

INTRODUCTION

THE RESPECT FOR UN STANDARDS AND RULES IS EVERYBODY'S BUSINESS.

In this Newsletter issue 4:

- (1) Article on the protection against prohibited conducts,
- (2) Article on the new MINUSCA SOP on the reporting of allegations,
- (3) Running Tab Statistics.

ACRONYMS

CDT	Conduct and Discipline Team
OIOS/BCSI	Office of Internal Oversight Services / Bureau du Contrôle des Services Internes
SEA	Sexual Exploitation and Abuse
SIU	Special Investigations Unit
SOP	Standard Operating Procedure

PROTECTION AGAINST PROHIBITED CONDUCT ACCORDING TO ST/SGB/2008/5

WHAT TYPES OF CONDUCT DO THIS BULLETIN PROHIBIT?

Prohibited conduct according to ST/SGB/2008/5¹ refers to 4 types of conduct that the UN considers prohibited acts within its work environment, namely: discrimination, harassment, including sexual harassment, and abuse of authority.

It is the responsibility of the Organization to ensure that all staff members are treated with dignity and respect and to maintain a work place free of these conducts. It is the responsibility of managers and supervisors to take all appropriate measures to promote a harmonious work environment, free of intimidation, hostility, offence and any of the above mentioned prohibited conduct.

DISCRIMINATION

Question: Is discrimination: the act of making a distinction between one person and another OR the unequal or unfair treatment of a person based upon some characteristic?

Answer: Any distinction or difference of treatment do not constitute a discrimination. Different treatments for different categories of staff members, if the distinction is made on the basis of lawful goals, is permitted. Discrimination is rather defined by the unfair treatment or arbitrary distinction based on a person's race, sex, religion, nationality, ethnic origin, sexual orientation, disability, age, language, social origin or other status.

HARASSMENT, INCLUDING SEXUAL HARASSMENT:

What is harassment? Harassment is when conducts such as words, gestures or others actions, are perceived to cause offence or humiliation to another person. Harassment normally implies a series of incidents.

What about sexual harassment? Sexual harassment is 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.

While typically involving a pattern of behaviour, it can take the form of a single incident. Sexual harassment may occur between persons of the opposite or same sex.

"Speak up" Secretariat helpline on sexual harassment in the workplace – 24hours – Confidential- For staff to speak confidentially with an impartial and trained individual, dial: 1212-78910 or email : speakup@un.org. For more informations: <https://iseek.un.org/sexualharassment>

ABUSE OF AUTHORITY

What is an abuse of authority? It is the improper use of a position of influence, power or authority against another person. This is particularly serious when a per-

¹ Secretary General's Bulletin dated 11 February 2018, Prohibition of discrimination, harassment, including sexual harassment, and abuse of authority".

son uses his or her influence, power or authority to improperly influence the career or employment conditions of another, including, but not limited to, appointment, assignment, contract renewal, performance evaluation or promotion.

Abuse of authority may also include the use of intimidation, threats, blackmail or coercion.

These 4 conducts often result in creating an intimidating, hostile or offensive work environment.

They are interrelated:

- **discrimination may manifest itself through harassment or abuse of authority;**
- **sexual harassment is a type of discrimination based on a person's sex;**
- **discrimination and harassment, including sexual harassment, can be accompanied by abuse of authority.**

Mission's personnel who reports any prohibited conducts in good faith has the right to be protected against retaliation : <https://minusca.unmissions.org/en/conduct-and-discipline> (ST/SGB/2017/2).

Complaints of prohibited conduct may be made by any staff member, consultant, contractor, gratis personnel, including interns, and any other person who may have been subject to prohibited conduct on the part of a staff member in a work-related situation.

Any complaint or allegations of prohibited conducts should be reported in writing to CDT detailing: the date(s), location(s), name of alleged offender(s), names of witnesses and/or documentary proof.

Statistics of prohibited conducts / MINUSCA	2015	2016	2017	2018
Prohibited conducts as per ST/SGB/2008/5 by P4 equivalent and below	2	3	0	0
Prohibited conducts as per ST/SGB/2008/5 by P5 equivalent and above	5	2	3	0

THE CONCEPT OF DISCRIMINATION, THE UN APPEALS TRIBUNAL, AND THE GREEK PHILOSOPHERS

(Extract of Judgment No. 2016-UNAT-704, 28 October 2016 - 2016-938).

“The different treatment becomes discriminatory when it affects negatively the rights of certain staff members or categories of them, due to unlawful reasons. But when the approach is general by categories, there is no discrimination, when the difference is motivated in the pursuit of general goals and policies and when it is not designed to treat individuals or categories of them unequally. Since Aristotle, the principle of equality means equal treatment of equals; it also means unequal treatment of unequals”.

EXAMPLE OF ACTS THAT CAN BE QUALIFIED AS PROHIBITED CONDUCT:

A supervisor stopping one of his/her staff from attending training he/she had previously attended; taking certain work away from him/her, not keeping his/her staff informed of the matters pertaining to the Section, whereas keeping other members of the team informed; and bypassing him/her and giving instructions to his/her supervisees directly. Taken together, these actions could possibly amount to harassment / abuse of authority.

