

Exercise 1. Discussion Case Studies

Purpose

To analyse misconduct cases where commanders have failed to meet their obligations on conduct and discipline and explore good practices for commanders in preventing and reporting misconduct as well as cooperating with UN initial fact-finding activities and investigations.

Participant learning outcomes

By the end of the session, learners will be able to:

- Describe how commanders can fail to meet their obligations on conduct and discipline.
- Describe the consequences for commanders who fail to meet their obligations on conduct and discipline.
- Identify measures that commanders can put in place to prevent misconduct for an upcoming deployment.
- Describe how to report misconduct allegations to the UN.
- Describe how to cooperate with UN initial fact-finding activities.

Method

Discussion case studies, group work.

Instructions and time

Total time: 2 hours.

The exercise instructions and timings are for an exercise that: uses two case studies, conducts group work using four groups (e.g. with five persons per group), and where all four groups do the same two case studies. Instructions are also included below for an alternative version of the exercise that uses all four case studies and where all four groups do a different case study.

Before the exercise:

- Ask participants to do the pre-reading, which is to read the **Deployment Guide** (see '**Key Resources**').
- Select two case studies (see **Table 1. List of Case Studies**).
- Prepare some points for the trainer's debrief to the second discussion question, which is: 'What disciplinary and/or other action is your own country likely to take against commanders in a similar situation?' If needed, consult a legal adviser to obtain some inputs for the trainer's debrief on this second discussion question.

- Decide how to divide the participants into groups.
- (Optional) Identify break-out rooms that two groups can use during the group work to keep noise levels down in the classroom and help groups focus.
- Prepare the training materials and supplies (see below).

During the exercise, follow these instructions:

Exercise instructions	Time
<p>Introduction</p> <p>Introduce the purpose and participant learning outcomes and explain how performance will be assessed (see the section Learning evaluation method below and the same section in the 'Instructor's Guide to Classroom-based Exercises').</p> <p>Give guidance on handling strong emotions and disagreements over values (see 'Instructor's Guide to Classroom-based Exercises').</p> <p>Divide participants into four groups.</p>	5 min.
<p>Group work</p> <p>Give the groups the following instructions:</p> <ul style="list-style-type: none"> • Ask each group to read the case studies, answer the discussion questions in their groups and write their answers on a flip chart. • Ask each group to assign one person to provide the group's feedback during the plenary discussion. • Explain that all groups will be given the same two case studies. Explain that they have 30 minutes to work on each case study. • Explain that for each case study, they should spend 20 minutes discussing it and 10 minutes writing their key points on a flip chart, ready to present during the plenary discussion. <p>Distribute the two case studies to each group. Ask some of the groups to move to the break-out rooms (optional).</p> <p>During the group work, trainers should listen to the group discussions and assess the quality of the discussions using the solution keys. The solution keys contain columns to tick whether learning points have been met and space to add comments about the group's performance.</p> <p>Alternative version (4 case studies): Distribute a different case study to each group so that four groups are working on four different case studies. Give each group a total of 30 minutes to work on their case study. The other instructions for the group work are the same. The group work for this alternative option is shorter and will take about 35 minutes.</p>	<p>1 hour 5 min.</p> <p>(30 minutes per case study)</p>

<p>Plenary discussion</p> <p>For the first case study, ask group 1 to present their findings on all three discussion questions, then ask group 2 to add any new points that were missed. This should take 15 minutes.</p> <p>For the second case study, ask group 3 to present their findings on all three discussion questions, then ask group 4 to add any new points that were missed. This should take 15 minutes.</p> <p>During all group presentations, trainers should take notes about the performance of each group using the solution keys.</p> <p>Trainer feedback</p> <p>Once all four groups have presented, the lead trainer provides feedback using the solution keys for the two case studies, highlighting any points that are missing or misunderstood. This should take 20 minutes. Note that all four case studies have the same discussion questions and most of the learning points are the same. This means that, when providing feedback, the trainer may need to skip some of the details in the solution keys in order to avoid repetition of content. Some additional learning points are also provided for the prompt questions used in case study A (SEA) and case study B (sexual harassment).</p> <p>Collect up the flip charts from each group as the trainer will also need these to assess the performance of learners.</p> <p>Distribute Examples Misconduct Prevention to all learners, which contains examples of measures that commanders can take to prevent misconduct by their personnel, and ask learners to take it with them on their upcoming deployment.</p> <p>Alternative version (4 case studies): The trainer should briefly summarise the key points from the case study and then invite the group to present their findings on all three discussion questions. This process is repeated for the other three case studies. The rest of the instructions for the plenary discussion are the same, except that the trainer provides feedback using the solution keys for all four case studies instead of two case studies. The plenary discussion for this alternative option is longer and will take about 1 hour 20 minutes.</p>	50 min.
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Discussion questions

All case studies have the same discussion questions. These are:

1. Why did the UN find that the commander was at fault?
2. What disciplinary and/or other action is your own country likely to take against commanders in a similar situation?
3. What measures can you put in place in your upcoming deployment to prevent your personnel from engaging in this type of misconduct?

In addition, specific prompt questions are provided for each case study to encourage discussion.

