

6<sup>ème</sup> commission

Point 143

New York, le 6 Novembre 2013

Déclaration de la Suisse

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Monsieur le Président,



Nos délégations

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Finally, both our delegations continue to believe that we need to provide effective legal remedy for non-staff personnel. We are disappointed by the little attention that the Secretary-General brings to bear to this matter in his report. Nowadays it is the responsibility of the UN and the member states to find an adequate solution, also for non-staff personnel, regardless of the nature of the contract they have concluded with the Organisation, while maintaining the principles of independence, transparency and efficiency in the interests of respect for human rights. In fact, we are today facing a situation where an associate of Al Qaeda has a better chance of legally challenging targeted sanctions, imposed by the Security Council than a United Nations volunteer has of receiving compensation for sexual abuse.

Mr. Chairman,

Switzerland, as one of the host states of the United Nations, is very concerned by this issue, a concern shared by Liechtenstein. It must ensure respect for the privileges and immunities that have been agreed in the headquarters agreement concluded with the UN, and in the Convention of 1946 on the Privileges and Immunities of the United Nations to which Switzerland acceded last year. To do this, it is essential that a sufficiently independent, transparent and efficient system be in place to govern litigation with non-staff personnel. Failing this, the Organisation runs the risk of national jurisdictions refusing to recognise its immunity from jurisdiction. This risk has been confirmed by the European Court of Human Rights in its decision of 18 February 1999 "Waite and Kennedy v. Germany". Switzerland and Liechtenstein therefore intend to contribute as much as possible to strengthening the internal dispute-settlement bodies to prevent such a situation from occurring.

Mr. Chairman,

We have not exhausted the legal matters that would benefit from discussion. We would like to add to the record that the Sixth Committee should remain seized of the agenda item administration of justice.

Our delegations will take an active and constructive part in the discussions on this matter.

Thank you, Mr. Chairman.