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## Sixth Committee

### Summary record of the 8th meeting

Held at Headquarters, New York, on Friday, 7 October 2016, at 10 a.m.

*Chair:* Mr. Danon . . . . . (Israel)  
*later:* Mr. Ahmad (Vice-Chair) . . . . . (Pakistan)

## Contents

Agenda item 84: The rule of law at the national and international levels (*continued*)

Agenda item 75: Criminal accountability of United Nations officials and experts on mission

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*The meeting was called to order at 10.05 a.m.*

**Agenda item 84: The rule of law at the national and international levels** (*continued*) (A/71/169)

1. **Mr. Varankov** (Belarus) said that his delegation had long held that the United Nations should seek primarily to foster the rule of law at the international level. Such efforts should be based on fundamental principles of international law, including the sovereign equality of States, non-interference in the internal affairs of States, refraining from the threat or use of force, and the peaceful settlement of disputes.

2. Belarus welcomed the inclusion in the report of the Secretary-General on strengthening and coordinating United Nations rule of law activities (A/71/169) of a review of multilateral treaty processes in the framework of the United Nations. A yearly review should continue in the future. His delegation endorsed the inclusion, in paragraph 26 of the report, of the review of new developments in depositary practice. Such a review should be regularly included in future reports in order to assist international jurists, in particular legal advisers in ministries of international affairs and the delegations of United Nations Member States. Belarus agreed on the need to modernize regulations on the registration of international treaties with the United Nations Secretariat, which should make specific proposals in the form of a draft resolution for discussion and adoption at the current session of the General Assembly.

3. It was not clear why the report gave priority attention to international human rights obligations, as in paragraphs 28 and 29. A selective approach to international legal obligations and their artificial division into “more” and “less” important categories was not in keeping with the fundamental principles of international law.

4. The inclusion of decisions of the Organization’s treaty bodies in the review of United Nations treaty activities was entirely inappropriate. The work of the treaty bodies could not be placed on a par with the ratification by States of multilateral international agreements.

5. The rule of law within the United Nations should not be limited to measures for the protection of the rights of Secretariat staff. It was also important to

consider how the United Nations could ensure fundamental aspects of the rule of law, including openness and accessibility of standard-setting documents, predictability and transparency in decision-making, respect by bodies and officials of their mandates, and mechanisms for contesting decisions taken by the Secretariat.

6. At the domestic level, the International Treaties Act established the direct and immediate application of the norms of international treaties in Belarus, except when the nature of such norms required the adoption of legislation to bring domestic law into line with the requirements of the international treaty.

7. In line with the United Nations Development Assistance Framework for the Republic of Belarus for 2016-2020, a high-level advisory group had been set up on the rule of law and access to justice. Members of the advisory group included representatives of State bodies and institutions (the Office of the President, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of the Interior, the Supreme Court, the Constitutional Court, the Office of the Attorney-General, the Investigation Committee and others), together with international development partners (the United Nations, the European Union, the OSCE Office for Democratic Institutions and Human Rights, the Council of Europe and individual States parties) and members of civil society. The group was examining the list of priority areas for Belarus with regard to access to justice, legal defence, legal assistance, judicial proceedings and law enforcement, as well as legislation. The results of its work would serve as the foundation for future work on the topic of the rule of law and access to justice.

8. **Mr. Dzonzi** (Malawi) said that his country was committed to the principles of democracy, the rule of law, respect for human rights, transparency and accountability. His Government was working to strengthen its rule of law programmes and to achieve the necessary reforms with a view to promoting the peaceful settlement of disputes, respect for human rights and fundamental freedoms, dialogue and cooperation among stakeholders, solidarity and ownership of rule of law programmes.

9. His Government abided strictly by the Constitution. To guarantee the independence of the judiciary, an independent Judicial Service Commission

had been set up that was responsible for the appointment of all judges. Other domestic institutions tasked with the promotion of the rule of law, such as the Directorate of Public Prosecutions, the Malawi Human Rights Commission and the Malawi Electoral Commission, were likewise free to carry out their constitutionally guaranteed duties. The Malawi Law Society, which ensured the independence of the legal profession, worked to guarantee easy access to justice, legal assistance for those who needed it and efficient delivery of judicial service without any unnecessary delay in the processing of cases.

10. Malawi was in the process of reforming its police force in order to strike a better balance between ensuring peace and security and guaranteeing full enjoyment of rights and freedoms. Other reforms concerned the establishment of a professional standards unit and an internal disciplinary committee, and the training of police officers in modern techniques for ensuring public order. Malawi's Human Rights Commission played a leading role in investigating alleged violations of human rights and making recommendations for the effective promotion of those rights.

11. The Office of the Ombudsman, established by the 1994 Constitution, investigated allegations of government abuse or violations of the law on behalf of persons without other sources of redress. The Malawi Law Commission was empowered to review legislation to ensure that it was in line with the Constitution and relevant international laws.

12. Malawi was committed to fulfilling its international legal, human rights and reporting obligations. At the same time, it needed the support of the United Nations and other international partners in promoting the rule of law and human rights and in implementing reforms, which included the strengthening of judicial independence, the independence of the legal profession and institutions and the provision of human rights training for the police and judicial officials. In addition, Malawi's media and civil society required assistance in reporting on human rights violations and threats to the rule of law.

13. **Archbishop Auza** (Observer for the Holy See) said that the rule of law was an expression of society's ability to help the poor, the excluded, the infirm and the imprisoned. His delegation was particularly concerned about persons subject to legal action, such

as those illegally detained or unjustly accused, those with physical and mental disabilities and those who had no advocate, political influence or resources to vindicate their rights. The Sixth Committee must look beyond codifications and legal infrastructure and examine whether the most vulnerable persons enjoyed their legal rights in practice, whether they understood, used and could rely on the legal system and whether they could obtain redress.

14. The surveys to which the Secretary-General's report referred should also include an evaluation of whether steps taken by States to embrace an international framework of norms and standards on subjects such as ecology, access to justice and the fight against transnational crime, as well as to promote projects for capacity-building and technical support, were effective, inclusive and sustainable; hence the need to explore the cultural and social ethos in which the law was being implemented and to look more closely at the intersection between the law and non-State institutions and grassroots organizations in order to assess how the rule of law could better take root and flourish in a given society, bearing in mind that a sense of justice was fostered primarily within the family, religious communities and civil society.

