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Accountability for Conduct and Discipline in Field Missions

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POLICY ON ACCOUNTABILITY FOR CONDUCT AND DISCIPLINE IN FIELD MISSIONS

Contents:	A. Purpose
	B. Scope
	C. Rationale
	D. Policy
	E. Roles and Responsibilities
	F. Terms and definitions
	G. References
	H. Monitoring and compliance
	I. Contact
	J. History

ANNEXES

- A. Terms of Reference for the Conduct and Discipline Unit in DFS, Conduct and Discipline Teams and Conduct and Discipline Focal Points in field missions
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A. PURPOSE

1. This Policy sets out the framework in place to ensure accountability for the conduct and discipline of all personnel serving in peacekeeping and special political missions. In this regard, it sets forth the roles and responsibilities of, and interactions amongst, each component assigned with responsibilities regarding the conduct and discipline of all personnel in field missions, both in those field missions and at Headquarters.
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B. SCOPE

2. This Policy applies to all United Nations personnel serving in peacekeeping missions and in field-based special political missions (hereinafter referred to as "field missions"), either as United Nations officials, United Nations Volunteers assimilated to United Nations officials or individual contractors engaged by the United Nations; as personnel deployed with the legal status of experts on mission for the United Nations; and as members of a military contingent deployed under a Memorandum of Understanding between a Member State and the United Nations. This Policy also applies to contractors to the United Nations who are responsible to ensure that their employees are aware of and act in accordance with this Policy.
3. This Policy details responsibilities and accountabilities, for the individual serving in a field mission, the United Nations, its management and its Member States, in addressing matters of conduct and discipline of all United Nations personnel serving

in field missions. This Policy further details the support to be provided to that effect, by personnel in Conduct and Discipline Teams, individual Conduct and Discipline Officers (hereinafter collectively referred as "CDT") and Conduct and Discipline Focal Points in field missions, as well as personnel of the Conduct and Discipline Unit (CDU), in the Department of Field Support (DFS).

4. Compliance with this Policy is mandatory and shall be assessed accordingly.
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C. RATIONALE

5. The Charter of the United Nations (hereinafter the "Charter") sets out, in its Article 101 paragraph 3, that "[t]he paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity"; the element of integrity being of prime importance in relation to the conduct and discipline of United Nations' personnel.
6. In order to comply with the provisions of the Charter, the United Nations has adopted Regulations, Rules and other administrative issuances that, in part, establish standards of conduct to be observed, as well as disciplinary mechanisms to address possible violations of those standards, more precisely termed as misconduct, by United Nations officials. While the conduct and discipline of those officials serving in field missions continue to be regulated by the Regulations, Rules and other administrative issuances adopted by the United Nations, it has to be recognized that other categories of personnel not employed by the United Nations also serve in field missions. Measures must therefore be taken to ensure that all personnel, other than United Nations officials, serving for the United Nations in any field mission also maintain the highest standards of integrity.
7. The challenges associated with comprehensively addressing the conduct and discipline of different categories of personnel deployed in field missions were detailed in relation to policies and processes applicable in instances involving sexual exploitation and abuse. In the Secretary-General's report on sexual exploitation and abuse by United Nations peacekeeping personnel (A/59/710), the Special Adviser on sexual exploitation and abuse by United Nations peacekeeping personnel, Prince Zeid Ra'ad Zeid Al-Husseini, identified challenges in terms of ensuring that all categories of personnel be made to comply with similar standards of conduct but, more importantly, that mechanisms be put in place to ensure accountability for those individuals that violated the standards of conduct, regardless of the category of personnel involved.
8. The report mentioned above contained several recommendations for establishing and implementing initiatives associated with a comprehensive strategy to eradicate sexual exploitation and abuse by United Nations peacekeeping personnel. Amongst the recommendations contained in the report was the creation of dedicated capacities, in field missions and at Headquarters, to address conduct related issues. These initiatives originally focused on sexual exploitation and abuse, and included special measures to address this particular form of misconduct, but were subsequently expanded to address all forms of misconduct.

9. This Policy intends to identify where responsibilities lie, both with the observance of the United Nations standards of conduct and with setting measures to ensure such observance, and by providing details on how accountability is achieved in instances where any personnel serving in field missions fail to observe the United Nations standards of conduct.
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D. POLICY

10. United Nations strategy on conduct and discipline

- 10.1 In terms of conduct and discipline, the prime objective of the United Nations is that all personnel serving in its field missions uphold the highest standards of integrity, in an environment of organizational, managerial and personal accountability, thereby enabling those United Nations personnel to serve with pride.
- 10.2 The Secretary-General has stated that the United Nations has a zero-tolerance policy towards sexual exploitation and sexual abuse. This zero-tolerance policy also applies to all other forms of misconduct by all categories of United Nations personnel serving in field missions.
- 10.3 All personnel shall be held accountable for violations of the United Nations standards of conduct, the most serious of which may also constitute crimes punishable under national laws. All personnel, regardless of their position or level, are responsible to uphold the highest standards of integrity, which includes respect for the United Nations standards of conduct. All personnel have an obligation to report any instance of misconduct which they have become aware of.
- 10.4 The United Nations has adopted a three-pronged strategy in addressing misconduct, through prevention, enforcement and remedial action. Implementing this strategy forms part of the exercise of the conduct and discipline functions.
- 10.5 Prevention is aimed at ensuring that misconduct does not occur in the first place and is, accordingly, of critical importance in the reduction of acts of misconduct. Prevention includes activities such as raising awareness, including through public communication, training and outreach, vetting of personnel, maintaining conduct and discipline and adopting preventive measures that relate to the particular circumstances of a field mission, as well as ensuring the welfare and recreation of our personnel.
- 10.6 Enforcement encompasses activities associated with actions taken in response to instances of alleged misconduct reported in a field mission. Prompt and consistent enforcement is essential to the goal of ensuring that the United Nations standards of conduct are respected. Without such enforcement, there is no accountability for violations of the United Nations standards of conduct and possible criminal acts.

