



14 February 2018

To: All UNFPA Staff

From: Laura Londén
Deputy Executive Director (Management)

Subject: **Practice of UNFPA in cases of allegations of wrongdoing (August 2016 – January 2018)**

1. Since January 2007, UNFPA has been publishing actions taken by the Administration regarding allegations of wrongdoing for the information of the staff and to enhance accountability. This circular covers the time frame August 2016 to January 2018.
2. As in previous years, the purpose of this circular is to achieve an increased level of transparency among the UNFPA staff in the administration of issues of wrongdoing, including staff misconduct. Furthermore, this circular is an opportunity to recall important information, including reporting procedures, relating to allegations of wrongdoing.
3. The previous circulars on the matter continue to be publicly available on UNFPA's Internet site at <http://www.unfpa.org/admin-resource/practice-unfpa-cases-allegations-misconduct>.

Practice of UNFPA in cases of allegations of staff misconduct

4. 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.
 - (a) A UNFPA staff member shouted and raised his/her voice at, and used condescending, insulting and embarrassing language towards UNFPA personnel. The staff member further used harassing and intimidating language toward one of his/her supervisees, including when criticizing the supervisee for taking part in the local staff association's activities. A fine as a disciplinary measure was imposed on the staff member in an amount equivalent to one and one half months' net base salary.
 - (b) On three occasions, a UNFPA staff member appointed as a driver failed to park the UNFPA official vehicle assigned to him/her in the UNFPA office's official parking
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at the end of regular working hours, but instead kept the car overnight without authorization. Furthermore, the staff member used his/her official UNFPA mobile phone for private/unofficial purposes without reimbursing the Organization. The staff member received a censure as well as a fine in an amount equivalent to three days' net base salary as a disciplinary measure.

- (c) A UNFPA staff member permitted a business corporation to oversee a UNFPA procurement process, leading to a situation in which the procurement process was undermined. The staff member received a disciplinary measure of censure and loss of one step in grade.
- (d) After a staff member reported complaints about his/her supervisor, the supervisor sought to intimidate the staff member, amounting to retaliation and abuse of authority. The supervisor received a fine of two months' net base salary as a disciplinary measure.
- (e) A UNFPA staff member asked for and accepted money from a UNFPA vendor. The staff member had control over the scope, duration, evaluation and acceptance by UNFPA of the contractor's work. A disciplinary measure of separation from service was imposed on the staff member.
- (f) A UNFPA staff member participated in the award of UNFPA business to vendors in which members of her family held an interest. The staff member also failed to disclose these conflicts of interest to her management. Finally, the staff member made statements in his/her financial disclosure statement that were materially false. A disciplinary measure of separation from service was imposed on the staff member.
- (g) At the same duty station as in (f) above, another UNFPA staff member awarded contracts in a manner that was inconsistent with UNFPA's Procurement Procedures. The staff member also failed to disclose to management the relationship between the staff member referred to under (f) above and the vendors in which that staff member's family members held certain interests. A disciplinary measure of written censure and loss of one step in grade was imposed on this staff member.
- (h) A staff member reported allegations of misconduct against another UNFPA staff member. In retaliation, that staff member provided unsubstantiated, negative feedback regarding the performance of the complainant, which put the complainant's employment in jeopardy. The staff member also received and accepted monthly payments from a government. Finally, the staff member committed violations of the UNFPA vehicle management policy. The staff member was separated from service as a disciplinary measure.

- (i) Another UNFPA staff member, who took adverse action against the complainant (referred to in (h) above) amounting to retaliation, received a fine in an amount equivalent to two months net base salary as a disciplinary measure.
- (j) A UNFPA staff member received monthly payments from a government. A disciplinary measure of loss of two steps in grade was imposed on the staff member.
- (k) A UNFPA staff member committed acts of fraud as well as other violations in connection with travel. The staff member further committed violations of procurement procedures as well as procedures related to the hiring of staff and consultants. The staff member was charged with misconduct. While those charges were pending, the staff member resigned from service.
- (l) A UNFPA staff member asked for and accepted money from several UNFPA vendors. After the investigation commenced, the staff member resigned from service. The investigation was nevertheless completed. On the basis of the investigation, it was determined that the payments solicited and accepted by the staff member constituted corrupt practices committed by the staff member in connection with his/her official functions. The investigation further established that the same staff member was responsible for the overpayment of another vendor. UNFPA recovered the corrupt payments to, as well as the overpayment caused by the staff member.

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

- (a) An investigation indicated that two UNFPA vendors committed certain proscribed practices. The UNFPA Vendor Review Committee (“VRC”) issued a notice of administrative action. Subsequently, the parties concluded a settlement and compliance agreement. Under the agreement, the vendors agreed to a number of compliance measures and UNFPA agreed to close the vendor review and sanctions case before its VRC.
- (b) An investigation conducted by the United Nations Development Programme (“UNDP”) found that one of its individual service contractors submitted fraudulent insurance claims to UNDP’s health insurance provider for payment. While the investigation was ongoing, the person concerned terminated his/her service contract with UNDP and concluded a new service contract with UNFPA. UNDP concluded the investigation and then disclosed its findings to UNFPA. UNFPA terminated the service contract.

