

United Nations



United Nations Policy

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Human Rights Screening of United Nations Personnel

POLICY ON HUMAN RIGHTS SCREENING OF UNITED NATIONS PERSONNEL

Contents:

- A. Purpose
 - B. Scope
 - C. Rationale
 - D. Policy
 - E. Enforcement
 - F. Monitoring and Compliance
 - G. Entry into Force
 - H. References
-

A. Purpose

1.1 This policy outlines the principles and methodology by which the United Nations will pursue human rights screening of personnel. It outlines processes by which (i) Member States who nominate or provide personnel to serve with the United Nations are requested to screen their personnel and to certify that they have not committed, or are alleged to have committed criminal offences and/or violations of international human rights law and international humanitarian law; (ii) individuals who seek to serve with the United Nations are requested to attest that they have not committed, or are alleged to have committed, criminal offences and/or violations of international human rights law and international humanitarian law and, where necessary, to provide relevant information; and (iii) the United Nations Secretariat will establish an information exchange mechanism, such as a focal point network, and procedures to support the exchange of information on prior human rights conduct of candidates/nominees for the purpose of screening.

1.2 This document defines the scope and rationale for such procedures; specific objectives of and conditions for screening; and sets out the mechanisms for its implementation.

B. Scope

2.1 While different processes and rules are applicable to different types of personnel, this policy applies to the selection, appointment, recruitment, contracting and deployment of all types of United Nations personnel in the Secretariat - staff and non-staff, uniformed and civilian - including those in peacekeeping missions, and special political missions¹.

C. Rationale

3.1 In line with article 101 of the United Nations Charter, the Staff Regulations and Rules, the Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials and Experts on Mission, the Standards of Conduct for the International Civil Service, the

¹ For the purposes of this Policy, the term 'Personnel' includes all categories of Secretariat staff and non staff whether at United Nations Headquarters or in the field, both uniformed and civilian, whether internationally or locally recruited.

United Nations Core Values, and other relevant standards as contained in Section H of this document, the United Nations is committed to the highest standards of efficiency, competence and integrity for all its personnel, including in Headquarters, offices away from Headquarters, Regional Commissions and the field. The United Nations' reputation and integrity as an Organization committed to international peace and security, as well as the respect for human rights, is central to delivering its mandates. All United Nations personnel – regardless of status and the procedure by which they were selected, appointed, recruited, deployed or contracted – have a responsibility to ensure that human rights are promoted, respected, protected and advanced through, within and by their own organizational entity/unit. They shall not be perpetrators of serious criminal offences or have been involved, by act or omission, in the commission of a violation of international human rights law or humanitarian law.

3.2 In order to ensure that only persons of the highest standards of integrity serve with the United Nations the Secretary-General has requested that procedures be established to: (i) strengthen pre-deployment screening by Member States; (ii) require individuals serving or seeking to serve with the United Nations to provide self-attestations and, where necessary, additional information prior to entry into service or taking up their appointments; and (iii) establish an information exchange mechanism, such as a United Nations Secretariat focal point network and procedures to support exchange of information on the human rights conduct of candidates/nominees.

D. Policy

Principles

4.1 While different modalities apply to the selection, appointment, recruitment, deployment and contracting of different types of United Nations personnel these processes must be consistent with the Organization's purpose and principles as stated in the United Nations Charter and must also be consistent with obligations under international law to respect, promote and encourage respect for international human rights and humanitarian law.

4.2 In order to ensure that only individuals with the highest standards of integrity serve with the United Nations, the Secretariat will pursue a policy of human rights screening of personnel.

4.3 As a principle, the United Nations should neither select nor deploy for service in the Secretariat any individual who has been involved in violations of international human rights or humanitarian law. In making a decision whether to select, appoint, recruit, deploy or contract an individual, the Secretary-General or authorized official shall take into consideration, on a case-by-case basis, whether a criminal conviction, misconduct during prior service with the United Nations, or an allegation or other information establishing that there are reasonable grounds to believe that the individual has been involved, either directly by act or by omission (as a superior or commander), in the commission of a violation of international human rights or humanitarian law, precludes the individual from meeting the requisite highest standards of competence, efficiency and integrity.