- 10.7 Remedial action is the third prong of the United Nations' strategy for addressing misconduct. This applies in instances involving sexual exploitation and abuse and concerns the implementation of all aspects of the United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel (A/RES/62/214).

11. Application of the United Nations standards of conduct

- 11.1 Personnel deployed in United Nations field missions are made up of the following categories: United Nations officials (both national and international); United Nations Volunteers (UNV) assimilated to United Nations officials; Individual military and police personnel, members of Formed Police Units (FPU), and other Government Provided Personnel with the legal status of experts on mission; members of military contingents and Military Staff Officers; consultants or individual contractors of the United Nations.
- 11.2 While contained in different texts made applicable to each category of personnel, the standards of conduct and integrity required of all categories of personnel serving in missions are similar since all are derived from principles established in Article 101, paragraph 3, of the Charter of the United Nations, which requires the highest standards of integrity of United Nations officials. However, some definitions and standards may vary from one category of personnel to another.
- 11.3 United Nations officials (staff members) are governed by the standards of conduct set out in the United Nations Staff Regulations, Rules and other administrative issuances. Staff members are bound to respect those standards of conduct through the signing of their offer of appointment and related employment contract with the United Nations.
- 11.4 For UNVs, the standards of conduct are contained in the UNV Conditions of Service, which forms part of the offer letter issued by the UNV Programme for each volunteer, though which they are bound.
- 11.5 Individual military and police personnel and members of FPUs, as well as some other Government Provided Personnel, are deployed with the legal status of experts on mission. They individually sign an undertaking upon commencement of service with the United Nations, through which they agree to be bound by the provisions contained in this undertaking, including the Regulations governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials, and Experts on Mission (ST/SGB/2002/9), and such other documents adopted by the United Nations that regulate the conduct of this category of personnel.
- 11.6 The conduct and discipline of members of military contingents and Military Staff Officers is governed by the Memorandum of Understanding (MOU) concluded between the Troop Contributing Country and the United Nations for the deployment of military contingents and Military Staff Officers. Through this MOU, Member States agree that, while their military personnel remain subject to the exclusive jurisdiction of respective Troop Contributing

Countries, they will comply with United Nations standards of conduct and such other documents adopted by the United Nations that regulate the conduct of this category of personnel, including the exemplification provided in Annex H of this MOU.

- 11.7 For individual United Nations consultants and contractors, agreements signed between them and the United Nations contain provisions on the obligation to respect the United Nations standards of conduct.
- 11.8 While not United Nations personnel, corporate contractors agree in the General Conditions of Contract that: "[t]he Contractor shall be responsible for the professional and technical competence of the personnel it assigns to perform work under the Contract and will select reliable and competent individuals who will be able to effectively perform the obligations under the Contract and who, while doing so, will respect the local laws and customs and conform to a high standard of moral and ethical conduct." These General Conditions of Contract have a binding effect on employees of the United Nations contractors.
- 11.9 Specific provisions on sexual exploitation and abuse, using the exact language contained in the Secretary-General's Bulletin on Special measures for protection from sexual exploitation and Abuse (ST/SGB/2003/13), have been included in documents containing the standards of conduct made applicable to all personnel serving in field missions.

12. Disciplinary and criminal accountability processes

- 12.1 Administrative investigations into alleged misconduct involving United Nations staff members, UNVs, contractors and those personnel with the legal status of experts on mission are conducted under the primary responsibility of the United Nations, in accordance with procedures set out in various administrative issuances listed in the reference section. Furthermore, the United Nations will also refer credible allegations that a crime may have been committed to national authorities for appropriate action, including possible prosecution. In accordance with applicable provisions of status-of-force or similar agreements in place, the United Nations and Member States shall assist each other in carrying out all necessary investigations into crimes in respect of which either or both have an interest
- 12.2 Member States have the primary responsibility for investigating all alleged acts of misconduct committed by members of their national military contingents. When Member States do not exercise that responsibility, the United Nations can conduct its own administrative investigation. Member States may also decide to conduct investigations into misconduct and crimes involving their nationals, subject to the application of the Convention on the Privileges and Immunities of the United Nations.
- 12.3 The United Nations is mandated to conduct investigation and fact-finding exercises to establish responsibility for loss of, or damage to, contingent or United Nations property, or death or personal injury to United Nations personnel or third parties. Such fact-finding activities may lead to the

identification of alleged misconduct which will then need to be specifically investigated, in accordance with the responsibility of Member States or the United Nations to conduct such investigations.

