



15 August 2016

To: All UNFPA Staff

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Subject: Practice of UNFPA in Cases of Allegations of Wrongdoing (May 2014 – July 2016)

Over a number of years, UNFPA has published to its staff actions taken by the Administration to enforce accountability. The purpose of this circular is to achieve an increased level of transparency among UNFPA staff in the administration of issues of wrongdoing, including staff misconduct. Furthermore, this circular is an opportunity to recall important information concerning the procedures, including reporting procedures, relating to allegations of wrongdoing.

I recall the previous circulars on the practice of UNFPA in cases of allegations of misconduct, all of which are publicly available on UNFPA's website at <http://www.unfpa.org/admin-resource/practice-unfpa-cases-allegations-misconduct>.

I. Revised 2015 UNFPA Oversight Policy

A revised UNFPA Oversight Policy was approved by the UNFPA Executive Board – decision 2015/2, dated 30 January 2015 – which replaces the UNFPA Oversight Policy of September 2008. A copy of the revised Oversight Policy is available in the UNFPA Policies and Procedures Manual (“PPM”) accessible at http://www.unfpa.org/sites/default/files/admin-resource/OAIS_Oversight.pdf. The revised Oversight Policy, *inter alia*, prohibits any form of wrongdoing. Wrongdoing includes:

- (a) Misconduct, *i.e.* the failure by a staff member to comply with his or her obligations under the Charter of the United Nations, the Staff Regulations and Staff Rules or other relevant administrative issuances, or to observe the standards of conduct expected of an international civil servant;
- (b) A failure by a vendor (for instance, a legal person such as a commercial vendor or implementing partner, or an individual independent contractor such as a consultant) to comply with its, his or her obligations, including the commission or failure to refrain from certain proscribed practices. Proscribed practices are defined in the Oversight Policy as follows:

- (i) Corrupt practice: The offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence improperly the actions of another party;
- (ii) Fraudulent practice: Any act or omission, including misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain a financial or other benefit, or to avoid an obligation;
- (iii) Collusive practice: An arrangement between two or more parties designed to achieve an improper purpose, including influencing improperly the actions of another party;
- (iv) Coercive practice: Impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party;
- (v) Obstructive practice: Acts or omissions intended to materially impede the exercise of contractual rights of audit, investigation and access to information, including destruction, falsification, alteration or concealment of evidence material to an investigation into allegations of fraud and corruption; and,
- (vi) Unethical practice: The conduct or behaviour that is contrary to staff or supplier codes of conduct, such as those relating to conflict of interest, gifts and hospitality, post-employment provisions, abuse of authority and harassment.

It is important to recall that the UNFPA Oversight Policy expressly calls for “**zero tolerance for wrongdoing**”.

II. Reporting and investigation processes

It is recalled, firstly, that all staff members have an obligation to report allegations of wrongdoing to the Office of Audit and Investigation Services (“OAIS”) or to their Supervisors. Supervisors have an obligation to promptly pass on reports of alleged wrongdoing to OAIS. Recall that a confidential helpline has been established and is managed by OAIS which any staff member, contractor or other person may access on UNFPA’s website – www.unfpa.org (at the bottom of each page, click on “Report wrongdoing”) or <http://web2.unfpa.org/help/hotline.cfm>. Wrongdoing can also be reported in person to the OAIS: by mail marked “Confidential” and addressed to the Director, OAIS; to the dedicated OAIS fax +1 (212) 297 4938; or, by telephone to the OAIS dedicated voicemail at +1 (212) 297 5200. I further recall that any complaint of retaliation under the PPM, Protection against Retaliation for Reporting Misconduct or for Cooperating with an Authorized Fact-Finding Activity, should be made to the UNFPA Ethics Adviser.

More specific information on reporting as well as the investigation and review process is established in the following UNFPA policy documents, all of which are included in the UNFPA PPM:

(1) Generally, with regard to allegations of misconduct, the PPM, [Disciplinary Framework](#). Allegations of misconduct shall be reported to the Director, OAS;

(2) With regard to the specific issue of misconduct in the form of harassment, sexual harassment and abuse of authority, the PPM, [Harassment, Sexual Harassment and Abuse of Authority](#). Allegations of harassment, sexual harassment and abuse of authority shall be reported to the Director, OAS, in accordance with the procedures established in that policy;

