



Standard Operating Procedures

Government Provided Corrections Personnel on Assignment with United Nations Peacekeeping Operations and Special Political Missions

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STANDARD OPERATING PROCEDURES FOR GOVERNMENT PROVIDED CORRECTIONS PERSONNEL ON ASSIGNMENT WITH UNITED NATIONS PEACEKEEPING OPERATIONS AND SPECIAL POLITICAL MISSIONS

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A. PURPOSE

1. This document provides guidance with regard to the nomination, selection, deployment, extension, transfer, repatriation and terms and conditions of service of government provided corrections personnel (hereinafter referred to as Corrections GPP) on assignment with United Nations peacekeeping operations (PKOs) and special political missions (SPMs). The standard operating procedures (SOP) set forth in this document shall assist the United Nations Headquarters Secretariat and contributing Member States in making the necessary arrangements for the service of Corrections GPP in PKOs and SPMs. They shall also serve as guidance to such personnel for their assignment with the United Nations.

B. SCOPE

2. Corrections GPP are officers nominated by their governments for service with PKOs and SPMs with the legal status of experts on mission to provide advisory, capacity-building and mentoring support to national counterparts in specialized functions for which expertise is required that is generally only found within government services and therefore most effectively drawn from Member States. Corrections GPP are typically co-located with national counterparts to provide advice and technical assistance in specialized areas of

corrections work, including prison security; prison registries; medical and/or mental health services in prisons; infrastructure rehabilitation; non-custodial corrections work; prison agriculture; prisoner rehabilitation and reintegration; prison inspections; and staff training design and delivery. Corrections GPP shall not substitute for United Nations staff members¹ and shall not be delegated the authority to supervise such personnel.

3. These SOP shall apply to Corrections GPP and all personnel in PKOs, SPMs and United Nations Headquarters who are involved in planning, overseeing, administrating and reviewing the deployment of such personnel. They shall not apply to government provided personnel working in functional areas other than the corrections sector,² in particular United Nations police and military officers.

C. RATIONALE

4. The number of Corrections GPP authorized for PKOs and SPMs by the General Assembly has increased steadily since corrections experts were first deployed to United Nations Interim Administration Mission in Kosovo (UNMIK) in 1999. These SOP were developed to ensure a standardized approach for the recruitment and administration of Corrections GPP and aim to:

- a) Provide Member States with the necessary information to enable the nomination of highly-qualified officers suitable for service as Corrections GPP and to facilitate the requisite pre-deployment arrangements.
- b) Standardize the administrative procedures for the nomination, selection, deployment, extension, transfer and repatriation of Corrections GPP.
- c) Ensure that contributing Member States, Corrections GPPs, host governments of PKOs and SPMs and all relevant offices in PKOs, SPMs and at United Nations Headquarters are fully aware of the terms and conditions that govern the contribution and service of Corrections GPP.

D. STANDARD OPERATING PROCEDURES

These SOP are organized in three sections:

- I. Nomination and Evaluation of Candidates
- II. Selection and Deployment
- III. Service in PKOs and SPMs

I. Nomination and Evaluation of Candidates

Nomination

5. The Criminal Law and Judicial Advisory Service (CLJAS) in the Office of Rule of Law and Security Institutions (OROLSI) in the Department of Peacekeeping Operations (DPKO) shall communicate the requirements for Corrections GPP by means of notes verbales on a regular basis to all Permanent Missions of Member States to the United Nations in New York, attaching detailed terms of reference and inviting nominations of suitably qualified

¹ A/RES/67/287.

² For guidance on the administration of government provided personnel in functional areas other than strengthening a corrections sector, please refer to the DPKO Guidelines for United Nations Police Officers on Assignment with Peacekeeping Operations and the DPKO/DFS UNMEM Manual.

personnel. Notes verbales shall indicate the duration of the initial tour of duty and specify a deadline for nominations. If there is a need for personnel with specific language or skill sets, CLJAS may also send notes verbales to a select group of Member States, to be determined in close coordination with the DPKO Office of Operations and/or regional office in the Department of Political Affairs (DPA).

6. Member States will be requested to submit nominations to CLJAS in response to a note verbale through their Permanent Missions to the United Nations in New York. Candidates must be citizens of the contributing Member State. Member States are requested to submit a list of all nominated candidates, indicating against which terms of reference each officer is nominated, as well as a legible and duly completed United Nations Personal History Profile (PHP) for each nominated officer (Annex 1 contains the pertinent template).

7. As Corrections GPP often work in remote locations with very little supervision and/or as advisers to senior personnel of the prison service in the host country, Member States are requested to nominate experienced specialists of appropriate rank with considerable management experience and a profound understanding of corrections-related international standards and best practice. Member States are strongly encouraged to nominate an equal number of male and female personnel.

8. It is the responsibility of Member States to ensure that the nominated candidates have never been convicted of, or are not currently under investigation or being prosecuted for, any criminal offence, or any violations of international human rights law or international humanitarian law. In the case of nominees who have been investigated for, charged with or prosecuted for any criminal offence but were not convicted, the contributing Member State is requested to include in the statement information regarding the investigation(s) or prosecutions concerned. Member States are also requested to certify that they are not aware of any allegations against their nominated candidates of their involvement, by act or omission, in the commission of any acts that may amount to violations of international human rights law or international humanitarian law (page 5 of Annex 1). Nominees are further required to provide a self-attestation that they have neither committed, been convicted of, nor prosecuted for, any criminal offence nor been involved, by act or omission, in the commission of any violation of international human rights law or international humanitarian law (page 4 of Annex 1).

9. Contributing Member States are requested to ensure that candidates meet the minimum requirements and, to the extent possible, the desirable experience and skills, as specified below:

a) *United Nations Core Values and Competencies*: Nominated candidates shall possess the core values and competencies required for all United Nations personnel, in particular the core values of professionalism, integrity and respect for diversity, as well as the competencies specified in the respective job description.

b) *Age*: CLJAS shall not consider candidates who are less than twenty-five and more than sixty-two years of age.

c) *Education*: Nominated candidates shall have the educational qualifications as stipulated in the respective terms of reference. A university degree is an asset and for some functions a requirement.

d) *Work Experience*: Nominated candidates shall have a minimum of five years of work experience, excluding training, and shall have relevant experience in the corrections sector. Specialized skills or work experience are highly desirable, in particular in the

areas listed in paragraph 2 of these SOP. Experience in advising and mentoring is highly desirable. Work experience in a post-conflict or developmental setting outside of the nominee's home country, preferably with the United Nations, is an asset.

e) *Language Skills*: English and French are the working languages of most PKOs and SPMs and candidates shall be proficient in at least one of them. Knowledge of an additional language (such as Arabic) is an advantage and, for service in some PKOs and SPMs, a requirement. In exceptional cases, candidates who are only proficient in a working language of a specific PKO or SPM (other than English or French) may be accepted, if candidates possess requisite skills sets that are otherwise not available.

f) *Computer Skills*: Basic computer skills are essential for any assignment with the United Nations. At minimum, nominated candidates shall possess skills in using the internet and standard email and text processing programmes. Experience in preparing reports and presentations and working with databases and spreadsheets is desirable.

g) *Driving*: Nominated candidates shall possess a national and/or international driving license. Candidates shall further have experience driving a four-wheel drive manual shift vehicle. Upon arrival in the mission area, Corrections GPP shall obtain the driving license issued by the PKO or SPM. Corrections GPP who do not pass the driving test in three attempts may be repatriated at the expense of the contributing country.

h) *Other Skills*: Proficiency in map reading, land navigation and the use of global positioning systems and knowledge of basic negotiation, mediation and conflict resolution techniques, as well as basic first-aid, are desirable.