- 12.4 Based on recommendations from field missions, the Department of Peacekeeping Operations (DPKO) or the Department of Political Affairs (DPA), through DFS, can authorise a limited number of administrative actions against personnel serving in field missions. Such actions can include placement on administrative leave with pay, for United Nations staff members, or the repatriation on disciplinary grounds of personnel serving in field missions but not employed by the United Nations. Field missions can also issue reprimands. Service contracts may also be terminated by field missions or Headquarters, depending on the nature of those contracts, whereas contractors providing services to a field mission may also be requested to replace individuals employed by them.
- 12.5 The responsibility for disciplinary actions rests with the Under-Secretary-General for Management and the Office of Human Resources Management (OHRM), for United Nations staff members, with the United Nations Development Programme (UNDP), for UNV, and with the respective Member States, for experts on mission and members of military contingents they employ. The responsibility for the placement of United Nations staff members on administrative leave without pay, considered an administrative action, also rests with the Under-Secretary-General for Management.
- 12.6 Acts of misconduct may also constitute crimes under the laws of the host or contributing States. In such instances, in addition to taking any disciplinary action against personnel it employs, the United Nations may further request that relevant Member States prosecute United Nations staff members and experts on mission for the commission of such crimes. The responsibility for criminal accountability rests with Member States in ensuring that any misconduct which constitutes a crime shall be investigated and possibly prosecuted with the necessary penalties. Members of military contingents and Military Staff Officers remain under the exclusive jurisdiction of their contributing States, for the purpose of criminal prosecutions.

E. ROLES AND RESPONSIBILITIES

13. Individual responsibilities and accountability

- 13.1 United Nations personnel, including those serving in field missions for the United Nations are expected to be and make themselves aware of the United Nations standards of conduct, including by attending training sessions, and are obliged to uphold these standards at all times, whether at the workplace or outside and whether on duty or off-duty, including when on leave.
- 13.2 United Nations personnel, including those serving for the United Nations in field missions are obliged to report instances of misconduct they become aware of and cooperate with any duly mandated investigation into allegations of misconduct. When doing so, personnel shall be protected from retaliation.

- 13.3 United Nations personnel, including those serving for the United Nations in field missions shall be accountable for violations of the United Nations standards of conduct applicable to their category of personnel and may be referred for investigation and possible prosecution before Member States' national courts when such violations constitute crimes under national laws.
- 13.4 United Nations personnel, including those serving for the United Nations in field missions shall be liable for the consequences of having engaged in misconduct. Such consequences can imply financial liabilities, for example, where a court orders payments for child support in instances involving paternity claims.

14. Managers and commanders responsibilities and accountability

- 14.1 Managers and commanding officers are responsible for taking steps to prevent and address misconduct on the part of their subordinates. Expected steps to be taken in the prevention of misconduct will include ensuring that personnel under their command or supervision are aware of the United Nations standards of conduct, including by ensuring the attendance of training sessions to that effect, that compliance with the United Nations standards of conduct is maintained by personnel under their command or supervision, that potential risks of misconduct are identified and appropriate measures recommended to prevent such risks are implemented accordingly.
- 14.2 Managers and commanding officers have an obligation to report misconduct by their subordinates. Such report shall be made to the Head of the respective civilian, police or military component, for onward transmission to the Head of Mission and his supporting CDT or Conduct and Discipline Focal Point, for onward transmission to the supporting CDT. Reports can also be made directly to the Office of Internal Oversight Services (OIOS).
- 14.3 Managers and commanding officers will be held accountable in terms of performance regarding the exercise of their conduct and discipline functions. For Heads of Mission, this is achieved through provisions included in the "Compact" signed between them and the Secretary-General. For all other managers and commanding officers, performance in the exercise of the conduct and discipline functions shall be evaluated through the performance appraisal mechanisms applicable to the manager or commanding officer, including e-Performance tools for staff members and end of mission reports or other applicable mechanisms for military and police personnel.

15. The United Nations responsibilities and accountability

- 15.1 The United Nations is responsible for putting in place mechanisms that will allow for preventing and addressing misconduct on the part of personnel serving in field missions. Preventing misconduct will include ensuring that all personnel are made aware of the United Nations standards of conduct, including through the development of training material for pre-deployment and induction trainings, as well as specific training programmes, including on the prevention of sexual exploitation and sexual abuse. Addressing

misconduct will entail that mechanisms are in place to ensure that complaints of misconduct are received and assessed, that administrative investigations to be conducted by the United Nations are completed promptly and professionally and that appropriate follow-up actions including public awareness activities are promptly taken, as needed.

- 15.2 The United Nations is responsible for taking appropriate actions with respect to its staff members when they have engaged in misconduct, as well as for reporting and requesting appropriate actions by Member States and other employers, as applicable, when their personnel serving in field missions are found to have engaged in misconduct. The United Nations may also refer to Member States instances where any of its personnel are alleged to have engaged in misconduct which constitute crimes under national laws or in the settlement of claims, including paternity and child support claims.
- 15.3 The United Nations is responsible for the implementation of the Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel.
- 15.4 The United Nations is accountable to its Member States as regards measures taken to implement its three-pronged strategy in addressing misconduct by personnel serving in field missions, including through the production of detailed reports by the Secretary-General to that effect.

16. Member States responsibilities and accountability

- 16.1 Member States contributing military, police or other Government Provided Personnel are responsible for ensuring that their personnel serving in United Nations field missions are aware of the expected standards of conduct, including by providing their personnel with pre-deployment training on the United Nations standards of conduct, and that commanding officers maintain good order and discipline amongst their subordinates.
- 16.2 Member States are responsible for informing the United Nations of instances of misconduct involving their personnel serving in United Nations field missions and ensuring that investigations conducted by them are completed promptly and professionally. In instances involving sexual exploitation and abuse, save for exceptional circumstances, investigations are expected to be completed within six months.
- 16.3 Member States are responsible for taking prompt appropriate actions against personnel they contribute to United Nations field missions when they are found to have engaged in misconduct or when commanding officers have failed in their command responsibilities towards maintaining good order and discipline amongst their subordinates. Member States are also expected to facilitate the expeditious settlement of claims involving their personnel, including paternity and child support claims.
- 16.4 Member States are also expected to prosecute individuals when acts of misconduct constitute crimes, under the laws of the host State or of the contributing State.

