

# UN ACTION TO COUNTER MISCONDUCT

## Fact Sheet

### UN ACTION TO COUNTER SEXUAL EXPLOITATION AND ABUSE AND OTHER FORMS OF MISCONDUCT IN PEACEKEEPING AND SPECIAL POLITICAL MISSIONS

#### UN Policy to Address Misconduct

The highest standards of conduct, professionalism and accountability for all UN personnel are enshrined in the Charter of the United Nations. All staff undertake to abide by the UN Standards of Conduct, as outlined in the Secretary-General's bulletin *Status, basic rights and duties of United Nations staff members* [ST/SGB/2002/13].

These standards are applicable to more than 116,000 peacekeeping personnel deployed around the world. UN peacekeeping personnel undertake to conduct themselves in a professional and disciplined manner at all times, respect local laws, customs and practices, treat host country inhabitants with respect, courtesy and consideration and act with impartiality, integrity and tact.

The UN has a zero tolerance policy with respect to sexual exploitation and abuse. UN rules forbid sexual relations with prostitutes and with any persons under 18, and strongly discourage relations with beneficiaries of assistance (Secretary-General's Bulletin on *Special measures for protection from sexual exploitation and sexual abuse* [ST/SGB/2003/13]).

#### Implementation of the UN Policy to Address Misconduct

##### Conduct and Discipline Unit

The Conduct and Discipline Team was established at UN Headquarters in the Department of Peacekeeping Operations (DPKO) in November 2005 as part of a reform package designed to strengthen accountability and uphold the highest standards of conduct. Renamed the Conduct and Discipline Unit (CDU) and now in the Department of Field Support (DFS), CDU provides overall direction and policy guidance for conduct and discipline issues and maintains global oversight of the state of discipline in peacekeeping operations.

CDU develops policy guidance tools and mechanisms to monitor the application of UN standards of conduct and the implementation of policies and procedures in the field. It also oversees standardized induction training modules on conduct and discipline for all personnel arriving in UN peacekeeping operations.

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Conduct and Discipline Teams (CDTs) are based in peacekeeping missions in Côte d'Ivoire (UNOCI), Democratic Republic of the Congo (MONUC), Chad and Central African Republic (MINURCAT), Western Sahara (MINURSO), Haiti (MINUSTAH), Darfur (UNAMID), Kosovo (UNMIK), Lebanon (UNIFIL), Liberia (UNMIL), Sudan (UNMIS), Timor-Leste (UNMIT) and in special political missions in Afghanistan (UNAMA), Burundi (BINUB) and Iraq (UNAMI).

The CDT in Afghanistan is responsible for covering conduct and discipline issues in the peacekeeping mission in India and Pakistan (UNMOGIP), while the CDT in Lebanon also covers the peacekeeping missions in Cyprus (UNFICYP), Golan Heights (UNDOF) and Jerusalem (UNTSO), a special political mission in Jerusalem (UNSCO) and the UN Logistics Base in Brindisi, Italy (UNLB).

## Comprehensive Strategy to Address Sexual Exploitation and Abuse

The United Nations has a three-pronged strategy to address sexual exploitation and abuse: prevention of misconduct, enforcement of UN standards of conduct and remedial action.

### i) Prevention

Conduct and discipline issues, in particular sexual exploitation and abuse, are an essential component of pre-deployment and in-mission induction training, which is mandatory for all civilian, military and police peacekeeping personnel.

Mission-based awareness-raising initiatives form a significant part of the strategy to prevent sexual exploitation and abuse. Conduct and Discipline Teams seek to raise awareness amongst host populations, including local government officials and civil society organizations, international organizations and non-government organizations.

Policies to enforce compliance with UN rules include establishing curfews, requiring soldiers to wear uniforms outside the barracks and designating places frequented by prostitutes as off-limits.

### ii) Enforcement

- *Investigations.* Once an allegation is received, the UN will carry out an administrative investigation. The Office of Internal Oversight Services (OIOS), the independent investigative arm of the UN, is the sole body in the UN responsible for such investigations, but may refer the allegation to other investigative authorities, depending on the category of personnel and the gravity of the allegations. Specific procedures apply to investigations involving members of the military contingents.

OIOS has grouped allegations into Category 1 and Category 2, depending on the risk such cases present to the organisation.

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Category 1 includes: all offences related to sexual exploitation and abuse including rape, transactional sex, exploitative relationships and sexual abuse, cases involving risk of loss of life to staff or to others, conflict of interest, gross mismanagement, bribery/corruption, illegal mineral trade, trafficking with prohibited goods, life threat/murder, abuse or torture of detainees, arms trade, physical assault, forgery, embezzlement, major theft/fraud, use, possession or distribution of illegal narcotics, waste of substantial resources, entitlement fraud and procurement violations.

Category 2 includes: discrimination, harassment, sexual harassment, abuse of authority, abusive behaviour, basic misuse of equipment or staff, simple theft/ fraud, infractions of regulations, rules or administrative issuances, traffic-related violations, conduct that could bring the UN into disrepute and breaking curfew.