Content of case studies

Four case studies are provided covering different forms of misconduct. Case studies are fictitious but based on real misconduct cases.

Trainers should select two case studies from the list below, including at least one case study relating to sexual misconduct. Trainers should select the most relevant case studies for the contingent's deployment (see **Table 1. List of Case Studies** below).

Table 1. List of Case Studies

Description	This case study is relevant for deployments to:
<p>Case Study A. Sexual Exploitation and Abuse (SEA)</p> <p>The case study relates to an incident of sexual exploitation and abuse (SEA), which is a form of sexual misconduct. It describes an example of exchange of sex for money or gifts with adult women from the local population. The case study focuses on the commander's responsibility to set the right tone and to prevent misconduct.</p>	<p>All locations in all UN Field Missions, and particularly UN Field Missions in Central African Republic, the Democratic Republic of the Congo and South Sudan.</p>
<p>Case Study B. Sexual Harassment</p> <p>The case study describes examples of sexual harassment of women outside of the contingent as well as one act of sexual assault. Sexual harassment and sexual assault are both forms of sexual misconduct. The case study focuses on the commander's responsibilities to prevent misconduct and report misconduct.</p>	<p>All locations in all UN Field Missions.</p>
<p>Case Study C. Theft of UN Fuel</p> <p>The case study describes an example of theft of UN fuel. It focuses on the commander's responsibilities to prevent misconduct and to report misconduct.</p>	<p>All UN Field Missions, and particularly UN Field Missions in Cyprus and Lebanon.</p> <p>All contingents, and particularly contingents that conduct patrols and have high fuel usage.</p>
<p>Case Study D. Drunk Driving</p> <p>The case study describes an example of drunk driving resulting in a road traffic accident and damage to a local's car. It focuses on the commander's responsibilities to prevent and report misconduct as well as to cooperate with UN initial fact-finding activities.</p>	<p>All locations, particularly urban locations.</p> <p>All UN Field Missions, and particularly UN Field Missions in Cyprus and Lebanon.</p>

Training materials and supplies

The trainer should prepare the following training materials and supplies:

- **Case studies** selected: 1 copy per learner + 1 copy per trainer.
- **Exercise instructions:** 1 copy per trainer.
- **Solution key** for the selected case studies: 1 copy per trainer.
- **Examples Misconduct Prevention:** 1 copy per learner + 1 copy per trainer (see 'Key Resources').
- **Glossary:** 1 copy per trainer (see 'Key Resources').
- Flip charts, flip chart pens and flip chart stands: 1 per group.

Learning evaluation method

This exercise is assessed through trainer observation and a review of group work produced. In other words, trainers will collect evidence of the performance of learners through observing their performance during the group discussions and plenary presentations as well as by reviewing the content contained in the flip charts collected from each group.

Solution Key for Case Study A: Sexual Exploitation and Abuse (SEA)

Box 1. What is sexual exploitation and abuse (SEA)?

Sexual exploitation and abuse (SEA) is prohibited under the UN standards of conduct. This means that the following is prohibited:

- **Sexual activity with a child (a person under the age of 18).** For example, there have been cases of contingent members having sexual relationships with girls under the age of 18.
- **Exchange of money, food, employment, goods, assistance, or services for sex or sexual favours.** For example, there have been cases of contingent members:
 - Paying for sex with adult women. This has happened in brothels, bars/restaurants, hotels, private homes or in contingent camps.
 - Exchanging small sums of money, biscuits or cell phones for sexual favours with children.
 - Exchanging money for sex with UN contractors such as cleaners.
- **Use of a child or adult to procure sex for others.** For example, there have been cases of contingent personnel using children to bring them local women to have sex in exchange for money.

Warning! Populations served by UN Field Missions are vulnerable and there is an extreme imbalance of power between peacekeepers and the local population. Any sexual relationships between contingent members and adult members of the local population will be presumed to be exploitative and should be reported to the UN.

Source: UN course 'Maintaining Conduct and Discipline for UN Commanders of Military and Police Contingents'.

1. Why did the UN find that the commander was at fault?

- How did the commander fail to set the tone and make it clear that misconduct will be taken seriously?

Tick		Learning Points
Group 1	Group 2	
		<p>1. The commander <u>did not set the tone</u> and make it clear to contingent members that misconduct will be taken seriously.</p> <ul style="list-style-type: none"> ○ The commander did not lead by example as the commander and the officers did not attend the mandatory induction training on conduct and discipline. Furthermore, when they do run the trainings for the rank and file, none of the officers attend, which sends a message that the training are not important. ○ Hosting a 'Ladies Night' at the camp does not send a clear message about the UN's zero-tolerance policy on sexual exploitation and abuse.
		<p>2. The commander <u>did not put in place adequate measures to prevent misconduct</u>.</p> <ul style="list-style-type: none"> • During their deployments, commanders are required to ensure that their personnel comply with the UN standards of conduct, mission-specific rules and regulations and local laws. This means that commanders must train their personnel on the UN standards of conduct, put in place measures to prevent misconduct and take swift action when rules are broken. • It is good practice for commanders to develop an action plan that describes how they will prevent misconduct by their personnel.