15. The Holy See underlined the connection between the rule of law and freedom of opinion and expression, as recognized in article 19 of the Universal Declaration of Human Rights. The imprisonment and murder of journalists, researchers or activists was often a signal that some powerful interest was trying to evade accountability. The Sixth Committee must therefore promote a free, independent, objective and impartial judiciary, without which the rule of law ultimately gave way to corruption and the rule of force.

16. **Ms. Mansour** (Observer for the State of Palestine) said that in recent years, the State of Palestine had acceded to some 50 international legal instruments, a reflection of its understanding of the importance of the rule of law at the national and international levels. Ensuring equal access to justice for all was essential for translating the principles of the rule of law into effective mechanisms to provide protection, redress and accountability for serious crimes and human rights violations.

17. In June 2016, the State of Palestine had ratified the Kampala amendments on the crime of aggression.

It had acceded to the United Nations Framework Convention on Climate Change and had ratified the Paris Agreement. Despite many challenges, first and foremost the Israeli colonial occupation and the resulting grave violations of the individual and collective rights of the Palestinian people, the State of Palestine remained steadfast in its commitment to upholding international law. It acknowledged internal challenges, including the persistence of the intra-Palestinian division, which had negatively affected the rule of law, and an outdated legislative framework inherited from a number of historical errors and at variance with the rights and aspirations of the Palestinian people and with Palestine's obligations under international law.

18. Thanks to the large number of international instruments to which it had acceded in such a short time, Palestine had gained unique insight into their implementation. It had used its reporting obligations under human rights treaty bodies to launch a national dialogue on respect for human rights and to assess the human rights situation in the country. The national consultations on State reports, carried out with civil society and organized in collaboration with the Independent Commission for Human Rights, had highlighted the many shortcomings which still needed to be addressed, notably in terms of legislation and accountability for violations. Palestine's preparation of the human rights reports had been characterized by the Office of the High Commissioner for Human Rights (OHCHR) as a best practice on a regional and international level.

19. Palestine was aware that reporting must be followed by action to address the shortcomings identified during the reporting process. Through its cooperation with the Independent Commission for Human Rights, it sought to disseminate and promote, in ministries, universities and schools, the rights set out in the conventions to which it had acceded. Palestine's national plan would mainstream its objective of harmonizing its domestic policies and laws with international conventions.

20. Her delegation expressed appreciation to OHCHR for its assistance as Palestine made the legal transition required to comply fully with all its legal obligations. The capacity-building and technical support shared had provided useful knowledge for the drafting of

legislation and the strengthening of civilian governance of the security sector.

21. Palestine's experience in working with civil society organizations was an asset in its efforts to improve access to justice. Other practical measures should be explored for ensuring access to justice for all, such as mobile courts for refugees, internally displaced persons and returnees, bearing in mind the current refugee crisis and the protracted Palestine refugee crisis.

22. Many avenues for seeking justice already existed and had proved effective, but when not applied equally or for all they no longer served their purpose. That had been Palestine's experience as it approached 50 years under Israel's brutal foreign occupation, which had seen the killing and injury of civilians, arbitrary arrests and detentions, home demolitions, land grabs, settlement expansion and illegal discriminatory policies and practices. Impunity for countless breaches of international law and United Nations resolutions had bred even more violations. Justice required enforcement. There could be no rule of law without accountability.

23. Her Government continued to hope that peace and justice would triumph over racism, twisted ideologies and insatiable colonization. It placed its faith in international law and the international community to ensure compliance with the law and accountability for its breaches, and it remained hopeful that the Israeli occupation would end and that the Palestinian people would one day exercise the right to live in freedom and dignity in their independent State of Palestine, with East Jerusalem as its capital.

24. **Ms. Arenas** (Observer for the International Development Law Organization (IDLO)) said that IDLO worked throughout the world to help vulnerable groups to gain access to justice and to exercise their rights. Legal and institutional reforms that IDLO had promoted in 2015-2016 had sought to advance gender equality and women's rights, combat gender-based violence, empower vulnerable and marginalized communities and ensure their access to basic rights and justice. For example, in Afghanistan, IDLO had built the capacity of justice institutions and legal aid providers to give effect to the Elimination of Violence Against Women Act. IDLO was also working with the Government of Honduras to provide access to justice

services for women, children and other victims of domestic violence by promoting legal awareness in target communities and building the capacity and skills of justice-sector operators.

25. IDLO was cooperating with the United Nations Development Programme (UNDP) to establish and run rule of law centres in Myanmar with a view to strengthening the knowledge, skills and values of legal professionals and increasing public legal awareness. The centres aimed to enhance the ability of communities to address key local justice issues by linking universal rule of law principles, such as fairness, transparency and respect for human rights, to important local concerns, for example land governance and domestic violence, through training and community outreach activities.

26. In Mongolia, IDLO had launched a programme to combat gender-based violence by strengthening the justice sector, enhancing coordination of relevant service providers and boosting their capacities. In Tunisia, a programme had been conducted to support the effective participation of women justice professionals in gender-responsive justice delivery and law- and policymaking.

27. Access to effective, accountable and inclusive institutions, together with constitutionalism and legal reforms, had been at the centre of a Pan-African conference organized in June in Dar es Salaam by IDLO and the Government of the United Republic of Tanzania and made possible through the support of the Government of Italy. Entitled “Achieving the 2030 Agenda and Agenda 2063: the Rule of Law as a Driver of Africa's Sustainable Development”, it had concluded with consensus being reached on areas of action to strengthen the rule of law as part of efforts to realize global and regional development goals.

28. IDLO was committed to assisting Governments in integrating international norms and standards in their domestic laws and institutions and to supporting the implementation of those norms and standards. In addition, IDLO collaborated with many United Nations bodies, including UNDP, the United Nations Office on Drugs and Crime, the United Nations Department of Economic and Social Affairs, the Rule of Law Unit and the United Nations Commission on International Trade Law, on issues related to the rule of law, justice and development.

29. The next four-year strategic plan, to be adopted by IDLO in November 2016, would be geared to maximizing its contribution to an effective and sustained implementation of the 2030 Agenda for Sustainable Development.