EXAMPLES OF RETALIATION MAY INCLUDE - but are not limited to :

threatening the non-renewal of a contract, an unsubstantiated negative evaluation, publicly or privately speaking of the allegations (e.g. with the complainant), continued harassment in any form, discriminatory treatment, isolation or failure to consider individual concerned for a warranted post or promotion.

From May to July 2018, CDT is conducting 4 refresher trainings session per week that will include all civilian personnel on these prohibited conducts.

If you are a civilian staff and have not yet registered, please send an email to : jatho@un.org and mbainadjim@un.org

DO YOU HAVE A QUESTION OR CONCERN THAT YOU WOULD LIKE TO SEE HERE? WAS THIS ISSUE INFORMATIVE?

Send us an e-mail by writing to minusca-demasea@un.org

► **Did you miss our previous newsletters ?**

You can find them on our webpage : <https://minusca.unmissions.org/en/conduct-and-discipline>

HOW TO CONTACT CDT

CDT HQ Bangui

MINUSCA HQ Annex
minusca-demasea@un.org

CDT Field Office

Bouar

Sector West
minusca-cdt-bouar@un.org

CDT Field Office

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Sector Centre
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CDT Field Office

Bria

Sector East
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CDT also has a hotline (#4044) and a United Nations extension code (173-4445). Mission's personnel can also come in person to CDT's Offices. All MINUSCA personnel is welcome to contact us for any conduct and discipline matters or advice. Consultation with CDT will always be treated with utmost confidentiality.

CDT webpage : <https://minusca.unmissions.org/en/conduct-and-discipline>

EXCLUSIVITY MINUSCA

A SOP ON THE REPORTING OF ALLEGATIONS OF MISCONDUCT

MINUSCA established on 1st April 2018 a new Standard Operating Procedure (SOP) which is of all personnel's concern insofar as it relates to the reporting of allegations of misconduct. All personnel are bound by UN standards of conduct and have the obligation to report in good faith any misconduct they would be aware of.

Therefore, it is important that all members of personnel are aware of the reporting process as well as their responsibilities in reporting, receiving, or referring allegations.

► You can find the SOP on our webpage (bottom of page) : <https://minusca.unmissions.org/en/conduct-and-discipline>

TEST YOUR KNOWLEDGE

1) What is a misconduct?

- a) A breach of UN rules and regulations
- b) An act of sexual exploitation and abuse (SEA)
- c) An unsatisfactory work performance

Answer: A misconduct is a failure to comply with the Organization's rules, regulations and other administrative issuances. A list of the relevant rules and regulations by category of personnel can be found here: <https://conduct.unmissions.org/documents-standards>

An unsatisfactory work performance does not normally constitute a misconduct. Disagreement on work performance or on other work related issues are normally not considered prohibited conduct and should be dealt with in the context of performance management or other management processes. For more information, please see: ST/AI/2017/1, section 3.

SEA is a serious misconduct, but misconduct is not limited to acts of SEA.

2) Who has the responsibility to report allegations of misconduct?

- a) Managers, supervisors and heads of offices
- b) All personnel members
- c) The Head of Mission

Answer: All MINUSCA personnel have the duty to report any breach of conduct they would become aware of. The reporting channel can go through different persons but eventually misconduct allegations have to be reported to OIOS/CDT and/or investigative bodies (SIU, IIU).

Every person to whom an allegation is reported is bound by the utmost confidentiality.

3) How can allegations of misconduct be reported?

- a) In person
- b) By written correspondence
- c) By email
- d) By telephone
- e) All of these possibilities

Answer: Reports of allegations can be made in person (to a number of people that are detailed in the SOP), through written correspondence, by email and telephone (contacts mentioned in the SOP).

4) Are there different categories of misconduct?

- a) Yes
- b) No

Answer: Yes, misconducts are classified into 2 differ-

ent categories according to OIOS's classification: category 1 and category 2.

Category 1 misconduct concerns high-risk, complex matters and serious criminal cases.

Examples of CAT 1 misconduct: SEA, Abuse of authority or staff, Entitlement fraud, serious criminal act or activity, physical assault...

Category 2 misconduct concerns misconduct that is of lower risk to the UN. It does not mean that it cannot be serious cases.

Examples of CAT 2 misconduct: Abusive behavior such as minor physical assault/ Verbal assault/abusive language, Misuse of UN equipment, Failure to honor private legal obligations, Breaking curfew, simple theft,

minor fuel theft, Failure to report accident...

MINUSCA allegations of misconduct over the years (excluding SEA) by date of report *	2014	2015	2016	2017
Number of CAT 1 allegations	6	59	27	26
Number of CAT 2 allegations	2	32	83	33

* Please note that the year an allegation was reported does not systematically match the year of occurrence of the incident

The SOP details all relevant information on the reporting channels, the format of reporting, the various investigation bodies competent to investigate according to categories of personnel and types of misconducts, the reporting timeframe...

It is strongly recommended that all staff members take note of it !

UNCLASSIFIED

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)

Approved by: SRSG Parfait Onanga-Anyanga
Effective date: 1 April 2018
Contact: Conduct and Discipline Team
Review date: 1 April 2019

CONDUCT AND DISCIPLINE TEAM IN ACTION



RUNNING TAB STATISTICS

Figures as of 4 July 2018

In an objective of transparency, CDU is publishing the statistics which you can find at: <https://conduct.unmissions.org/data>

