

United Nations Mission in Liberia

Ref.: CDT 09/16

Standard Operating Procedure

UNCLASSIFIED

Reporting and Investigating Allegations of Misconduct

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| Approved by: | Special Representative of the Secretary-General United Nations Mission in Liberia (UNMIL) |
| Effective date: | 1 October 2016 |
| Contact: | Chief of Conduct and Discipline, UNMIL |
| Review date: | 30 September 2018 |

STANDARD OPERATING PROCEDURE (SOP) ON REPORTING AND INVESTIGATING ALLEGATIONS OF MISCONDUCT

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A. PURPOSE

- 1 The purpose of this Standard Operating Procedure (SOP) is to provide guidance and reinforce the procedures that must be followed in reporting and investigating allegations of misconduct, including any suspicion of sexual exploitation and sexual abuse (SEA), by all categories of personnel serving with the United Nations Mission in Liberia (UNMIL).
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B. SCOPE

- 2 The procedure outlined here shall be followed by all UNMIL members, including Mission Investigation Entities (MIEs) and personnel responsible for conduct and discipline matters. There are several categories of personnel serving in UNMIL, all of whom are subject to United Nations (UN) standards of conduct. In the event of allegations of misconduct, the applicable reporting, investigating and disciplining procedures will depend on the category of the personnel involved. The categories of UNMIL personnel are as follows:

- 2.1 **UN Staff Members:** personnel within the meaning of Article 97 of the Charter of the United Nations, whose employment and contractual relationship is defined by a letter of appointment subject to regulations promulgated by the General Assembly, pursuant to Article 101, paragraph 1, of the Charter;

- 2.2 **UN Volunteers (UNV):** personnel recruited and governed by the UNV Conditions of Service, which forms part of the offer letter issued by the UNV Programme for each volunteer;
 - 2.3 **Members of Military Contingents and Military Staff Officers:** personnel deployed to peacekeeping missions by Member States, under the terms of a Memorandum of Understanding (MoU) between the respective Troop Contributing Country (TCC) and the United Nations;
 - 2.4 **Personnel with the Legal Status of Experts on Mission:** Experts on Mission, Civilian Police Officers, members of Formed Police Units, Military Observers and Military Liaison Officers when appointed as such; and
 - 2.5 **Consultants and Contractors:** Consultants, independent and corporate contractors who enter into contracts with the UN to perform specific services in support of UNMIL.
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C. HIERARCHY

- 3 This SOP is subsidiary to the authority and responsibilities entrusted to Member States, the Office of Internal Oversight Services (OIOS), and the Office of Human Resources Management (OHRM) of the Department of Management, in respect of conduct and disciplinary matters in peacekeeping.
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D. RATIONALE

- 4 This SOP clarifies the procedures for reporting, receiving, reviewing, referring and investigating allegations of misconduct by all categories of personnel serving in UNMIL. It emphasizes the importance of ensuring that Mission personnel and entities are aware of their responsibility to report, receive, review, refer and investigate, as appropriate, all allegations of misconduct, in accordance with relevant procedures.
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E. STANDARDS OF CONDUCT AND DEFINITIONS OF MISCONDUCT

- 5 While the standards of conduct and integrity required of all categories of UNMIL personnel are derived from principles found in Article 101, paragraph 3 of the UN Charter, the definitions and standards vary from one category of personnel to another, and are contained in different texts made applicable to each category of personnel.
 - 5.1 **UN Staff Members** are governed by the standards of conduct set out in the United Nations Staff Rules and Staff Regulations of the United Nations, and other administrative issuances. Misconduct is defined as "failure of a staff member to comply with his or her obligations under the Charter of the United Nations, the Staff Regulations and Staff Rules or other relevant administrative issuances or to observe the standards of conduct expected of an international civil servant [...]".¹
 - 5.2 **UNVs** are governed by the standards of conduct set out in the UNV Conditions of Service, which define misconduct as "[...] the failure of a [...] UN Volunteer to

¹ Staff Rules and Staff Regulations of the United Nations ("Staff Rules and Regulations"), Staff Rule 10.1.

adhere to the principles and values of the Charter of the United Nations, the Code of Conduct or other relevant administrative issuances by UNV or the Host Agency".² The UNV Conditions of Service specify that misconduct may be the result of an intentional or willful act, gross negligence or recklessness.³

- 5.3 **Members of Military Contingents and Military Staff Officers** are governed by the standards of conduct contained in the applicable MoU. The Model MoU for Military Contingents⁴ whose provisions are reflected in MoUs that the UN signs with TCCs distinguishes "misconduct" from "serious misconduct", which are defined as follows:

5.3.1 *Misconduct*: "any act or omission that is a violation of United Nations standards of conduct, mission-specific rules and regulations or the obligations towards national and local laws and regulations in accordance with the status-of-forces agreement where the impact is outside the national contingent".

