

United Nations

Multidimensional Integrated Stabilization Mission in the Central
African Republic (MINUSCA)



Ref. MINUSCA 2018.2

Standard Operating Procedure

Reporting of Allegations of Misconduct, including Sexual Exploitation and Abuse (SEA)

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**MINUSCA STANDARD OPERATING PROCEDURE
ON REPORTING OF ALLEGATIONS OF MISCONDUCT, INCLUDING SEXUAL
EXPLOITATION AND ABUSE (SEA)**

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ANNEX

A. UN Standards of Conduct

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 Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA).

B. SCOPE

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

2.1 **UN Staff Members:** personnel such as international and national staff whose employment and contractual relationship is defined by a letter of appointment;

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:** Contingent members deployed in MINUSCA and staff officers deployed at Force HQ;

2.4 Personnel with the Legal Status of Experts on Mission: Experts on Mission, Civilian Police Officers, members of Formed Police Units, Military Observers, Military Liaison Officers, Corrections Officers.

2.5 Consultants and Contractors: Consultants, independent and corporate contractors who enter into contracts with the UN to perform specific services in support of MINUSCA.

3. This SOP is subsidiary to the authority and responsibilities entrusted to the Office of Internal Oversight Services (OIOS), the Office of Human Resources Management (OHRM) and Member States in their responsibilities for disciplinary matters for the respective categories of peacekeeping personnel.

C. RATIONALE

4. This SOP clarifies the procedures for reporting, receiving, reviewing, referring and investigating allegations of misconduct by all categories of personnel serving in MINUSCA. 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.

D. PROCEDURES

REPORTING MISCONDUCT

5. Duty to report

6.1 All MINUSCA personnel have the duty to report breach of the Organization's regulations and rules to the Conduct and Discipline Team. They are also obligated to cooperate with any duly mandated investigation of allegations of misconduct. When doing so, personnel shall be protected from retaliation.

6. Reporting Channels

6.1 Information about unsatisfactory conduct may be received from staff members and any other source. This includes any information obtained during an investigation, a disciplinary process, an audit, a management enquiry or review, a judgement from a national court or information from another organization that is a member of the United Nations System Chief Executive Board for Coordination (CEB). Information about unsatisfactory conduct may be brought to the attention of the responsible official (Head of Mission), with a copy to OIOS.

6.2 In MINUSCA, reporting channels available to all personnel and members of the Central African community include: Head of Mission; Heads of Field Offices; CDT, Conduct and Discipline Officers in the Field Offices, OIOS, Members of the Security Special Investigations Unit (SIU); Personnel in the Office of the Force Provost Marshall (FPM); Mission SEA Focal Points, Community-Based Complaint Mechanisms Focal Points, as well

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as a toll free number **4044** (hotline). For allegations of sexual harassment, mission staff can also reach a 24/7 confidential helpline at +1212-78910 (or email speakup@un.org) to speak in confidentiality and seek information on Secretariat protection, support and reporting mechanisms.

6.3 It is requested that wherever misconduct is reported to the above-mentioned mission entities, OIOS be automatically copied in the report (including in any flash reports sent by JOC, UNPOL or other mission entities). OIOS retains the ultimate authority to decide which cases it will consider and shall determine whether the information of unsatisfactory conduct received merits any action, and if so, is better handled by the responsible official or by OIOS. OIOS may at any time decide that a case is better handled by it.

6.4 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.

6.5 Persons who receive complaints or allegations shall forward reports of misconduct to CDT immediately, according to the following timelines:

6.5.1 For all allegations of misconduct, including criminal acts, 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 MINUSCA, cases must be reported within 24 hours of becoming aware of such allegation(s).

6.5.2 Given the time sensitivity of SEA cases, especially in respect to the collection and preservation of physical evidence, cases suggestive of SEA or reported SEA cases must be reported **IMMEDIATELY**.

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

7. Method and Format of Reporting

7.1 Reports of allegations can be made in person, through written correspondence, by email or by telephone.

7.2 Reports of allegations of misconduct should be made in good faith and in a confidential manner in accordance with paragraph 8 below, bearing in mind the possible negative impact of irresponsible, malicious and/or false reports on the Mission and its personnel.

7.3 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.

7.4 Reports of allegations of misconduct can be emailed to CDT: minusca-demasea@un.org or OIOS-Investigations-Hotline@un.org,) or hand delivered to the reporting entities, with due consideration for confidentiality.