OIOS is responsible for investigating all Category 1 allegations, including sexual exploitation and abuse, except for military contingents, for whom special provisions apply. Category 2 allegations may be investigated by the Special Investigation Unit (SIU), Military Police, UN Police and ad-hoc panels.

- *Disciplinary measures relating to civilian personnel.* The UN Office of Human Resources Management in the Department of Management takes decisions on behalf of the Secretary-General concerning disciplinary measures for civilian personnel.

- *Disciplinary measures relating to uniformed personnel.* When allegations of misconduct involving military and police personnel are substantiated, the UN may repatriate the individuals concerned and ban them from future peacekeeping operations. The disciplinary sanctions and any other judicial actions remain the responsibility of the Troop and Police Contributing Countries.

Members of military contingents deployed on peacekeeping missions remain under the exclusive jurisdiction of their national government. The responsibility for investigating an allegation of serious misconduct and taking subsequent disciplinary action rests with the Troop Contributing Country (TCC), in accordance with the revised model memorandum of understanding, endorsed by the General Assembly in 2007. The TCC involved must then report back to the UN on the outcome of misconduct investigations and actions taken. The Department of Field Support has initiated follow-up mechanisms with TCCs regarding such cases.

### **iii) Remedial Action**

The UN is committed to providing assistance to victims of sexual exploitation and abuse by its personnel under the General Assembly resolution *UN Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel* (2007). The resolution calls for the establishment of a Sexual Exploitation and Abuse Victim Assistance Mechanism (SEA/VAM) in every country in which the UN operates. The objective of the SEA/VAM is to help persons victimized by sexual exploitation and abuse to access the services

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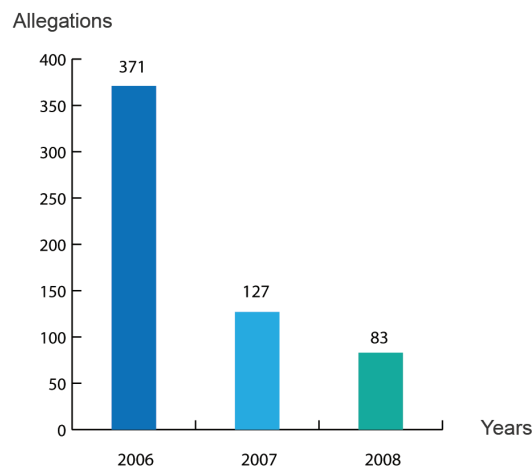
they need as a result of these acts.

The UN and NGOs have worked together through an inter-agency task force to formulate a joint approach to victim assistance. Each country develops its own SEA/VAM, adapted to the national context, to assist complainants, victims and children born as a result of sexual exploitation and abuse. The SEA/VAMs should provide medical, legal, psychosocial and immediate material care as well as the facilitation of the pursuit of paternity and child support claims. Assistance and support (not direct financial assistance or compensation) is offered based on individual needs directly arising from sexual exploitation or abuse.

## Statistics

Record-keeping and data tracking of allegations of misconduct and subsequent actions started in 2006. In July 2008, the Department of Field Support launched the Misconduct Tracking System (MTS), a global database and confidential tracking system for all allegations of misconduct involving peacekeeping personnel.

There has been a steady decline for the third consecutive year of the number of sexual exploitation and abuse allegations, with 83 allegations reported in 2008, compared with 127 allegations reported in 2007, and 371 reported in 2006.



In 2008, investigations in relation to sexual exploitation and abuse were completed for 80 peacekeeping personnel of all categories in all missions. Of these investigations, allegations were substantiated against 70 individuals: 58 military and eight police personnel were repatriated to their home countries, and allegations against four civilian personnel (contractors) were referred to their employers for appropriate disciplinary action.

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## Understanding the Policy

### Key definitions

#### **Sexual exploitation**

Any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. [ST/SGB/2003/13].

#### **Sexual abuse**

The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions [ST/SGB/2003/13].

#### **Allegation**

An unproven report of misconduct. Depending on the information available, CDU records allegations per individual or alleged instance of misconduct. OIOS records allegations of sexual exploitation and abuse per incident.

#### **Completed investigation**

A report detailing evidence that either does or does not substantiate allegations and may identify individuals involved.

### Definitions Relating to the Victims Assistance Policy

#### **Complainants**

Persons who allege or are alleged to have been sexually exploited or abused by UN staff or related personnel [A/RES/62/214].

#### **Victims**

Persons whose claims that they have been sexually exploited or abused have been substantiated through a UN administrative process or a governmental judicial process. These include all such persons, irrespective of age or gender [A/RES/62/214].

#### **Children born as a result of sexual exploitation and abuse**

Children who are found by a court of law in any country with jurisdiction to have been born as a result of sexual exploitation or abuse by staff or related personnel [A/RES/62/214].