5.3.2 *Serious Misconduct*: "misconduct, including criminal acts, that results in, or is likely to result in, serious loss, damage or injury to an individual or to a mission".⁵

- 5.4 **Personnel with the Legal Status of Experts on Mission** are governed by the standards of conduct contained in the Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials, and Experts on Mission.⁶ The Regulations elaborate the standards of conduct required, but do not specifically define misconduct.

- 5.5 Misconduct for Civilian Police Officers, Military Observers and Formed Police Units is defined in the Directive for Disciplinary Matters involving Civilian Police Officers and Military Observers⁷ as follows:

5.5.1 *Serious Misconduct*: "any act, omission or negligence, including criminal acts, that is 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".⁸

² International UNV Conditions of Service, 2015, section 16.1(a); National UNV Conditions of Service, 2012, section XV(a)(1).

³ The UNV Conditions of Service define gross negligence as "an extreme or aggravated failure to exercise the standard of care that a reasonable person would have exercised with respect to a reasonably foreseeable risk". Recklessness is defined as "a complete disregard of a risk which is likely to cause harm". See *id.*

⁴ A/C.5/69/18, Chapter 9, Model Memorandum of Understanding for Military Contingents ("Model MoU for Military Contingents").

⁵ Model MoU for Military Contingents, Annex F. These definitions also apply to FPU. See A/C.5/69/18, Chapter 9, Model Memorandum of Understanding for Formed Police Units ("Model MoU for FPU"), Annex F.

⁶ ST/SGB/2002/9. These personnel individually sign an undertaking upon commencement of service with the UN, through which they agree to be bound by the provisions in the undertaking and the Regulations.

⁷ See DPKO/CPD/DDCPO/2003/001, DPKO/MD/03/00994. This Directive is applied to FPU through incorporation in the applicable MoU between the United Nations and Police Contributing Countries (see Model MoU for FPU, Annex J).

⁸ DPKO/CPD/DDCPO/2003/001, para. 4, pg. 2. A similar definition is adopted for members of national military contingents. See DPKO/MD/03/00993, Directive for Disciplinary Matters Involving Military Members of National Contingents, para. 4, pg. 2.

5.5.2 *Minor Misconduct*: "any act, omission or negligence that is a violation of mission standard operating procedures (SOPs), directives or any other applicable rules, regulations or administrative instructions, but which does not result in or is not likely to result in major damage or injury to an individual or the mission".⁹

F. REPORTING MISCONDUCT

6 Duty to Report

6.1 All UNMIL personnel have a duty to report all allegations of misconduct of which they become aware, including any suspicion of SEA.¹⁰ They are also obligated to cooperate with any duly mandated investigation of allegations of misconduct.¹¹ When doing so, personnel shall be protected from retaliation.¹²

7 Reporting Channels

7.1 All personnel shall expeditiously report allegations of misconduct by UN personnel. In UNMIL, channels available to all personnel and members of the Liberian community include:¹³

- 7.1.1 Head of Mission;
- 7.1.2 Heads of Field Offices (HoFOs);
- 7.1.3 CDT¹⁴
- 7.1.4 Conduct and Discipline Focal Points in the Field Offices;
- 7.1.5 Members of the UNMIL Special Investigations Unit (SIU);
- 7.1.6 Personnel in the Office of the Force Provost Marshall (FPM);
- 7.1.7 Anti-SEA Champions;¹⁵
- 7.1.8 Complaint boxes in Field Offices and major hospitals in Liberia.

7.2 Reports may also be made directly to OIOS. The OIOS Office in Liberia is located in Monrovia, PAP Building. Resident Investigators can be reached via telephone at +231 770 31 9757 or via email at unmiloios-id@un.org or through the general OIOS hotline number +1 212 963 1111 or via email: investigationsoios@un.org.