10. CLJAS shall not consider candidates nominated for another assignment as Corrections GPP before six months have elapsed following the end of service with a PKO or SPM. CLJAS shall not reconsider candidates who were found not suitable for service with PKOs and SPMs following the evaluation process set out below before two years have elapsed after the respective Permanent Mission was notified of the result of the evaluation process.

Evaluation of Candidates

11. CLJAS, with the assistance of corrections personnel in PKOs and SPMs, shall evaluate nominated candidates against the minimum requirements as specified in the terms of reference and conduct interviews to determine their suitability for service with PKOs and SPMs. Interviews shall be conducted in English, French and/or the working language(s) of the PKO or SPM to which the candidate may be deployed. If candidates have previous work experience with the United Nations, CLJAS shall consider the performance evaluation reports of such assignments in the decision about the suitability for further deployments. CLJAS shall consult the Conduct and Discipline Unit in the Department of Field Support (DFS) for each candidate and shall not consider candidates with a record of misconduct during prior service with the United Nations for further deployments.

12. CLJAS shall inform the Permanent Mission of contributing Member States regularly about the outcome of evaluation processes. Subject to paragraphs 8, 10 and 11 of these SOP, nominees found suitable but not selected for immediate deployment shall be placed, for a maximum of five years, on a list of candidates pre-cleared for deployment. To facilitate a rapid deployment upon selection, CLJAS shall request from the Permanent Missions of Member States the documents necessary to initiate the deployment for each officer who was found suitable. This includes a copy of the driving license and passport (both valid for at least another two years at the date of submission) as well as completed medical examination

reports³ (including laboratory tests, electrocardiogram tracing (EKG) and chest X-ray – Annex 2 contains the pertinent template). CLJAS shall ensure that there is always a sufficient pool of pre-cleared candidates with adequate skill sets ready for deployment.

II. Selection and Deployment

13. Upon request by heads of corrections components in PKOs and SPMs⁴, CLJAS shall recommend candidates with the requisite skill sets from the list of pre-cleared candidates for selection. Following the selection decision by the head of the corrections component, CLJAS shall inform the Permanent Mission of the respective Member State and request the documents necessary to initiate the deployment, if not already provided. Heads of corrections components shall select candidates at least three months before the end-of-mission date of the officer who is being replaced. Candidates shall be prepared to deploy within one month upon being informed of their selection.

14. Selected candidates, with support from their national authorities, shall be responsible for securing their own travel documents, including entry and transit visas, if required. Deploying officers shall bring these documents to the mission area. The United Nations shall issue a certificate that attests that the Corrections GPP is travelling on business of the United Nations and, where necessary, request the host-country of the PKOs and SPMs to issue an entry visa.

15. CLJAS shall ensure that the selected Corrections GPP is issued a United Nations index number and shall request the DFS Field Personnel Division (FPD) or the travel and visa office in the receiving PKO or SPM to issue the travel/financial authorization. No travel shall be undertaken without the explicit authorization of CLJAS and either FPD or the travel and visa office in the receiving PKO or SPM.

16. CLJAS shall forward the completed medical examination reports (Annex 2) to the Medical Services Division at United Nations Headquarters that shall attest physical fitness for the respective mission area. The Medical Services Division shall also determine the minimum vaccination requirements for the respective mission area. Member States are requested to ensure that Corrections GPP receive all mandatory vaccinations before deployment to a PKO or SPM.⁵ Corrections GPP shall bring a copy of their personal health documents to the mission area, including an international certificate showing all received vaccinations and immunizations as well as an authoritative record of blood type and RH factor.

17. Member States are requested to ensure that personnel are provided with HIV/AIDS awareness training prior to deployment. Such training should focus on preventive measures and emphasize the importance of adhering to the United Nations codes of conduct. The United Nations does not require a mandatory HIV test but strongly recommends that personnel be offered voluntary confidential counseling and testing prior to deployment. HIV testing with the informed consent of candidates may be requested if HIV/AIDS is clinically suspected. HIV shall be treated in the same manner as other medical conditions in considering medical classification.

³ Medical examination records, including EKG and X-rays are confidential information that shall be protected at all times.

⁴ In missions that do not include a standalone corrections component, the head of the component responsible for providing advice and technical assistance in specialized areas of corrections work shall be considered the “head of the corrections component” for the purposes of these SOP.

⁵ Refer to the Medical Support Manual for United Nations Peacekeeping Operations for details.

18. Deployment shall normally be for an initial period of 12 months with the possibility of a single extension for either six or 12 months. The maximum period of deployment is therefore normally 18 or 24 months, depending on whether the request was for extension of six or 12 months.

19. The head of the corrections component shall base the decision whether to request an extension and whether it should be for six or for 12 months on operational needs, the duration of projects in which the Corrections GPP is involved, the performance of the Corrections GPP, the availability of candidates with similar expertise to replace the respective officer, and the officer's interest in serving an additional six or 12 months. CLJAS shall take into account individual requests of Member States to deviate from this general rule.

20. The head of the corrections component shall send a request for extension to CLJAS at least three months prior to the end-of-mission date of the Corrections GPP. CLJAS shall forward the request for extension to the respective Permanent Mission for consideration by the Government of the contributing country. Upon receipt of the decision of the respective Government, CLJAS shall inform the head of the corrections component.

21. In exceptional circumstances that require the continued presence of a Corrections GPP (e.g. natural disasters preventing regular rotations or requiring a surge in corrections advisory capacity, impediments to obtain visas for deploying Corrections GPP, or the inability to replace an officer with specialized skills), heads of corrections components may request extensions beyond the normal maximum period of 18 or 24 months. Technical extensions of one month but not beyond three months may also be requested where the deployment of a replacing officer is delayed due to administrative or technical difficulties.

22. If force majeure requires the evacuation of United Nations personnel and if there is no indication that Corrections GPP will return to the mission in the immediate future (normally seven calendar days), CLJAS shall undertake to facilitate their transfer to other PKOs and SPMs. If this is not possible, or if the respective officer and/or the contributing Member State do not agree with such a transfer, the tour of duty shall be curtailed. Officers who have not completed one year of service at the time of repatriation following the curtailment shall be placed on the list of pre-cleared candidates.

