

Security Council Open Debate on Sexual Violence in Council, April 2014, Security Council Chamber
Statement by Prince Zeid Ra'ad Zeid Al-Hussein Permanent Mission of Jordan to the United Nations.

We are grateful to the Secretary-General and his Special Representative Zeinab Bangura and Ms. Rhoda Misaka for their important comments and insights this morning, and for the outstanding work undertaken by Special Representative Bangura and her dedicated staff.

The Secretary-General's report (S/2014/181) makes for grim reading, and very clearly there is much we, the Member States concerned, need to do. And in that context, when it comes to the presence of Syrian refugees in Jordan and their vulnerabilities, as alluded to in the report, even though we note that the principal refugee camp for Syrians falls under the supervision of the Office of the United Nations High Commissioner for Refugees, the Jordanian Government accepts full responsibility for whatever may happen on its territory and is committed to ensuring the security of all refugees, especially women and children. Naturally, we condemn any attempt by any individual or individuals to exploit them. We also need help — much more help — and perhaps we will soon reach a stage at which other countries with real capacities may consider sharing the burden and accepting greater numbers of Syrian refugees than is presently the case.

Turning to the Secretary-General's recommendations, I join others in stating that it is pointless discussing accountability for sexual crimes perpetrated against women, girls and boys unless we do two things. The first is our need to properly understand the extent to which functioning courts are second only in importance to the provision of security and on an equal footing with humanitarian considerations when it comes to the United Nations involvement in conflict or post-conflict environments. Without a properly resourced single vehicle for the delivery of legal and judicial support, the United Nations will continue to fall short in delivering what it should to distressed communities. Secondly, the International Criminal Court needs to be supported by the Council to the hilt, and no serious discussion on combating the worst forms of sexual violence can be obtained from a Council unwilling to do that.

Finally, I ask once again the painful question of whether we as a collective membership, bound together in this Organization by its Charter, actually have the credibility to offer strong opinions on this subject matter? Do we have the credibility when all of us have refused to undertake the complete range of actions necessary to ensure that sexual exploitation and abuse by our own peacekeepers — United Nations peacekeepers — is reduced to zero? Can we not be accused by others of hypocrisy when in this Chamber we rightly condemn all expressions of conflict-related sexual violence committed against women, girls and boys, and speak of them as criminal and intolerable — as we have done for 14 years now — while down the hall, only a few metres from here in the Sixth Committee, we do next to nothing, year in year out, on the draft convention on criminal accountability of United Nations officials and experts on mission — a draft that has been on the agenda of the Sixth Committee since 2007.

Let us be clear about what it is we are saying by our inaction. We are saying that it is okay by us when a United Nations civilian staff member commits rape in a United Nations peacekeeping mission, where the host country has no functioning judiciary and when the country of nationality cannot exercise its criminal jurisdiction extraterritorially over the accused because it has no law allowing it to do so. Is that our view? Rapes perpetrated by United Nations civilian staff members in that context can go unpunished? That is precisely what it is we are saying, year after year. Please do not think those crimes have not happened, because they have.

Do we have any credibility when we also insist that the United Nations has no business in relation to the conduct of investigations for alleged crimes committed by our own United Nations uniformed peacekeepers, knowing that in the past we, the Member States, were not reliable enough in guaranteeing that justice be done in respect of the victims? Are we credible when in the last reporting period of the Office of Internal Oversight Services (OIOS) we still had 42 cases of sexual exploitation and abuse involving United Nations

peacekeepers being investigated by that Office? By now, some nine years after we identified both the challenge and the plan needed to eliminate this odious phenomenon, there should be practically no cases at all.

I do not wish to be misunderstood: if we had done everything we should have done over the past nine years to ensure the total elimination of this abominable practice by our own peacekeepers, and they still occurred, then we could accept that there was little more we can do. But we, as Member States, have not done everything, and so we cannot make that claim.

The United Nations is required to set an example before our publics as an Organization that will without question pay special attention to the most vulnerable and defenceless of protected persons in war, with first a guaranteed protection provided by ourselves, from ourselves, and then from others.

What must we therefore do? We must adopt the convention on criminal accountability as soon as possible. We must make the United Nations a co-examiner of the facts, even when the allegations involve United Nations military personnel. We must be more transparent with regard to the severity and nature of the crimes being committed by United Nations peacekeepers. We believe that the OIOS takes too long in establishing the facts, which then must be prepared by the criminal jurisdiction concerned in order for them to become admissible in courts of law. Perhaps, as it was originally suggested, another slim but effective investigative capacity needs to be considered.

We must do better on matters relating to paternity. In situ courts martial for military offenders must be the rule, and not the exception, for sexual offenses. And we must consider again the proposal that all United Nations personnel destined for field service submit a sample of their DNA to the United Nations before they deploy, both to serve as a deterrent to the commission of crimes and for the sake of possible subsequent investigations, including establishing paternity.

Finally, we, the Member States, need to report to the United Nations clearly and at the earliest possible time what judicial steps were undertaken by our authorities with respect to alleged crimes.

If we are serious about confronting the odious phenomenon of conflict-related sexual violence generally, and we are not to be hypocrites, we must think about these issues more seriously.