7.3 Reports of retaliation or potential conflict of interest may be made directly to the Ethics Office via telephone: +1 917 367 9858 or email: ethicsoffice@un.org.¹⁶

⁹ *Ibid.*, para. 4, pg. 3. A similar definition is adopted for members of national military contingents. See DPKO/MD/03/00993, para. 4, pg. 3.

¹⁰ Staff Rule 1.2 (c); ST/SGB/2003/13 – Special Measures for Protection from Sexual Exploitation and Sexual Abuse, 9 October 2003, section 3.2 (e); ST/SGB/2005/21 – Protection against Retaliation for Reporting Misconduct and for Cooperating with Duly Authorized Audits or Investigations, 19 December 2005, section 1.1.

¹¹ Staff Rule 1.2 (c); ST/SGB/2005/21, section 1.2.

¹² ST/SGB/2005/21, sections 1.1 and 1.2. See also Policy on Accountability for Conduct and Discipline in Field Missions, Ref. 2015.10, 1 August 2015, para 13.2.

¹³ Given UNMIL's accelerated downsizing, the contact numbers provided in this SOP may be subject to change.

¹⁴ CDT is located at UNMIL HQ, Pan African Plaza, Monrovia. CDT may be reached at +231 (0) 770 31 6262) or dosomething@un.org

¹⁵ The Anti-SEA Champions consist of more than 200 Anti-SEA Champions from communities and more than a dozen UNMIL personnel. A list of Anti-SEA Champions may be obtained from CDT.

¹⁶ ST/SGB/2005/21, section 5.1

- 7.4 Persons who receive complaints or allegations shall forward reports of misconduct to CDT without delay, according to the following timelines:

7.4.1 Allegations of misconduct involving criminal acts, SEA or any other alleged misconduct that results in or is likely to result in death, serious loss, damage or injury to an individual or to a mission: Within 24 hours of becoming aware of such allegation(s).¹⁷

7.4.2 All other allegations of misconduct: Within five (5) days of becoming aware of the allegation(s).

- 7.5 Where a report of misconduct involves allegations of serious misconduct, including SEA, CDT shall inform OIOS within 24 hours of receipt.

8 Method and Format of Reporting

- 8.1 Reports of allegations of misconduct should be made in good faith and in a confidential manner in accordance with paragraph 9 below, bearing in mind the possible negative impact of irresponsible, malicious and/or false reports on the Mission and its personnel.

- 8.2 Submission of information or reports with knowledge of their falsity or with wilful disregard for truthfulness is considered misconduct and is subject to investigation and appropriate action, including disciplinary action.¹⁸

- 8.3 Reports of allegations of misconduct can be emailed or hand delivered to the reporting entities, with due consideration for confidentiality.

- 8.4 There is no particular reporting format for misconduct, except as required under paragraph 8.5 below. Reports of alleged misconduct should contain as much detail as possible, without conducting an investigation into the allegation. Reports may be in oral form, but should be documented by the person receiving the information on allegations of misconduct, wherever possible. It is desirable to include the following information, where possible:

8.4.1 The individuals involved (who);

8.4.2 The acts of alleged misconduct (what);

8.4.3 The location of the incident (where); and

8.4.4 The date and time of commission (when).

- 8.5 Formal complaints of discrimination, harassment, including sexual harassment, and abuse of authority pursuant to ST/SGB/2008/5 shall be in writing and contain the following information:

8.5.1 Name of the alleged offender;

8.5.2 Date(s) and location(s) of incident(s);

8.5.3 Description of the incident(s)

8.5.4 Names of witnesses, if any;

8.5.5 Names of persons who are aware of incident(s), if any;

8.5.6 Any other relevant information, including documentary evidence, if available; and

¹⁷ See Standard Operating Procedure on Boards of Inquiry, Ref. 2011.5, 1 March 2011, para 14.

¹⁸ ST/SGB/273 – Establishment of the Office of Internal Oversight Services, 7 September 1994, para. 18 (e).