(3) With regard to the specific issue of sexual exploitation and sexual abuse (also referred to as “SEA”), the PPM, [Special Measures on Sexual Exploitation and Sexual Abuse](#), together with the United Nations Secretariat policy of the same title, which expressly applies to the staff of separately administered Funds and Programmes, such as UNFPA (ST/SGB/2003/13 of 9 October 2003, attached to the text of the UNFPA policy on the PPM). The report is made to the Director, OAS;

(4) With regard to retaliation (*i.e.* any direct or indirect detrimental action recommended, threatened or taken) because an individual reported misconduct in good faith or cooperated with an authorized fact-finding activity, the PPM, [Protection against Retaliation for Reporting Misconduct or for Cooperating with an Authorized Fact-finding Activity](#). The report is made to the UNFPA Ethics Adviser in accordance with the procedures established in that policy;

(5) The PPM, [Fraud Policy](#), examines various aspects of fraud. Fraud committed by staff members constitutes misconduct. The Fraud policy also recalls the reporting procedures for misconduct;

(6) The PPM, [Policy for Vendor Review and Sanctions](#), has been enacted to provide a process for the imposition of sanctions on vendors that engaged in corrupt, fraudulent, collusive, coercive, obstructive or unethical practices, and the inclusion of such vendors in the United Nations Global Marketplace (“UNGM”) as vendors ineligible for United Nations business.

III. Relevant Offices

Funds and Programmes Ombudsman: I would like to recall that the Office of the United Nations Ombudsman, which services UNFPA through the dedicated Funds and Programmes Ombudsman, is often a highly effective and suitable option for informal, confidential and impartial assistance towards the resolution of concerns and conflicts that are related to employment and the workplace. An ombudsman can assist staff members in looking at the issue from all perspectives, helping concerned staff identify options and to assess them with a view to determining the best option for a resolution. More information and contact details are available on the Funds and

Programmes Ombudsman’s Internet website (<http://fpombudsman.org/>), including the reports of the Office of the Ombudsman for United Nations Funds and Programmes.

Office of Audit and Investigation Services (“OAIS”): The mandate of OAIS is described in the Oversight Policy adopted by the UNFPA Executive Board, the Financial Regulations, and the OAIS Charter. With reference to the issues addressed in this circular, I would like to emphasize that OAIS is the sole office in UNFPA that carries a mandate to conduct investigations into allegations of wrongdoing. Reports to OAIS should be made as described above in this circular.

UNFPA Ethics Office: The overall goal of the Ethics Office is to cultivate and nurture a culture of ethics, integrity and accountability within the Organization. The Ethics Office aims at increasing staff awareness of the core values and principles of the United Nations and on the observance of ethical standards and expected behaviors with the aim of safeguarding the respect and dignity of staff and the adoption of sound ethical practices when dealing with partners, vendors and stakeholders. The UNFPA Ethics Office also provides advice and guidance to staff members, at their request and in confidence, on conflicts of interest and other ethics-related issues.

In addition, the Ethics Office administers UNFPA’s policy on Protection against Retaliation for Reporting Misconduct or for Cooperating with an Authorized Fact-Finding Activity. UNFPA is committed to fostering and maintaining a culture in which staff members are able to report acts of wrongdoing to OAIS without fear of reprisal, reprimand or any other form of retaliation, and to taking swift and appropriate action in cases in which retaliation has occurred.

UN Office of Staff Legal Assistance: The General Assembly established the Office of Staff Legal Assistance (“OSLA”), staffed by full-time legal officers at United Nations Headquarters in New York, and in Addis Ababa, Beirut, Geneva and Nairobi. OSLA may provide legal advice and representation to staff members (including former staff members or affected dependents of staff members) who wish to appeal an administrative decision, or who are subject to disciplinary action. At any stage of a dispute, or even in anticipation of a dispute, a staff member may seek advice from OSLA. OSLA legal officers and volunteers can advise on the legal merits of a case and what options the staff member might have. Detailed information and contact details of OSLA are available at the OSLA website at <http://www.un.org/en/oaj/legalassist/>.¹

IV. Harassment and abuse of authority

As in previous years, I wish to take this opportunity to make more specific reference to the PPM, Harassment, Sexual Harassment and Abuse of Authority, and to reiterate the Organization’s commitment to ensure a work environment free of all types of harassment and abusive behavior. As stated in this Policy, every staff member has the right to be treated with dignity and respect, and to work in an environment free from discrimination, harassment and abuse. All staff members are obliged to ensure that they do not engage in or condone behavior that could constitute

¹ Staff members may also arrange legal advice from non-OSLA counsel, including serving or former staff members, or from outside legal counsel of their choice at their own expense, or may choose to represent themselves (pro se) in proceedings within the UN system of administrative justice (see Staff Rules 10.3 (a) and 11.4 (d)).

harassment, sexual harassment or abuse of authority. Furthermore, managers and supervisors, in particular, should not only lead by example but should maintain open channels of communication and ensure that staff members who wish to raise their concerns in good faith can do so freely and without fear of adverse consequences.