30. **Mr. Ojeda** (Observer for the International Committee of the Red Cross (ICRC)), stressing that promotion of the rule of law strengthened the effectiveness of international humanitarian law, said that the thirty-second International Conference of the Red Cross and Red Crescent, held in December 2015 in Geneva, had served as an important platform for raising awareness of the rule of law. The resolutions adopted on strengthening respect for international humanitarian law and protecting persons deprived of their liberty reflected the obligation of States to develop clear normative frameworks, strong judicial mechanisms and effective measures to ensure accountability and prevent and punish serious violations.

31. The resolution on health care in danger adopted by the International Conference called on States to adopt and implement domestic legislation and to continue efforts by their armed and security forces to integrate practical measures into their operations to prevent and address violence against the wounded and sick as well as to ensure the delivery of health care, including in armed conflict. United Nations Security Council resolution [2286 \(2016\)](#) reiterated those calls. Those resolutions were vital points of departure for continued engagement in ensuring greater respect for international humanitarian law.

32. ICRC supported States' efforts to fulfil their responsibility to promote the rule of law. Its Advisory Service on International Humanitarian Law provided technical expertise to States upon request. ICRC also developed and shared tools and publications that offered technical support and guidance on domestic legislation and examples of State practice in implementing international humanitarian law.

33. National committees on international humanitarian law, which played an important role in framing national responses to international humanitarian law issues, had been established in over 100 States worldwide. They had all been invited by ICRC to meet in November 2016 in Geneva to discuss

how to enhance protection in armed conflict through domestic law and policy and to share their experiences.

34. ICRC continued to promote the comprehensive implementation of international humanitarian law through its collaboration with organizations such as the African Union, the Arab League, the Organization of American States, the Commonwealth Secretariat and the Asian-African Legal Consultative Organization. It encouraged States to ratify international legal instruments and put in place the mechanisms needed to ensure respect for international humanitarian law.

**Agenda item 75: Criminal accountability of United Nations officials and experts on mission (A/71/167)**

35. **Mr. Ávila** (Dominican Republic), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that any misconduct, especially criminal behaviour, committed by United Nations personnel on mission was unacceptable. Such acts were particularly serious because of the nature of the perpetrators' functions and the vulnerability of the victims; moreover, they undermined the image, credibility, impartiality and integrity of the United Nations.

36. CELAC took note of the report of the Secretary-General on criminal accountability of United Nations officials and experts on mission (A/71/167). The Organization's policies with regard to criminal accountability of United Nations officials and experts on mission should continue to be implemented in accordance with General Assembly resolution 66/93.

37. 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. CELAC reiterated its full support for a zero-tolerance policy in cases of sexual exploitation and abuse and other criminal conduct.

38. CELAC stressed the importance of receiving regular statistics from the Secretariat about substantiated allegations. Improving on the reporting practice would benefit 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 its immediate referral to the States

concerned. CELAC appreciated the questionnaire on criminal accountability of United Nations officials and experts on mission provided in the Secretary-General's report and the additional information contained in annex II to the report on the nature of the allegations and information received from States on all referrals since 1 July 2007. The reporting process must be implemented effectively and efficiently.

39. 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 likewise follow up on those actions.

40. The Secretary-General and all Member States shared responsibility for taking measures 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 also on steps to prevent the abuse of privileges and immunities.

41. 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 of evidence and its assessment and review 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.

42. **Mr. Nasimfar** (Islamic Republic of Iran), speaking on behalf of the Non-Aligned Movement, said that the Movement attached great importance to the issue of 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.

43. The Non-Aligned Movement looked forward to continuing the consideration in the Sixth Committee of the report by the Group of Legal Experts on ensuring the accountability of United Nations staff and experts on mission with respect to criminal acts committed in peacekeeping operations (document [A/60/980](#)) 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.

44. General Assembly resolution [61/291](#), which endorsed the amendments approved by the Special Committee on Peacekeeping Operations to the revised draft model Memorandum of Understanding, must be implemented without delay. That process would strengthen accountability mechanisms and contribute to guaranteeing due process with respect to investigations of acts of sexual exploitation and abuse.

45. Full implementation by all Member States of General Assembly resolutions [62/63](#), [63/119](#), [64/110](#) and [65/20](#), [66/93](#), [67/88](#), [68/105](#), [69/114](#) and [70/114](#) could help close jurisdictional gaps. Member States should exercise their jurisdiction in applicable cases to ensure that criminal acts did not go unpunished. An assessment of the need for any further measures by the General Assembly could subsequently be undertaken. Important policy and remedial measures had been agreed but must still be implemented. Progress must also be made with short-term measures.

46. The Non-Aligned Movement was concerned about alleged crimes on the part of United Nations officials and experts on mission, including allegations of 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 personnel 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.

47. 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.

48. **Mr. Joyini** (South Africa), speaking on behalf of the African Group, said that the Group supported the Secretary-General's zero-tolerance policy with regard to criminal conduct, especially sexual exploitation and abuse, by United Nations officials or experts on mission. Criminal accountability was a pillar of the rule of law, and it was crucial to the Organization's integrity, effectiveness and credibility. A clear signal must be sent that criminal behaviour was not tolerated. Member States should exercise jurisdiction in applicable cases to ensure that criminal acts did not go unpunished.

49. Jurisdictional gaps, in situations where the host State was unable to exercise its jurisdiction with respect to an alleged offender and the State of nationality of the alleged offender could not assert its jurisdiction over crimes committed in the host State, could be remedied by the measures adopted in several General Assembly resolutions, if properly implemented. While some Member States expressed a preference for a predominant role to be played by the host State, the African Group and other States preferred to emphasize the role of the State of nationality. The United Nations was to be commended for its efforts to refer cases of possible crimes of a serious nature to the State of nationality.

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

involving serious crimes committed by United Nations officials and experts on mission.

51. **Ms. Beckles** (Trinidad and Tobago), speaking on behalf of the Caribbean Community (CARICOM), said the Community recognized the invaluable contribution of United Nations experts and officials on mission. In the CARICOM region, Haiti had benefited immensely from the United Nations Stabilization Mission in Haiti (MINUSTAH), which had assisted Haitian authorities in such areas as electoral support, strengthening of the rule of law, promotion of justice and training of the National Police.

52. CARICOM recognized the need to bring to justice persons who violated the rule of law, international human rights law or international refugee law. The privileges and immunities of United Nations officials and experts on mission came with the concomitant duty to respect the laws of the host State and United Nations standards of conduct. CARICOM underscored the importance of ensuring that all United Nations officials and experts on mission behaved in a manner which preserved the image, credibility, impartiality and integrity of the Organization.