8.5.7 Dates of submission and signature of the aggrieved individual or third party making the report.¹⁹

9 Confidentiality

- 9.1 All information related to allegations of misconduct shall be treated as strictly confidential and disclosed only to those individuals with a need to know, in light of their responsibilities.²⁰
- 9.2 All individuals who have knowledge of an allegation of misconduct shall exercise utmost discretion and take appropriate measures to prevent unauthorized disclosure of information relating to the allegations.²¹
- 9.3 Unauthorised disclosure of confidential information may result in disciplinary measures against the person who released the information.²²
- 9.4 In the interest of protecting the identity of victims, witnesses and subjects as well as preserving 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, unless so authorized.²³

G. INVESTIGATING MISCONDUCT

10 Office of Internal Oversight Services

- 10.1 OIOS has overall responsibility for internal UN investigations.²⁴ This responsibility is exercised primarily in respect of investigations concerning UN Staff Members, Personnel with the Legal Status of Experts on Mission, UNVs, Consultants and Contractors. OIOS may also undertake preliminary fact-finding in respect of allegations of misconduct against members of national military contingents and/or assist National Investigation Officers (NIOs) appointed by Member States to investigate such allegations.²⁵
- 10.2 For purposes of its investigations, OIOS has categorized misconduct as follows:
 - 10.2.1 *Category I*: high-risk, complex matters and serious criminal cases normally investigated by the Investigations Division of OIOS (ID/OIOS), except if referred back to the Mission.
 - 10.2.2 *Category II*: cases of lower risk to the United Nations that are normally investigated by MIEs, unless the ID/OIOS chooses to conduct the particular investigation.²⁶
- 10.3 Allegations that fall within the mandate of OIOS may be forwarded directly to OIOS or may be made through CDT. In the event that an MIE comes across a

¹⁹ See ST/SGB/2008/5 – Prohibition of Discrimination, Harassment, Including Sexual Harassment, and Abuse of Authority, 11 February 2008, section 5.13.

²⁰ Policy on Accountability for Conduct and Discipline in Field Missions, para. 19.1.

²¹ *Ibid.*, para. 19.2.

²² *Id.*

²³ *Ibid.*, para. 19.3.

²⁴ ST/SGB/273, para. 16; Policy on Accountability for Conduct and Discipline in Field Missions, para. 18.3.

²⁵ See Articles 7.12 and 7.18 of the Model MoU for Military Contingents.

²⁶ A/58/708, Report of the Office of Internal Oversight Services on strengthening the investigation functions in the United Nations, 10 February 2004, paras. 26-27.

matter that consists of Category I misconduct, the entity shall forward the matter to CDT for review in consultation with OIOS, and subsequent referral to OIOS, if appropriate.

- 10.4 If, during a Category II investigation, it becomes clear that the incident is more serious than initially considered, the investigation must stop and the matter referred to CDT for referral to OIOS without delay, and at any rate within seven (7) days of such determination. OIOS may decide that the investigation is to continue, or it may take over the investigation.

11 Member States' Investigation Authorities

- 11.1 Under the provisions of the Model MoU for Military Contingents, Member States have primary jurisdiction to conduct investigations of allegations of misconduct or serious misconduct involving Members of Military Contingents or Military Staff Officers.²⁷ When Member States do not exercise this primary jurisdiction, or when so requested by Member States, ID/OIOS or MIEs may conduct investigations involving this category of personnel.²⁸
- 11.2 When receiving information of possible misconduct involving Members of Military Contingents or Military Staff Officers, CDT will determine if such information relates to a possible breach of the obligations and prohibitions contained in the UN Standards of Conduct (attached to this SOP as Annex B) and classify this allegation as misconduct or serious misconduct, as defined in the applicable MoU, in consultation with OIOS.²⁹
- 11.3 For serious misconduct and high-risk, complex matters, the UN will request the TCC involved to deploy an NIO, and may request that the investigation be conducted in cooperation with OIOS.³⁰ Investigations involving SEA allegations are to be completed within six (6) months.³¹
- 11.4 For other misconduct, where the UN has not requested the TCC to appoint an NIO, the Mission CDT will refer the matter, through the Force Commander, for investigation by the national contingent, with the assistance of the FPM, Force Military Police or other MIEs, as appropriate.³²

12 Mission Investigation Entities

- 12.1 MIEs include, but are not limited to:
- 12.1.1 UNMIL SIU;
 - 12.1.2 UNMIL Police Internal Investigation Unit;
 - 12.1.3 Investigators of the FPM.
- 12.2 MIEs have both the duty to report and the responsibility, in certain defined circumstances, to conduct investigations, inquiries and other fact-finding activities into allegations of misconduct.