4.4 Member States have primary responsibility for screening individuals from their country before nominating them for service with the United Nations, and for ensuring that these individuals meet the highest standards of integrity, including respect for and commitment to human rights.

Strengthening Member State and individual written undertakings as well as Secretariat information exchange mechanisms for screening

5.1 The following language shall be included in all United Nations personnel-related documents and processes including those which request Member States to nominate personnel to serve with the United Nations.

Language for communication to Member States requesting nominations for personnel (uniformed and civilian):

The Secretariat wishes to outline that it is the responsibility of the Government of XXX to ensure that each candidate it nominates has not been convicted of, or is not currently under investigation or being prosecuted for, any criminal offence, or any violation 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 Government of XXX is requested to provide information regarding the investigation(s) or prosecutions concerned. The Government of XXX is also requested to certify that it is not aware of any allegations against its nominated candidates that they have been involved, by act or omission, in the commission of any acts that amount to violations of international human rights law or international humanitarian law.

5.2 Individuals who are either nominated by Member States or who seek to serve with the United Nations in any individual capacity are required to complete the following “self attestation for individuals”:

Language for self attestation for all individuals:

I attest that I have not committed, been convicted of, nor prosecuted for, any criminal offence. I attest that I have not been involved, by act or omission, in the commission of any violation of international human rights law or international humanitarian law.

I am not able to attest to the preceding paragraph for the following reasons:

5.3 As and when appropriate, the language in 5.1 or 5.2 may be altered to ensure it meets the form/style or other requirements of the various recruitment documents, provided the substance of the language is maintained. The Working Group under 6.1 shall consider how existing administrative issuances, Standard Operating Procedures and similar guidance tools across the Secretariat shall be amended to include screening for information regarding conduct relevant to human rights where warranted. The principles contained in 4.1 – 4.4 and the provisions contained in Section 5 shall be used as the basis for the screening processes.

5.4 All components of the Secretariat with responsibility for selecting, appointing, recruiting, deploying or contracting will take into account information, including from an information exchange mechanism, such as a focal point network, with respect to the human rights conduct of individuals or groups of prospective personnel. Those components of the Secretariat with responsibility for selecting individuals for senior appointments will seek, review and take into consideration individuals’ prior human rights conduct, relying, when appropriate, on information provided by Member States, from individual self-attestations, and information, including from a UN Secretariat information exchange mechanism, such as a focal point network.

United Nations Secretariat Working Group on Human Rights Screening

6.1 A Secretariat Human Rights Screening Working Group co-chaired by OHRM and OHCHR with representation from DFS (Field Personnel Division, Senior Leadership

Appointments Section and Conduct and Discipline Unit), DPKO (Office of Military Affairs and Police Division), OLA and other relevant offices will continue the work of the DPKO/DFS-led Human Rights Screening Working Group. The Working Group will monitor the implementation of this Policy, consider the need for and develop subsequent guidance, as it deems necessary, to allow for the further development of the principles outlined in this Policy. The Working Group will support, review and report on the implementation of the Policy to the Policy Committee twelve months from entry into force.

Establishing a Secretariat Information Exchange Mechanism, such as a Focal Point Network, to enhance screening

7.1 The Working Group established under section 6.1 will develop the terms of reference and other procedures for a United Nations Secretariat information exchange mechanism, such as a focal point network or other appropriate mechanism, to support the exchange of information on human rights conduct of candidates/nominees. This mechanism is expected to assist those within the Secretariat involved in selection, appointment, recruitment, deployment and contracting in their information collection and assessment by providing available relevant information on individuals being screened, including upon request and as able within existing resources and capacities. OHCHR should have a central role within this mechanism with respect to the human rights conduct of candidates/nominees, as the United Nations lead human rights entity. In the initial phase the priority should be given to senior-level civilian and uniformed appointments.

Enhancing the interface between Conduct and Discipline Databases across the Secretariat

8.1 The Working Group should further develop existing efforts to create a better interface between existing internal Secretariat conduct and discipline databases. The purpose of these efforts is to ensure that information concerning an individual separated from service for misconduct from one component of the Secretariat is more easily available to other components when they are recruiting or contracting. Due consideration shall be given to protecting the confidentiality and integrity of each database.