7.5 There is no particular reporting format for misconduct, except as required under paragraph 7.6 below. Reports of alleged misconduct should contain as much details as possible, without conducting an investigation into the allegation. Obtaining the initial information of an allegation, especially SEA and more specifically when it involves a minor or an allegation of rape, **SHOULD NOT INCLUDE CONDUCTING AN INTERVIEW WITH THE**

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VICTIM; the interviewing of the victim falls within the sole purview of OIOS. Reports may be in oral form, but should be documented by the person receiving the information on allegations of misconduct, wherever possible. It is advisable to include the following information, where possible:

- The individuals involved (who);
- The acts of alleged misconduct (what);
- The location of the incident (where); and
- The date and time of commission (when).

7.6 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:

- Name of the alleged offender;
- Date(s) and location(s) of incident(s);
- Description of the incident(s);
- Names of witnesses, if any;
- Names of persons who are aware of the incident(s), if any;
- Any other relevant information, including documentary evidence, if available; and
- Dates of submission and signature of the aggrieved individual or Third party making the report.

8. Confidentiality

8.1 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.

8.2 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.

8.3. Flash reports, police/military and daily reports from Field offices should provide only brief detail of the incident without disclosing names or identifying details of anyone involved, particularly the alleged victims.

8.4 Unauthorised disclosure of confidential information may result in disciplinary measures against the person who released the information.

8.5 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.

INVESTIGATING MISCONDUCT

9. Office of Internal Oversight Services

9.1 OIOS has overall responsibility for internal UN investigations. 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. OIOS is independent from the Mission and reports directly to UN Headquarters.

9.2 For purposes of its investigations, OIOS has categorized misconduct as follows:

9.2.1 *Category 1*: 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.

9.2.2 *Category 2*: cases of lower risk to the United Nations that are normally investigated by MIE unless the ID/OIOS chooses to conduct the particular investigation.

9.3 Allegations that fall within the responsibilities of OIOS may be forwarded directly to OIOS or may be made through CDT. In the event that an MIE comes across a matter that consists of Category 1 misconduct, the entity shall forward the matter to CDT for review in consultation with OIOS, and subsequent referral to OIOS, if appropriate.

9.4 If, during a Category 2 investigation, it becomes clear that the incident is more serious than initially considered, the investigation must stop and the matter referred to CDT for further referral to OIOS *immediately*. OIOS then decides whether to allow the investigation to continue or whether it will take over the investigation.

10. Member States' Investigation Authorities

10.1 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. When Member States do not exercise this primary jurisdiction, or when so requested by Member States, ID/OIOS or MIE shall conduct investigations involving this category of personnel.

10.2 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 A) and classify this allegation as misconduct or serious misconduct, as defined in the applicable MoU, in consultation with OIOS.

10.3 For serious misconduct and high-risk, complex matters, the UN will request the TCC involved to deploy an NIO, and shall request that the investigation be conducted in cooperation with OIOS. Investigations involving SEA allegations are to be completed within six (6) months.

10.4 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 MIE, as appropriate. The Contingent Commander is responsible for investigating Category 2 misconduct involving his/her contingent members and submitting a final investigation report to the SRSG through the Office of the Force Commander (copying CDT) no later than 30 days after the allegation was reported. On behalf of the SRSG, CDT will periodically follow up with the Contingent Commander directly or through the FPM, to check on the progress of the investigation.

11. Mission Investigation Entities

11.1 MIE include, but are not limited to:

- MINUSCA SIU;
- MINUSCA Police Internal Investigation Unit;
- Investigators of the FPM.

11.2 MIE 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.

11.3 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.

11.4 If the alleged misconduct is determined to be in Category 2, 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.

11.5 Nothing in the present SOP should be construed as preventing an MIE or other entity or personnel from ensuring that evidence collection, 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 in consultation with OIOS. 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.

11.6 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.

11.7 MIE 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:

11.7.1 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.