- 16.5 Member States are expected to communicate to the United Nations the findings of investigations they have conducted, the results of disciplinary action taken or of measures taken to ensure criminal accountability, as well as the settlement of claims, including paternity and child support claims.

17. Roles in implementation of the Policy

- 17.1 At Headquarters level, the Under-Secretary-General for Field Support (USG/DFS), along with the Under-Secretary-General for Peacekeeping Operations (USG/DPKO) and the Under-Secretary-General for Political Affairs (USG/DPA), as well as the Military Advisor and Police Advisor, all have roles and responsibilities in the exercise of the conduct and discipline functions. Similarly, at mission level, the Head of Mission, as well as the Force Commander, Police Commissioner and Director/Chief of Mission Support, also all have roles and responsibilities in this regard.
- 17.2 In the exercise of those conduct and discipline functions, the senior managers identified above are supported by personnel in CDTs and Conduct and Discipline Focal Points in field missions, as well as personnel in the CDU, in DFS. Conduct and Discipline Focal Points deliver support to the senior managers of their respective field mission under the guidance and within the parameters of operational arrangements concerning support to the field mission's Conduct and Discipline Focal Point by a CDT located in the region.
- 17.3 CDU is the focal point for all matters related to conduct and discipline in field missions when such matters are addressed at Headquarters. CDTs carry-out the same role for matters within field missions. CDU will provide guidance on conduct and discipline related matters to CDTs, which will then be reflected as they carry out their functions. When questions arise regarding the implementation of the conduct and discipline mandate in a field mission, CDTs shall refer such questions to CDU for appropriate guidance.
- 17.4 In field missions, CDTs need to maintain direct and regular contacts with the military, police, substantive and mission support components of the field mission, at the highest level.
- 17.5 The senior management of the field mission must ensure that all matters relating to conduct and discipline, of United Nations personnel are brought to the attention of, and discussed with, the field mission's CDT or the CDT providing regional support. In particular, the Head of Mission and Deputies, the Heads of Military and Police Components and the Director/Chief of Mission Support are responsible for ensuring that discipline is maintained in the field mission and for supporting the role of their CDT and Conduct and Discipline Focal Point, as applicable, in carrying out conduct and discipline related activities. In turn, the CDT and Conduct and Discipline Focal Point are to support the exercise of the conduct and discipline functions by all the senior management of the field mission.
- 17.6 CDTs are subject-matter experts regarding all activities to be conducted in field missions towards the prevention of misconduct.

- 17.7 CDTs are responsible for ensuring that complaints are properly received and assessed, that allegations are recorded and tracked to ensure that appropriate actions are taken in a timely matter. CDTs retain the duty to manage all cases from the point of the reception of a complaint or information on possible misconduct to the point where matters can be closed as all needed actions have been taken. To that effect, CDTs will liaise directly with entities at the field mission level and OIOS, whereas CDU will liaise with counterparts at United Nations Headquarters and Member States concerning actions to be taken at Headquarters level.
- 17.8 CDTs and CDU also maintain and update information on all allegations of misconduct in field missions, through the use of the electronic Misconduct Tracking System. To that effect, CDTs remain responsible to record and update information regarding all actions taken at field missions level, including safekeeping of documents related to such actions, whereas CDU will be responsible to record and update information regarding all actions taken at Headquarters level.
- 17.9 At their respective levels, CDTs and CDU are partners in the United Nations system-wide implementation of the Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel.

18. Operational responsibilities

Headquarters Level

- 18.1 The Secretary-General of the United Nations ensures that the United Nations standards of conduct reflect the expected highest level of integrity mentioned in the Charter and that all personnel deployed in a United Nations field mission are held accountable when they fail to observe those standards of conduct. The Secretary-General also holds its senior managers, including Heads of Missions, accountable for complying with provisions related to conduct and discipline, as contained in "Compacts" signed with those senior managers.
- 18.2 The Office of Legal Affairs makes determinations whether there is sufficient and credible information to support the referral of allegations to national authorities for appropriate action, including investigation and possible prosecution, and to advise on questions of immunity, if any, that may arise.
- 18.3 OIOS has overall responsibility for internal United Nations administrative investigations. Its role is to assist the Secretary-General in fulfilling his or her internal oversight responsibilities in respect of the resources and staff members of the Organization.
- 18.4 The Under-Secretary-General for Management (USG/DM) formulates policies and procedures and provides strategic guidance, direction and support for, amongst other, human resources and central support services. In the Department of Management (DM), OHRM is responsible for developing and

maintaining a human resources management infrastructure, which includes the framework of Regulations, Rules and administrative issuances part of which regulate the conduct of United Nations staff members and the mechanisms in place for the imposition of disciplinary measures, as well as certain administrative measures such as administrative leave without pay, to be taken in instances where United Nations staff members have failed to observe the United Nations standards of conduct. Within DM, the Procurement Division may also be called upon to take actions in instances where contractors have failed to observe expected standards of conduct as required under the applicable contract.

