

Lesson 2.2- Conduct and Discipline Standards



The Lesson

Slide 1



Lesson 2.2 Conduct and Discipline Standards

Getting Started



While preparing for this session, trainers need to be aware that majority of the learners (specially those without mission service experience) are not likely to be adequately familiar with this subject. However, please note that this subject is also covered during pre-deployment training. In this lesson focus should be more on military contingent personnel's conduct and discipline standard as NIOs are employed to deal with misconduct of these categories of troops. It is important to note that the knowledge and understanding of conduct and discipline standards have direct relevance to the work of the NIOs in the field. For an interactive start to this Lesson, ask the trainees a few questions related to the subject to ascertain their level of background knowledge on the subject.



Note to instructor – recommend that lesson 2.2 be presented by an instructor with legal background, who is well versed with the international and UN legal framework and expert on UN standards of conduct. NIO trainers with past field experience of investigation as well as

working knowledge on conduct and discipline are likely to have the knowledge and experience to explain this subject. Alternatively, staff members of CDU/CDT can be asked to take this session. The instructor should encourage questions from the trainees and aim for an interactive discussion. All trainees should be encouraged to contribute to the group discussions and learning activities.

Aim

To explain to National Investigation Officers (NIO) the standards of conduct the UN peacekeeping personnel (specially the military contingent members) require.

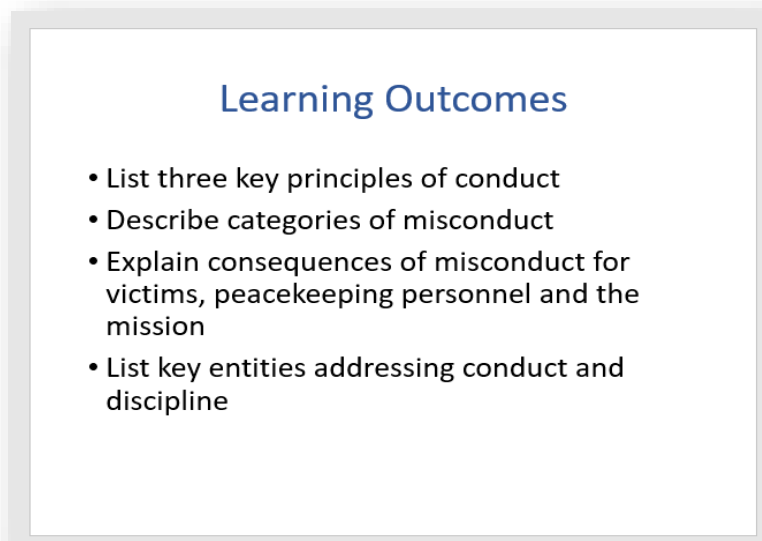
Relevance

NIOs are responsible to investigate cases of serious misconduct and Sexual Exploitation and Abuse committed by military contingent personnel during their course of duty in UN Peacekeeping. As such, NIO training participants must know the UN Conduct and Discipline Standards.

This lesson explains how the UN defines misconduct and details the serious consequences.

Learning Outcomes

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Learning Outcomes

- List three key principles of conduct
- Describe categories of misconduct
- Explain consequences of misconduct for victims, peacekeeping personnel and the mission
- List key entities addressing conduct and discipline

Learners will:

- List the three key principles governing the conduct of UN peacekeeping personnel
- Describe the categories of misconduct
- Explain the consequences of misconduct for victims, peacekeeping personnel, and the mission

- List key entities that address conduct and discipline issues

Recommended Lesson Duration: 45 minutes total


1-2 minutes per slide

Use short option learning activity

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Introduction

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Introduction

- The UN Charter requires that all UN personnel must maintain the highest standards of integrity and conduct.
- The UN Standards of Conduct apply to all categories of personnel deployed in UN missions.
- 3-pronged strategy to address misconduct: prevention, enforcement and remedial action.
- All UN personnel are accountable for their conduct while in UN field mission.

