



**STATEMENT BY AMBASSADOR MATHU JOYINI
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DURING THE UNITED NATIONS HIGH-LEVEL MEETING WITH MEMBER STATES ON
STRENGTHENING THE CONDUCT OF PEACEKEEPING PERSONNEL**

28 JUNE 2021

Chairperson,

I would like to thank the Secretariat for organising this meeting today. I thank the briefers for the information shared with us.

At the outset, let me state that it remains unacceptable for the peacekeeping personnel we deploy to be involved in misconduct. They are entrusted, in the name of the United Nations (UN), with protecting the civilian population where they are deployed and they must adhere to the accepted standards of behaviour.

South Africa is pleased to be recognised as one of the leading troop- and police- contributing countries (T/PCCs) that has undertaken positive measures to mitigate misconduct amongst its peacekeeping personnel. We have, thus, positively accepted the invitation extended to us by the UN to share our experiences and good practices on the ***measures our government has taken to facilitate claims of paternity and maintenance under national law.*** Sharing of experiences amongst T/PCCs is crucial for improving our work.

Chairperson,

South Africa has always demonstrated the political will to learn from our experiences as a T/PCC. This is aptly demonstrated by the pro-active and myriad innovative measures adopted by South Africa to address the behaviour of its peacekeeping personnel deployed in international peace missions prior to, during and post deployment. For the purposes of today's meeting, we will share our ongoing efforts to facilitate paternity and maintenance support claims.

We take our primary responsibility as a T/PCC to investigate allegations of misconduct particularly Sexual Exploitation and Abuse (SEA) by our personnel seriously with a view to hold the perpetrators accountable taking into account all due processes. In line with the legal requirements of a T/PCC, we have worked with the UN to facilitate the pursuit of paternity and maintenance support claims involving children born as a result of SEA and to render victim support.

To give practical expression and support to victims of SEA the following initiatives have been taken:

Firstly, South Africa has developed the **Paternity and Maintenance Support Strategy** to successfully bring claims of paternity and child support to national courts using National Defence Force standing, including any **relevant engagement with the Host States through bilateral arrangement on paternity**. South Africa's paternity and maintenance claims initiatives are in line with the UN's Secretary-General strategy of putting the rights and dignity of victims at the forefront of the UN response.

Secondly, South Africa has appointed the **Chief of Staff of the South African National Defence Force (SANDF) as the Paternity Focal Point** to receive and advise victims and their legal counsel seeking relief under the South African legal system. The Paternity Focal point is assisted by the **Paternity and Maintenance Support Team (PMTS)** to facilitate the paternity and maintenance process, which involves various role players within the legal, medical, operational, Human Resources environments, and even the UN in the mission area.

Thirdly, the **Constitution of the Republic of South Africa of 1996** is our supreme law, and its values form the basis of our Constitutional democracy. It affords fundamental rights to every person in our country and in terms of section 28(2) it stipulates that the best interests of a child are paramount in every matter concerning him or her. **According to South African law, the man whom the mother alleges is the father of a child is regarded as such until a paternity test proves otherwise.**

Fourthly, and most importantly the process and procedure implemented by South Africa for the **facilitation of paternity and maintenance support claims commences with the collection of Deoxyribonucleic Acid (DNA)**. DNA samples have been collected from all SANDF peacekeepers during Mission Readiness Training since 2018, prior to deployment to the UN mission area. The DNA may be used for forensic identification such as bodily remains, paternity analysis and investigation purposes regarding criminal and/or civil litigation.

The deploying members sign a consent form for the collection of their DNA. The DNA samples are deposited on the **DNA database of the South African Military Health Services**. Where there is a reported allegation of paternity, the DNA sample of the child is profiled for comparison against that of the alleged perpetrator by the **National Health Laboratory Services**. The taking of DNA samples is seen as a deterrent to commit SEA and possibly father children in the mission area. Where paternity is proven by DNA profiling, it

further facilitates the process for the payment of maintenance for the child in the mission area.

Lastly, upon notification of a paternity and maintenance claim by the UN, the PMST informs the relevant role players of the support they are to render with regards to the DNA collection and profiling process. The deployed South African medical officer collects the DNA samples. **The Nodal Point in the mission area and the legal officer will assist the victim to institute a paternity and maintenance support claim.** The DNA samples are deposited at 1 Military Hospital laboratory.

Simultaneously with the process of DNA sample collection in the mission area, the implicated member is formally informed of the alleged claim, and members are advised that psycho-social services are available to them during this process. Where a member requires paternity profiling to be conducted and willingly consents to DNA testing, paternity profiling is conducted:

- (i) Where the outcome of the **DNA profiling is positive** and the member is willing to maintain the child, a Consent Maintenance Order is negotiated and maintenance is paid to the victim.
- (ii) Where the outcome of the **DNA profiling is negative** and indicate that the member is not the father of the child, the UN is informed accordingly and the matter is considered finalised.
- (iii) Where the **member refuses to consent to paternity profiling** or is not willing to maintain the child, the judicial process to claim maintenance will be followed.
- (iv) Where the **Maintenance Court finds that the implicated member is the father of the child**, a Maintenance Order will be made and maintenance is paid to the victim. The United Nations is informed accordingly throughout the process.

The PMST is in process of addressing all the outstanding paternity and maintenance claims. Two interim maintenance court orders were issued by the South African military courts in 2018 and 2019 respectively. The first test case in terms of the Directive resulted in confirmation of paternity with the member making the first maintenance support payment in March 2021. Implicated members were called for formal meetings with the PMST, during which the members indicated their voluntary consent to DNA profiling. The process of DNA collection of the implicated members, as well as that of the victims and their children are currently underway.

To conclude, **Chairperson**, these innovative initiatives implemented by South Africa embraces a new victim-centred approach that is rooted in transparency, accountability and ensuring justice to prevent and respond to SEA. This approach promotes remedial action as paternity is determined and financial payment of maintenance support is provided for to the children fathered by South African peacekeepers. Victim support is promoted by assisting mothers, as victims, to care for their children financially. It further promotes accountability in order to end impunity and the transparency of the process followed. It provides for the issuing and enforcement of maintenance orders by the South African civil court system.

South Africa remains committed to adhere to its international obligations to the UN as a Member State and T/PCC to identify, implement and promote measures in mitigation of SEA.

I thank you.