23. The United Nations shall be responsible for the deploying officer's cost of travel to the PKO or SPM for initial deployment and from the PKO or SPM for final repatriation upon completion of his/her assignment. The most economical commercial route shall be used. The class of air travel shall be economy, irrespective of the travel time. If a Member State requests that a deployment be shorter than specified in the note verbale requesting nominations, it shall be responsible for the cost of travel.

24. The United Nations shall be responsible for the shipment of unaccompanied baggage to the mission area as part of the deployment and to the home country upon completion of the tour of duty. Shipment of unaccompanied baggage shall be limited to 100 kg if the initial tour of duty is 12 months. It may be limited to 20 kg if the initial tour of duty is less than 12 and more than three months. There may be no entitlement for shipment of unaccompanied baggage if the deployment is for an initial period for three months or less. If a Member State requests that a deployment be shorter than specified in the note verbale requesting nominations, its government will be requested to assume responsibility for the shipping of unaccompanied baggage to the mission while the United Nations shall assume this responsibility upon final repatriation.

25. Where the United Nations is responsible for shipping unaccompanied baggage, insurance coverage shall be provided only if an itemized inventory indicating value is provided in advance of the travel. The United Nations shall not be responsible for insuring accompanied luggage or for the reimbursement for any accompanied excess luggage.

26. FPD or the UNDP office in the home country of the deploying officer shall assist the Corrections GPP in making the necessary travel arrangements. The contributing Member State may choose to be responsible for making the travel arrangements based on a reimbursement scheme. In no circumstances shall the United Nations reimburse a deploying Corrections GPP for travel arranged by the individual him/herself.

27. The Member State or United Nations office responsible for making the travel arrangements shall inform the receiving PKO or SPM, CLJAS and the respective Permanent Mission of the itinerary, airline and flight number with due notice, including any delays or alterations, to ensure that personnel of the PKO or SPM will receive the deploying Corrections GPP at the airport. Deploying Corrections GPP shall also inform CLJAS directly, as soon as possible, of airline and flight details and of any subsequent changes. Originals of used air-tickets, boarding passes and any receipts shall be retained by the Corrections GPP and submitted to the administrative section in the mission, together with the established claim form for possible entitlements related to the travel (obtainable in the mission).

28. Member States are expected to provide adequate training to prepare officers found suitable for deployment, using the *United Nations Peacekeeping Predeployment Training Standards for Corrections Officers* developed by DPKO and drawing upon corrections personnel previously deployed to PKOs and SPMs as a training resource. CLJAS shall assist Member States to organize and facilitate such training, if requested. Corrections GPP shall familiarize themselves with the living conditions in the mission area before their deployment. Corrections GPP are often based in remote locations with harsh living conditions and should prepare accordingly.

III. Service in PKOs and SPMs

General Provisions

29. Under the overall leadership of the Head of Mission (HoM)/Special Representative of the Secretary-General (SRSG), Corrections GPP shall serve under the supervision of the head of the corrections component or his/her designate who shall determine the organizational structure and reporting lines and assign appropriate duties and responsibilities in line with the mission mandate. The head of the corrections component shall provide leadership and guidance to Corrections GPP and shall be responsible for regularly completing performance assessment reports, at least every six months (Annex 3 contains the pertinent template). All assessment reports shall be professional, objective, transparent and impartial, and shall, to the extent possible, highlight strengths as well as weaknesses with regard to professional performance, conduct and competence. Such reports shall be retained in the PKO or SPM and shall be forwarded to CLJAS. They shall be used *inter alia* in making decisions on extensions or selection for future deployment as Corrections GPP.

30. Corrections GPP serve with the legal status of experts on mission and shall enjoy the privileges and immunities as are necessary for the independent exercise of their functions as outlined in Article VI of the Convention on Privileges and Immunities of the United Nations and the applicable agreements of the receiving PKO or SPM with the host government, i.e. the status-of-forces agreement (SOFA) or the status-of-mission agreement (SOMA). The privileges and immunities are granted in the interest of the United Nations and not for the personal benefit of the individuals concerned. Corrections GPP shall refrain from any action

or activity incompatible with the impartial and international nature of their duties and respect all local laws and regulations. The Secretary-General has the right and duty to waive the immunity of an expert on mission in any case where, in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interest of the United Nations.

31. The HoM/SRSG shall be accountable for the security of all personnel deployed to a PKO or SPM. Policies, procedures, standards and other arrangements of the United Nations Security Management System shall be applicable to GPP.

32. Unless accommodation is provided by the PKO or SPM, Corrections GPP are required to make their own arrangements. All duty stations are considered non-family duty stations for Corrections GPP. The United Nations will not facilitate the presence of family members of Corrections GPP at the duty station, regardless of its category as family/non-family duty station for other personnel. The United Nations accepts no responsibility for family members of Corrections GPP who cannot be included in the mission's security, evacuation or relocation plans.

33. The office of the D/CMS shall be responsible for the administration of Corrections GPP, including, but not limited to, check-in and check-out, evacuation, repatriation and processing and disbursement of entitlements as well as visa and travel requests for official travel other than the initial deployment. Corrections GPP shall be issued with identification cards that identify them as "Member of *[Insert Name of PKO or SPM]* – Corrections GPP".

34. Member States are requested to provide deploying Corrections GPPs with a sufficient number of uniforms. Selection of clothing and equipment will depend on climatic and terrain conditions in the mission area. While on duty, Corrections GPP shall wear the uniforms of their national prison service. The United Nations shall provide a blue beret, peak cap, cap badge, neck scarf, and six shoulder patches to be sewn on the upper right sleeve of the uniform shirt or jacket. A national identification symbol, normally a small national flag of the contributing Member State, shall be sewn on the upper left sleeve of the uniform shirt and jacket. In addition to the blue beret and cap, Corrections GPP shall be provided with the United Nations blue helmet and anti-flak jacket which shall be kept readily accessible at all times. In exceptional circumstances, and only with the agreement of the head of the corrections component, Corrections GPP may serve as non-uniformed personnel, if they serve as non-uniformed officers in their national service.

35. Corrections GPP shall have access to those mission assets required to effectively fulfill their duties, including transport and IT/communications equipment, in accordance with established United Nations policies and procedures. Corrections GPP operate unarmed. They are prohibited from bringing to, or purchasing in, the mission area firearms, other lethal weapons or ammunition.

36. In discharging their functions, Corrections GPP shall uphold, promote and protect human rights and observe and apply the DPKO/OHCHR/DPA/DFS Policy on Human Rights in UN Peace Operations and Political Missions, as well as the Human Rights Due Diligence Policy on United Nations Support to Non-United Nations Security Forces⁶. They shall actively collaborate with other components of the PKO or SPM, in particular the justice, human rights, gender, child protection and police components. Corrections GPP shall observe and apply relevant provisions of Security Council resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), and 1960 (2010) and 2106 (2013) on women, peace and

⁶ A/67/775-S/2013/110.

security, including in relation to the protection, rights and special needs of women as well as on the importance of involving women in all peacekeeping and peace-building measures. Corrections GPP shall actively encourage, including through training and advising as appropriate, the increased representation of women at all levels of the corrections system of the host country. They shall encourage national corrections officials and other relevant national agencies to consider gender issues in policy development, training, daily operations and all other activities.