The United Nations Charter requires that all UN personnel must maintain the highest standards of integrity and conduct. The UN is committed to ensuring that all its personnel deployed globally serve with professionalism, courtesy and dignity. Over 100,000 civilian, military and police personnel are currently deployed in the various UN peacekeeping operations and special political missions around the world.

The UN Standards of Conduct apply to all categories of personnel deployed in UN missions. There is a three-pronged strategy to address misconduct: prevention, enforcement of the UN Standards of Conduct, and remedial action. UN personnel in the field are the face of the Organization to the people we protect and support, and the Organization is fully committed to working together with the Member States to ensure that all United Nations personnel, whether civilian, police, or military are accountable for their conduct while in the service of a UN field mission.

Learning Activity 1 (Film: Perceptions of UN Peacekeeping Personnel)

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Learning Activity 1

Film: **Perceptions of UN Peacekeeping Personnel**

- **Instructions:**
 - Watch the long version of *UN Peacekeeping Is*
 - Consider the media coverage of UN personnel
 - How do the positive and negative images of personnel affect the image of the UN?
- **Time:** 15 minutes
 - Film: 3:10 minutes
 - Group work: 5-7 minutes

<https://youtu.be/eqjBqs3o6XY>

Conduct

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Conduct

- UN personnel deployed in field missions represent the Organization.
- Respect local laws, customs and practices, treat people with respect, courtesy and consideration, and act with impartiality, integrity and respect for diversity.



United Nations personnel deployed in field missions represent the Organization and commit to behaving in a professional and disciplined manner at all times. This includes respecting local laws, customs and practices, treating the host country population with respect, courtesy and consideration, and acting with impartiality, integrity and respect for diversity.

United Nations personnel in field missions pledge that they will not bring discredit upon the UN or their country of origin through improper personal conduct, failure to perform duties or


abuse of authority. This includes that they will never commit any act of sexual exploitation and abuse.

UN Standards of Conduct

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UN Standards of Conduct

- Three principles underpin UN standards of conduct:
 - Highest standards of efficiency, competence and integrity
 - Zero tolerance policy on sexual exploitation and abuse (SEA)
 - Accountability of those in command or authority who fail to enforce the standards of conduct




Key Message: Three principles underpin UN standards of conduct:

1. Highest standards of efficiency, competence and integrity
2. Zero tolerance policy on sexual exploitation and abuse (SEA)
3. Accountability of those in command or authority who fail to enforce standards of conduct

The UN standards of conduct are principles for all peacekeeping personnel. The source documents for the UN standards of conduct are different for civilians and uniformed personnel.

SEA is Serious Misconduct in the UN

 **Note to instructor** - *Inform participants that sexual exploitation and abuse will be covered in Lesson 1.2*

Code of Conduct for Peacekeeping Personnel

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Code of Conduct for Peacekeeping Personnel

- UN Charter – highest standards of integrity and conduct
- International Human Rights Law, International Humanitarian Law – fundamental basis for standards
- Public and private life – pursue ideals of the UN

Key Message: There is a Code of Conduct for Peacekeepers.

