

Frequently Asked Questions (FAQs)

These FAQs are designed to assist facilitators with questions common to this session based on field-testing experience. They are grouped into various categories to assist you in providing responses throughout your sessions. Remember, use your good judgment when answering questions. If you do NOT know or are unsure of an answer, say so, and say you will check it and get back to them

Rules prohibiting Sexual Exploitation and Abuse generally:

- “Sexual exploitation and abuse is a problem that exists primarily in the Democratic Republic of Congo. It is not likely to happen in my mission.”

Sexual exploitation and abuse, in a variety of different forms, have been found to exist to a greater or lesser extent in all missions. Regardless of your perceptions of the problem in your mission or the likelihood for it to occur, all peacekeeping personnel have an obligation to create and maintain an environment that prevents sexual exploitation and abuse and to uphold the standards of conduct.

- Aren't the rules on sexual exploitation and abuse (SEA) an intrusion into my private life? Isn't what I do in the privacy of my own home, or outside of office hours, my own business?

When you are serving on a UN peacekeeping mission, you are a representative of the organization during your free time as well as during your working day. You do not have the same freedoms in your “private life” as you do when you are in your home country or working for another organization. You accept this when you accept the job. You are held to a very high and very strict standard of conduct because in the environment of a peacekeeping mission in a war-ravaged society - your behavior, both professional and personal, is always associated with and reflects on the image of the mission.

- A lot of us are here for long periods of time. Do you expect us to be celibate?

No, you are not expected to be celibate. However, peacekeeping is not a “normal” job. Not everyone is suited for peacekeeping. If you do not feel that you can meet the high standards of conduct required, then you should not be in peacekeeping. You are not completely prohibited from having sexual relations in the mission area, but they must not violate the SG's Bulletin and the policy on sexual harassment.

- We wish to respect the rules of SEA, but mission life is often lonely and not always easy. What does the UN do to support me in adhering to the UN standards of conduct? WE are targeted by prostitutes and constantly solicited by them. What is the UN doing to protect me from this constant harassment?

Once again, peacekeeping is a very difficult occupation and it is not for everyone. The mission will try to provide improved recreational facilities but the conditions of service in a peacekeeping mission will never be easy. They will usually be very difficult. You must

have a great deal of personal discipline to be able to participate in peacekeeping. You will be subject to a wide variety of dangerous, frustrating and awkward situations, including desperate people soliciting you to violate the UN standard of conduct.

- What is not prohibited sexual activity in a mission? Who can I have sex with whilst on mission?

All sexual relations that are - not prohibited by the Secretary General's (SG's) Bulletin and the policy against sexual harassment and any mission-specific directives, are allowed.

- After all you have said, why doesn't the UN simply prohibit sexual relationships for mission staff?

The UN is not concerned with preventing sexual relationships but with preventing abuse, particularly of vulnerable populations. As long as a sexual relationship does not violate the SG's Bulletin or the policy against sexual harassment or any mission-specific directives, it is allowed.

- What does zero-tolerance mean?

Zero-tolerance means that the culture of impunity and complacency toward sexual exploitation and abuse will no longer be tolerated. Zero-tolerance for impunity means that active measures are being introduced to prevent sexual exploitation and abuse and appropriate disciplinary action will be taken against all persons who are found to have violated the UN standards of conduct.

- Is sexual abuse and exploitation a type of serious misconduct?

Yes. The Disciplinary Directives define serious misconduct is defined as "any act, omission or negligence, including criminal acts that are a violation of mission standard operating procedures, directives, or any other applicable rules, regulations or administrative instructions that results in or is likely to result in serious damage or injury to an individual or to the mission."

Prostitution:

- What is wrong with having sex with a prostitute if the person is an adult and consents fully to it? I'm not harming anyone and in my home country/culture as well as the mission country/culture, prostitution is legal and using the services of prostitutes is accepted.

There is one standard of conduct for UN personnel regardless of what country or culture they are from and regardless of what country or culture they are serving in. The SG's Bulletin is the minimum standard of conduct, irrespective of local laws. When you accept an assignment with the UN, you accept to abide by its standards of conduct. Because of the nature of our work, the UN is held to a high standard of conduct. Prostitution in war-ravaged

societies and in countries hosting a peacekeeping mission frequently involves extremely vulnerable women and children, including persons who have been trafficked for sexual exploitation.

- Prostitution with an adult is a victimless crime. Why is the UN interfering with consensual sex between adults?

A recent study reveals that prostitution is not a victimless crime. In fact, research has revealed high rates of posttraumatic stress disorder (PTSD) in prostitutes stemming from physical and sexual assault. The study included men and women prostitutes ages 12 to 61 who worked on the street and in brothels in the United States, Africa, Thailand, and Turkey. In the study, the measure of PTSD severity of prostitutes was higher than those of Vietnam War veterans.

- Is it possible to enforce a prohibition on sexual activity with prostitutes? Is it realistic to have such strict rules on sexual conduct? How will the UN be able to enforce them?

Strictly upholding the UN standards of conduct is both realistic and necessary, including the prohibition against sex with prostitutes. The mission has an effective detection and enforcement system in place with investigations being stepped-up across all missions. Standards of conduct are now being applied and colleagues involved in sexual abuse and exploitation are facing disciplinary action, and where appropriate, also criminal action.

Just remember, “people talk” even when you don’t think they will. This includes people in the local community, people in the mission and others in the international community. Increasing awareness of the UN’s determination to take action to prevent such abuses, will further encourage reporting and prevention.