37. All documents developed by Corrections GPP during the course of their assignment such as training curricula, reports, guidance material and assessment tools shall be deemed the property, including the intellectual property, of the United Nations and all rights thereto shall remain with the United Nations.

38. It is in the discretion of the Secretary-General of the United Nations to establish a United Nations Medal to be awarded to Corrections GPP, subject to applicable regulations and in line with processes established in the respective peace operation. In PKOs and SPMs with a small number of authorized positions for Corrections GPP, such processes may be combined with medal parades for United Nations Police Officers. Medals may be withheld in cases of misconduct.

Benefits and Entitlements

Allowances

39. Corrections GPP will retain the salary and entitlements from the Government of the contributing country for the duration of their assignment with the United Nations. In addition, Corrections GPP shall be eligible for Mission Subsistence Allowance (MSA) under conditions established by the United Nations to cover living expenses in the mission area. MSA rates are determined on the basis of long-term accommodation, food and other expenses at the duty station and are periodically adjusted to reflect changes in living costs. Where food and/or accommodation are provided free of charge by the United Nations or a government, MSA shall be reduced accordingly. Corrections GPP may be obliged to live in accommodation provided by the United Nations, and MSA shall be reduced accordingly, if the security situation so requires. Corrections GPP shall not be eligible for danger pay.

40. MSA shall be payable from the date of arrival at the duty station until final repatriation for: actual work days spent in the mission; weekends and official holidays spent within or outside the mission area; annual leave days accrued while on mission assignment and taken before the final repatriation; and sick leave taken in the mission area.

41. When travelling on official business within the mission area which requires an overnight stay at a location away from the normal duty station, MSA is payable or, if no MSA rate has been established for the location of the overnight stay, the Daily Subsistence Allowance (DSA) may be paid as applicable to the location of the overnight stay, in addition to the accommodation portion of the MSA for the normal duty station, where applicable.

42. The HoM/SRSG or his or her designate may withhold MSA to cover financial loss or damage caused to United Nations property by negligence or willful act. S/he may reduce MSA for unauthorized absence from duty or for indebtedness to the United Nations.

Annual Leave and Compensatory Time Off (CTO)

43. Corrections GPP are entitled to 2.5 days of annual leave per month of completed service. Where operational requirements necessitate active service on weekends and official holidays, and the head of the corrections component, in coordination with the

Director/Chief of Mission Support (D/CMS), decides to establish a seven-day work week with no scheduled rest days, Corrections GPP are entitled to Compensatory Time Off (CTO) granted at a rate of one day for each five days of continuous active duty. Sick leave shall not interrupt the CTO cycle. Corrections GPP assigned to an on-call duty roster shall be eligible for pro-rated CTO, if called on active duty. Corrections GPP shall not be eligible for rest and recuperation entitlements.

44. As Corrections GPP assigned to continuous active duty do not have an established five-day workweek, CTO and annual leave days are charged for the actual calendar days absent, including weekends and holidays. However, when Corrections GPP assigned a five-day workweek take annual leave, accrued days are not charged for weekends and holidays on which the Corrections GPP is absent on leave.

45. Annual leave and CTO shall be calculated from the date of arrival in the mission area. Accrued days of annual leave and CTO may be taken in conjunction. Requests for annual leave and CTO shall be submitted to the head of the corrections component for approval. S/he may determine a maximum number of days of annual leave and CTO which may be taken at one time.

46. Annual leave and CTO shall not be taken before they are earned, except with regard to leave accruing during the last month of service. In exceptional circumstances, the head of the corrections component, in consultation with the D/CMS, may approve advance leave. Annual leave shall not be taken in the last five days prior to the end of tour of duty to facilitate an orderly check-out process. Assignments shall not be extended for the purpose of exhausting leave entitlements. No financial or other compensation is applicable for annual leave and CTO not taken during the tour of duty.

Medical Support

47. The attending physician in the PKO or SPM shall certify any absence from duty due to illness or injury in excess of one day per month. The corrections component shall immediately inform CLJAS of all cases of serious illness, injury or hospitalization. CLJAS shall inform the Permanent Mission of the contributing Member State and relevant offices in DFS.

48. The United Nations shall provide coverage for medical services, including hospitalization and emergency evacuations, for illness or injury which is attributable to conditions and hazards within the area of assignment and occurring during their service in the mission area. Member States are requested to continue providing medical coverage for any injury or illness that is not related to service in the mission area, if applicable under national legislation. Corrections GPP shall have access to the medical facilities in the PKO or SPM. They may also seek medical services from a physician of their choice (except for medical examinations for fitness for duty) and shall be reimbursed for reasonable expenses upon submission of adequate documentation and receipts to the office of the D/CMS. The United Nations shall not reimburse expenses if the Corrections GPP is reimbursed by other insurance arrangements or sources. Expenses for dental treatment shall not be reimbursed unless relating to emergency treatment or attributable to mission-related injury or illness. Member States are requested to facilitate the provision of medical and psychological services for Corrections GPP upon completion of their assignment, if necessary.

Compensation for Injury, Illness or Death

49. Corrections GPP shall name their beneficiaries. For this purpose each personnel is required to complete, in triplicate, a designation-of-beneficiary form upon arrival in the PKO

or SPM as part of the check-in process. If no beneficiary has been named, payments shall be made to the estate of the deceased. In either case, payment shall be made by the United Nations through the respective contributing Member State.

50. Corrections GPP or their beneficiaries shall be eligible for compensation, as determined by the Secretary-General, for mission-related injury, illness or death that is attributable to the performance of official duties. Compensation shall not be paid if the injury, illness or death is attributable to the individual's own willful misconduct or negligence. In the event of death of a Corrections GPP, the United Nations shall be responsible for all costs associated with the return of the remains to the home country. The beneficiaries of the Corrections GPP may also be entitled to an allowance for funeral expenses, as determined by the Secretary-General.

51. Guidance for the submission of death and disability claims can be found in A/52/369 of 17 September 1997 and A/63/550 of 17 November 2008. In line with the provisions of General Assembly resolution 45/258, the arrangements for death and disability benefits applicable to uniformed personnel, as approved by the General Assembly in its resolution 64/269, would continue to apply to all GPP with the legal status of expert on mission. Compensation shall be limited to a maximum amount of US\$70,000. Compensation claims must be submitted within four months of the death, injury or illness to the DFS Field Budget and Finance Division. In exceptional circumstances, the United Nations may accept the consideration of a claim at a later date.

52. The determination of permanent disability and the type and degree of incapacity and the relevant award shall be decided on the basis of documentary evidence and in accordance with the provisions established by the Secretary-General. Where the individual is entitled to similar provisions through other arrangements, reimbursement shall only be authorized for expenses recoverable under the respective scheme. The United Nations shall give all cases sympathetic consideration.