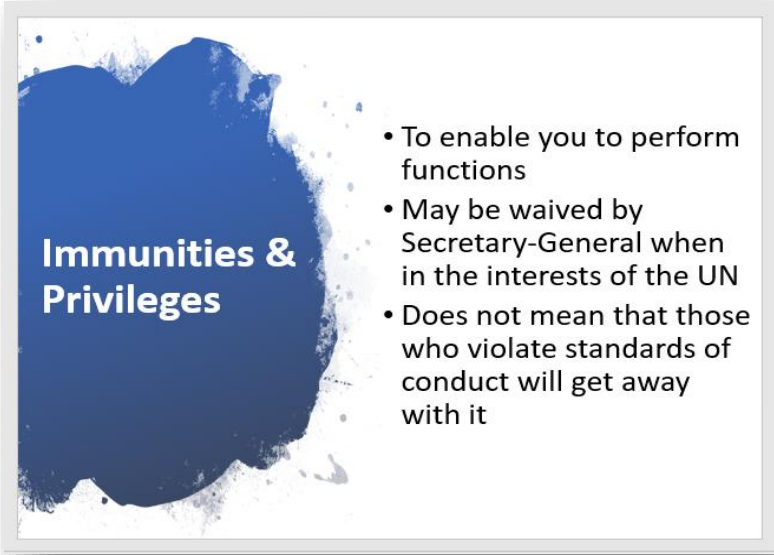
Note: Make handouts of the Code of Conduct for Peacekeepers (see below at the end of these materials). Distribute as assigned reading before the lesson, ideally the day before. Discuss it section by section. What do people think of it? Any surprises? Are all points clear? How do they feel about living by this code?

Main points covered in the Code of Conduct:

- The UN Charter requires that all personnel must maintain the highest standards of integrity and conduct
- All personnel will comply with the Guidelines on International Humanitarian Law for Forces Undertaking UN Peacekeeping Operations and the applicable portions of the Universal Declaration of Human Rights as the fundamental basis of our standards
- All personnel must be prepared to accept special constraints in their public and private lives in order to do the work and to pursue the ideals of the UN

Immunities & Privileges

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- To enable you to perform functions
- May be waived by Secretary-General when in the interests of the UN
- Does not mean that those who violate standards of conduct will get away with it

Key Message: UN privileges and immunities do not mean peacekeeping personnel can get away with violating standards of conduct. The UN expects all peacekeeping personnel to maintain the highest UN standards of conduct. No exceptions.

Immunities and privileges exist to enable civilian and police personnel as well as military observers to perform their functions. National contingent personnel have privileges and immunities to enable them to do their work through the Status of Force Agreement (SOFA). They remain fully under the jurisdiction of their home state, which has assumed a responsibility to hold them accountable. Immunity does not mean impunity. The UN holds ALL peacekeeping personnel accountable for the highest standards of conduct.

The Secretary-General has lifted immunities and privileges in interests of the UN. Sometimes immunity can prevent justice. In such cases, the Secretary-General has a duty to waive immunity of any official or expert without prejudice to the interests of the UN. For example, **individuals accused of crimes have been prosecuted under their country's laws.** Moreover, military personnel have been prosecuted by their home state for crimes committed during their time as peacekeepers.

Misconduct

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Misconduct

Definition of Misconduct

- Defined differently for different categories of peacekeeping personnel
- All build on the same three principles of the UN standards of conduct




Key Message: The UN defines “misconduct” differently for different categories of peacekeeping personnel.

All build on three principles which underpin the UN standards of conduct:

1. Highest standards of efficiency, competence and integrity
2. Zero tolerance policy on sexual exploitation and abuse
3. Accountability of authorities who fail to enforce standards of conduct

The United Nations Staff Rules Rule 310.1 (ST/SGB/2008/3) define misconduct. The principles apply to all peacekeeping personnel.

 **Note to instructor** – you must emphasize that this lesson specifically focuses on conduct and discipline of contingent members of TCCs and not military staff officers, observers and liaison officers. So, while explaining misconduct, reference be drawn from SOFA, MOU, Mission/Force guidelines with regard to conduct by TCC personnel. Lesson 2.3 elaborately discusses conduct and discipline aspects of contingent troops, as such not repeated in this lesson.

Key Documents/references on Misconduct by Military Contingent Personnel

There are several policy documents that incorporate the UN Standards of Conduct. Some apply to all UN personnel, and others have been developed for specific categories of personnel.

