implementation of the zero-tolerance policy was essential.

107. Training for United Nations officials and experts, as well as peacekeeping personnel, was of the utmost importance. Indonesia had established a training facility in West Java where it provided predeployment training for national and international peacekeepers, with a focus

on the protection of civilians, mission-specific matters and the role of women peacekeepers. Emphasis was also placed on the obligation to respect the laws of host countries and on the need for United Nations personnel and peacekeepers to embody the fundamental ideals of the Organization. Lastly, it was important to increase the role of women peacekeepers, including through the implementation of Security Council resolution [2538 \(2020\)](#), in order to bolster community engagement, which would in turn help to protect civilians and prevent crimes.

108. **Ms. Nguyen Quyen Thi Hong** (Viet Nam) said that United Nations peacekeepers and other personnel, while enjoying immunity in accordance with international law, must respect the laws of the host State and of their country of nationality. Viet Nam supported the policy of zero tolerance for all criminal acts, including sexual exploitation and abuse, committed by United Nations officials and experts on mission. In order to ensure accountability, jurisdictional gaps must be addressed. Member States should take the primary responsibility for exercising jurisdiction over serious crimes committed by their nationals when serving as United Nations officials.

109. The inclusion in the Secretary-General's report [A/76/208](#) of the updated table on the nature of allegations and information received from States on all referrals since 1 July 2007 was an important step towards ensuring the coordination of policies and procedures relating to the reporting, investigation, referral and follow-up of credible allegations of crimes. All States should take the necessary steps, including the adoption of national laws and the enhancement of international cooperation, to ensure criminal accountability. Viet Nam stood ready to cooperate with other States and the United Nations with regard to information-sharing, investigation and prosecution, in accordance with its national laws and relevant international commitments. No less important were preventive measures, such as raising awareness of the zero-tolerance policy and of the United Nations standards of conduct. In that connection, Viet Nam fully supported the continued efforts of the Secretary-General to provide predeployment, induction and refresher training for United Nations personnel.

110. **Ms. Tamuno** (Nigeria) said that United Nations officials and experts on mission abroad were entrusted with the Organization's flag, which they were obliged to uphold and respect. Nigeria therefore condemned any form of crime committed by them, and would continue to advocate that such persons found culpable for any infractions be held accountable according to established laws. Nigeria welcomed the policy of zero tolerance for

criminal conduct by said officials and experts, especially sexual exploitation and abuse. 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, and urged States, which were primarily responsible for bringing perpetrators to justice, to report back to the Organization on the steps taken thereafter.

111. Victims of sexual exploitation and abuse should not be stigmatized; rather, they should be rehabilitated. Her 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. It was necessary to establish a working environment that was conducive to the prevention of sexual exploitation and abuse by increasing the participation of women, improving the welfare of personnel, investigating and prosecuting suspects in a timely manner and providing training programmes. Exemplary behaviour should be rewarded in order to encourage others, while bad behaviour should be punished without hesitation.

112. **Mr. Karbou** (Togo) said that his delegation encouraged the Secretariat to continue to ask Member States to attest that none of their nationals deployed as part of United Nations missions had a criminal history. The Secretariat should also continue to make sure that all such persons understood their obligation to abide by the standards of conduct of the Organization and the national laws of host countries. Togo supported the Secretariat's actions in that regard, including the delivery of predeployment training, as well as the Organization's policy of zero tolerance for criminal acts.

113. As the sixteenth largest contributor to United Nations missions, Togo provided appropriate predeployment training to all defence and security personnel at the subregional training centre in Lomé. It had also adopted its new Code of Military Justice in 2016, which embodied its efforts to help settle the thorny issue of the criminal accountability of United Nations officials and experts on peacekeeping missions. Under the Code, military courts had jurisdiction over both criminal and civil cases and, in times of both war and peace, also had jurisdiction over cases involving a range of offences committed by military and related personnel. His Government called for a joint solution involving all international actors, and reaffirmed its strong belief in the jurisdiction of the national courts of the State of nationality of the alleged offender.

114. **Ms. Kim Moon Young** (Republic of Korea) said while her delegation recognized the valuable contribution of United Nations officials or experts to the

fulfilment of the Organization's mandate, any criminal activity by them not only tarnished the reputation and credibility of the Organization, but could also seriously jeopardize missions' operations by discouraging local authorities and populations from cooperating with the United Nations. To ensure that crimes did not go unpunished, the State of nationality of the individual concerned should take all appropriate measures, including establishing the relevant jurisdiction, investigating and prosecuting alleged crimes in a timely manner and cooperating with the United Nations and local authorities. Sexual exploitation and abuse by United Nations personnel was particularly deplorable, as it victimized the vulnerable groups that the Organization was mandated to serve and protect. The Republic of Korea therefore fully supported the zero-tolerance policy on sexual exploitation and abuse.

115. In addition to the need to end impunity, practical preventive measures such as predeployment training and vetting were critical. Her delegation commended the Secretary-General's efforts to strengthen existing preventive measures, including through the use of the Clear Check database. As a troop-contributing country, the Republic of Korea had a rigorous process for selecting those who would be deployed on missions, and provided them with intensive training, including on professional ethics.

The meeting rose at 6 p.m.