Compensation for Loss or Damage to Personal Effects

53. Corrections GPP may be entitled, within the limits and under the terms and conditions established by the Secretary-General, to reasonable compensation for the loss of, or damage to, their personal effects. Compensation is limited to cases occurring in the mission area or during official travel and determined to be directly attributable to the performance of official duties on behalf of the United Nations. Corrections GPP shall take all possible precautions against loss or theft of their personal property, and avoid bringing expensive or luxury items to the mission area. There are strict limits to the amount of compensation that may be paid for such items, regardless of their value. No compensation shall be paid for loss or damage to any article, which, in the opinion of the Secretary-General, cannot be considered to have been reasonably required for day-to-day life under the conditions existing at the duty station. Compensation is not payable for loss or damage to personal effects when the loss or damage was caused by the negligence or misconduct of a Corrections GPP.

54. As part of the check-in process in the mission, Corrections GPP shall complete the appropriate forms listing personal items in their possession and their approximate value. Upon acquisition of additional personal property, Corrections GPP shall be required to amend the aforementioned forms accordingly. Failure to register personal property shall render any claim for loss or damage inadmissible. The United Nations shall not provide compensation for the loss of, or damage to, any articles, clothing or equipment of corrections personnel provided by the Member States.

Transfer of Corrections GPP to another PKO or SPM

55. Under normal circumstances, Corrections GPP shall not be transferred between PKOs and SPMs. However, in the event of unforeseen operational requirements, including as provided in paragraph 22 above, transfers may be approved by CLJAS, if the Corrections GPP is deemed qualified for the relevant function and if the releasing and receiving PKO or SPM, the respective officer and the contributing Member State agree. The (releasing or receiving) PKO or SPM requesting the transfer shall be responsible for the travel expenses of the Corrections GPP to the new mission area. In either case, the receiving PKO or SPM shall be responsible for expenses related to the repatriation at the end of the tour of duty.

56. The transferring Corrections GPP shall complete his/her remaining tour of duty in the receiving PKO or SPM. The head of the corrections component of the receiving PKO or SPM may request an extension of service of the Corrections GPP in line with the respective provisions of these SOP. The leave accrued during service in the releasing PKO or SPM shall be carried over to the new assignment.

Early Repatriation

57. Corrections GPP may be repatriated prior to the completion of their tour of duty upon the recommendation of the Head of the Mission and following the approval of the Under-Secretary-General for Peacekeeping Operations (for DPKO-led missions) or the Under-Secretary-General for Political Affairs (for DPA-led missions) for the following reasons: failure to meet the minimum requirements for service in the mission; compassionate grounds or a formal request citing personal reasons; medical grounds; unauthorized absence from the duty station in excess of 14 days; at the Member State's request; and on disciplinary grounds. Once decided, repatriation shall be immediate and CLJAS shall inform the concerned Member State through its Permanent Mission.

58. A Corrections GPP shall be considered to not meet the minimum requirements for service if:

- a) s/he is unable to communicate effectively in the working language(s) of the PKO or SPM, or cannot discharge regular duties effectively for other reasons related to competence and professional skills; or
- b) s/he is unable to obtain a mission driver's license issued by the PKO or SPM after three attempts to pass the driving test within the first three months upon his/her deployment or the mission recalls the driver's license, and the head of the corrections component is unable to assign him/her duties that do not require driving skills. More time shall be allowed to obtain the license if the Corrections GPP is unable to take the driving test due to force majeure.

59. A Corrections GPP may be repatriated upon his/her request for personal reasons or at the request of the contributing Member State. S/he may also request repatriation on compassionate grounds in the case of death or serious illness or injury of a relative of the first degree (parent, spouse or child) or another family member who was the only surviving relative of the individual. A Corrections GPP may also be repatriated in cases of unauthorized absence from the duty station in excess of 14 days, or dishonesty with regard to meeting the minimum requirements in terms of educational background, language skills or work experience, irrespective of possible disciplinary procedures.

60. A Corrections GPP may be repatriated for medical reasons upon recommendation by the Chief Medical Officer or his or her designate, who determines, after consulting the head of the corrections component, that the individual is unfit for service in the PKO or SPM or

requires treatment not available in the mission area.

61. A Corrections GPP may be repatriated on disciplinary grounds in cases of repeated or serious misconduct, or misrepresentations by the contributing Member State or the Corrections GPP in connection with past criminal conduct and/or violation of international humanitarian and international human rights laws. Corrections GPP repatriated on disciplinary grounds shall not be considered for service in any capacity with the United Nations in the future. The United Nations shall request information from Member States regarding national disciplinary and/or legal action taken with regard to the repatriated personnel.

62. In the case of repatriation due to disciplinary grounds, for failing to meet the minimum requirements for service in the mission, unauthorized absence from the duty station in excess of 14 days, dishonesty with regard to meeting the minimum requirements, for personal reasons upon request of the individual, or upon request of the contributing Member State, the respective Member State will be requested to assume responsibility for all travel-related expenses, including the shipment of unaccompanied baggage. In case of repatriation for compassionate or medical grounds, the United Nations shall be responsible for all travel-related expenses, unless the medical condition resulting in the repatriation was pre-existing and the Corrections GPP misrepresented related facts in the medical examination form submitted to the Secretariat prior to his/her deployment.

Conduct and Discipline

63. The Charter of the United Nations requires all personnel to maintain the highest standards of conduct. Corrections GPP shall uphold the highest standards of professionalism, competence and integrity. Corrections GPP shall comply with local laws and honor their private legal obligations, including, but not limited to, the obligation to honor orders of competent courts, including in relation to child support.

64. Upon entry in service, Corrections GPP shall sign the Undertaking and Declaration by Experts on Mission (Annex 3) acknowledging that they will comply with the rules set therein, as well as relevant regulations, standard operating procedures, policies, and directives as issued by the United Nations. The following standards of conduct, guidelines and directives shall be applicable to Corrections GPP: i) Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials and Experts on Mission (ST/SGB/2002/9), ii) The standards of conduct in "We are United Nations Peacekeepers"; iii) Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse (ST/SGB/2003/13); iv) General Assembly Resolution on Criminal Accountability of United Nations Officials and Experts on Mission (A/RES/67/88); and v) Any additional codes of conduct applicable in the respective PKO or SPM. The PKO or SPM shall ensure that Corrections GPP receive a copy of the above documents.

65. In exercising their official functions, Corrections GPP shall promote human rights and observe and apply the DPKO/OHCHR/DPA/DFS Policy on Human Rights in UN Peace Operations and Political Missions. They shall observe international human rights standards and shall not discriminate against any person on grounds of gender, race, color, language, religion, political or other opinion, national, ethnic or social origin, sexual orientation, association with a national community, property, birth or other status. They shall report human rights abuses they witness to their supervisors and to the human rights component or its equivalent in the PKO or SPM.