11.7.2 Any documentary or other material evidence adduced during the fact finding/investigation process.

12. Victims' assistance and role of the Victims Rights Advocate (VRA)

12.1 Victims are entitled to safety, dignity in their care and treatment, privacy, confidentiality, and to pursue legal redress if applicable and where desired. These rights must be respected and carefully monitored at all stages in the provision of assistance and support. Assistance and support shall be victim-centered, age and gender sensitive, and culturally appropriate. Whenever an allegation of SEA is brought to the attention of the HOM, CDT, and/or OIOS, the Mission VRA should be immediately informed to ensure the

necessary assistance (medical, psychological, legal and community reintegration) is provided. When the allegation of SEA involves a minor (person under the age of 18), CDT in coordination with the VRA ensures that appropriate assistance is provided to the victim through UNICEF and its implementing partners. When the allegation of SEA involves an adult, CDT in coordination with the VRA ensures appropriate assistance is provided to the victim through UNFPA and/or its implementing partners in the field. In coordination with and with the support of CDT, and with UN-system actors in the field, the VRA maintains direct and regular contact with all victims of SEA. CDT in coordination with VRA, UN offices, funds, programmes and other subsidiary organs of the UN system will ensure a coordinated referral for assistance and support to victims including, the need to minimize any additional distress caused by repeated interviews.

12.2 In coordination with and with the support of CDT and with UN-system actors, the mandate of the VRA includes, among others:

- Support for the implementation of the VRA-led policies, procedures and programmes on victim assistance and support at the Mission level;
- Monitoring and recording of victims' assistance;
- Oversight over and contribution to mapping of relevant services by UN-system actors in the Mission, including in the areas of medical, psychological, legal and community reintegration, in coordination with Resident Coordinator/Humanitarian Coordinator and relevant UN entities, making recommendations as to gaps and opportunities in CAR;
- Engaging with local authorities and other relevant entities to enhance the protection of victims, during investigation, criminal and disciplinary/administrative proceedings. Within the mission, VRA coordinates, as necessary, with Human Rights Division (HRD) and Security.
- Updating UN-system actors with information on assistance provided to victims of SEA, including on the status of judicial and administrative proceedings in CAR and countries of alleged perpetrators.

12.3 CDT and VRA will ensure that the identity of the victims and witnesses is protected during reporting and handling of the case.

13. Trust Fund in Support of Victims of Sexual Exploitation and Abuse

13.1 The Trust Fund was established by the Secretary-General to support specialized entities in providing assistance and services (medical, psychosocial, legal, etc.) to complainants, victims and children born as result of SEA, to engage in community outreach, address gaps in the provision of assistance, additional support and communications for complainants and victims of SEA.

13.2 CDT receives all submitted proposals or suggested programmes for services to be funded, and refers them to the HOM for review and endorsement. Proposals

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can originate from national and international NGOs, or from UN entities providing assistance to victims of SEA. The HOM submits the endorsed proposals and suggested programmes to the Review Committee of the Trust Fund for approval. The Assistant Secretary-General for Field Support chairs the review Committee. Members include Assistant Secretaries-General and Senior Directors from DPA, DPKO, OCHA, UNDP, UNICEF, the International Rescue Committee, and Special Representatives of the Secretary-General in MINUSCA and MONUSCO.

14. Reporting to UNHQ

14.1 Mission leadership has the central role in receiving reports of allegations of SEA regarding UN personnel and transmitting that information to the UNHQ, through the Under-Secretaries-General for Peacekeeping Operations, Field Support and/or Political Affairs, as appropriate.

14.2 All reports of alleged serious misconduct, including SEA must be assessed in accordance with normal procedures prior to formal reporting. This process ensures that all available information is gathered and evaluated so that a full and fair report can be shared with the investigative entity or Member State concerned.

14.3 The Mission should share information informally at the earliest stage, through the Conduct and Discipline Unit/DFS, with a copy to the Public Affairs Section of DPKO/DFS, and the CAR Integrated Operational Team (IOT) in DPKO, in order to ensure a coordinated approach, including in connection with communications and messaging.

14.4 DFS requests that all formal communications on SEA allegations be systematically copied to Ms. Jane Holl Lute, Special Coordinator on Improving the United Nations Response to Sexual Exploitation and Abuse, Mr. Miguel de Serpa Soares, Under-Secretary-General for Legal Affairs and Mr. Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights, Ms. Pramila Patten, Special Representative on Sexual Violence in Conflict and Ms. Heidi Mendoza, Under-Secretary-General for Internal Oversight Services. In addition, all formal communications, which report on alleged SEA involving minors, should be copied to Ms. Virginia Gamba, Special Representative on Children and Armed Conflict, as well as to Ms. Henrietta H. Fore, Executive Director of UNICEF.