- How did the commander's actions and decisions create opportunities for contingent personnel to engage in sexual exploitation and abuse?

Tick		Learning Points
Group 1	Group 2	
		<ul style="list-style-type: none"> ○ The commander did not ensure that the contingent was trained within one month of arrival and regularly thereafter.
		<ul style="list-style-type: none"> ○ The commander did not allocate sufficient time for the personnel to be trained.
		<ul style="list-style-type: none"> ○ The commander did not adequately monitor movements in and out of the camp through the gate and check for unauthorised visitors.
		<ul style="list-style-type: none"> ○ The commander allowed external visitors to the camp to attend a religious service but didn't ensure proper procedures were in place to check that they had all left the camp straight afterwards.
		<ul style="list-style-type: none"> ○ The commander authorised a 'Ladies Night' event inside the camp, which created a high-risk situation for contingent personnel to engage in sexual misconduct, including sexual exploitation and abuse.

- 2. What disciplinary and/or other action is your own country likely to take against commanders in a similar situation?**

3. What measures can you put in place in your upcoming deployment to prevent your personnel from engaging in this type of misconduct?

A wide range of measures should be put in place by commanders and their command staff to lower the risk of personnel engaging in SEA both inside and outside of the contingent camp. These include, for example:

Tick		Learning Points
Group 1	Group 2	
		<p><i>Setting the tone and leading by example</i></p> <ul style="list-style-type: none"> • Attend the UN Field Mission's induction training on conduct and discipline. • Make it clear to all that allegations of misconduct will be taken seriously. • Create a culture in the contingent that is respectful of gender and diversity. • Lead by example and always follow UN standards of conduct, mission-specific regulations and local laws.
		<p><i>Awareness and training</i></p> <ul style="list-style-type: none"> • Provide training to contingents on UN standards of conduct, mission-specific rules and regulations and local laws within one month of arriving and regular refresher training thereafter. In practice, the UN Field Mission's Conduct and Discipline Team trains the contingent's trainers, who in turn deliver the trainings to the contingent members. • Ask the contingent's chaplain (representing, for example, the Islamic, Christian, Hindu, Buddhist, Sikh or Jewish faiths) to brief contingent members on the importance of maintaining high standards of conduct during their deployments. • Display posters and flyers on the UN standards of conduct in visible places inside the camp. • Issue contingent members with pocket cards containing the UN standards of conduct. The UN has produced pocket cards for contingent members on UN standards of conduct, available in all UN languages. These are: <u>'No Excuses' pocket card on sexual exploitation and abuse</u>, and <u>'Ten Rules: Code of Personal Conduct for Blue Helmets'</u>.

		<p><i>Oversight and control measures</i></p> <ul style="list-style-type: none"> • Put in place measures to prevent fraternisation with the local population (e.g. contingent-specific curfews, a requirement to wear a uniform at all times when outside of the camp, designating specific locations as off-limits, conducting patrols with the contingent's own military police). • Put in place measures to maintain oversight of contingent members when they are moving outside the camp and when they are at social events (e.g. a requirement for contingent members to move in supervised groups when off-duty, outside the camp). • Put in place measures to prevent unauthorised absences of contingent members or unauthorised persons from entering (e.g. regular headcounts, strong entry/exit control into camps and accommodation blocks, strong perimeter security). • Put in place measures to restrict access of the population to camps/barracks (e.g. liaising with the local authorities to keep street sellers away from the perimeter fence of the camp, a ban on use of domestic workers from the local population in UN contingent camps). • Designate specific toilet blocks for use by locals/visitors, which are separate from those used by contingent members. • Ensure regular oversight visits by commanders to locations that are considered high risk for sexual exploitation and abuse. • Ensure regular rotation of contingents deployed to remote areas. • Keep an eye on minor violations as these could be warning signs of more serious misconduct taking place.
		<p><i>Welfare and living conditions</i></p> <ul style="list-style-type: none"> • Provide adequate welfare and recreation facilities (e.g. internet access, gym, TV room, outdoor sports, supervised outings) and adequate living conditions for contingent personnel to reduce stress. • Do not allow the contingent to share food and non-food items with the community without proper supervision. Instead, make formal charitable donations of food and non-food items through third party organisations such as non-governmental organisations and community organisations. <p>Remember - contingents are not allowed to give or sell UN rations to others. Any unused UN rations must be returned to the UN.</p>

	Trainer Notes on Group/Learner Performance
Group 1	
Group 2	

	Names of Learners
Group 1	
Group 2	

Solution Key for Case Study B: Sexual Harassment

The contingent members make repeated sexual comments about the women's appearances and persistent and unwelcome invitations to 'go somewhere private'. These are examples of sexual harassment. However, one of the actions in the case study involves touching without the person's consent (a contingent member pushes a woman up against the wall and touches her breast) and is an example of sexual assault.

Box 2. What is sexual harassment?

Sexual harassment is prohibited under the UN standards of conduct.

Both women and men can be victims and perpetrators of sexual harassment. However, the majority of cases to-date in UN Field Missions have involved male perpetrators and female victims. Sexual harassment can also occur between persons of the same gender.