- Is the solicitation of a prostitute also a violation of the Secretary-General’s Bulletin (ST/SGB/2003/13)?

Yes, the definition of sexual exploitation refers to actual or attempted abuse and thus includes solicitation.

- You talk about zero tolerance for SEA, but we know that nothing happens to people who break the UN standards of conduct on SEA.

People have been sanctioned for violating the standards of conduct on SEA. UN staff have been summarily dismissed, UNVs have had their contracts terminated and uniformed personnel have been repatriated and faced courts-martial. We still have a lot to do to eradicate the problem and the UN is currently improving the system for receiving and investigating complaints and ensuring appropriate action against everyone who is found to have violated the standards.

Code of Conduct Standards

- What does it mean to that sexual activity with beneficiaries is “strongly discouraged”?

In peacekeeping operations, beneficiaries of assistance refers to the entire local population in the host country. Sexual relationships between UN peacekeeping personnel and beneficiaries of assistance are strongly discouraged because they are based on inherently unequal power dynamics. UN peacekeeping personnel have money, food and shelter whereas the local population is often very vulnerable and does not have easy access to these essentials. Because of the risk of sexual exploitation occurring between UN peacekeeping personnel and beneficiaries, these relationships are strongly discouraged. If a sexual relationship does involve an abuse of a position of vulnerability, differential power, or trust then it is sexual exploitation and prohibited. UN personnel are expected to uphold the highest standards of conduct and demonstrate good judgment. Even the perception of sexual exploitation and abuse can result in damage to the credibility of the individual and the mission.

- Can I have sex with a national from the host country?

Yes, as long as it does not violate the SG’s Bulletin or the policy against sexual harassment or any mission-specific directives.

- How can I know if the person I am having sex with is over 18 or not?

That is your responsibility. People lie and even have false birth certificates or identity documents. If you are not sure, don’t do it.

- So you are saying no sex with prostitutes and no sex with under 18 year olds – then is it OK to have sex with a national who does not fall under the previous categories and she/he consents?

The focus is not on the individual or even whether there is consent, but on the nature of the relationship. If the relationship is an abuse of a position of vulnerability, differential power or trust for sexual purposes, it is sexual exploitation and is prohibited. As UN peacekeepers, you are in a position of considerable power over the local population. You have money, food shelter whereas the local population is often very vulnerable and does not have easy access to these essentials. Because of the risk of abuse of power, sexual relationships between UN peacekeepers and the local population are strongly discouraged.

- What is the difference between SEA and sexual harassment?

Sexual harassment is defined as any unwelcome sexual advance, request for sexual favours or other verbal or physical conduct of a sexual nature, when it interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. It is particularly serious when behaviour of this kind is engaged in by any official who is in a position to influence the career or employment conditions (including hiring, assignment, contract renewal, performance evaluation or promotion) of the recipient of such attentions.

Not all sexual harassment involves an abuse of a position of vulnerability, differential power or trust or the actual or threatened physical intrusion of a sexual nature. If it does, it also constitutes sexual exploitation or sexual abuse. Sexual harassment and sexual exploitation and abuse are all considered serious misconduct. All three should be reported. The person reporting does not have to specify which category the conduct falls into.

- Does the SG's Bulletin apply outside my duty station/mission country? Does it apply when I travel for work to New York or Europe, or to a neighboring country?

Yes, the SG's Bulletin applies to all peacekeeping personnel at all times, wherever they are, for as long as you are on assignment with the United Nations. As long as you are working for the UN, you are expected to abide by its conditions of employment and policies, including the SG's Bulletin. Your behavior always reflects on the United Nations.

Application of standards to UN national staff

- I am a national staff member in a country where the legal age of consent for sexual activity is lower than 18 years of age. Do the UN standards apply to me?

Yes. The UN standards of conduct still apply to you. There is one standard of conduct for UN personnel regardless of what country or culture they are from and regardless of what country or culture they are serving in. The SG's Bulletin is the minimum standard of conduct, irrespective of local laws. When you accept to work for the UN, you accept to abide by its standards of conduct. Because of the nature of our work, the UN is held to a high standard of conduct.

This prohibition will not, however, be applied where you are a national staff member and you are legally married to someone under the age of 18 but over the age of majority or consent in your country of citizenship. The legality of the marriage is to be determined by reference to the law of your nationality.

- I am a national contractor working for the mission. Do the UN standards of conduct apply to me?

Yes. Under the SG's bulletin, the UN should receive a written undertaking from all contractors that they agree to abide by the standards. In case of breach of these employment conditions, the contract will be terminated.

HIV/AIDS and condoms

- Why does the UN provide condoms and at the same time tell us not to have sex?

The availability of condoms is a health and safety issue and not a license for sexual abuse. Condoms are made available to all peacekeeping personnel – international and national staff and uniformed personnel, to prevent the transmission of HIV/AIDS.

Reporting mechanisms

- What if I report of rumour of sexual exploitation that is revealed to be false?

Under the SG's Bulletin, all staff are required to report their concerns and suspicions regarding sexual exploitation and abuse. All reports should be made in good faith. If you have made a report in good faith which turns out to be false, there will not be any consequences. If you maliciously made a false report, you will be subject to disciplinary consequences.

Rumours must be taken seriously. If left unchecked, rumours may damage the individual(s) concerned and the mission. Rumours can serve as early warning of a greater problem. All rumours must therefore be investigated (see Reference 11). However, you should not conduct any investigations or try and find out more information; your obligation is only to report your suspicions or concerns.