53. The Community continued to be concerned over allegations of misconduct and sexual abuse of women and children during peacekeeping missions. The exploitation of the most vulnerable by persons sent to protect them was a fundamental betrayal of trust, further compounded when the perpetrators were not brought to justice. CARICOM therefore welcomed the Secretary-General's commitment to refer to the Member State for appropriate action any credible allegations of sexual exploitation and abuse by United Nations officials or experts on mission. With a view to preventing impunity and ensuring that the perpetrators were brought to justice, States which had not yet done so must establish jurisdiction over crimes committed by nationals while serving on peacekeeping missions.

54. CARICOM urged States to cooperate in providing assistance with criminal investigations or extradition proceedings with respect to crimes of a serious nature committed by United Nations officials and experts on mission as well as in ensuring the protection of victims. All cases of suspected misconduct or criminal offences must be reported.

55. In accordance with General Assembly resolution 70/114, CARICOM underlined the need to ensure that all personnel were properly vetted by contributing States and the Organization for any prior misconduct while serving on previous missions. Personnel and experts on mission must receive training on the need to respect the laws of the host State and United Nations standards of conduct, and they must be made aware of the consequences of failing to do so. CARICOM commended the United Nations for its efforts in that regard, and the Secretary-General for promoting a zero-tolerance policy on sexual exploitation and abuse.

56. The Community reiterated the importance of abiding by the principles of international law, due process and the Organization's rules and regulations when dealing with any allegation of misconduct or criminal offence committed by United Nations personnel on mission.

57. **Ms. Mezdrea** (Observer for the European Union), speaking also on behalf of the candidate countries Albania, Montenegro, Serbia and the former Yugoslav Republic of Macedonia; the stabilization and association process country and potential candidate Bosnia and Herzegovina; and, in addition, the Republic of Moldova and Ukraine, said that the European Union was concerned about crimes committed by United Nations officials and experts on mission, including sexual exploitation and abuse, corruption, fraud and other financial crimes. It continued to support the Organization's policies of zero tolerance and zero impunity for sexual exploitation and abuse, which must extend to all crimes committed by United Nations military, police and civilian personnel. Impunity was detrimental to the credibility and effectiveness of the United Nations; it undermined the trust of local communities and deprived victims of justice.

58. The primary responsibility for bringing perpetrators to justice rested with Member States. The State of nationality of an alleged offender must be promptly informed and consulted by the United Nations and must act in a timely manner, establish and exercise jurisdiction, investigate and, where appropriate, prosecute. The European Union regretted that virtually all referrals of allegations since 1 July 2007 remained outstanding, as little or no information had been forthcoming from the States of nationality. All States must provide information on referrals as



soon as possible, including the reasons why investigations and/or prosecutions had not been pursued, and the Secretariat should follow up with individual States.

59. Throughout the past year new appalling allegations of sexual exploitations and abuse by United Nations peacekeepers had surfaced. Although the greater number of new allegations of sexual exploitation or sexual abuse in 2015 compared to 2014 might in part reflect better awareness and more extensive reporting, it also showed the need for a more resolute response in the areas of prevention, enforcement and remedial action. The European Union welcomed the Secretary-General's report on special measures for protection from sexual exploitation and sexual abuse and its update on system-wide initiatives undertaken since February 2016.

60. Security Council resolution [2272 \(2016\)](#) was another positive step towards ensuring that the perpetrators of such crimes were held accountable. The European Union also welcomed General Assembly resolution [70/286](#), which provided for the necessary tools to enforce a zero-tolerance policy.

61. Training on United Nations standards of conduct was an indispensable preventive measure. The European Union welcomed the strengthening of the United Nations Conduct and Discipline Unit agreed by the General Assembly and supportive measures such as predeployment and in-mission training of personnel on human rights, international humanitarian law, gender-based violence and civilian protection.

62. The European Union was concerned by the number of allegations of corruption, fraud and theft. Such actions meant that the Organization's funds were being stolen or diverted from its efforts to promote peace, security and sustainable development.

63. The European Union 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. To assess that possibility, more information should be provided by the Member States and the Secretariat. The European Union commended the Secretariat's efforts to gather such information and encouraged all Member States to respond as soon as

possible; it also requested the Secretariat to produce a summary, in table form, of data provided by States on jurisdiction and cooperation provisions in their domestic systems.

64. **Ms. Stener** (Norway), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said that, although 10 years had elapsed since the topic of criminal accountability of United Nations experts and officials had first been put on the Sixth Committee's agenda, its importance had not diminished; hence the need for both the United Nations and Member States to enforce a zero-tolerance policy for such crimes. The United Nations had taken important and timely steps over the past two years, in particular the establishment in 2016 of the Office of the Special Coordinator on Improving the United Nations Response to Sexual Exploitation and Abuse, but much still remained to be done before the Organization had fully implemented a zero-tolerance policy.

65. Contributing States had primary responsibility for ensuring or establishing jurisdiction for serious crimes committed by their nationals while serving on United Nations missions. The Nordic countries encouraged all Member States to submit information to the Secretariat on the status of their domestic legislation in that regard, in accordance with General Assembly resolution [70/114](#).

66. Training and awareness-raising were key to building and upholding a culture in which impunity for crimes committed on mission was unacceptable and in which individuals were encouraged by the Organization to report alleged crimes. However, States must have national legislation in place to enable them to investigate and prosecute offences. The Nordic countries suggested the elaboration of a policy on minimal requirements for States that contributed officials and experts to United Nations missions. An essential requirement should be that all contributing countries must have the jurisdiction in place to be able to investigate and prosecute crimes committed by their personnel serving abroad. The Nordic countries remained ready to consider a proposal for a comprehensive international legal framework to ensure that criminal conduct was addressed.

67. The Secretary-General's report showed that, since 1 July 2007, of the 89 cases referred to Member States,

the latter had provided information to the Secretary-General on follow-up in their national jurisdictions in only 16 instances. That illustrated a general tendency not to handle such cases adequately. The virtual absence of feedback on referred cases during the reporting period 2015-2016 was totally unacceptable.

68. The resolution on the item must be amended to ensure inclusion in the report of information concerning which Member States had and, even more importantly, which Member States had not provided any feedback to the Secretary-General on follow-up.