Below are the key references for TCC personnel:

- Revised draft model Memorandum of Understanding between the UN and Troop Contributing Countries, incorporating the annex “We are the UN Peacekeeping Personnel”
- Secretary-General’s Bulletin on Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials, and Experts on Mission
- Secretary-General’s Bulletin on Observance by United Nations forces of international humanitarian law
- Ten Rules/Code of Personal Conduct for Blue Helmets
- Other Administrative Issuances, including use of information and communication technology

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Definition of Misconduct

For Members of National Contingent (TCC Personnel)

- Misconduct means any act or omission that is a violation of UN 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.
- Serious Misconduct is 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. Sexual exploitation and abuse constitute serious misconduct.

Reference: We are the UN Peacekeeping Personnel (lists specific instances)

Key Message: This is the definition of “misconduct” for uniformed personnel – specifically members of national contingents.

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Key Message: For administration and investigation, there are two main categories of misconduct: Category I (serious misconduct) and Category II (misconduct).

Category I – Serious Misconduct

Category I or serious misconduct offences are high risk, complex matters and serious criminal cases. They include:

- All SEA (e.g. rape), criminal activity (e.g. offences against the person and offences against property, including fraud)

Independent, professionally trained and experienced investigators best handle inquiries into Category I matters. For military contingents, their national authorities are responsible for handling investigations.

Category I cases include:

- Serious or complex fraud
- SEA
- Other serious criminal act or activity
- Conflict of interest
- Gross mismanagement
- Waste of substantial resources
- All cases involving risk of loss of life to staff or to others, including witnesses

- Substantial violation of UN regulations, rules or administrative issuances

Category II – Misconduct

Category II or misconduct offences are lower risk cases. These include:

- Minor theft and traffic offences (e.g. speeding)
- Sexual and other work-related harassment

Discrimination, harassment (including sexual harassment) and abuse of authority are category II misconduct. The classification does not reflect the extreme distress such misconduct causes to victims.

Mission structures usually handle inquiries into Category II matters. Specific guidelines detail how to deal with discrimination, harassment - including sexual harassment - and abuse of authority.

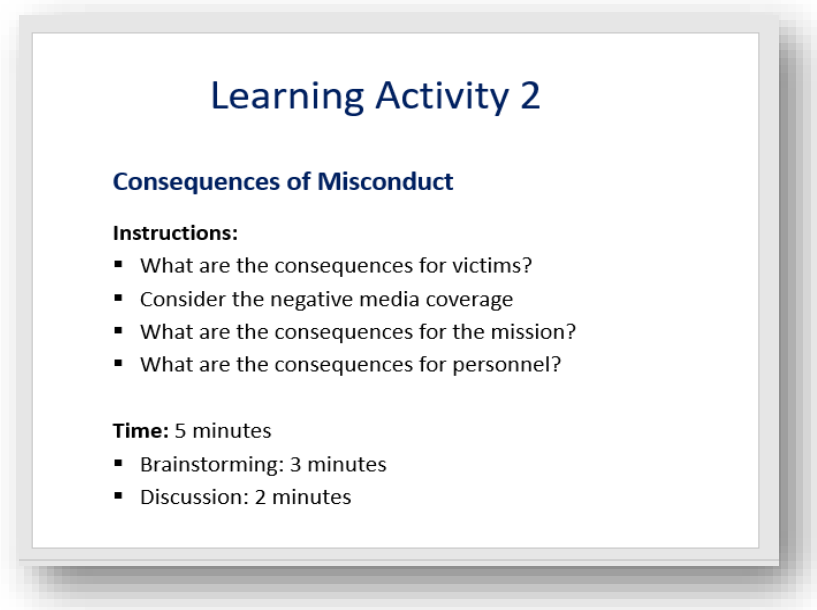
The Office of Internal Oversight Services (OIOS) classifies cases of lower risk as Category II.

Category II cases include:

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

Learning Activity 2 (Consequences of Misconduct)

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Learning Activity 2

Consequences of Misconduct

Instructions:

- What are the consequences for victims?
- Consider the negative media coverage
- What are the consequences for the mission?
- What are the consequences for personnel?