²⁷ See Model MoU for Military Contingents, Article 7.10.

²⁸ Policy on Accountability for Conduct and Discipline in Field Missions, para. 12.2; SOP on "Implementation of amendments on conduct and discipline in the model Memorandum of Understanding between the United Nations and Troop Contributing Countries", ("SOP on Implementation of Amendments"), Ref. 2011.01, 1 March 2011, para. 13.6.

²⁹ SOP on Implementation of Amendments, para. 10.5.

³⁰ *Ibid.*, para. 13.1; Model MoU for Military Contingents, Article 7.21.

³¹ Policy on Accountability for Conduct and Discipline in Field Missions, para. 16.2.

³² SOP on Implementation of Amendments, para. 13.4.

- 12.3 On receipt of an allegation of misconduct, the receiving MIE shall report the matter to CDT in compliance with the time lines provided in this SOP.
- 12.4 If the alleged misconduct is determined to be in Category II, the MIE shall conduct an investigation/fact-finding and submit its report to CDT and/or other authorizing office without delay, and in any event, no later than three (3) months from the commencement of the investigation/fact-finding. Extensions to this time frame may only be granted in extenuating circumstances or where documented reasons warrant additional time.
- 12.5 Nothing in the present SOP should be construed as preventing an MIE or other entity or personnel from ensuring that evidence, such as blood and semen samples, which could otherwise be lost due to the passage of time, mishandling, improper collection or storage, is properly obtained, kept, recorded and preserved. This includes making a photographic record of locations where an incident is alleged to have taken place and the recording of identification details for potential witnesses.
- 12.6 Nothing in this document shall preclude an MIE from conducting UN-mandated fact-finding activities or initial investigations for purposes related to Boards of Inquiry, as indicated in paragraph 13 to 24 of the SOP on Boards of Inquiry.
- 12.7 MIEs shall forward completed reports of fact-finding or investigative activities on alleged misconduct to CDT and/or other authorizing entity as soon as practicable after completion and shall include the following information:
- 12.7.1 A comprehensive summary of the evidence adduced, including findings of facts established during the fact-finding or investigative activities. Such findings of facts shall be based on adequate evidence adduced, which reasonably supports the findings.
- 12.7.2 Any documentary or other material evidence adduced during the fact finding/investigation process.

H. GLOSSARY OF ACRONYMS

| | |
|---------|---|
| CDT | UNMIL Conduct and Discipline Team |
| DFS | Department of Field Support |
| DPKO | Department of Peacekeeping Operations |
| FPM | Force Provost Marshall |
| ID/OIOS | Investigation Division of the Office of Internal Oversight Services |
| MoU | Memorandum of Understanding |
| MIE | Mission Investigation Entities |
| NIO | National Investigations Officers |
| OHRM | Office of Human Resources Management |
| OIOS | Office of Internal Oversight Services |
| PCC | Police Contributing Country |
| SEA | Sexual Exploitation and Sexual Abuse |
| SGB | Secretary-General's Bulletin |
| SIU | Special Investigations Unit |
| SOP | Standard Operating Procedure |
| SRSG | Special Representative of the Secretary-General |
| TCC | Troop Contributing Country |

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|-------|-----------------------------------|
| UN | United Nations |
| UNMIL | United Nations Mission in Liberia |
| UNV | United Nations Volunteer |

I. REFERENCES

Normative or superior references

- Staff Rules and Staff Regulations of the United Nations (as contained in the latest and previous Secretary-General's Bulletins).
- ST/AI/371/Amend.1 – Revised Disciplinary Measures and Procedures, 11 May 2010.
- ST/SGB/2008/5 – Prohibition of Discrimination, Harassment, Including Sexual Harassment, and Abuse of Authority, 11 February 2008.
- ST/SGB/2005/21 – Protection Against Retaliation for Reporting Misconduct and for Cooperating with Duly Authorized Audits or Investigations, 19 December 2005..
- ST/SGB/2002/9 – Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials, and Experts on Mission, 18 June 2002.
- DPKO Directive for Disciplinary Matters involving Civilian Police Officers and Military Observers (DPKO/CPO/DDCPO/2003/3001; DPKO/MD/03/00994).
- International UN Volunteer Handbook: Conditions of Service, UNV Programme.
- ST/SGB/273 - Establishment of the Office of Internal Oversight Services, 7 September 1994.
- Model MoUs for Military Contingents and Formed Police Units (most recent versions are found in A/C.5/69/18, Chapter 9).
- DPKO/DFS Standard Operating Procedure on Boards of Inquiry, Ref. 2011.05, 1 March 2011.
- DPKO Policy on Accountability for Conduct and Discipline in Field Missions, Ref. 2015.10, 1 August 2015.