66. In exercising their official duties, corrections GPP shall in particular:

- a) Neither seek nor accept instructions from any government or from any other source external to the Organization.⁷
- b) Perform their duties with the interests solely of the United Nations in mind, duly recognize the needs and interests of the host country and its people, and act with strict impartiality, integrity, independence and tact.
- c) Not abuse or exploit members of the local population, in particular women and children.
- d) Neither solicit nor accept any material reward, honor, or gift other than the due entitlements from their home country and the United Nations.
- e) Treat United Nations property, especially vehicles and communications equipment, with care, and not trade, sell or use such property for personal benefit.

67. Corrections GPP shall not engage in any acts of sexual exploitation or abuse. Exchange of money, employment, goods or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior, is prohibited. This includes any exchange of assistance that is due to beneficiaries of assistance. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent under the domestic legal framework of the host State. Sexual relationships between Corrections GPP and beneficiaries of assistance (including the local population and refugees) are strongly discouraged, since they are based on inherently unequal power dynamics and undermine the credibility and integrity of the work of the United Nations.

68. Corrections GPP are required to exercise utmost discretion in all matters of official business. They shall not communicate to an unauthorized person any confidential information known to them because of their official position or take any action that may adversely affect the interests of the United Nations. This obligation shall not cease after the assignment with the United Nations is completed. A declaration to that effect shall be signed by all Corrections GPP upon arrival in the PKO or SPM. Corrections GPP shall acquaint themselves with the applicable rules and practices on using cameras, on and off duty.

69. The head of the corrections component shall inform the conduct and discipline team or focal point in the PKO or SPM of any allegation or report of possible misconduct by any Correction GPP. S/he shall also inform the HoM/SRSG or his/her designate and seek guidance to mitigate any negative consequences of the alleged misconduct. The head of the corrections component shall be informed of any investigation or disciplinary action for misconduct against a Corrections GPP.

70. The United Nations shall investigate any form of misconduct through the appropriate investigative office in accordance with the rules of the Organization. If a Corrections GPP is found responsible for misconduct, the Head of the Mission shall inform the Under-Secretary-General for Field Support with copy to the Under-Secretary-General for Peacekeeping Operations (for DPKO-led missions) or the Under-Secretary-General for Political Affairs (for DPA-led missions) and the GPP may be subject to

⁷ The regulatory framework for all experts on mission was approved by the General Assembly in its resolution 56/280, which adopted the Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials, and Experts on Mission, ST/SGB/2002/9). To address the issue of impartiality and possible dual loyalty, regulation 1(b) requires experts on mission to make the following declaration: "I solemnly declare and promise to exercise in all loyalty, discretion and conscience the functions entrusted to me by the United Nations, to discharge these functions and regulate my conduct with the interests of the United Nations only in view, and not to seek or accept instructions in regard to the performance of my duties from any Government or other source external to the Organization."

repatriation on disciplinary grounds. The right of the United Nations to investigate any form of misconduct committed by Corrections GPP is without prejudice to the right of the host State to investigate crimes under its domestic criminal laws, in accordance with the procedures of the SOMA, SOFA or other agreement with the host government; or to the right of the contributing Member State to separately investigate misconduct or crimes by its personnel.

71. While the United Nations shall conduct administrative investigations into misconduct by experts on mission and impose administrative measures as appropriate, it may also refer credible allegations of criminal conduct by Corrections GPP to the appropriate authorities of Member States. In particular, and in accordance with General Assembly resolution 62/63 and subsequent resolutions on this subject, the Secretary-General shall refer credible allegations of criminal conduct by Corrections GPP to his/her State of nationality. In such cases, the Secretary-General shall also request that the Member State that nominated the involved Corrections GPP provide information on its efforts to investigate and, where appropriate, prosecute crimes of a serious nature. The Secretary-General may additionally refer credible allegations of criminal conduct by the Corrections GPP to the host State, as appropriate.

72. In cases where the host State initiates an investigation into alleged misconduct, the PKO or SPM shall cooperate with the host State in accordance with the standard provisions of the applicable SOFA or SOMA, following consultation with DFS and the Office of Legal Affairs. In cases where the host State institutes criminal proceedings against a Corrections GPP, the United Nations may facilitate the possible use of information and material by the State, on the understanding that the proceedings are consistent with the procedures as set forth and meet the due process standards described in the applicable SOFA or SOMA.

73. PKOs and SPMs shall report to DFS all requests for waiver of immunity of a Corrections GPP by a host State intending to initiate criminal proceedings, together with an assessment of any policy implications of cooperation and possible impact on the proper administration of justice, in particular considering the capacity of the host State's justice system to meet international standards of due process, humane treatment, fair trial, and detention conditions. In addition, they shall provide advice to the United Nations Department of Safety and Security on related security aspects.

74. With respect to possible proceedings in a host State, the United Nations and the host State concerned shall agree on whether or not to institute civil or criminal proceedings, in accordance with the provisions of the applicable SOFA or SOMA. If the alleged misconduct committed by the Corrections GPP amounts to a crime, the Secretary-General has the right and duty to waive the immunity of a Corrections GPP (if immunity applies) in any case where, in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the United Nations.

75. Corrections GPP shall not leave the mission area during an ongoing investigation or to avoid disciplinary procedures, civil actions or criminal charges without authorization from United Nations Headquarters in New York. If necessary, the concerned Member State shall be requested to ensure the return of the individual to the mission area to facilitate the disciplinary process or civil or criminal proceedings.

76. Loss of or damage to United Nations property shall be immediately reported to the appropriate officials through the established channels. Corrections GPP may be required to reimburse the United Nations either partially or in full for any financial loss as a result of negligence or willful act, or from having violated any regulation, rule or administrative

instruction. This shall be done primarily by withholding an appropriate part of the MSA.

77. Corrections GPP shall be responsible for learning about and abiding by the currency regulations of the host State and other countries in the mission area, especially with regards to foreign currency exchanges on the local market. Violations of these regulations may result in referral for disciplinary action.

E. REFERENCES

References

- UN Peacekeeping Predeployment Training Standards for Corrections Officers (2013)
- Human Rights Due Diligence Policy on UN Support to Non-UN Security Forces (A/67/775–S/2013/110)
- General Assembly Resolution 67/88 on the Criminal Accountability of UN Officials and Experts on Missions (2012)
- Model SOFA (A/45/594)
- DPKO/OHCHR/DPA/DFS Policy on Human Rights in UN Peace Operations and Political Missions (2011)
- DPKO Policy on the Applicability of the Arrangements of the UN Security Management System (2011)
- DPKO Policy on Training for All Peacekeeping Personnel (2010)
- DPKO/DFS Policy on Gender Equality in UN Peacekeeping Operations (2010)
- Guidance Note of the Secretary-General on the UN Approach to Rule of Law Assistance (2008)
- DPKO Policy Directive on Prison Support in UN Peacekeeping Operations (2005)
- Directives on Sexual Harassment in United Nations Peacekeeping and Other Field Missions (DPKO/MD/03/0095; DPKO/CPD/DSHCPO/2003/002)
- Secretary-General's Bulletin Policy on HIV/AIDS in the workplace (ST/SGB/2003/18)
- Secretary-General Bulletin on Special Measures for the Protection from Sexual Exploitation and Sexual Abuse (2003)
- Secretary-General's Bulletin on Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials, and Experts on Mission ST/SGB/2002/9 (2002)
- Security Council Resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009) and 1960 (2010) on Women, Peace and Security
- Secretary-General's Bulletin on Observance of International Humanitarian Law (ST/SGB/1999/13)