Here are examples that have happened in UN Field Missions in the past:

- Repeated sexual comments about someone's personal appearance.
- Persistent and unwelcome invitations to social events.
- At night, following someone back to their accommodation blocks without being asked to do so.
- Taking photos of someone through the windows of their accommodation blocks without their permission.
- Sending pornographic images or photos of one's genitals to someone else, without being asked to do so.

Some of these examples may also amount to crimes.

Source: UN course 'Maintaining Conduct and Discipline for UN Commanders of Military and Police Contingents'.

Box 3. What is sexual assault?

Sexual assault is prohibited under the UN standards of conduct.

In UN Field Missions, there have been cases of sexual assault between members of the same contingent as well as between civilian, police and military personnel of the UN Field Mission.

For example, there have been cases of sexual assault at social events involving deliberate touching of the buttocks or breasts or forced kissing on the mouth without the person's consent. Acts of sexual assault may also amount to crimes under the national jurisdiction of the troop-contributing country or under local laws.

Source: UN course 'Maintaining Conduct and Discipline for UN Commanders of Military and Police Contingents'.

1. How was the commander at fault?

Tick		Learning Points
Group 1	Group 2	
		<p>The commander <u>did not report</u> the allegation of misconduct <u>immediately to the UN</u>.</p> <ul style="list-style-type: none"> • Commanders are required to report allegations of misconduct immediately to the UN. • This means that they need to report allegations of misconduct through their UN chain of command as well as to the UN Field Mission's Conduct and Discipline Team or Focal Point.

- Who should have reported the allegation of misconduct to the UN? When?

Tick		Learning Points
Group 1	Group 2	
		<ul style="list-style-type: none"> • Once the senior officer reported the allegation to the commander, the commander should have reported it immediately to the UN.
		<ul style="list-style-type: none"> • In addition, others at the party who witnessed the contingent members sexual harassing the women at the party should have reported the allegations of misconduct to the UN.

		<ul style="list-style-type: none"> Some of the victims of the sexual harassment did eventually report the allegations of misconduct to the UN. However, as is often the case, victims are often reluctant to report sexual misconduct allegations for a range of reasons, including fear that they won't be believed, fear of victim-blaming by families and communities and mistrust in the UN's administration of justice system.
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- Were there any warning signs that the five contingent members were a high-risk group for engaging in misconduct?

Tick		Learning Points
Group 1	Group 2	
		<ul style="list-style-type: none"> Yes. The fact that the same five contingent members regularly bought large amounts of alcohol at the PX (duty-free shop) and took it back to their barracks to drink was a warning sign that alcohol misuse was happening. Alcohol encourages risk-taking behaviour and many acts of misconduct (e.g. physical assault, sexual misconduct) happen in situations where excessive drinking is taking place.
		<p>The commander <u>did not put in place adequate measures to prevent misconduct</u>.</p> <ul style="list-style-type: none"> During their deployments, commanders are required to ensure that their personnel comply with the UN standards of conduct, mission-specific rules and regulations and local laws. This means that commanders must train their personnel on the UN standards of conduct, put in place measures to prevent misconduct and take swift action when rules are broken. It is good practice for commanders to develop an action plan that describes how they will prevent misconduct by their personnel.

- 2. What disciplinary and/or other action is your own country likely to take against commanders in a similar situation?**

3. What measures can you put in place in your upcoming deployment to prevent your personnel from engaging in this type of misconduct?

A wide range of measures should be put in place by commanders and their command staff to lower the risk of personnel engaging in sexual harassment and sexual assault both inside and outside of the contingent camp. These include, for example:

Tick		Learning Points
Group 1	Group 2	
		<p><i>Setting the tone and leading by example</i></p> <ul style="list-style-type: none"> • Attend the UN Field Mission's induction training on conduct and discipline. • Make it clear to all that allegations of misconduct will be taken seriously. • Create a culture in the contingent that is respectful of gender and diversity. • Lead by example and always follow UN standards of conduct, mission-specific regulations and local laws.
		<p><i>Awareness and training</i></p> <ul style="list-style-type: none"> • Provide training to contingents on UN standards of conduct, mission-specific rules and regulations and local laws within one month of arriving and regular refresher training thereafter. In practice, the UN Field Mission's Conduct and Discipline Team trains the contingent's trainers, who in turn deliver the trainings to the contingent members. • Ask the contingent's chaplain (representing, for example, the Islamic, Christian, Hindu, Buddhist, Sikh or Jewish faiths) to brief contingent members on the importance of maintaining high standards of conduct during their deployments. • Display posters and flyers on the UN standards of conduct in visible places inside the camp. • Issue contingent members with pocket cards containing the UN standards of conduct. The UN has produced pocket cards for contingent members on UN standards of conduct, available in all UN languages. These are: <u>'No Excuses' pocket card on sexual exploitation and abuse</u>, and <u>'Ten Rules: Code of Personal Conduct for Blue Helmets'</u>.