- 18.5 The USG/DFS along with the USG/DPKO and USG/DPA, supports compliance with the highest standards of conduct and discipline among United Nations personnel in field missions, including through the implementation in field missions of the zero-tolerance policy of the Secretary-General regarding sexual exploitation and abuse and the Organization's strategy to address sexual exploitation and abuse. The USG/DFS and Assistant Secretary-General for Field Support (ASG/DFS) will coordinate action on conduct and discipline related issues for DPKO, including in particular the Office of Military Affairs and the Police Division, and DPA, as well as within the Secretariat, in particular with OIOS on investigation related issues, or DM on disciplinary issues, other Agencies, Funds and Programmes, in particular UNDP, and Member States. The USG/DFS may be called upon to take certain administrative actions, including the placement of United Nations staff members on administrative leave with pay and the repatriation of United Nations personnel other than staff members.
- 18.6 The CDU provides support to the senior management, at Headquarters and field mission levels, in accordance with the provisions of the Secretary-General Bulletin on the Organisation of the Department of Field Support (ST/SGB/2010/2) and the terms of reference annexed to the present Policy. The CDU is responsible to oversee the implementation of the overall goals and objectives of the United Nations, as related to conduct and discipline issues, to maintain global oversight of the state of conduct and discipline for all categories of United Nations personnel in field missions and support public communications on conduct and discipline issues. The CDU is the main point for exchanges of communications between Headquarters and field missions on all conduct and discipline related matters.

Mission Level

- 18.7 The Head of Mission (HOM), with the assistance of his/her Chief of Staff (COS) where applicable, has overall responsibility to ensure that discipline is maintained in the field mission. Operationally, this responsibility entails that activities to prevent the occurrence of misconduct are carried out, including on occasions with the direct involvement of the HOM. The HOM will also ensure that information or complaints of possible misconduct are promptly reviewed and, if warranted, referred for investigation. With the exception of investigations conducted by OIOS in accordance with its operational independence, the HOM shall ensure that field mission's investigations are conducted promptly and professionally. When investigations are completed,

the HOM will further ensure that appropriate follow-up actions including public awareness activities are taken, if within his/her authority, or recommended for actions at Headquarters. The HOM is in particular responsible to mandate the conduct of investigations by field mission's personnel, where applicable, and to review and endorse the findings of such investigations, where appropriate. The HOM will also need to support efforts by the United Nations Country Team in relation to remedial actions in instances involving sexual exploitation and abuse. The HOM must finally ensure that the field mission's personnel have the support necessary to carry out conduct and discipline related activities.

- 18.8 The Resident Coordinator/Humanitarian Coordinator (RC/HC) has operational responsibilities in relation to the implementation of the United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse, in particular by ensuring that an in-country network on protection from sexual exploitation and abuse is operational, as well as setting up and maintaining a network for victim assistance. The RC/HC must ensure that protection from sexual exploitation and abuse is integrated into all United Nations services and programmes.
- 18.9 The Head of Military Component (HOMC) reports to the HOM. The HOMC exercises operational control over all military personnel. The HOMC will ensure that conduct and discipline related prevention activities targeting military personnel are carried out, including by regularly engaging with military contingent Commanders on the state of discipline of personnel under their command. The HOMC will ensure that information or complaints of possible misconduct are promptly submitted to the HOM for review, with support from the CDT. The HOMC will also be called upon to provide appropriate follow-up actions, within his/her authority, or to make recommendations to the HOM, for actions to be taken at Headquarters.
- 18.10 The Head of the Police Component (HOPC) reports to the HOM. The HOPC exercises operational control over all members of the police component. The HOPC will ensure that conduct and discipline related prevention activities targeting police personnel are carried out, including by regularly engaging with police Commanders on the state of discipline of personnel under their command. The HOPC will ensure that information or complaints of possible misconduct are promptly submitted to the HOM for review, with support from the CDT. The HOPC will also be called upon to provide appropriate follow-up actions, within his/her authority, or to make recommendations for such appropriate actions to the HOM, for actions to be taken at Headquarters.
- 18.11 The Director/Chief of Mission Support (D/CMS) reports to the HOM. The D/CMS is responsible for measures relating to civilian personnel. The D/CMS will ensure that conduct and discipline related prevention activities targeting civilian personnel are carried out, including by regularly engaging with managers on the state of discipline of personnel under their supervision. The D/CMS must also ensure that adequate resources are available for training of all other categories of personnel deployed with the field mission. The D/CMS will ensure that information or complaints of possible misconduct are promptly submitted to the HOM for review, with support from the CDT. The D/CMS, as

well as the Chief Civilian Personnel Officer, will also be called upon to assist with the implementation of administrative actions, including issuing reprimands, redeploying civilian personnel involved in alleged misconduct or placing staff members on administrative leave pending completion of investigation and disciplinary process.

- 18.12 The UNV Programme Manager is primarily responsible for matters relating to UNV. Preventing misconduct includes ensuring that UNV are aware of and act in compliance with the United Nations standards of conduct. The Programme Manager may also be called upon to assist with the implementation of certain administrative actions, in coordination with the UNV Programme and UNDP, as appropriate.
- 18.13 The heads of the Transport Section and of the Communication and Information Technology Section are responsible for identifying risks associated with the use of United Nations property and assets. While they will regulate the use of those property and assets in order to minimize such risks they shall also report instances of improper and abusive use of such property and assets which may amount to misconduct.
- 18.14 The Head of Public Information (HPIO) of the field mission, in coordination with the CDT, is responsible for supporting mission-wide awareness raising activities in relation to conduct and discipline, targeting both mission personnel and the host State population. Under the direction of the HOM, the HPIO will design all relevant communications campaigns and outreach activities and will ensure that the mission maintains a responsive and transparent public posture on conduct and discipline issues.
- 18.15 The Chief Security Advisor (CSA) or senior security personnel can be called upon to assist in identifying potential risks of misconduct. Security personnel under the CSA may also be involved in responding to incidents that give rise to allegations of misconduct by personnel of the field mission. Such incidents will need to be reported accordingly.
- 18.16 OIOS investigators located in the field mission or in a regional hub serving the field mission can be called upon to conduct or assist with investigations in those field missions. Other personnel in the field mission, including members of Special Investigation Unit, Police Internal Investigation Unit or from the office of the Force Provost Marshall, may also be called upon to conduct administrative investigations in the field mission or to assist in investigations being conducted by OIOS or Member States.
- 18.17 The head of the Board of Inquiry (BOI) Unit, with support from the (Senior) Legal Advisor, is involved in the conduct of BOIs which are undertaken in order to establish responsibility for, loss of, or damage to, contingent or United Nations property, or death or personal injury to personnel or third parties. As a result of a BOI, instances of possible misconduct may be identified and, in such cases, will need to be referred for appropriate review and follow-up on the specific aspects of alleged misconduct, as needed.