69. It was vital to ensure accountability for persons who committed crimes while serving as United Nations experts and officials. The very credibility of the Organization was at stake. Anything less than full transparency regarding Member States' willingness and ability to hold their own nationals accountable for crimes committed while in the service of the United Nations was unacceptable. All Member States must uphold the principles of due process and the rule of law while investigating and prosecuting such cases, and it was equally important to ensure the effective protection of victims, witnesses and whistle-blowers.

70. **Ms. Boucher** (Canada), speaking also on behalf of Australia and New Zealand, said that only a small number of officials and experts on mission committed crimes as compared to the many carrying out the Organization's work in accordance with the highest possible standards. Yet that small number called into question the reputation, credibility, impartiality and integrity of the United Nations. The failure to hold those few to account risked tarnishing relations between the United Nations and the local population; it also undermined the success of the operation and wider efforts to promote the rule of law, security, development and human rights.

71. The three delegations were appalled at the rise in allegations of sexual exploitation and abuse by United Nations personnel on mission, which often harmed the most vulnerable groups in the very populations that the United Nations was seeking to protect.

72. Criminal conduct could not be tolerated. Criminal activities, including corruption and other financial crimes, committed by United Nations personnel might well discourage local communities from cooperating with the United Nations in environments in which

support from the local community was needed most. In that connection, the appointment in 2016 of the first Special Coordinator on Improving the United Nations Response to Sexual Exploitation and Abuse was to be welcomed.

73. The three countries supported the measures set out in Security Council resolution [2272 \(2016\)](#) on sexual exploitation and abuse and noted with interest the measures cited in the Secretary-General's report on that topic ([A/70/729](#)), which were aimed at strengthening investigations into allegations of sexual exploitation and abuse, including a six-month timeline for United Nations investigative entities to conclude investigations and the development of uniform standards of investigation. They were deeply concerned, however, that, according to the Secretary-General's report on criminal accountability of United Nations officials and experts on mission ([A/71/167](#)), in 73 out of the 89 cases that had been referred to Member States for investigation and possible prosecution, no information had been received from those States.

74. Member States that had not yet done so should consider establishing jurisdiction for such cases, and all Member States should investigate allegations of criminal conduct by their nationals, hold perpetrators accountable, including through prosecution, and report on efforts made in that regard. They should also take preventive steps, such as predeployment training and screening.

75. In closing the impunity gap, Member States and the United Nations must develop a culture in which the reporting of alleged crimes was encouraged and safeguards against retaliation were established. States should provide information on any obstacles to effective prosecution that they might encounter, whether jurisdictional, evidentiary or otherwise. It was also important to strike a balance between a speedy and effective investigation, the protection of the rights of the victims and the accused, and the functional independence and neutrality of the United Nations.

76. The three countries supported, in principle, the proposal for a convention that would require Member States to exercise criminal jurisdiction over nationals serving in United Nations operations abroad, and they reiterated their call for continued implementation of

the Secretary-General's zero-tolerance policy. No one should be above or outside the law.

77. **Ms. Carnal** (Switzerland) also noted the low rate of response by States to requests for information about allegations involving their nationals. Moreover, the number of crimes committed by United Nations staff appeared to be on the rise since 2007. The figures did not reflect the total number of crimes committed by United Nations staff, as they only concerned cases referred to the State of nationality of the suspect but not those which might have been referred to the host State or other States or for which the Secretariat had deemed referral unnecessary. In addition, it was unlikely that that figure reflected the statistics on United Nations funds and programmes. There was also a lack of coordination between the various entities involved, and cooperation between the Member States was inadequate, ultimately making it extremely difficult to follow up criminal allegations effectively.

78. Consequently, the Secretary-General's next report should contain information on cases referred to the host State or other States, as well as on the criteria used to determine whether or not a case should be referred. To ensure the completeness of the report, the United Nations funds and programmes should systematically send the Secretary-General any information on allegations of crimes committed by their staff.

79. Although the States themselves must take measures to follow up on referrals, the Secretary-General had a vital role to play in ensuring coordination and providing the necessary impetus, and he should therefore adopt a proactive approach and examine the handling of cases referred to Member States on a more regular basis.

80. A coherent and global response was required that targeted all types of crime and all United Nations staff. Although Switzerland welcomed the creation of the post of Special Coordinator on Improving the United Nations Response to Sexual Exploitation and Abuse and the adoption of Security Council resolution [2272 \(2016\)](#), measures must also be taken pertaining to other types of crime, such as financial offences, and with respect to United Nations civilian personnel, not just in the Secretariat but also in the funds and programmes. Procedures and mechanisms must be introduced to

ensure that all crimes committed by United Nations staff were dealt with consistently and professionally.

81. The fight against impunity for crimes committed by United Nations staff could not make headway without the active commitment of States, which must investigate the cases of which they were aware and notify the Secretary-General about measures taken. The resolution to be adopted in 2016 should call upon Member States to report on the progress of investigations and disciplinary proceedings and measures within their jurisdiction, including cases from previous years, and provide information on action taken to prevent a recurrence of such acts. Those efforts should not just concern the State of nationality of the alleged offender, but also the State where the individual was found or the individual's State of residence, as well as the host States of United Nations missions and the Organization's various entities.

82. Although an international convention would facilitate the prosecution of the perpetrators, other measures should also be taken without delay to improve the situation.

83. **Mr. Ahmed** (Sudan) said that his delegation was deeply concerned about the continuing allegations of sexual exploitation and abuse, physical assault and killings by members of peacekeeping missions. The statement in the Secretary-General's report to the effect that no information on investigations had been received from Member States showed that there were gaps in the reporting, submissions, responses and feedback between the host State, contributing countries and the United Nations, which could lead to impunity.

84. 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 United Nations officials or experts on mission, including sexual exploitation or abuse or 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.

85. 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 international multilateral instruments as well as bilateral agreements on judicial assistance.

86. There was a need for concrete procedures to bring perpetrators to justice. Not only must justice be done, it must also be seen to be done. The immunities and privileges enjoyed by international personnel were perceived as an obstacle by host States with jurisdiction to bring perpetrators to justice for crimes committed on their soil. Standard procedures must be introduced which waived the immunity of the perpetrators, especially when they had temporary contracts for particular programmes in the host State.