		<p><i>Oversight and control measures</i></p> <ul style="list-style-type: none"> • Put in place measures to prevent fraternisation with the local population (e.g. contingent-specific curfews, a requirement to wear a uniform at all times when outside of the camp, designating specific locations as off-limits, conducting patrols with the contingent's own military police). • Put in place measures to maintain oversight of contingent members when they are moving outside the camp and when they are at social events (e.g. a requirement for contingent members to move in supervised groups when off-duty, outside the camp). • Put in place measures to prevent unauthorised absences of contingent members or unauthorised persons from entering (e.g. regular headcounts, strong entry/exit control into camps and accommodation blocks, strong perimeter security). • Put in place measures to restrict access of the population to camps/barracks (e.g. liaising with the local authorities to keep street sellers away from the perimeter fence of the camp, a ban on use of domestic workers from the local population in UN contingent camps). • Designate specific toilet blocks for use by locals/visitors, which are separate from those used by contingent members. • Ensure regular oversight visits by commanders to locations that are considered high risk for sexual exploitation and abuse. • Ensure regular rotation of contingents deployed to remote areas. • Keep an eye on minor violations as these could be warning signs of more serious misconduct taking place.
		<p><i>Welfare and living conditions</i></p> <ul style="list-style-type: none"> • Provide adequate welfare and recreation facilities (e.g. internet access, gym, TV room, outdoor sports, supervised outings) and adequate living conditions for contingent personnel to reduce stress. • Do not allow the contingent to share food and non-food items with the community without proper supervision. Instead, make formal charitable donations of food and non-food items through third party organisations such as non-governmental organisations and community organisations. <p>Remember - contingents are not allowed to give or sell UN rations to others. Any unused UN rations must be returned to the UN.</p>

	Trainer Notes on Group/Learner Performance
Group 1	
Group 2	

	Names of Learners
Group 1	
Group 2	

Solution Key for Case Study C: Theft of UN Fuel

1. Why did the UN find that the commander was at fault?

- Did the commander put in place adequate oversight measures to prevent fuel theft?

Tick		Learning Points
Group 3	Group 4	
		<p>1. The commander <u>did not put in place adequate measures to prevent misconduct</u>.</p> <ul style="list-style-type: none"> • During their deployments, commanders are required to ensure that their personnel comply with the UN standards of conduct, mission-specific rules and regulations and local laws. This means that commanders must train their personnel on the UN standards of conduct, put in place measures to prevent misconduct and take swift action when rules are broken. • It is good practice for commanders to develop an action plan that describes how they will prevent misconduct by their personnel. • In this case study, even after the commander becomes aware of an incident of theft of UN fuel, the commander fails to put in place additional measures to prevent further incidents of fuel theft.

- Should the commander have reported his suspicions about fuel theft to the UN?

Tick		Learning Points
Group 3	Group 4	
		<p>2. The commander <u>did not report</u> the allegation of misconduct <u>immediately to the UN</u>.</p> <ul style="list-style-type: none"> • Commanders are required to report allegations of misconduct immediately to the UN. • This means that they need to report allegations of misconduct through their UN chain of command as well as to the UN Field Mission's Conduct and Discipline Team or Focal Point. • In this case study, the commander suspected theft of UN fuel was happening two months before the visit of the UN Fuel Unit.

		As this incident has an impact outside of the contingent, it should have been reported immediately to the UN and should <u>not</u> have been handled internally by the contingent commander.
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3. What disciplinary and/or other action is your own country likely to take against commanders in a similar situation?

4. What measures can you put in place in your upcoming deployment to prevent your personnel from engaging in this type of misconduct?

Tick		Learning Points
Group 3	Group 4	
		<p>To prevent theft or misuse of UN fuel and UN rations, commanders can put in place measures such as the following:</p> <ul style="list-style-type: none"> Establish a 'Food and Fuel Committee' to oversee the management of UN fuel and UN food rations, where one or more persons has an oversight role. These persons should not have a vested interest in managing the fuel and food rations. For example, this oversight role could be filled by a subordinate commander (e.g. the Deputy Commander) or a member of the command staff team such as a Legal Adviser.
		<ul style="list-style-type: none"> Conduct random spot checks of records on the receipt and use of UN rations and fuel as well as its re-distribution to sub-units (e.g. vehicle fuel logs, generator fuel logs, food ration records, daily 'fuel dip' reports to measure fuel levels).
		<ul style="list-style-type: none"> Put in place tight security around fuel storage, the car/vehicle fleet and generators, including CCTV.
		<ul style="list-style-type: none"> Authorise only a small number of people to refuel vehicles and generators.

	Trainer Notes on Group/Learner Performance
Group 3	
Group 4	

	Names of Learners
Group 3	
Group 4	

Solution Key for Case Study D: Drunk Driving

1. Why did the UN find that the commander was at fault?

- Who decided to put the driver on duty the night after the party?

Tick		Learning Points
Group 3	Group 4	
		<p>1. The commander <u>did not set the tone</u> and make it clear to contingent members that misconduct will be taken seriously.</p> <ul style="list-style-type: none"> • In this case study, the commander knew the driver had been at a party where alcohol was being served yet he still decided to put him on duty the next morning to make inter-camp deliveries.

- How was the accident reported to the UN?
- What action should the commander have taken when the matter was reported to him?