Related procedures or guidelines

- DPKO/DFS Standard Operating Procedure on Implementation of Amendments on Conduct and Discipline in the Model Memorandum of Understanding between the United Nations and Troop Contributing Countries, Ref. 2011.01, 1 March 2011.
- Guidelines for Formed Police Units on Assignment with Peace Operations, 8 May 2006.

J. MONITORING AND COMPLIANCE

- 13** CDT is responsible for implementing this SOP and for ensuring compliance.

K. DATES

- 14** This SOP shall become effective on 1 October 2016 and shall be subject to review on 30 September 2018.

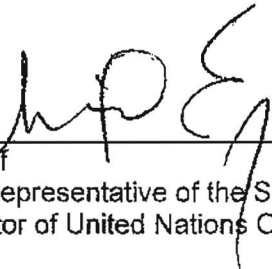
L. CONTACT

- 15** Conduct and Discipline Team, UNMIL, Extension 6262.
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M. HISTORY

16 This SOP has not been amended.

SIGNED:



Farid Zarif
Special Representative of the Secretary-General and
Coordinator of United Nations Operations in Liberia

DATE: 15,09,2016

ANNEX A

Terms of Reference for Conduct and Discipline Components in the Field³³

Conduct and Discipline Teams and Conduct and Discipline Officers

- a. 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.
- b. 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.
- c. Receive, assess and refer allegations of misconduct involving all categories of United Nations peacekeeping personnel for appropriate action.
- d. 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.
- e. Maintain a comprehensive database to track and report on all cases of misconduct in the mission, and provide analysis and reports.
- f. Liaise with all investigative entities on misconduct allegations and cases involving all categories of United Nations peacekeeping personnel.
- g. Assist in capacity-building on conduct and discipline issues for United Nations peacekeeping personnel in the mission.
- h. Provide content to public information components on conduct and discipline issues, including on the status of misconduct allegations and cases.
- i. 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.
- j. Liaise with the Department of Peacekeeping Operations on internal and external evaluations including audits on conduct and discipline issues involving United Nations peacekeeping personnel.
- k. 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.

³³ Adapted from Policy on Accountability for Conduct and Discipline in Field Missions.

Annex B

Extracts of examples of standards of conduct for different categories of UN Personnel

(I) Members of Military Contingents and Military Staff Officers³⁴

We will always³⁵

- Conduct ourselves in a professional and disciplined manner, at all times;
- Dedicate ourselves to achieving the goals of the United Nations;
- Understand the mandate and mission and comply with their provisions;
- Respect the environment of the host country;
- Respect local laws, customs and practices and be aware of and respect culture, religion, traditions and gender issues;
- Treat the inhabitants of the host country with respect, courtesy and consideration;
- Act with impartiality, integrity and tact;
- Support and aid the infirm, sick and weak;
- Obey our United Nations superiors/supervisors and respect the chain of command;
- Respect all other peacekeeping members of the mission regardless of status, rank, ethnic or national origin, race, gender, or creed;
- Support and encourage proper conduct among our fellow peacekeeping personnel;
- Report all acts involving sexual exploitation and abuse;
- Maintain proper dress and personal deportment at all times;
- Properly account for all money and property assigned to us as members of the mission; and
- Care for all United Nations equipment placed in our charge.