International Standards

- United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (2010)
- United Nations Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2000)
- United Nations Guidelines for Action on Children in the Criminal Justice System (1997)
- International Code of Conduct for Public Officials (1996)

- Basic Principles for the Treatment of Prisoners (1990)
- United Nations Standard Minimum Rules for Non-custodial Measures (1990)
- United Nations Guidelines for the Prevention of Juvenile Delinquency (1990)
- United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990)
- Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988)
- Standard Minimum Rules for the Administration of Juvenile Justice (1985)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
- Convention on the Elimination of All Forms of Discrimination against Women (1979)
- Code of Conduct for Law Enforcement Officials (1979)
- United Nations Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1975)
- International Covenant on Civil and Political Rights (1966)
- United Nations Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty (1966)
- United Nations Standard Minimum Rules for the Treatment of Prisoners (1955)
- Universal Declaration of Human Rights (1948)

F. MONITORING AND COMPLIANCE

78. The Chief of CLJAS shall ensure the dissemination of these SOP to all Permanent Missions to the United Nations and all United Nations PKOs and SPMs, in particular their corrections components, as well as all relevant offices within the United Nations Secretariat in New York. S/he shall also ensure the dissemination of any amendments made and/or any information added to this document to the Permanent Missions of Member States to the United Nations and all relevant offices in PKOs and SPMs and United Nations Headquarters. Within PKOs and SPMs, the heads of the corrections components, in consultation with the D/CMS, shall be responsible for monitoring and implementing these SOP. Contributing Member States are requested to cooperate with the relevant offices in the Secretariat. Guidance on the administration of Corrections GPP developed by PKOs and SPMs shall comply with these SOP.

79. The provisions on disciplinary matters mentioned in these SOP are adopted without prejudice to the authority and responsibilities of the Office of Internal Oversight Services as set forth in General Assembly resolutions 59/287, dated 13 April 2005, and 59/300, dated 30 June 2005, and relevant United Nations resolutions and related issuances.

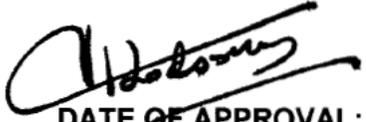
G. CONTACT

80. The Chief of CLJAS is the primary contact for all matters relating to these SOP. Except for correspondence on matters related to issues of conduct and discipline, all correspondence from Member States within the scope of these SOP shall be addressed to CLJAS. All correspondence on conduct and discipline related matters shall be addressed to the Assistant-Secretary-General of DFS.

H. HISTORY

81. This document was prepared by CLJAS, in consultation with other relevant offices in DPKO, DFS, DPA, the Department of Management, the Office of the High Commissioner for Human Rights and relevant offices in PKOs and SPMs. It was developed consulting existing documents on the administration of government provided personnel, in particular the *Guidelines for United Nations Police Officers on Assignment with Peacekeeping Operations* (2007) and the *DPKO/DFS UNMEM Manual: Selection, Deployment, Rotation, Extension, Transfer and Repatriation of United Nations Military Experts on Mission in United Nations Peacekeeping Operations* (2010).

APPROVAL SIGNATURE:
Hervé Ladsous, USG DPKO



DATE OF APPROVAL:

APPROVAL SIGNATURE:
Ameerah Haq, USG DFS



DATE OF APPROVAL:

Annex 4: Undertaking and Declaration by Experts on Mission

I, [name], as a member of [name of Mission] and a [functional title] make the following declaration:

1. "I solemnly declare and promise to exercise in all loyalty, discretion and conscience the functions entrusted to me by the United Nations, to discharge these functions and regulate my conduct with the interests of the United Nations only in view, and not to seek or accept instructions in regard to the performance of my duties from any Government or other source external to the Organization."
2. I acknowledge that I have been given a copy of the Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials, and Experts on Mission. I undertake to comply with those Regulations; in particular, the standards of conduct set out in Section 2 of those Regulations.
3. Sexual exploitation and sexual abuse violate universally recognized international legal norms and standards and have always been unacceptable behaviour and prohibited conduct for all members of a United Nations peacekeeping or peace mission.
4. I acknowledge and understand that the term "sexual exploitation" means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. I also acknowledge and understand that the term "sexual abuse" means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
5. I acknowledge and understand that in order to further protect the most vulnerable populations, especially women and children, the following specific standards apply to my appointment:
 - (a) Sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including termination of my appointment;
 - (b) Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally unless I am legally married to someone under the age of 18 years but over the age of majority and consent pursuant to the law of nationality of the expert. Mistaken belief in the age of a child is not a defense;
 - (c) Exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited. This includes any exchange of assistance that is due to beneficiaries of assistance; and
 - (d) Sexual relationships between members of a peacekeeping or peace mission and beneficiaries of assistance (including local population and refugees), since they are based on inherently unequal power dynamics, undermine the credibility and integrity of the work of the United Nations and are strongly discouraged.
6. I acknowledge and understand that if I develop concerns or suspicions regarding sexual exploitation or sexual abuse by another, whether in the same agency or not and whether or not within the United Nations system, I must report such concerns via established reporting mechanisms.
7. I acknowledge and understand that I am obliged to help create and maintain an environment that prevents sexual exploitation and sexual abuse.
8. I acknowledge and understand that the standards set out above are not intended to be an exhaustive list. Other types of sexually exploitive or sexually abusive behaviour may be grounds for termination of my appointment.

9. I acknowledge and understand that if, after proper investigation, there is evidence to support allegations of sexual exploitation or abuse against me, this evidence may, after consultation with the UN Office of Legal Affairs, be referred to the competent national authorities for the purposes of criminal prosecution.

10. I undertake to comply with all Mission Directives, standard operating procedures, Mission policies and other applicable issuances and undertake to cooperate fully and actively with all investigations and inquiries conducted by the Secretary-General, the Mission and any competent United Nations bodies or departments pursuant to their mandates.

11. I shall exercise the utmost discretion in regard to the handling of documents, cables, maps, or other papers of the Mission and I shall follow detailed instructions issued by the Mission concerning such documentation. I shall by the end of my assignment with the United Nations return to the Organization all original and copies of documents received or generated by me in the discharge of my mission. I shall not publish such material without written authorization, nor shall I use such information or documentation for personal gain. I undertake to respect this condition after the completion of my assignment with the Mission.

12. I shall respect all instructions regarding the taking of private photographs and audio/video recordings and the carrying of private photographic equipment. In particular, I shall not photograph without written authorization subjects designated as restricted in Mission Directives, standard operating procedures, Mission policies and other applicable issuances.