87. **Mr. Zamora Rivas** (El Salvador) said that, as a country that had benefited from United Nations peacekeeping missions, El Salvador was aware of the difficulties facing States and the special vulnerability of their populations in such situations as armed conflict and disasters. Such circumstances required all United Nations missions to be carried out in strict compliance with the purposes and principles of the Charter of the United Nations and all obligations stemming from the rule of law. United Nations personnel must abide by international law and the local laws and customs in the country in which they served; if they committed crimes, they must be punished. Immunity was not synonymous with impunity.

88. El Salvador provided training for staff to ensure that their actions were in accordance with applicable norms, including the Code of Personal Conduct for Blue Helmets. Candidates for peacekeeping operations underwent a vetting process so as to exclude the participation of anyone who had committed a crime in El Salvador, including crimes of a sexual nature, corruption, financial crimes, human rights violations or violations of international humanitarian law.

89. Recent years had seen an explosion in allegations of sexual abuse committed by United Nations staff during peacekeeping operations. That clearly indicated the existence of a longstanding culture of tolerance, and even concealment in some cases, at the Organization's senior-management level. Action taken by the Secretary-General to give teeth to his zero-

tolerance policy had had a preventive effect, but the culture of silence persisted.

90. His delegation called for an international instrument that was binding on all States and that defined the responsibilities of United Nations officials, experts and troops on mission as well as of the chain of command within the Secretariat so as to combat the lack of due diligence and the concealment of crimes committed by personnel. The argument that such an instrument was unnecessary because of the small number of cases or because the information provided by the Secretary-General in his reports was inconsistent was not convincing. A convention would above all have a preventive effect, but as long as it was not negotiated, signed and implemented, El Salvador would continue to abide by the legal obligations at domestic level.

91. **Mr. Leonidchenko** (Russian Federation) said that his Government firmly condemned cases of sexual abuse committed by United Nations officials and experts on mission. The Secretariat must inform States in full and without delay of cases in which persons serving on United Nations missions were accused of crimes. Communications channels between the Organization and States must continue to be strengthened.

92. The preventive measures developed with the participation of the General Assembly were, on the whole, adequate to address the problem. His delegation commended the predeployment training of persons involved in peacekeeping operations and special political missions.

93. The investigation of United Nations personnel should be carried out in strict compliance with the norms of international law, with the leading role in establishing jurisdiction being played by the State of nationality of the official. Bearing in mind the special status of such personnel, that would ensure their right to a fair trial.

94. The domestic legislation of the Russian Federation and the international treaties to which it was a party contained provisions allowing for the prosecution in certain cases of persons for offences committed outside the national territory. Given that the legislation of most States allowed for prosecution, the need for a new international convention made sense

only if a lacuna was discovered that prevented the establishment of accountability. If the political resolve to implement existing domestic legislation was lacking, an international convention was unlikely to make any difference.

95. *Mr. Ahmad (Pakistan), Vice-Chair, took the Chair.*

96. **Ms. Thitthongkham** (Thailand) said that impunity undermined the integrity, credibility and effectiveness of the United Nations and its peacekeeping operations. Thailand had actively participated in the Leaders' Summit on Peacekeeping held in September 2015 and was committed to its declaration that proper conduct by, and discipline over, all personnel deployed in United Nations peacekeeping operations were vital to their effectiveness. Her delegation also reaffirmed its support for the Organization's zero-tolerance policy on all forms of sexual exploitation and abuse.

97. As a troop-contributing country, Thailand considered it crucial for peacekeepers to comprehend their mandates and status. It therefore reiterated the importance of predeployment training and in-mission induction concerning the obligation to respect United Nations standards of conduct and the requirement to observe the laws of the host country. In that respect, it appreciated the support of the Department of Peacekeeping Operations and the Department of Field Support in providing technical assistance for the predeployment training of Thai officials and police. Thailand was also in favour of the increasing role of women in peacekeeping operations.

98. At the national level, Thai law ensured criminal accountability of nationals, including those serving as United Nations officials or experts on mission. The Thai Criminal Code established jurisdiction for serious criminal offences committed by government officials or members of the armed forces in the course of their official duty outside the national territory. To end the culture of impunity, Thailand had been cooperating with many countries within the framework of extradition agreements and on the basis of reciprocity. Acts of corruption committed by foreign government officials and the personnel of international organizations constituted an offence under domestic legislation.

99. Her delegation called on States to consider establishing jurisdiction over serious crimes committed by their nationals while serving on United Nations missions. The immunity of alleged perpetrators must not shield them from accountability.

100. **Ms. Krisnamurthi** (Indonesia) said that that her country remained concerned about the impact on the Organization's image, credibility, impartiality and integrity of criminal acts committed by some United Nations officials and experts on mission. While the privileges and immunities of such persons should be preserved, prevailing national and international law should be respected. It was important to avoid impunity for such crimes and ensure justice for the victims.

101. Indonesia firmly supported the Organization's zero-tolerance policy with regard to any sexual exploitation or abuse committed by its personnel. All allegations must be thoroughly investigated, and countries whose troops or police had been accused should inform the United Nations of the outcome of their investigations and action taken within an appropriate time frame.

102. Any United Nations action to combat sexual exploitation and abuse must not inadvertently call into question the conduct of the overwhelming majority of the more than 100,000 peacekeepers currently serving in 16 peacekeeping missions, who discharged their tasks in an exemplary fashion under extremely difficult conditions. Measures to counter sexual exploitation and abuse must be efficient, but must also be balanced and must address the problem effectively, ensuring the widest possible ownership by Member States. In addition to the Organization's prevention, enforcement and remediation efforts, the Special Committee on Peacekeeping Operations, which had a comprehensive mandate for reviewing the missions, must also consider the Secretary-General's recommendations for action to counter sexual exploitation and sexual abuse.

103. Indonesia welcomed the predeployment training on United Nations standards of conduct and the provision of technical advice and support to Member States. Its troops and police received intensive training. Some 2,850 Indonesian peacekeepers were currently serving in 10 United Nations peacekeeping operations, and Indonesia planned to raise that figure to 4,000

peacekeepers by 2019, which would put it in the top 10 of troop and police contributing countries.

104. **Mr. Medina Mejías** (Bolivarian Republic of Venezuela) said that his Government supported the policy of zero tolerance towards criminal acts, including sexual exploitation and abuse, which caused harm to victims, their families and the host State, tarnished the reputation of the United Nations and undermined its effectiveness.