We will never³⁶

- Bring discredit upon the United Nations, or our nations through improper personal conduct, failure to perform our duties or abuse of our positions as peacekeeping personnel;
- Take any action that might jeopardize the mission;
- Abuse alcohol, use or traffic in drugs;
- Make unauthorized communications to external agencies, including unauthorized press statements;
- Improperly disclose or use information gained through our employment;
- Use unnecessary violence or threaten anyone in custody;
- Commit any act that could result in physical, sexual or psychological harm or suffering to members of the local population, especially women and children;
- Commit any act involving sexual exploitation and abuse, sexual activity with children under 18, or exchange of money, employment, goods or services for sex;
- Become involved in sexual liaisons which could affect our impartiality, or the well-being of others;
- Be abusive or uncivil to any member of the public;
- Willfully damage or misuse any United Nations property or equipment;
- Use a vehicle improperly or without authorization;
- Collect unauthorized souvenirs;

³⁴ Extracted from Annex H of the Model MoU for Military Contingents, entitled "WE ARE UNITED NATIONS PEACEKEEPING PERSONNEL".

³⁵ Failure to meet these obligations could constitute misconduct or serious misconduct, as defined in the Model MoU for Military Contingents.

³⁶ Commission of these acts could constitute misconduct or serious misconduct, as defined in the Model MoU for Military Contingents.

- Participate in any illegal activities, corrupt or improper practices; or
- Attempt to use our positions for personal advantage, to make false claims or accept benefits to which we are not entitled.

(II) Standards of conduct for United Nations Police Officers (UNPOL), including members of Formed Police Units (FPU), and Military Observers as personnel with the status of Experts on Mission

Extracted from the DPKO Directive on Disciplinary Matters Involving Civilian Police Officers and Military Observers³⁷ The *DPKO Directive* indicates that this list is not exhaustive:

Standards of conduct:

5. Civilian police officers and military observers shall refrain from any action or activity incompatible with the impartial and independent nature of their duties and inconsistent with the letter or spirit of the authorized mandate of the operation, the status of forces agreement, and other applicable legal norms and standards. Civilian police officers and military observers shall respect all local laws and regulations.

6. Civilian police officers and military observers are required to abide by the highest standards of integrity while in service for the United Nations. They shall refrain from any conduct that would adversely reflect on the United Nations and shall not engage in any activity that is incompatible with the aims and objectives of the United Nations. They are also required to abide by mission standard operating procedures, directives, or any other applicable rules, regulations or administrative issuances.

7. Upon deployment to the field mission, all civilian police officers and military observers shall receive a briefing on these directives, the types of serious misconduct prohibited and the disciplinary process that shall ensue should an allegation of misconduct be made. In this briefing, particular attention shall be drawn to local laws and customs and the need to respect them.

Serious misconduct: Any act, omission or negligence, including criminal acts, that is 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. Serious misconduct includes, but is not limited to:

- Sexual abuse and exploitation of any individual, particularly children;
- Harassment, including sexual harassment;
- Abuse of authority;
- Excessive use of force;
- Unlawful discharge of firearms;
- Breach of confidentiality;
- Abuse of United Nations privileges and immunities;
- Conduct prejudicial to good order and discipline;
- Driving while intoxicated or other grossly negligent driving;
- Intoxicated while on duty or in public on repeated occasions;
- Repeatedly absent from duty without permission;
- Use, possession or distribution of illegal narcotics;
- Embezzlement or other financial malfeasance;

³⁷ The definitions of misconduct and serious misconduct in this document do not originate from the Member States and do not correspond to any such categorization in Regulation 2 (Conduct) contained in the ST/SGB/2002/9.

- Willful disobedience of a lawful order; and
- Unlawful acts (e.g. theft, fraud, smuggling, bribery) on or off United Nations premises, with or without the involvement of United Nations vehicles, and whether or not the individual was officially on duty at the time of the offence.

Minor misconduct: Any act, omission or negligence that is a violation of mission standard operating procedures (SOPs), directives, or any other applicable rules, regulations or administrative instructions, but which does not result in or is not likely to result in major damage or injury to an individual or the mission. Minor misconduct includes, but is not limited to:

- Improper uniform appearance;
- Neglect in performance of duty not amounting to a willful or deliberate act;
- Intoxication while on duty or in public;
- Negligent driving;
- Absence from duty without permission; and
- Malingering.