Raising Awareness of the United Nations Secretariat's Policy

9.1 The Organization's commitment to respect, promote and encourage respect for international human rights and humanitarian law, including through its own selection, appointment, recruitment, contracting and deployment practices, shall be made clear to all United Nations partners. Member States shall be briefed on the object and purpose of this Policy and on the primary role that they must play in screening personnel they nominate or contribute to the United Nations.

9.2 The United Nations shall also communicate its expectation of candidates' and secondees' commitment to human rights by including the language in Section 5 of this Policy in all Job Openings issued.

E. Enforcement

10.1 The Organization reserves the right, should it discover subsequently that a Member State or individual has made a false statement concerning prior involvement in crimes or international human rights or humanitarian law violations, to take appropriate action in compliance with

established procedures and the applicable regulatory framework. Member States may be requested to immediately repatriate their nominated personnel at their own expense.²

F. Monitoring and Compliance

11.1 The implementation of this Policy shall be guided by the Working Group established under Section 6. The Working Group will report on implementation to the Secretary-General's Policy Committee 12 months after entry into force and thereafter as deemed necessary.

G. Entry into Force

12.1 This policy shall enter into force on the date of its adoption by the Policy Committee.

H. References

13.1 Relevant normative references, policy and guidance, as may be amended or superceded by other pertinent administrative issuances, decisions or guidance documents, that should be considered in the implementation of this Policy, includes, but is not limited to:

- ST/SGB/2012/1 – Staff Regulations
- ST/SGB/2011/1 - Staff Rules
- ST/SGB/2002/13 – Status, basic rights and duties of United Nations staff members
- ST/SGB/1999/13 - Secretary-General's Bulletin on the Observance by United Nations Forces of International Humanitarian Law, (6 August 1999)
- ST/SGB/2003/13 - Special Measures for the Protection from Sexual Exploitation and Sexual Abuse
- ST/SGB/2002/9 – Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials, and Experts on Mission
- A/RES/66/93 - Resolution on Criminal Accountability of United Nations Officials and Experts on Mission (13 January 2012)
- A/RES/61/267B – Resolution endorsing proposed amendments to the model memorandum of understanding, as contained in A/61/19 (Part III) (24 August 2007)
- Secretary-General Decision No. 2005/24 on Human Rights in Integrated Missions (26 October 2005)
- Secretary-General Decision No. 2008/24 on Integration (25 June 2008)
- OHCHR-DPKO-DFS-DPA Policy on Human Rights in Peace Operations and Political Missions 2011
- United Nations Human Rights Due Diligence Policy on United Nations Support to non-United Nations Security Forces (2011)
- DPKO Policy on Mainstreaming the Protection, Rights and Well-being of Children Affected by Armed Conflict within United Nations Peacekeeping Operations (1 June 2009)
- 'We Are United Nations Peacekeeping Personnel'
- The DPKO-DFS UNMEM Manual 2010
- Generic TCC Guidelines 2012

² In the event of any inconsistency between this Policy and the regulatory instruments of the Organization, such as the United Nations Charter, the Staff Regulations and Rules, administrative issuances or decisions of the legislative bodies, these instruments and decisions will prevail.

- DPKO-DFS Standard Operating Procedure on Implementation of amendments on conduct and discipline in the model Memorandum of Understanding between the United Nations and Troop Contributing Countries (DPKO/DFS 2011.01)
 - Directives for Disciplinary Matters Involving Civilian Police Officers and Military Observers (DPKO/MD/03/00994)
 - Directives for Disciplinary Matters Involving Civilian Police Officers and Military Observers
 - Guidelines for United Nations Police Officers on Assignment with Peacekeeping Operations (DPKO/PD/2006/00135)
 - Guidelines for Formed Police Units on Assignment with Peace Operations (DPKO/PD/2006/00015)
 - Standard Operating Procedure on Selection and Recruitment Procedures for United Nations Personnel at the Police Division, Peacekeeping Operations and Special Political Missions (25 March 2011)
 - Standard Operating Procedure on Assessment of Individual Police Officers for Service in United Nations Peacekeeping Operations and Special Political Missions (2011.18)
 - Standard Operating Procedure on Assessment of Operational Capability of Formed Police Units for Service in United Nations Peacekeeping Operations (2012.11)
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