



NATIONS UNIES - UNITED NATIONS

MINUSTAH

Mission des Nations Unies pour la Stabilisation en Haïti

United Nations Stabilization Mission in Haiti

Section de la communication et de l'information publique

MINUSTAH Fact Sheet

Conduct and Discipline Unit - Q & A: Misconduct

Q: What is misconduct?

A: According to UN Rules, misconduct is defined as 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 relevant administrative issuances or to observe the standards of conduct expected of an international civil servant. Misconduct may lead to the institution of a disciplinary process and the imposition of disciplinary measures. Similar provisions apply to all other categories of UN peacekeeping personnel. MINUSTAH has a zero-tolerance policy regarding misconduct.

Q: What does zero tolerance mean?

A: Zero-tolerance means that sexual exploitation and abuse will not be tolerated. Measures are in place to prevent sexual exploitation and abuse (SEA) and appropriate disciplinary action will be taken against all persons who are found to have committed such abuse.

Q: What is expected of us in terms of good conduct?

A: The United Nations is committed to ensuring the highest standards of conduct, professionalism and accountability of all its personnel deployed globally, including the deployment of more than 100,000 civilian, police and military peacekeeping personnel. The Department of Field Support and the Department of Peacekeeping Operations are responsible for enforcing UN policies on conduct in peacekeeping operations. UN Standards of Conduct are based on three key principles:

1. Highest standards of efficiency, competence and integrity
2. Zero-tolerance policy on sexual exploitation and abuse
3. Accountability of those in command who fail to enforce the Standards of Conduct

Q: What is sexual exploitation?

A: Sexual exploitation is any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

Q: What is sexual abuse?

A: Sexual abuse is the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Q: What is an allegation?

A: An allegation is an unproven report of alleged misconduct, which may not necessarily lead to an investigation if there is insufficient information to warrant an investigation. Allegations are counted per incident, irrespective of the number of individuals involved.



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Q: Who is responsible for investigations?

A: The Office of Internal Oversight Services (OIOS), the independent investigative arm of the UN, is responsible for investigating all Category 1 allegations, except for military contingents, for whom special provisions apply. Category 1 allegations include: all offences related to sexual exploitation and abuse including rape, transactional sex, exploitative relationships and sexual abuse (ST/SGB/2003/13), cases involving risk of loss of life to staff or to others, abuse of authority or staff, conflict of interest, gross mismanagement, bribery/corruption, illegal mineral trade, trafficking with prohibited goods, life threat/murder, abuse or torture of detainees, arms trade, physical assault, forgery, embezzlement, major theft/fraud, use, possession or distribution of illegal narcotics, waste of substantial resources, entitlement fraud and procurement violations.

Category 2 allegations may be investigated by the Special Investigation Unit (SIU), Military Police, UN Police and ad-hoc panels. This includes: discrimination, harassment, sexual harassment, abuse of authority, abusive behaviour, basic misuse of equipment or staff, simple theft/ fraud, infractions of regulations, rules or administrative issuances, traffic-related violations, conduct that could bring the UN into disrepute, breaking curfew, contract disputes and basic mismanagement.

Q: Who is responsible for taking disciplinary action?

A: The Office of Human Resources Management in the Department of Management takes decisions concerning disciplinary measures for civilian personnel.

When allegations of serious misconduct involving military and police personnel occur, the UN may repatriate the individuals concerned and ban them from future peacekeeping operations.

Members of military contingents deployed on peacekeeping missions remain under the exclusive jurisdiction of their national government. The responsibility for investigating an allegation of serious misconduct and taking subsequent disciplinary action rests with the Troop Contributing Country, in accordance with the revised model memorandum of understanding, endorsed by the General Assembly in 2007. The Troop Contributing Country involved must then report back to the UN on the outcome of misconduct investigations and actions taken.

Q: What is the Conduct and Discipline Team (CDT)?

A: Conduct and Discipline Teams (CDTs) in field missions handle all allegations of misconduct and advise mission leadership on all matters related to conduct and discipline for all categories of personnel. They report directly to the SRSG, and are the primary repositories for ALL allegations of misconduct. In MINUSTAH, the CDT coordinates with all mission components (civilian, military, and police) on all allegations of misconduct.

Q: Does the UN provide assistance to victims of sexual exploitation and abuse?

A: The UN has an overall strategy to provide assistance to victims of sexual exploitation and abuse (SEA). Assistance and support is offered based on individual needs directly arising from sexual exploitation or abuse. Medical, legal, psychosocial and immediate material care, as well as the facilitation of the pursuit of paternity and child support claims, is provided. In Haiti, MINUSTAH is working with other actors (UN agencies/funds/programmes, national organizations, NGOs, etc.) to identify available resources in the country.

Q: What is the UN/MINUSTAH doing to prevent misconduct and SEA?

A: The Conduct and Discipline Team (CDT) along with other Mission components is involved in a multi-pronged approach to prevent misconduct and SEA, including but not limited to: carrying out extensive training and awareness-raising efforts for all personnel (civilian, military, personnel) in all

regions of Haiti, and to provide refresher trainings as often as possible. Trainings include reminders of the MINUSTAH Code of Conduct, including on SEA, and is targeted to the different categories of personnel, depending on the areas of need. The CDT coordinates on a regular basis with the heads of the other Mission components on continuing to refine policies to ensure that personnel are kept abreast of all applicable rules and regulations regarding misconduct.

The CDT has implemented a conduct and discipline Focal Point Network in all of the regions, so as to handle related issues more efficiently and to ensure that there is a point of contact in all offices available to all personnel.

The CDT also conducts assessment visits to the regions to conduct refresher trainings on conduct issues, address any conduct-related issues, observe trends, and identify and address any gaps/areas of need.

Q: Where can I find more specific information and guiding documents on these issues?

A: The UNLB website has a great webpage on CDUs. You can find it here: <http://cdu.unlb.org/>

Contacts media

Sylvie van den Wildenberg, Porte-parole, MINUSTAH

Cell : (509) 3702-9042

E-mail : vandenwildenberg@un.org

Vincenzo Pugliese, Porte-parole adjoint, MINUSTAH

Cell : (509) 3702-6710

E-mail : pugliese@un.org

Michel Martin, Porte-parole UNPOL

Cell : (509) 3702-6655

E-mail : martin9@un.org

Lieutenant Colonel Marcos Santos, Porte-parole militaire

Cell : (509) 37281606

E-mail : santos4@un.org

ou consultez le site Internet de la Mission (<http://www.minustah.org>)

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