Tick		Learning Points
Group 3	Group 4	
		<p>2. The commander <u>did not report</u> the allegation of misconduct <u>immediately to the UN</u>.</p> <ul style="list-style-type: none"> • Commanders are required to report allegations of misconduct immediately to the UN. • This means that they need to report allegations of misconduct through their UN chain of command as well as to the UN Field Mission's Conduct and Discipline Team or Focal Point. • In this case study, the commander knew about the car accident but did not report it to the UN. Instead, the incident was reported to the UN by the local police.

- To what extent did the commander cooperate with the UN initial fact-finding activities into the road traffic accident?

Tick		Learning Points
Group 3	Group 4	
		<p>3. The commander <u>did not cooperate with UN initial fact-finding activities</u> led by the UN Field Mission.</p> <ul style="list-style-type: none"> • Commanders are required to cooperate with UN initial fact-finding activities aimed at preserving evidence and are required to instruct their contingent members to do the same. • For example, in road traffic accidents, commanders should instruct their contingent members to provide a written statement and agree to be breathalysed.

Additional information:

What are UN rules on driving under the influence of alcohol or other substances?

Commanders should check the mission-specific rules to understand the legal limits for drinking and driving in the mission area. Some UN Field Missions allow a small amount of alcohol while driving and others allow none at all. Uniformed personnel are expected to abide by local laws and mission-specific rules and regulations on driving under the influence of alcohol or other substances such as marijuana.

How does the UN handle road traffic accidents?

When a road traffic accident happens, it is not yet known if misconduct occurred. In road traffic accidents, the UN Field Mission will conduct initial fact-finding activities to preserve evidence. If misconduct is suspected (for example, there is a suspicion of speeding or drunk driving), a separate investigation is launched into this alleged misconduct. The UN will then hand over any evidence gathered through initial fact-finding activities to the investigators.

How do contingent personnel report a road traffic accident to the UN?

- On arrival, the UN Field Mission will tell you who to contact in case of a road traffic accident. For example, it may be the UN Field Mission's security unit or UN Military Police.
- Road traffic accidents must be reported to the UN without delay (e.g. within 24 hours of the accident).
- UN personnel should not leave the scene of an accident until the UN initial fact-finding activities are finished, unless there are compelling reasons to do so (e.g. their personal safety is threatened).

Who conducts UN initial fact-finding activities to preserve evidence?

UN initial fact-finding activities may be carried out by the UN's main investigative arm, the UN Office of Internal Oversight Services (OIOS) or by personnel from the UN Field Mission such as UN Military Police (e.g. in road traffic accidents), security officers from the Mission's security unit or members appointed to be part of an Immediate Response Team (for cases involving sexual exploitation and abuse).

What is the UN Office of Internal Oversight Services (OIOS)?

OIOS is the main investigative arm of the UN. It is independent from UN Field Missions and reports directly to UN Headquarters.

What is an Immediate Response Team?

UN Field Missions can deploy an Immediate Response Team (IRT) in the immediate aftermath of an allegation of sexual exploitation and abuse being reported to collect and safeguard evidence until an investigation is launched.

- Commanders are required to cooperate with investigations into allegations of misconduct and serious misconduct involving their personnel. Commanders are also required to instruct their contingent members to do the same.
- Examples of good cooperation with UN initial fact-finding activities or investigations include:
 - Instructing your contingent members to provide a written statement and agree to be breathalysed in road traffic accidents.
 - Preserving evidence until the investigators arrive.
 - Instructing your contingent members to stay away from victims and witnesses.
 - Making your contingent members available for interview.
 - Sharing information and documentation with investigators.

2. What disciplinary and/or other action is your own country likely to take against commanders in a similar situation?

3. What measures can you put in place in your upcoming deployment to prevent your personnel from engaging in this type of misconduct?

Tick		Learning Points
Group 3	Group 4	
		<ul style="list-style-type: none"> During their deployments, commanders are required to ensure that their personnel comply with the UN standards of conduct, mission-specific rules and regulations and local laws. This means that commanders must train their personnel on the UN standards of conduct, put in place measures to prevent misconduct and take swift action when rules are broken. It is good practice for commanders to develop an action plan that describes how they will prevent misconduct by their personnel.
		<p><i>Setting the tone and leading by example</i></p> <ul style="list-style-type: none"> Attend the UN Field Mission's induction training on conduct and discipline. Make it clear to all that allegations of misconduct will be taken seriously. Lead by example and always follow UN standards of conduct, mission-specific regulations and local laws.
		<p><i>Awareness and training</i></p> <ul style="list-style-type: none"> Provide training to contingents on UN standards of conduct, mission-specific rules and regulations and local laws within one month of arriving and regular refresher training thereafter. In practice, the UN Field Mission's Conduct and Discipline Team trains the contingent's trainers, who in turn deliver the trainings to the contingent members. Ask the contingent's chaplain (representing, for example, the Islamic, Christian, Hindu, Buddhist, Sikh or Jewish faiths) to brief contingent members on the importance of maintaining high standards of conduct during their deployments. Display posters and flyers on the UN standards of conduct in visible places inside the camp. Issue contingent members with pocket cards containing the UN standards of conduct. The UN has produced pocket cards for contingent members on UN standards of conduct, available in all UN languages. These are: <u>'No Excuses' pocket card on sexual exploitation and abuse</u>, and <u>'Ten Rules: Code of Personal Conduct for Blue Helmets'</u>.