- 18.18 The CDT advises the HOM on establishing measures to prevent misconduct, taking enforcement measures and ensuring remedial action. The CDT is the primary resource for support to the senior management of the field mission in relation to all conduct and discipline issues and the senior management is expected to work in close collaboration with the CDT. The CDT provides this support in accordance with the provisions of the terms of reference annexed to this Policy. In particular, the CDT receives, assesses and refers allegations of misconduct for appropriate action. The CDT provides technical advice to mission leadership on rules and procedures relating to misconduct cases and maintains the Misconduct Tracking System established to track and report on all cases of misconduct. A CDT may also be called upon to provide support to field missions located in the same region where the exercise of the conduct and discipline functions is only supported through a Conduct and Discipline Focal Point.
- 18.19 Conduct and Discipline Focal Points provide advice and assistance to the HOM on establishing measures to prevent misconduct, taking enforcement measures and ensuring remedial action. This support is provided in accordance with the terms of reference annexed to this Policy and under the guidance and within the parameters of operational arrangements concerning support to the field mission's Conduct and Discipline Focal Point by a CDT located in the region. The Chief of the CDT providing regional support is accountable to the HOM for each field mission to which such regional support is provided. In such instances, the performance of individual Conduct and Discipline Focal Point in the provision of conduct and discipline services will be assessed by the Chief of the CDT providing regional support, as an additional supervisor, and, to this effect, a specific objective will be included in the e-PAS of individuals designated as field missions' Conduct and Discipline Focal Points.

19. Confidentiality

- 19.1 All information related to allegations of misconduct must be treated as strictly confidential and disclosed only to those individuals with a need to know, in light of their responsibilities in exercising conduct and discipline functions.
- 19.2 All officials who have knowledge of an alleged instance of misconduct shall exercise the utmost discretion and take appropriate measures to prevent unauthorized disclosure of information relating to the allegations. Unauthorized disclosure of confidential information, either internally or externally, may constitute misconduct.
- 19.3 In the interest of protecting the reputation of subjects and the integrity of investigation or disciplinary proceedings, officials who are aware of confidential information shall refrain from making any public statements on the identity or nationality of those involved with those allegations, unless so authorised.
- 19.4 Communications between missions and Headquarters concerning specific instances of misconduct involving any personnel serving in field missions, either notifying of allegations, requesting investigations by Member States or

recommending follow-up actions, by the United Nations or Member States, shall be effected through Code Cables. Such communication will be marked strictly confidential.

20. Reporting framework

- 20.1 Field missions will be required to contribute, when so warranted, to reporting by the Secretary-General on conduct and discipline issues. Field missions will need to ensure the accuracy, reliability and completeness of information provided for the purpose of such reporting.
- 20.2 HOM are required to report to the Secretary-General on the implementation of measures taken to address misconduct in field missions, including the implementation of the Secretary-General's three-pronged strategy to address sexual exploitation and abuse. This reporting is effected through the annual input on compliance with the provisions contained in the "Compacts" between the Secretary-General and HOM, currently established as follow: *"I will ensure that all possible measures are taken to raise awareness of expected standards of conduct, to prevent all forms of misconduct, including sexual exploitation and abuse, by mission personnel and to respond to, redress and remediate any violation."* This annual input will be compiled by field missions and reviewed by Headquarters, including CDU, prior to its submission to the Secretary-General. Compliance with the provisions contained in the "Compacts" will be, in large part, based on the compliance of field missions with other reporting requirements detailed below.
- 20.3 An accountability measurements framework was developed in consultations with field missions. Based on this framework, annual and quarterly reporting requirements were identified. Information contained in annual and quarterly reports will serve to underpin measurements of performance of field missions in terms of prevention, enforcement and remedial action, including compliance with the provisions contained in the HOM's "Compacts".
- 20.4 Annual reporting by field missions will provide an overview on the state of conduct and discipline in the field mission, and in particular on sexual exploitation and abuse. This report will review available data on allegations reported in the field mission, provide an analysis of trends and risk areas and, in relation to the latter, provide information on risks prevention measures adopted as a result. Quarterly reporting will be in two parts, with the first providing information on compliance with performance measurements in relation with enforcement related aspects and the second part providing in-depth analysis of practices. Quarterly reporting will include a certification of the accuracy of the information provided in relation to performance measurements. Inputs for these reports will be compiled by the CDT and by the CDT supporting Conduct and Discipline Focal Point, on behalf of field missions they cover.
- 20.5 Field missions and their respective CDT and Conduct and Discipline Focal Point will also punctually provide information on conduct and discipline related matters at the request of DFS, and in particular CDU.

- 20.6 Field missions will be required to include conduct and discipline related indicators of achievements or outputs in their Results Based Budgeting framework. Such indicators should be realistic, quantifiable, cover the various aspects of the exercise of the conduct and discipline functions and be dependent on elements under the control of the field mission.