13. Unless authorized to so do, I shall not accept speaking engagements or make statements to, or grant interviews with the press, radio, television or other agencies of public information during my assignment with the Mission.

14. I shall follow specific Mission Directives or instructions issued by the Mission regarding the purchase, import and disposal of duty-free merchandise and shall cooperate with measures taken by the Mission to prevent the occurrence of any abuse of privileges or facilities accorded to experts on mission.

I sign this Undertaking and Declaration with the full understanding that, if I violate any of the standards of conduct set out or referred to in this Undertaking and Declaration, I may be subject to disciplinary procedures and, if found culpable, I shall not be eligible for future assignments with the United Nations.

Name:

Title:

Date:

Witness:

Title:

Date:

Annexe 4 : Déclaration solennelle des experts en mission

Je, soussigné [nom], membre de [nom de la mission] en tant que [titre fonctionnel], fais la déclaration suivante :

1. « Je fais la déclaration et la promesse solennelles d'exercer en toute loyauté, discrétion et conscience les fonctions qui m'ont été confiées par l'Organisation des Nations Unies, de m'acquitter de ces fonctions et de régler ma conduite en ayant exclusivement en vue les intérêts de l'Organisation, sans solliciter ni accepter d'instructions d'aucun gouvernement ou autre autorité extérieure à l'Organisation, en ce qui concerne l'accomplissement de mes devoirs. »

2. Je déclare avoir reçu un exemplaire du Règlement régissant le statut et les droits et obligations élémentaires des personnalités au service de l'ONU non fonctionnaires du Secrétariat et des experts en mission. Je m'engage à me conformer à ce règlement et en particulier aux normes de conduite énoncées dans son article 2.

3. L'exploitation et les abus sexuels constituent des infractions aux normes et principes juridiques internationaux universellement reconnus et ont toujours été considérés comme des agissements répréhensibles de la part de tout membre d'une mission de rétablissement ou de maintien de la paix de l'Organisation des Nations Unies.

4. Je déclare comprendre que l'expression « exploitation sexuelle » désigne le fait d'abuser ou de tenter d'abuser d'un état de vulnérabilité, d'un rapport de force inégal ou de rapports de confiance à des fins sexuelles, y compris mais non exclusivement en vue d'en tirer un avantage pécuniaire, social ou politique et que l'expression « abus sexuel » désigne toute atteinte sexuelle commise avec force, contrainte ou à la faveur d'un rapport inégal, la menace d'une telle atteinte constituant aussi l'abus sexuel.

5. Je déclare comprendre qu'afin de mieux protéger les populations vulnérables, spécialement les femmes et les enfants, les règles ci-après s'appliquent à mon affectation,

a) L'exploitation et les abus sexuels constituent des fautes graves passibles de sanctions disciplinaires, pouvant aller jusqu' à mon licenciement;

b) Toute relation sexuelle avec un enfant (toute personne âgée de moins de 18 ans) est interdite quel que soit l'âge de la majorité ou du consentement dans le pays considéré, sauf si je suis marié à une personne qui, sans avoir 18 ans révolus, a atteint l'âge de la majorité ou du consentement légal dans mon pays de nationalité. La méconnaissance de l'âge réel de l'enfant ne peut être invoquée comme moyen de défense;

c) Il est interdit de demander des faveurs sexuelles ou d'imposer toute autre forme de comportement à caractère humiliant, dégradant ou servile en échange d'une somme d'argent, d'un emploi, de biens ou de services, y compris toute assistance due à toutes personnes;

d) Les relations sexuelles entre membres d'une mission de rétablissement ou de maintien de la paix et bénéficiaires d'aide (y compris membres de la population locale et réfugiés) sont vivement déconseillées car elles se fondent sur un rapport de force inégal par définition. En outre, ce type de relation entame la crédibilité et l'intégrité de l'action menée par les Nations Unies.

6. Je déclare comprendre que si je soupçonne un collègue, au service ou non du même organisme et que celui-ci appartienne ou non au système des Nations Unies, de se livrer à une exploitation ou à des abus sexuels, je dois en référer à qui de droit par l'intermédiaire des mécanismes créés à cet effet.

7. Je déclare comprendre que je suis tenu d'instaurer et de préserver un environnement propre à prévenir toute exploitation et tout abus sexuels

8. Je déclare comprendre que cette liste de règles n'est pas exhaustive et que d'autres formes d'exploitation ou d'abus sexuels peuvent entraîner mon licenciement.

9. Je déclare comprendre que s'il apparaît, à l'issue d'une enquête en bonne et due forme, que les accusations d'exploitation ou d'abus sexuels portées contre moi sont fondées, l'affaire pourra, après avis du Bureau des affaires juridiques de l'ONU, être déférée aux autorités nationales compétentes fi des fins de poursuites pénales.

10. Je m'engage à respecter les directives de mission, les consignes permanentes, les principes directeurs de la mission et les autres instructions applicables et à coopérer pleinement et activement à toutes investigations et enquêtes diligentées par le Secrétaire général, la mission et tous organes ou départements des Nations Unies conformément à leur mandat.

11. Je m'engage à observer la plus grande discrétion à propos des documents, dépêches et cartes géographiques de la mission et à respecter les instructions détaillées de la mission concernant ces documents. Lorsque mon affectation prendra fin, je restituerai à l'Organisation des Nations Unies tous les originaux et toutes les copies des documents que j'aurai reçus ou créés dans le cadre de l'accomplissement de ma mission. Je m'engage à ne pas publier ces documents sans autorisation écrite et à ne pas utiliser les informations qu'ils contiennent à des fins de profit personnel. Je m'engage à respecter cette obligation après la fin de mon affectation à la mission.

12. Je m'engage à respecter toutes les instructions concernant la prise de photographies et l'enregistrement audio ou vidéo à titre privé ainsi que le port de matériel photographique privé. Je m'engage en particulier à ne pas photographier, sauf autorisation écrite, de sujets décrits comme confidentiels dans les directives de mission, les consignes permanentes, les principes directeurs de la mission et les autres instructions applicables.

13. Sauf autorisation, je m'engage à ne pas prendre la parole en public, à ne pas faire de déclarations et ne pas accorder d'interviews à la presse, à des organes de radio ou télédiffusion ou à d'autres organes d'information durant mon affectation à la mission.

14. Je respecterai les directives et instructions spécifiques de la mission concernant l'achat, l'importation et l'écoulement de marchandises hors taxe et je respecterai les mesures prises par la mission pour empêcher tout abus des privilèges et des facilités accordés aux experts en mission.

Je signe cette déclaration solennelle en ayant pleinement conscience que toute violation des règles de conduite qui y sont énoncées est passible de poursuites disciplinaires et que, si je suis déclaré coupable, je ne pourrai prétendre à d'autres affectations à l'Organisation des Nations Unies.

Nom du déclarant :

Titre :

Date :

Nom du témoin :

Titre :

Date :