		<p><i>Control measures</i></p> <p>Many acts of misconduct happen when there is excessive drinking of alcohol. Commander should therefore put in place measures to control alcohol use inside and outside the camp.</p> <p>For example, they can help prevent excessive drinking by:</p> <ul style="list-style-type: none"> • Assigning a superior officer to be on duty and monitor social outings. • If the contingent has its own bar inside the camp, measures can be put in place to prevent excessive drinking such as: <ul style="list-style-type: none"> ◦ Assigning an officer to monitor the bar, ◦ Limiting how much alcohol is issued to each person and how often, and ◦ Only issuing alcohol to drivers on their rest days when they are off duty.
		<p><i>Welfare and living conditions</i></p> <ul style="list-style-type: none"> • Provide adequate welfare and recreation facilities (e.g. internet access, gym, TV room, outdoor sports, supervised outings) and adequate living conditions for contingent personnel to reduce stress.

	Trainer Notes on Group/Learner Performance
Group 3	
Group 4	

	Names of Learners
Group 3	
Group 4	

HANDOUTS

Case Study A: Sexual Exploitation and Abuse (SEA)

This is a fictitious case study based on several real misconduct cases.

The incident. A large contingent is stationed in a town. They arrived there three months ago. As part of their efforts to win hearts and minds, the contingent organises weekly religious services in their camp, and invite members of the local community to join the service. After the service, everyone is supposed to leave the camp. However, in practice, some of the contingent members sneak local women into their accommodation blocks and have sex with them in exchange for money and gifts such as cell phones. This happens on a regular basis and goes unnoticed by the commander. Eventually, a member of the local Community-based Complaints Mechanism (a community group) reports to the UN that sexual exploitation and abuse is happening at the camp between contingent members and local women.

The investigation. During the investigation, it emerged that neither the commander nor any of his officers had attended the mission-specific induction briefing on conduct and discipline. It was also found that three months into the deployment only one third of his contingent had received training on UN standards of conduct. When interviewed, the contingent's training officers explained that the commander is reluctant to allow them to conduct training as it takes the contingent away from their operational duties and that when they do run the trainings for the rank and file, none of the officers attend.

The camp only has one gate. The investigators asked to see the gate records to check who had entered and exited on the days when there was a religious service. However, the investigators found that the records were incomplete or missing for many of the days, including for the days of the religious services.

They also found out that the camp hosted 'Ladies Night' once a month, when they invited local women to social events at the camp.

The outcome. As a result of the investigation, the UN found that the commander was at fault and barred him from future service in the UN.

Discussion questions:

1. Why did the UN find that the commander was at fault?

- How did the commander fail to set the tone and make it clear that misconduct will be taken seriously?
- How did the commander's actions and decisions create opportunities for contingent personnel to engage in sexual exploitation and abuse?

2. What disciplinary and/or other action is your own country likely to take against commanders in a similar situation?

3. What measures can you put in place in your upcoming deployment to prevent your personnel from engaging in this type of misconduct?

Case Study B: Sexual Harassment

This is a fictitious case study based on a real misconduct case.

The incident. It's a Friday night and there is a party happening at the UN compound. Five contingent members attend the party, together with one senior officer. All contingent members are off-duty. At the party, there are mostly personnel working for the UN Field Mission: primarily civilians as well as some uniformed personnel. People can buy alcohol at the party.

When they arrive, the five contingent members head straight to the bar and start drinking heavily. After a while, they approach a group of women at the party and start talking to them. First, they make small talk, but then two of the contingent members tell the women they look 'sexy' and 'have great bodies' and ask them if they want to go 'somewhere more private'. The women look uncomfortable and tell them they are not interested. The contingent members continue to push the women to leave the party with them, and eventually the women make an excuse and move away. The contingent members move to another group of women and start the whole process again. As the contingent members are very drunk and speaking increasingly loudly, their behaviour is starting to get noticed by others. A civilian man approaches the senior officer and tells him to control his men and that they are harassing women at the party. The officer shrugs it off and says his men are behaving fine and just trying to enjoy a night out like everyone else.

A while later, two of the contingent members see one of the women they were talking to earlier head towards the toilets and follow her there. When she exits the toilets, they push her up against the wall and touch her breasts. The woman pushes them off her and leaves the party. No-one else witnessed this incident. A few minutes later, another person approaches the senior officer and makes a similar complaint about the contingent members being drunk, too rowdy and that they are harassing women. This time, the senior officer decides to take the contingent members back to camp.

Reporting the allegation. The day after the party, no-one reported any allegations of misconduct to the UN. It was only four days after the party that two women at the party came forward and filed a formal complaint to the UN that they had been sexually harassed by members of a contingent at the party.

The investigation. An investigation was launched into the allegations. During the investigation, it emerged that the same contingent members who were under investigation for sexual harassment regularly bought large amounts of alcohol at the PX (duty-free shop) and took it back to their barracks to drink. It also emerged during the investigation that the morning after the party, the senior officer had reported the incident

to the commander, stating that he had to bring the five contingent members back to camp because they were drunk and harassing women at the party.