(III) Examples of misconduct for United Nations Staff Members³⁸

Disciplinary measures may be imposed for "failure by a staff member to comply with his or her obligations under the Charter of the United Nations, the Staff Regulations and Staff Rules or other administrative issuances, or to observe the standards of conduct expected of an international civil servant." Examples of actions that constitute misconduct include, but are not limited to:

- Acts or omissions in conflict with the general obligations of staff members set forth in article 1 of the Staff Regulations and the rules and instructions implementing it [or of Regulations or Standards of Conduct applicable to other categories of personnel];
- Unlawful acts (e.g. theft, fraud, possession or sale of illegal substances, smuggling) on or off United Nations premises, and whether or not the staff member was officially on duty at the time;
- Misrepresentation or false certification in connection with any United Nations claim or benefit, including failure to disclose a fact material to that claim or benefit;
- Assault upon, harassment [sexual harassment, discrimination and abuse of authority] of, or threats to other staff members;
- Misuse of United Nations equipment or files, including electronic files;
- Misuse of office; abuse of authority; breach of confidentiality; abuse of United Nations privileges and immunities; and
- Acts or behaviour that would discredit the United Nations.

It is particularly important while serving in peacekeeping missions that staff members conduct themselves in a manner befitting their status as international civil servants, respect local customs, laws and practices and do not misuse the privileges and immunities accorded to them for the performance of official duties. In this respect, the following behaviours may also be considered misconduct for which disciplinary action may be pursued:

- Driving while under the influence of alcohol or drugs, whether in private or UN vehicles;
- Public drunkenness, use of drugs, or disorderly conduct;
- Sexual offenses, [Sexual Exploitation and Abuse] including the exploitation of vulnerable groups, particularly women and children; and

³⁸ Extracted from the UN Human Resources Handbook.

- Misuse of privileges, such as those relating duty-free purchases, violations of immigration/entry/crossing regulations (including misuse of UN Laissez Passer, UN Identification cards or other local arrangements), smuggling, illegal currency speculation, and other illegal activities.

(IV) Examples of Misconduct for UNVs³⁹

Misconduct may include, but is not limited to, the following categories whether willful, reckless or grossly negligent, wherever they occur and whether or not the international UNV was on duty:

1. Unlawful acts (e.g. theft, fraud, smuggling, possession or sale of illegal substances or objects, driving under the influence of drugs or alcohol, etc.);
2. Assault, harassment, including workplace harassment and sexual harassment, or threats to other UN personnel, discrimination or abuse of authority;
3. Sexual exploitation and sexual abuse [...];
4. Misrepresentation, forgery, or false certification, such as, but not limited to, in connection with any official claim or benefit, including failure to disclose a fact material to that claim or benefit;
5. Misuse or mishandling of official property, assets, equipment or files, including electronic files or data;
6. Breach of fiduciary obligations vis-à-vis the Host Agency, UNV or UNDP and/or misappropriation of funds;
7. Misuse of office, breach of confidentiality, abuse of United Nations Privileges and Immunities;
8. Retaliatory action against a complainant or an investigation participant, or other action in violation of ST/SGB/2005/21 on the protections against retaliation and reporting of misconduct;
9. Making false accusations and disseminating false rumors; and
10. Abetting, concealing or conspiring in any of the above actions, including any act or omission bringing the Host Agency, UNV or UNDP into disrepute.

Unsatisfactory work performance does not constitute misconduct, unless it rises to the level of gross negligence or recklessness.

³⁹ Extracted from UNV Conditions of Service.

Annex C

OIOS Categorisation of Misconduct

Category I misconduct refers to high-risk, complex matters and serious criminal cases. This would normally include the following:

- Serious or complex fraud;
- Other serious criminal act or activity;
- Abuse of authority or staff;
- Conflict of interest;
- Gross mismanagement;
- Waste of substantial resources;
- All cases involving the risk of loss of life to staff or to others, including witnesses
- Substantial violation of United Nations regulations, rules or administrative issuances;
- Complex proactive investigations aimed at studying and reducing risk to life and/or United Nations property;
- Sexual Exploitation and Abuse; and
- Any allegation of misconduct involving a personnel member of P-5 or equivalent level and above, no matter the particular type of violation alleged.

Category II misconduct refers to cases of lower risk to the United Nations and includes the following:

- Personnel matters;
- Traffic-related inquiries;
- Simple thefts;
- Contract disputes;
- Office management disputes;
- Basic misuse of equipment or staff;
- Basic mismanagement issues;
- Infractions of regulations, rules or administrative issuances; and
- Simple entitlement fraud.