With specific reference to preventive action, it warrants mentioning that behaviors associated with harassment and abuse of authority in particular, are most often demonstrated over a period of time. As such, prompt action taken at the outset can put offenders on notice and might prevent the further occurrence of this type of behavior. At the same time, the disparity in power or status may make direct reporting by the aggrieved person, through informal or formal channels, daunting. For this reason, I wish to reiterate that implementing UNFPA's zero tolerance policy towards harassment, sexual harassment and abuse of authority is the collective responsibility of us all.

V. Practice of UNFPA in cases of allegations of staff misconduct

Disciplinary measures are imposed under the authority of Staff Regulation 10.1 and Rule 10.1. In UNFPA, the authority to impose disciplinary measures is vested in the Executive Director.

(1) A staff member claimed and received rental subsidy payments in respect of a property owned by the company of the staff member's spouse. A disciplinary measure of separation from service was imposed and the amounts in question were recovered by the Organization.

(2) A staff member entered into an unauthorized arrangement with a vendor by which the staff member received dining services for personal purposes that were billed to UNFPA. On the basis of a second investigation, the Organization determined that the same staff member also used UNFPA fuel cards for personal use. The Organization imposed a disciplinary measure of separation from service. The amounts in question were recovered by the Organization.

(3) A staff member used discriminatory, derogatory and abusive language on several occasions against colleagues and co-workers on the basis of sexual orientation, race, and HIV-status. A disciplinary measure of separation from service was imposed by the Organization.

(4) A staff member claimed and retained DSA for official travel that the staff member did not undertake. In addition, the same staff member was absent from the workplace without authorization. The staff member was demoted.

(5) A staff member stored and viewed a large amount of electronic files with strong pornographic content on the staff member's official UNFPA computer hard drive. The same investigation also established that the staff member had colluded with a UNFPA vendor by disclosing UNFPA confidential pricing information to that vendor, thereby giving an unfair advantage to that vendor when competing for UNFPA contracts. The staff member was separated from service.

(6) A staff member certified incorrect travel dates with respect to the staff member's dependents who had travelled on home leave. The Organization imposed a disciplinary measure of censure.

(7) A staff member made a death threat against another staff member of another United Nations entity at the same duty station. The Organization imposed a disciplinary measure of separation from service.

(8) A staff member instructed another staff member to draft terms of reference and rank candidates for a temporary appointment for which the latter staff member was applying. The Organization concluded under the circumstances that the first staff member's conduct was an issue of poor judgment rather than misconduct and imposed an administrative measure of written reprimand.

(9) A staff member used inappropriate language when addressing a subordinate in the workplace and in front of colleagues on one occasion, which contributed to a hostile work environment. The Organization imposed an administrative measure of written reprimand.

(10) A staff member shared, without authorization, confidential UNFPA information with a friend with the purpose of providing that friend with an advantage in possible future relations with UNFPA. The Organization imposed a disciplinary measure of loss of one step in grade.

(11) A staff member engaged in harassment and created an offensive work environment, by shouting and yelling over an extended period of time at several UNFPA personnel. The Organization imposed a disciplinary measure of a fine in the amount of one month's net base salary.

(12) A staff member slapped another person providing services on United Nations premises, causing a bruised lip. In consideration of specific mitigating circumstances, the staff member received a disciplinary measure of deferment for two years of eligibility of salary increment.

VI. Practice of UNFPA in cases of allegations of proscribed practices by vendors

(1) An individual service contractor forged a signature and thereby misrepresented facts in official UNFPA documents. The Organization terminated that person's service contract.

(2) A vendor colluded with a UNFPA staff member during a procurement process for office supplies. After conclusion of the Vendor Review Committee (VRC) process, the vendor company as well as the owner were respectively declared ineligible/debarred for four years from, *inter alia*, any award and/or participation in contracts financed, administered or executed by UNFPA.