105. His delegation welcomed the progress made in predeployment training for peacekeeping forces, which was an effort that should be shared between the United Nations and the State of nationality, and it underscored the need to ensure the highest standards of integrity of United Nations officials, in line with Article 101, paragraph 3, of the Charter of the United Nations. States must make every effort to investigate, prosecute and punish crimes committed by their nationals while serving as United Nations officials and experts on mission so as to address impunity, while preserving the fundamental right to due process.

106. Under article 4, paragraph 16, of Venezuela's Criminal Code, judicial proceedings could be instituted against members of the armed forces for punishable acts committed against the inhabitants of a neutral State. Although domestic legislation prohibited the extradition of Venezuelan nationals, article 6 of the Criminal Code stipulated that such persons must be tried in Venezuela at the request of the injured party or the Office of the Prosecution if the alleged offence was punishable under Venezuelan law.

107. **Ms. Pierce** (United States of America) said that, following shocking allegations of sexual exploitation and abuse by United Nations peacekeepers, the Secretary-General had demonstrated strong leadership in promoting transparency, accountability and prevention, as well as assistance to victims. His reforms had prompted a cultural shift in the Organization, taking sexual exploitation and abuse out of the shadows and holding all United Nations personnel, including United Nations commanders and senior managers, accountable for how they addressed the issue. The United States expected that the next Secretary-General would approach the question of sexual exploitation and abuse with the same thoroughness and determination.

108. Sexual exploitation and abuse was not the sole form of misconduct. Annex II to the Secretary-General's report (A/71/167) included information on numerous allegations of other crimes and violations of the United Nations code of conduct committed by United Nations officials and experts on mission, including corruption, fraud, physical assault, counterfeiting, firearms violations, diamond smuggling and theft. Any criminal activity by United Nations personnel tarnished the Organization's reputation, could seriously impede the effective implementation of mission mandates and could victimize the very people that United Nations personnel were mandated to assist or protect.

109. Her delegation welcomed the work by the Department of Field Support and the Office of Legal Affairs to finalize guidance for the field on procedures for referring possible criminal misconduct to host States and would appreciate an update during the current session on the status of that guidance. It noted, however, that of the 89 reports from 2007 to 2016 involving United Nations personnel listed in annex II to the Secretary-General's report, in only one had the United Nations requested a waiver of immunity and in only 16 had there been any information on action taken by Member States; of those 16, the information given had simply been that investigations had been initiated, with no further information on the outcome. That was not acceptable. The lack of reporting and follow-up gave the impression of impunity for alleged crimes.

110. The United States remained committed to consideration by the Sixth Committee of whether an international convention could play a useful role in closing jurisdictional gaps that might prevent Member States from holding their nationals accountable for criminal acts committed while serving as United Nations officials and experts on mission.

111. The United States welcomed the data on domestic laws set out in the Secretary-General's report, but more information was needed, in particular about the laws of those Member States which had indicated that they faced legal challenges to holding their nationals to account. The United States intended to submit information soon, and it encouraged others, especially States that acknowledged such legal gaps, to follow suit. The Sixth Committee must have a full picture of obstacles in the domestic legal landscape so that it



could give closer consideration to the possible impact and form of a potentially legally-binding instrument. That would also help the Committee examine other approaches or solutions that might be more effective.

112. The United States strongly supported bilateral and multilateral efforts to address challenges that countries might be facing in terms of limited expertise and capacity for investigation and prosecution, and it was reviewing its own programmes to see where and how it could be helpful.

113. **Ms. Guadey** (Ethiopia) said that, as one of the leading troop contributing countries to United Nations peacekeeping operations, Ethiopia was concerned that crimes committed by a few persons were having a detrimental effect on the fulfilment of United Nations mandates and were undermining the efforts of United Nations officials and experts on mission. It was essential to ensure that such criminal acts never went unpunished and that the perpetrators were prosecuted. Her delegation reiterated Ethiopia's unwavering commitment to the Secretary-General's zero-tolerance policy regarding sexual exploitation and abuse.

114. Her country's peacekeepers received predeployment training, including on sexual exploitation and abuse. Ethiopia continued to work to address possible risk factors, and whenever it received any report of sexual misconduct by its peacekeepers, it was determined to carry out the necessary investigation and take appropriate measures. Ethiopian courts had jurisdiction over Ethiopian officials and experts on mission who enjoyed immunity from prosecution at the place of commission of a crime. Her Government was committed to taking all appropriate measures to bring the perpetrators of such crimes to justice. While allegations of sexual exploitation and abuse were extremely serious, they should be based on verifiable facts. Ethiopia's own limited experience had shown that some allegations did not meet minimum evidentiary standards.

115. Cooperation between States and the United Nations in investigating allegations of criminal conduct by United Nations personnel was crucial. Member States should establish jurisdiction over crimes committed by their nationals while serving the United Nations abroad so that existing legal gaps were eliminated, impunity was prevented and justice was served. Member States must assist in criminal

investigations and extradition proceedings. The General Assembly should remain seized of the matter, since it was the appropriate forum for finding a comprehensive solution to the problem.

116. **Mr. Abidogun** (Nigeria) said that his country had consistently supported General Assembly resolutions urging States to take all appropriate measures to ensure that crimes committed by United Nations officials and experts on mission did not go unpunished and that the perpetrators were brought to justice. Nigeria's personnel and experts on mission received predeployment training on standards of conduct. Nigeria looked forward to further briefing on the subject by the Secretariat at the current session and encouraged Member States to redouble their efforts during the intersessional period to make specific proposals on how to ensure accountability.

117. As a troop contributing country, Nigeria supported the Secretary-General's zero-tolerance policy. Serious crimes, including sexual exploitation and abuse, committed by officials and experts while on mission had a detrimental effect on the image, credibility and integrity of the Organization. The United Nations should refer cases of alleged misconduct to the State of nationality for investigation and possible prosecution. Nigeria exercised jurisdiction over its nationals on mission and ensured that any crimes committed did not go unpunished.

118. Nigeria welcomed the measures implemented by the Department of Peacekeeping Operations and the Department of Field Support regarding awareness-raising activities for personnel serving in field missions; it endorsed the initiative aimed at developing an accountability framework as a yardstick for the performance of such missions; and it supported practical steps to strengthen predeployment and in-mission induction training.

119. Member States should cooperate with the Organization in the exchange of information and timely facilitation of investigations and possible prosecution where investigations showed that a crime might have been committed.