Discussion questions:

1. How was the commander at fault?

- Who should have reported the allegation of misconduct to the UN? When?
- Were there any warning signs that the five contingent members were a high-risk group for engaging in misconduct?

2. What disciplinary and/or other action is your own country likely to take against commanders in a similar situation?

3. What measures can you put in place in your upcoming deployment to prevent your personnel from engaging in this type of misconduct?

Case Study C: Theft of UN Fuel

This is a fictitious case study based on a real misconduct case.

The incident. A team from the UN Field Mission's 'Fuel Unit' (the Fuel Unit is part of the Mission's civilian Mission Support component) conducted a random site visit to the contingent's camp. The purpose of the visit was to monitor UN fuel use and check for any irregularities. During the visit, they noticed that the contingent was not following the UN Field Mission's standard operating procedures for managing fuel and found unusually high levels of fuel consumption for the contingent's vehicles and generators. For example, fuel consumption reports stated that a specific vehicle that normally consumes 42.9 litres per 100 km was refilled with 259 litres after a 6 km journey, with no justification provided. They also noticed that the fuel gauges of the generators had been tampered with. Following the visit, the Fuel Unit reported an allegation of fuel theft. An investigation followed shortly afterwards.

The investigation. During the investigation, it was discovered that, two months before the visit of the UN Fuel Unit, the commander had suspected that fuel theft was going on. He did not report these suspicions to the UN. Instead, he appointed his Chief Logistics Officer and his Chief of the Car Fleet to look into the matter. As a result of this internal inquiry, the commander disciplined two contingent members for fuel theft. After the fuel theft incidents, the commander did not put in place any additional measures to prevent further cases of fuel theft. Instead, he continued to delegate all responsibility for submitting fuel consumption reports to the Chief Logistics Officer and never reviewed or cleared any of the monthly fuel consumption reports himself. The fuel consumption reports submitted by the Chief Logistics Officer were mostly either incomplete or lacked justification for high fuel consumption. The commander never conducted any spot checks on fuel use, and never checked to see if his contingent was complying with the UN Field Mission's standard operating procedures for managing fuel.

The outcome. The investigation found that UN fuel worth over USD 11,000 had been stolen by the contingent and sold to local traders. The investigation could not identify who was responsible for the theft. However, the investigation found that the commander was at fault and barred him from future service in the UN.

Discussion questions:

1. Why did the UN find that the commander was at fault?

- Did the commander put in place adequate oversight measures to prevent fuel theft?
- Should the commander have reported his suspicions about fuel theft to the UN?

2. What disciplinary and/or other action is your own country likely to take against commanders in a similar situation?

3. What measures can you put in place in your upcoming deployment to prevent your personnel from engaging in this type of misconduct?

Case Study D: Drunk Driving

This is a fictitious case study based on a real misconduct case.

The incident. It's early in the morning, and two members of a contingent are in a UN contingent-owned vehicle, driving on the local roads making deliveries between two contingent camps. On his third trip, the driver of the vehicle hits the curb, swerves and crashes the vehicle. The vehicle suffers some damage, but luckily no-one is injured. The driver of the vehicle calls his contingent commander to report the accident. The contingent commander tells them to return to camp.

A local driver saw the accident and reported it to the local police. The local police called the UN Field Mission's security unit and informed them of a crash involving a Mission vehicle. After a few enquiries, the security unit finds out which contingent vehicle was moving in the vicinity of the road traffic accident that morning and immediately dispatches the UN Military Police to the contingent camp to breathalyse the driver and speak to all contingent members involved in the accident. The UN Field Mission has an automatic requirement that any UN personnel involved in a road traffic accident on public roads must be breathalysed. The Mission also has a zero-tolerance policy for drinking and driving, and any uniformed personnel found driving with even the smallest amounts of alcohol in their system automatically get repatriated and barred from future deployments with the UN.

UN initial fact-finding activities. When the UN Military Police visited the contingent camp, the contingent commander gave orders to give them access to the vehicle and gave the driver's name. However, he refused to allow the driver to be breathalysed, claiming that the driver was currently undergoing a medical check-up after the accident. By the time the Military Police were given access to the driver, it was too late to conduct a breathalyser test.

The investigation and its outcome. During the investigation that followed, it was discovered that the driver had been at a party hosted inside the contingent compound the night before and had been drinking heavily. He was supposed to be off-duty the next day, but mid-way through the party, his commander had called him at the party and asked him to be on duty the next morning and make inter-camp deliveries.

Based on the findings of the investigation that followed, the UN concluded that both the driver and the commander were at fault and barred both of them from future service with the UN.

Discussion questions:

1. Why did the UN find that the commander was at fault?

- Who decided to put the driver on duty the night after the party?
- How was the accident reported to the UN?
- What action should the commander have taken when the matter was reported to him?
- To what extent did the commander cooperate with the UN initial fact-finding activities into the road traffic accident?

2. What disciplinary and/or other action is your own country likely to take against commanders in a similar situation?

3. What measures can you put in place in your upcoming deployment to prevent your personnel from engaging in this type of misconduct?