15. Misconduct/SEA by non-UN forces in CAR

15.1 Where non-UN forces are deployed to CAR, the Human Rights Division has the mandate to monitor, investigate, report and follow-up on violations by these Forces. Human Rights Officers (HROs) in the field shall follow the same monitoring and investigations methodology as for allegations of human rights violations and abuses perpetrated by State and non-State actors in CAR in accordance with OHCHR Manual on Human Rights Monitoring; and the applicable framework in international human rights law and/or international humanitarian law, specifically those provisions relating to sexual violence and violence against children.

15.2 Where there are reports of SEA committed by non UN Forces, once received, the HRO shall immediately open a case in the OHCHR Human Rights Case Database (HRDB), draft a case summary of the allegation; include information on victims and alleged perpetrators if known. The HRO shall tag the pertinent theme (SGBV by non-UN international forces). All information pertaining to the investigation and follow-up with relevant

authorities at the field level shall be promptly and comprehensively recorded by the HRO on the HRDB.

15.3 Upon receipt of an allegation, the Director of the HRD shall promptly inform OHCHR headquarters and indicate the measures taken at country level to respond to the allegation. The HRD shall follow the procedures and guidelines as provided by the OHCHR.

15.4 The SRSG shall take necessary arrangements for the notification of the reported case to competent authorities including the Commander of the non-UN forces concerned to request for immediate action on allegations of SEA committed by individuals under their responsibility.

15.5 HRD in collaboration with other relevant MINUSCA sections shall immediately process an assessment of the reputational risk of the UN cooperating with the non-UN forces concerned. All support provided by MINUSCA to the non-UN Forces will be halted until action has been taken by the concerned Commander and/or Member State to address the allegations. OIOS does not have investigative authority or mandate in SEA committed by members of non-UN forces. This falls within the purview of MINUSCA Human Rights Division (where there is no UN involvement on either side).

E. ROLES AND RESPONSIBILITIES

16. Each staff member is responsible for adhering to this mandatory guidance. Each section or unit chief needs to ensure that all current and new staff members are aware of this SOP.

F. TERMS AND DEFINITIONS

17. **Standards of conduct and misconduct:** while the standards of conduct and integrity required of all categories of MINUSCA 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.

17.1 **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 [...]"

17.2 **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 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". The UNV Conditions of Service specify that misconduct may be the result of an intentional or wilful act, gross negligence or recklessness.

17.3 **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 Contingents whose provisions are reflected in MoUs that the UN signs with TCCs distinguishes "misconduct" from "serious misconduct", which are defined as follows:

17.4 *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".

17.5 *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".

17.6 **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.

17.7 Misconduct for **United Nations Police Officers, Military Observers and Formed Police Units** is defined in the Directive for Disciplinary Matters involving Civilian Police Officers and Military Observers as follows:

17.8 *Serious Misconduct* is "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".

17.9 *Minor Misconduct* "any act, omission or negligence that is a violation of mission standard operating procedures, 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".

17.10 "Sexual exploitation means 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. Similarly, "sexual abuse" means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions (ST/SGB/2003/13).

18. Misconduct for which disciplinary measures may be imposed includes, but is not limited to:

- (a) 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;
- (a) Unlawful acts (e.g. theft, fraud, the 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;
- (b) Misrepresentation, forgery, false certification and/or failure to disclose a material fact in connection with any United Nations claim or benefit;

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- (c) Discrimination, harassment, including sexual harassment, abuse of authority and retaliation;
- (d) Misuse of United Nations property, including equipment or files, and electronic files;
- (e) Misuse of office, including breach of confidentiality and abuse of United Nations privileges and immunities;
- (f) Sexual exploitation and abuse (SEA);
- (g) Acts or behavior that would discredit the United Nations.

19. Unsatisfactory conduct: “any conduct where a staff member fails to comply with the staff member’s obligations under the Charter of the United Nations, the Staff Regulations and Rules of the United Nations or other relevant administrative issuances or to observe the standards of conduct expected of an international civil servant. Unsatisfactory conduct includes conduct of sufficient gravity that rises to the level of misconduct” (Section 3.1 – ST/AI/2017/1).

20. Investigations: a process of gathering information to establish facts in order to allow for a determination as to whether a staff member engaged in suspected unsatisfactory conduct. Investigations are administrative in nature.