21. Financial implications

- 21.1 When field missions are established, budget provisions shall be made for the staffing of a CDT, when so warranted, in a manner that is consequent to the responsibilities involved and the number of personnel over whom these responsibilities must be exercised. As field missions' size and mandate evolve, conduct and discipline related budget provisions should be adjusted accordingly.
- 21.2 In smaller field missions without a CDT but with a Conduct and Discipline Focal Point, budget provisions should be made for travel by personnel of the CDT providing regional support to the field mission's Focal Point, including for the purpose of conducting periodic training and assessment visits.
- 21.3 In all field missions, budget provisions should be made for regular internal conduct and discipline related training, travel for regular conduct and discipline assessments visits or awareness raising activities in different locations within the field mission's area of operation, as well as provisions for the production of information material for the prevention of misconduct.
- 21.4 All field missions should make budget provisions for travel associated with the periodic training and continuous learning of CDT personnel and Conduct and Discipline Focal Point, as well as periodic training for field missions' personnel conducting investigations.
- 21.5 On a yearly basis, CDU will provide specific guidance on budget provisions to be made by field missions, in relation to conduct and discipline. Field missions will consult CDU on their proposed conduct and discipline related budget provisions prior to making their submissions.

F. TERMS AND DEFINITIONS

- **Conduct:** refers to the obligation to observe and comply with applicable United Nations standards of conduct. Violation of those standards constitutes "misconduct".
- **Discipline:** refers to mechanisms in place to sanction misconduct.
- **Misconduct:** refers to violations of the applicable United Nations standards of conduct, including national laws of the host State. Misconduct is sometime further qualified as "serious misconduct". However, such further qualification will not impact on the requirement that all individuals who have engaged in any form of misconduct be held accountable.

- **United Nations standards of conduct:** refers to norms of conduct adopted by the United Nations for the conduct of its personnel, as defined in United Nations Regulations, Rules or other administrative issuances for its staff members, as well as other documents adopted by the United Nations to regulate the conduct of other categories of personnel than its staff members. The United Nations standards of conduct include the obligation to respect national laws of the host State.

G. REFERENCES

Normative or superior references

- Charter of the United Nations
- Convention on the Privileges and Immunities of the United Nations
- Model status-of-forces agreement for peacekeeping operations, 9 October 1990 [A/45/594]

UN Staff Members:

- UN Staff Regulations and Rules (as contained in the latest and previous Secretary-General Bulletin)
- UN Financial Regulations and Rules (as contained in the latest and previous Secretary-General Bulletin)
- Status, basic rights and duties (ST/SGB/2002/13)
- Standards of Conduct for the International Civil Service (A/67/30 Annex IV)
- Revised Disciplinary Measures and Procedures (ST/AI/371 and ST/AI/371/Rev.1)

Civilian Others:

- Conditions of Service for UNV
- Regulations on Status, Basic Rights and Duties of Officials other than Secretariat Officials and Experts on Mission (ST/SGB/2002/9)
 - o Undertaking and Declaration by Experts on Mission
- Gratis Personnel (ST/AI/1999/6)
- Model Contract for Service
 - o General Conditions of Contract
 - o Approved Model Contract (list)

Uniform Personnel:

Members of Military Contingents and Military Staff Officers

- o Observance of International Humanitarian Law (ST/SGB/1999/13)
- o Revised Model Memorandum of Understanding between the United Nations and Troop Contributing Countries

Individually deployed military and police experts on mission and members of FPU

- o Undertaking and Declaration by Experts on Mission
- o Regulations on Status, Basic Rights and Duties of Officials other than Secretariat Officials, and Experts on Mission, 18 June 2002 (ST/SGB/2002/9)

- o Model Memorandum of Understanding between the United Nations and Police Contributing Countries for the deployment of Formed Police Units

Administrative issuances on specific topics:

- Protection from Sexual Exploitation and Abuse (ST/SGB/2003/13)
- Prohibition of discrimination, harassment, including sexual harassment, and abuse of authority (ST/SGB/2008/5)
- Directive on Sexual Harassment [for uniform personnel] (DPKO/MD/03/00995)
- Use of ICT resources and data (ST/SGB/2004/15)
- Private legal obligations (ST/AI/2000/12)
- Family and child support obligations (ST/SGB/1999/4)
- Honours, gifts or remuneration (ST/AI/2010/1)
- Reporting of suspected misconduct (ST/IC/2005/19)
- Protection against retaliation for reporting misconduct [...] (ST/SGB/2005/21)
- Property Management and Inventory (ST/AI/2003/5)
- Recovery of overpayments (ST/AI/2009/1)
- Financial responsibility for gross negligence (ST/AI/2004/3)
- Outside activities (ST/AI/2000/13)
- Road Safety (ST/AI/2010/6)
- Promulgation of Administrative Issuances - SGB and AI - (ST/SGB/2009/4)

Related procedures or guidelines

- Standard Operating Procedure on implementation of amendments on conduct and discipline in the model MOU (DPKO/DFS 2011-01)
- Directives for Disciplinary Matters Involving Civilian Police Officers and Military Observers (DPKO/CPD/DDCPO/2003/001, DPKO/MD/03/00994)
- OHRM Guidelines for Administrative Leave With/Without Pay
- Procedures on Arrest and Detention (ST/AI/299)
- OIOS Investigation Manual (2009)
- Uniformed Guidelines for Investigations (A/58/708)
- Board of Inquiry (Policy and SOP)

H. MONITORING AND COMPLIANCE

22. The Office of the Assistant Secretary-General for Field Support (OASG/DFS) through the CDU, shall oversee the implementation of this Policy and shall ensure compliance, in cooperation with substantive stakeholders including OIOS, OLA, DM, DPA, DPKO, DFS and field missions.