Time: 5 minutes

- Brainstorming: 3 minutes
- Discussion: 2 minutes

Method - Brainstorm

Purpose - To understand the wide-reaching consequences of misconduct by an individual

Time

Short option: 5 minutes

- Brainstorming: 3 minutes
- Discussion: 2 minutes

Longer option: 10 minutes

- Brainstorming: 5 minutes
- Discussion: 5 minutes

Instructions

- What are the consequences for victims?
- Consider the negative media coverage

- What are the consequences for the mission?
- What are the consequences for personnel?


Consequences of Misconduct

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Consequences of Misconduct

For the Victim

- Violates victim's human rights
- Can involve physical injury, financial loss, property damage or loss
- Psychological and emotional effects
- May affect family and local community



Key Message: Misconduct has serious consequences. It violates rights of victims and causes distress.

It may result in other consequences that are equally negative. It can involve:

- Physical injury
- Financial loss
- Property damage or loss
- Psychological and emotional effects

Misconduct does not only affect the victim, but also family members. Where the victim is a citizen of the host country, local communities are also affected.

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For the Mission

- Violates human rights
- Undermines UN principles
- Violates integrity and impartiality
- Reduces credibility and image of UN
- Threatens security
- Undermines rule of law and fosters crime




Key Message: Misconduct affects the reputation of the UN and the country contributing peacekeeping personnel. Reputation is affected in the international arena as well as in the host country.

Misconduct is contrary to UN principles and calls into doubt the duty of care of peacekeeping personnel.

Acts of misconduct seriously damage the image and credibility of a mission. They can negatively affect the mission's ability to implement its mandate. SEA and criminal acts are the worst.

Misconduct may also put the security of peacekeeping personnel at risk. SEA, for example, could result in violent retaliation against perpetrators, a contingent or even the mission.

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For Peacekeeping Personnel

- Disciplinary action
- Repatriation/barring from future service
- Summary dismissal
- Criminal proceedings
- Financial liability

Key Message: Misconduct results in disciplinary and criminal action against peacekeeping personnel.

Disciplinary action follows when an investigation confirms misconduct. The UN takes this action against civilian staff, for example, summary dismissal. For uniformed personnel, Member States are responsible for taking disciplinary and/or criminal action. The UN can only take limited action against uniformed personnel (e.g. repatriation and barring from future service).

Consequences are also determined by the privileges and immunities peacekeeping personnel enjoys. Uniformed personnel remains liable to disciplinary action and even **criminal proceedings** for violations of their national code of conduct, which amounts to criminal acts.

When peacekeeping personnel are alleged to have committed a crime, such as rape, the UN will do a preliminary assessment before referring the matter to the appropriate Member State for criminal investigation. This is because UN investigations are administrative in nature.

Examples of disciplinary action include written censure, demotion or a fine. *Peacekeeping personnel may face financial liability in cases of theft or misappropriation.*

Information on consequences of misconduct are in the:

- Revised draft model *Memorandum of Understanding between the UN and Troop Contributing Countries*
- *General Assembly Resolution on Criminal accountability of United Nations officials and experts on mission (A/RES/62/63)*


Reporting Misconduct

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Reporting Misconduct

Key Entities

- Conduct and Discipline Unit (CDU)
- Office of the Internal Oversight Services (OIOS)
- National Investigation Officers (NIOs)
- Ethics Office
- UN Ombudsman



Key Message: Key entities to address conduct and discipline issues include the:

- Conduct and Discipline Unit
- OIOS
- NIOs
- Ethics Office
- UN Ombudsman

When allegations of misconduct are made, they should either be brought to the attention of the:

- Conduct and Discipline Teams (CDTs) in mission, or
- [Directly to OIOS](#)

The mission's CDT is the primary body which receives reports of alleged misconduct. The CDT also supports mechanisms for dealing with misconduct. CDT in missions receives, assesses and refers complaints of misconduct involving all personnel deployed to the mission, recommends and follows up on appropriate action taken. It maintains a comprehensive database to track and report on all complaints of misconduct in the mission and provides analysis and reports as required. CDTs in mission institute and oversee the Community Based Reporting Mechanisms (CBRMs) which is a very important entity for the receipt of complaints. CDT liaises with all

designated entities involved in investigation of misconduct allegations including sexual exploitation and abuse, reviews investigative reports and refers to appropriate entities for action to be taken.