21. Administrative measures: an oral or written reprimand reassignment and/or change of duties.

22. Investigating entity: an organizational entity such as an office, section or unit whose mandate includes carrying out investigations in the Organization, in any other organization that is a member of the United Nations System Chief Executive Board for Coordination (CEB) or any other international organization, and, where the context permits, any investigative panel appointed by the responsible official.

23. Conduct not amounting to misconduct for the purpose of administrative or disciplinary measures:

(a) Performance issues should normally be addressed through the Performance Appraisal System. Interpersonal disputes, altercations or unprofessional behaviour which would not be serious enough to constitute misconduct, but are nevertheless inappropriate, should be addressed through performance mechanisms, counselling or informal resolution by an appropriate official of the mission;

(b) Alcohol and substance abuse problems should be dealt with under the Administrative Instruction on “Employee Assistance in Case of Alcohol/Substance Abuse”, 27 Sept. 1991 (ST/AI/372);

(c) Child support claims, when not connected with an allegation of sexual exploitation or abuse, should be dealt with under the Secretary-General Bulletin on “*Family and child support obligations of staff members*”, 20 May 1999 (ST/SGB/1999/4);

(d) Traffic-related matters, when not involving driving while impaired, negligence or gross negligence or repeated conduct that would show disregard for the obligation to care for UN property or other relevant provisions of the Administrative Instruction on “*Road and driving safety*”, 20 May 2010 (ST/AI/2010/6);

(e) Failure to comply with deadlines imposed for financial disclosure, as opposed to wilful failure to provide financial disclosure, as dealt with under the Secretary-General’s Bulletin on “*Financial disclosure of interest statements*”, 10 April 2006 (ST/SGB/2006/6);

(f) Failure to comply with private legal obligations, including child support, unless such obligations are established by a competent court or result from contracts, such as lease or loan agreements and in accordance with the procedure described in the Administrative Instruction on "*Private legal obligations of staff members*", 25 October 2000 (ST/AI/2000/12).

24. Sexual exploitation and abuse (SEA): *Sexual abuse* is the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. All sexual activity with a child (under 18 years of age) is considered as sexual abuse. *Sexual exploitation* is any actual or attempted abuse of 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. This includes acts such as transactional sex, solicitation of transactional sex, and exploitative relationships

25. Sexual harassment: Sexual harassment is not sexual exploitation and abuse. Sexual harassment refers to prohibited conduct in the work context and can be committed against UN staff and related personnel, which may also include nationals of the host state. It is defined for UN staff by ST/SGB/2008/5 and similar directives for uniformed personnel and involves any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment.

G. REFERENCES

26. Normative or superior references

- Staff Rules and Staff Regulations of the United Nations ST/AI/371/Amend.1 -Revised Disciplinary Measures and Procedures, 11 May 2010.
- ST/SGB/2017/2 - Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations, 20 January 2017
- ST/SGB/2003/13 - Special Measures for Protection from Sexual Exploitation and Sexual Abuse, 9 October 2003
- ST/SGB/2008/5 - Prohibition of Discrimination, Harassment, Including Sexual Harassment, and Abuse of Authority, 11 February 2008.
- 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.
- ST/AI/2017/1 – Unsatisfactory conduct, investigation and the disciplinary process, 26 October 2017
- DPKO Directive for Disciplinary Matters involving Civilian Police Officers and Military Observers, 2003
- 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, August 2015.
- ST/SGB/273- Establishment of the Office of Internal Oversight Services
- DPKO/DFS SOP on Implementation of amendments on conduct and discipline in the model Memorandum of Understanding between the United Nations and Troop Contributing Countries, 1 March 2011
- General Assembly Resolution 62/214

27. Related procedures or guidelines

- Guidelines for Formed Police Units on Assignment with Peace Operations, 8 May 2006.
 - Trust Fund in Support of Victims of Sexual Exploitation and Abuse, 2016
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H. MONITORING AND COMPLIANCE

28. The Conduct and Discipline Team in MINUSCA is responsible for monitoring and ensuring the implementation of this SOP. The Team is also responsible for disseminating and regularly raising awareness about this SOP, including ensuring that all new staff members receive a copy during the induction training.

I. CONTACT

29. The contact for this SOP is the Chief of the Conduct and Discipline Team.

J. HISTORY

30. This is the first SOP on this topic.

APPROVAL SIGNATURE:

A handwritten signature in blue ink, appearing to be 'J. Smith', written over a horizontal line.

DATE OF APPROVAL:

03/21/18