I. CONTACT

23. The point of contact for this Policy is the Chief, Conduct and Discipline Unit, DFS.

J. HISTORY

24. This is a compilation of existing policies and has not been amended.

APPROVAL SIGNATURE:



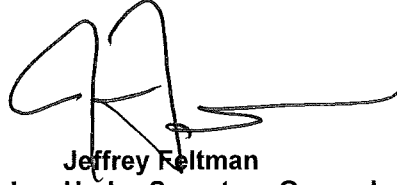
**Hervé Ladsous
Under-Secretary-General
for Peacekeeping Operations**

APPROVAL SIGNATURE:



**Atul Khare
Under-Secretary-General
for Field Support**

APPROVAL SIGNATURE:



**Jeffrey Feltman
Under-Secretary-General
for Political Affairs**

DATE OF APPROVAL:

30 July 2015
DATE OF APPROVAL:

DATE OF APPROVAL:

Annex A

Mandates of the Conduct and Discipline Components at Headquarters and in field missions

(1) Conduct and Discipline Unit in the Department of Field Support

- Providing the overall direction for conduct and discipline issues and maintaining global oversight on the state of conduct and discipline for all categories of United Nations personnel in field operations;
- Developing strategies to link the overall goals and objectives of the United Nations on conduct and discipline issues to the tasks of conduct and discipline teams in field missions;
- Leading the development of conduct and discipline policies, procedures and guidelines and the identification of best practices to facilitate compliance with conduct and discipline standards;
- Leading the development of tools and mechanisms to monitor the application of conduct and discipline standards and policies in field missions, including maintenance of a comprehensive misconduct database system;
- Under the provisions of paragraph 1.2 of ST/SGB/2010/2, reviewing and recommending actions on disciplinary cases, as required;
- Implementing the three-pronged comprehensive strategy (prevention, enforcement and remedial action) to address sexual exploitation and abuse, and monitoring its application in field missions;
- Under the provisions of paragraph 1.2 of ST/SGB/2010/2, reporting to intergovernmental and expert bodies, including the General Assembly, the Fourth and Fifth Committees, the Advisory Committee on Administrative and Budgetary Questions and other policymaking organs on conduct and discipline issues related to all categories of United Nations personnel in field missions; and
- Guiding the development of training programmes on misconduct and sexual exploitation and abuse, in consultation with the Integrated Training Service of the Department of Peacekeeping Operations.

(2) Conduct and Discipline Components in Field Missions

A. Conduct and Discipline Teams and Conduct and Discipline Officers

- Act as the principal adviser to the Head of Mission (HOM) on addressing conduct and discipline issues relating to all categories of United Nations peacekeeping personnel in the mission.
- Advise the Head of Mission on establishing measures to prevent misconduct, enforce United Nations standards of conduct and ensure remedial action where misconduct has occurred.
- Receive, assess and refer allegations of misconduct involving all categories of United Nations peacekeeping personnel for appropriate action.
- Provide technical advice to mission leadership on United Nations rules and procedures relating to misconduct cases involving all categories of United Nations peacekeeping personnel in the mission.
- Maintain a comprehensive database to track and report on all cases of misconduct in the mission, and provide analysis and reports.
- Liaise with all investigative entities on misconduct allegations and cases involving all categories of United Nations peacekeeping personnel.
- Assist in capacity-building on conduct and discipline issues for United Nations peacekeeping personnel in the mission.
- Provide content to public information components on conduct and discipline issues including on the status of misconduct allegations and cases.
- Coordinate the mission's responses to victims of misconduct by United Nations peacekeeping personnel, in coordination with United Nations entities, nongovernmental organizations and other relevant actors in the mission area.
- Liaise with the Department of Peacekeeping Operations on internal and external evaluations including audits on conduct and discipline issues involving United Nations peacekeeping personnel.
- Liaise with Member States, other United Nations entities, governmental representatives, non-governmental organizations and other relevant actors in the mission on policies, procedures and guidelines on conduct and discipline issues as well as misconduct cases involving all categories of United Nations peacekeeping personnel.

B. Conduct and Discipline Focal Points

- In close cooperation with the Conduct and Discipline Unit (CDU) in the Department of Field Support or the Conduct and Discipline Team CDT providing regional coverage, the Conduct and Discipline Focal Point
 - a. provides advice and assistance to the HOM on conduct and discipline related matters with respect to all categories of UN personnel in the mission/office;
 - b. facilitates the implementation of policies and procedures related to conduct and discipline and monitors compliance with such policies and procedures;
 - c. receives and assesses complaints/reports of alleged misconduct and processes such complaints in accordance with established policies and procedures; and
 - d. maintains up to date case files of all allegations/complaints received.
- In close coordination with the Mission Training Cell (MTC)/Training Officer or Focal Point, the Conduct and Discipline Focal Point
 - a. monitors compliance by all categories of UN personnel with mandatory conduct and discipline training;
 - b. ensures that monthly training data is forwarded to the CDU or the Conduct and Discipline Team CDT providing regional coverage; and
 - c. conducts briefings on conduct and discipline as appropriate.
- In consultation with mission leadership and CDU or the Conduct and Discipline Team CDT providing regional coverage, the Conduct and Discipline Focal Point assists in the development of strategies to prevent, identify, and respond to misconduct.
- The Conduct and Discipline Focal Point shall provide inputs to mission budgets in order to facilitate
 - a. VTC between the missions/office and the CDU or the Conduct and Discipline Team CDT providing regional coverage;
 - b. the travel and work of *ad hoc* panels appointed to conduct investigations; and
 - c. punctual conduct and discipline training-of-trainer sessions for Conduct and Discipline Focal Points including attendance of a yearly Workshop.