Others who receive reports of alleged misconduct are:

- Head of Mission (HoM)
- Head of the Military Component (HoMC) or Head of Police Component (HoPC)
- OIOS
- Ethics Office
- UN Ombudsman

Uniformed personnel report misconduct through their chain of command, whereas civilian staff members can report directly to the CDT and other reporting bodies.

Investigation is carried out by:

- OIOS for Category I serious misconduct
- A responsible and designated official for Category II misconduct

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Reporting Duties for Personnel

- Report suspected misconduct
- Report in good faith supported by evidence
- Cooperate with UN investigations
- Make reports to UN officials, OIOS or to others in special circumstances
- Report misconduct directly to OIOS without a need for supervisory approval (ST/SGB/273, para 18)

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Key Message: All UN personnel have a duty to report misconduct, cooperate in investigations and provide information in good faith.

This duty includes:

- Reporting any breach of UN rules and regulations
- Cooperating with authorized audits and investigations

Staff members who report alleged misconduct in good faith have the right to protection from retaliation.

The UN treats allegations made by staff members in bad faith and spreading unsubstantiated rumours as acts of misconduct.

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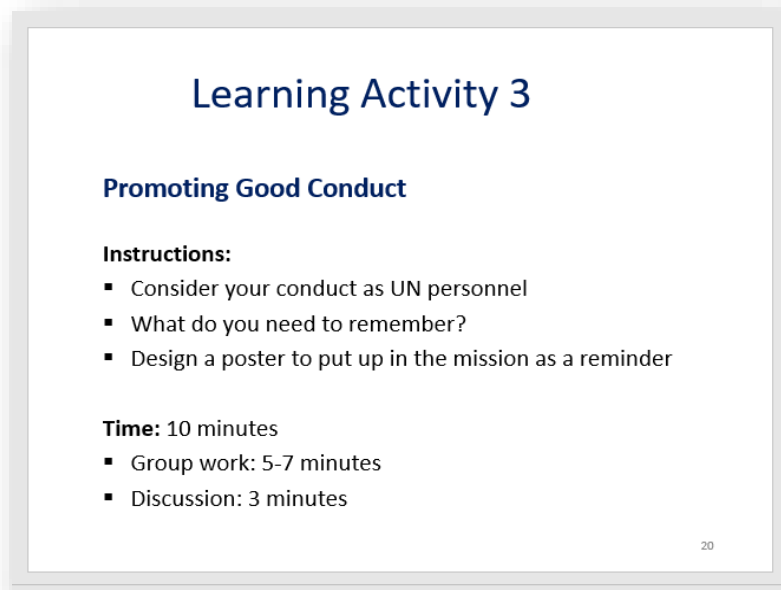


Key Message: Retaliation is direct or indirect detrimental action – recommended, threatened or taken – against a person who reports misconduct.

Retaliation for reporting misconduct or cooperating with an investigation is prohibited. As per OIOS mandate (ST/SGB/273, para 18 (f)), no action may be taken against staff who make reports or cooperate with OIOS. Disciplinary action shall be initiated if retaliatory action is taken or as a reprisal. Retaliation can be reported.