120. **Ms. Ben Avraham** (Israel) said that United Nations officials and experts on mission who committed serious crimes must be investigated and prosecuted, without prejudice to the privileges and

immunities of such persons, and in accordance with international human rights standards, including due process. The development of legal instruments to prevent impunity and promote accountability would strengthen the public image of the United Nations, especially with respect to its relations with the host country. Failure to adjudicate serious crimes might undermine the United Nations mandate.

121. Israel looked forward to seeing how States would develop their national legislation to ensure the criminal accountability of nationals serving on United Nations missions, and it urged States to take steps to prevent impunity. Member States' actions could be more efficient if the United Nations showed a willingness to investigate allegations against its personnel on mission and to cooperate with the authorities of the Member State where the events took place. In cases where personnel were entitled to immunity from jurisdiction, United Nations authorities must work to find solutions outside of local tribunals, including settlements with the victims of the offence, especially when there had been deaths or serious injuries.

122. Israel welcomed the decision to urge the Secretary-General to continue to take other practical measures to promote training in United Nations standards of conduct, and it took note of the proposal to establish a mechanism allowing the Security Council to examine a State's participation in United Nations missions when that State had failed to investigate and adjudicate crimes committed by its nationals. Israel hoped that those initiatives would raise the awareness of States regarding the principles of proper conduct and crime prevention by their nationals serving on such missions.

123. **Mr. Sandoval Mendiola** (Mexico) said that it was a matter of concern that very few reports received since 2007 included information from States on measures adopted to investigate sexual exploitation and abuse. Regrettably, some States still failed to take measures to address the problem. When crimes were not prosecuted, they went unpunished.

124. The next report of the Secretary-General should detail the measures taken by the countries of origin of the perpetrators and by the host country as well as the duration and results of the investigations and, where appropriate, of the prosecution, and also any disciplinary measures adopted by the United Nations

that might contribute to the investigation; that would help ensure accountability. States whose troops appeared on the lists of the Secretary-General's annual reports on children in armed conflicts and on sexual violence should not be permitted to send contingents until they were removed from such lists.

125. Mexico stressed the importance of ensuring that United Nations peacekeeping personnel complied with their obligations in a manner compatible with the Charter of the United Nations, and it supported the policies of zero tolerance and zero impunity. The fight against sexual exploitation and abuse would not be won without the participation of all Member States and their commitment to cooperate with the United Nations to prevent such acts. In that connection, Mexico welcomed the appointment of the Special Coordinator on Improving the United Nations Response to Sexual Exploitation and Abuse.

126. States must establish jurisdiction for serious crimes committed by their nationals while serving as United Nations officials and experts on mission. A convention on the subject would establish an international treaty framework requiring States to try or extradite accused persons and to cooperate and provide mutual legal assistance to that end.

127. Pursuant to Mexico's Criminal Code, cases involving crimes committed by a national abroad or by a foreigner against a national could be tried by Mexico under the following conditions: if the accused person was on the national territory, if no final decision had been handed down in another State and if the act constituted an offence in the State in which it was committed.

128. The United Nations and contributing States bore joint responsibility for strengthening predeployment and in-mission training on the Organization's rules of conduct and on human rights, as well as for applying standards for systematically vetting the personnel deployed. As a country that had recently joined others in contributing troops to peacekeeping operations, Mexico reaffirmed its commitment to human rights and accountability.

129. **Mr. Remaoun** (Algeria) said that the persistence of sexual exploitation and abuse by a small number of peacekeepers undermined the credibility and image of United Nations peacekeeping missions. His delegation

endorsed the Secretary-General's decision to repatriate a military or police unit of a contingent when there was credible evidence of widespread or systemic sexual exploitation and abuse, but repatriation was not sufficient: States must take actions to hold their nationals accountable.

130. Algeria welcomed the establishment of immediate response teams to gather and preserve evidence, pending the initiation of an investigation, together with the efforts being made to improve the speed and quality of investigations. Algeria reiterated its concern about allegations of corruption and other financial crimes committed by United Nations officials and experts on mission. It reaffirmed its support for a zero-tolerance policy, in particular with regard to sexual exploitation and abuse, financial fraud and corruption. His Government expressed its support for the implementation of preventive and practical measures to improve predeployment and in-mission induction training on United Nations standards of conduct.

131. **Mr. Rao** (India) said that it was worrying to see the increasing number of criminal cases reported over the years, especially those involving sexual exploitation and abuse. His delegation welcomed the information contained in the Secretary-General's report about the programme for vetting personnel and was pleased that awareness-raising activities continued to emphasize the obligation of all United Nations personnel to observe the laws of the host State and the consequences of failing to do so. It also appreciated the Secretary-General's efforts to launch an e-learning programme on sexual exploitation and abuse.

132. Implementation of General Assembly resolution [70/114](#), which strongly urged all States to consider establishing jurisdiction over crimes committed by their nationals while serving as United Nations officials and experts on mission, at least where the conduct constituted a crime in both the host country and the country of nationality, would help fill the jurisdictional gap in respect of States which did not assert extraterritorial jurisdiction for crimes committed by their nationals abroad.

133. Dealing with the wrongdoings of United Nations officials and experts on mission did not require the development of an international convention. Instead, States should ensure that their laws provided for

jurisdiction and had adequate provisions for prosecuting any such conduct by their nationals. Domestic law should also make provision for international assistance in the investigation and prosecution of crimes committed.

134. India's Penal Code and its Code of Criminal Procedure had provisions for addressing extraterritorial offences committed by nationals and for seeking and providing assistance in such matters. The Indian Extradition Act of 1962 dealt with extradition of fugitive criminals and allowed for extradition under a bilateral treaty or international convention.

135. **Mr. Horna** (Peru) said that Peru remained committed to the Secretary-General's zero-tolerance policy, and it strongly condemned any inappropriate conduct on the part of United Nations troops that would undermine the credibility and effectiveness of peacekeeping operations. That was without prejudice to the privileges and immunities of United Nations personnel under international law.

136. With a view to ensuring accountability, his delegation called on all States and the Organization to cooperate by exchanging information and facilitating investigations, and it urged States to offer mutual assistance in investigations and criminal proceedings involving serious crimes committed by United Nations personnel. It was essential to improve reporting methods and to expand the scope of reporting by providing information on instances where credible allegations had been referred.

*The meeting rose at 1 p.m.*