Learning Activity 3 (Promoting Good Conduct)

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Learning Activity 3

Promoting Good Conduct

Instructions:

- Consider your conduct as UN personnel
- What do you need to remember?
- Design a poster to put up in the mission as a reminder

Time: 10 minutes

- Group work: 5-7 minutes
- Discussion: 3 minutes

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Method -Group work

Purpose - To engage participants in a creative exercise presenting basic information about the UN standards of conduct

Time

10 minutes

- Group work: 5-7 minutes
- Discussion: 3 minutes

Instructions

- Consider your conduct as UN personnel
- What do you need to remember?
- Design a poster to put up in the mission as a reminder

What Individual Peacekeeping Personnel Can Do?

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What Individual Peacekeeping Personnel Can Do?

- You are an ambassador of the UN
- Follow UN Charter, IHRL, IHL, UN specific rules, regulations and guidance
- You have a duty to report misconduct, cooperate in investigations, provide information in good faith

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Key Message: It is an individual responsibility to be fully familiar with the specific rules, regulations and guidance provided by the UN to guide conduct. All UN personnel also have a duty to report misconduct, cooperate in investigations and provide information in good faith.

The UN expects all peacekeeping personnel to maintain the highest UN standards of conduct, regardless of level. This means supporting the leadership by always showing commitment for the UN's unique values and standards.

Misconduct by one peacekeeping personnel, or in one mission, has wide impact. It tarnishes all peacekeeping personnel and missions. It undermines UN credibility and legitimacy and the UN's image among local, national and international partners.

Leadership and Accountability

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Leadership and Accountability

- Maintain standards of conduct
- Prevent, monitor and respond to misconduct
- Ensure misconduct prevention training
- Conduct periodic misconduct risk assessments
- Report all misconduct to CDU or OIOS

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Key Message: The UN expects those in command to a) maintain standards of conduct and b) prevent, monitor and respond to misconduct.

Normally when misconduct takes place it raises issues of poor leadership and command and control.

Accountability and overall responsibilities on addressing direct misconduct leadership to:

- Set and implement prevention, enforcement and remedial policies
- Ensure training in misconduct prevention
- Conduct periodic misconduct risk assessments
- Address potential and actual violence
- Report all misconduct to the CDT or OIOS

Managers and commanders can do much to show real leadership on preventing and responding to misconduct.

Summary of Key Messages

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Summary of Key Messages

- Key principles of conduct – high standards, zero tolerance of SEA, leadership accountability
- Categories of misconduct – category 1 serious misconduct offences (high risk), category 2 misconduct offences (low risk)
- Serious consequences of misconduct for peacekeeping personnel, host population and mission
- Key entities for conduct and discipline – CDU, OIOS, Ethics Office, UN Ombudsman

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Three key principles of conduct: high standards, zero tolerance of SEA, and leadership accountability

- Highest standards of efficiency, competence and integrity
- Zero tolerance policy on SEA
- Accountability of those in command or authority who fail to enforce the standards of conduct

Categories of misconduct: category 1 serious misconduct and category 2 misconduct offences

- **Category I**, or serious misconduct offences, are high risk, complex matters and serious criminal cases. They include:
 - All sexual exploitation and abuse (SEA) (e.g. rape), criminal activity (e.g. offences against the person, and offences against property, including fraud)
- **Category II**, or misconduct offences, are lower risk cases. These include:
 - Minor theft and traffic offences (e.g. speeding)
 - Sexual and other work-related harassment

There are serious consequences of misconduct for the victim, peacekeeping personnel and the mission

- There are serious consequences to all involved when it comes to misconduct. It violates the victim's human rights.
- The main consequences for **peacekeeping personnel** are:
 - Disciplinary action
 - Repatriation/barring from future service
 - Summary dismissal
 - Criminal proceedings
 - Financial liability
- Consequences of misconduct for the peacekeeping mission
 - Misconduct contrary to UN principles
 - Violates integrity and impartiality
 - Reduces credibility and image of UN
 - Threatens security
 - Undermines the rule of law and fosters crime

Key entities for conduct and discipline are:

- Conduct and Discipline Team/Unit (CDT)
- Office of the Internal Oversight Services (OIOS)
- Ethics Office
- UN Ombudsman