Policy-related information

UNFPA Oversight Policy

5. I take this opportunity to recall once again that the UNFPA Executive Board approved a revised Oversight Policy in decision 2015/2, dated 30 January 2015. A copy of the Oversight Policy is available on the UNFPA Policies and Procedures Manual (“PPM”) at http://www.unfpa.org/sites/default/files/admin-resource/OAIS_Oversight.pdf. The 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 supplier or implementing partner, or an individual independent contractor such as a consultant) to comply with its, his or her obligations, including the commission of, or failure to refrain from certain proscribed practices.
6. Proscribed practices are defined in the UNFPA Oversight Policy as follows:
- (a) Corrupt practice: The offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence improperly the actions of another party;
 - (b) 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 obligation¹;
 - (c) Collusive practice: An arrangement between two or more parties designed to achieve an improper purpose, including influencing improperly the actions of another party;
 - (d) 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;
 - (e) 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

¹ UNFPA also applies the fraud definition approved by the HLCM in 2017, which provides as follows: “Any act or omission whereby an individual or entity knowingly misrepresents or conceals a fact (a) in order to obtain an undue benefit or advantage or avoid an obligation for himself, herself, itself, or a third party, and/or (b) in such a way as to cause an individual or entity to act, or fail to act, to his, her or its detriment.”

investigation into allegations of fraud and corruption;

- (f) 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.

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

Harassment, sexual harassment and abuse of authority

8. As in previous years, I also wish to take this opportunity to make more specific reference to the PPM, Policy on 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, all UNFPA personnel have the right to be treated with dignity and respect, and to work in an environment free from discrimination, harassment and abuse. All UNFPA personnel must ensure that they do not engage in or condone behavior that could constitute 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 UNFPA personnel who wish to raise their concerns in good faith can do so freely and without fear of adverse consequences.
9. 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 and, hence, 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.

Protection from sexual exploitation and sexual abuse

10. Any form of sexual exploitation and abuse is strictly prohibited. Sexual exploitation and abuse violate universally recognized international legal norms and standards (paragraph 3.1 of [ST/SGB/2003/13](#) on “Special measures for protection from sexual exploitation and sexual abuse”). “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. Similarly, the term “sexual abuse” means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions (section 1 of [ST/SGB/2003/13](#)).

11. Sexual exploitation and abuse by staff members is prohibited under the terms of the United Nations Staff Regulations, Staff Rules and ST/SGB/2003/13, all of which apply to all United Nations staff members, including those of UNFPA. Under Staff Regulation 10.1 (b), sexual exploitation and sexual abuse constitute “serious misconduct”. Sexual exploitation and abuse by individual independent contractors, such as UNFPA consultants or service contractors, is strictly prohibited under the terms of their contracts. UNFPA has zero tolerance for any form of sexual exploitation and sexual abuse.

Reporting and investigation processes

12. It is recalled, firstly, that all staff members have an obligation to report allegations of wrongdoing to OAIS or to their supervisors. Supervisors have an obligation to promptly pass on reports of alleged wrongdoing to OAIS.
 13. There are several ways to report to OAIS:
 - (a) A confidential helpline managed by OAIS has been established, which any staff member, contractor or other person may access on UNFPA’s Internet site: (i) on www.unfpa.org, at the bottom of each page, click on “Report wrongdoing”; (ii) from the icon on the dedicated “audit and investigation” page on the UNFPA website (<https://www.unfpa.org/audit-and-investigation>); or (iii) directly at <http://web2.unfpa.org/help/hotline.cfm>. The confidential helpline is available in the six official languages of the United Nations. The confidential helpline is also available on the country offices’ websites, in the official languages most widely spoken in the corresponding country;
 - (b) Wrongdoing can also be reported via the dedicated investigation hotline email address hotline@unfpa.org which is only accessible by selected OAIS staff;
 - (c) In person to the OAIS office;
 - (d) By mail marked as “Confidential” to the Director, OAIS;
 - (e) To the dedicated OAIS fax at +1 (212) 297 4938; or
 - (f) By telephone to the OAIS-dedicated voicemail at +1 (212) 297 5200.
 14. 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. (See information included below.)
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15. 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. An overview of the reporting mechanisms is included at the end of this document.

- (a) Generally, with regard to allegations of misconduct, the PPM, [Disciplinary Framework](#). Allegations of misconduct shall be reported to the Director, OASIS;
- (b) 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, OASIS, in accordance with the procedures established in that policy;
- (c) With regard to the specific issue of sexual exploitation and sexual abuse, 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, OASIS;
- (d) 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;
- (e) The PPM, [Policy against Fraudulent and other Proscribed Practices](#). This revised policy was issued on 1 June 2017, superseding the previous UNFPA Fraud Policy. The revised Policy examines various policy related aspects of fraud and other proscribed practices;
- (f) The PPM, [Policy for Vendor Review and Sanctions](#), provides 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.

Relevant Offices

16. 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,
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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 members to 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 Internet website of the Office of the Ombudsman for the United Nations funds and Programmes (<http://fpombudsman.org/>), including the reports issued by the Office.

17. 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.
18. 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.
19. 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.
20. 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/>.²

21. UNFPA Legal Unit: The UNFPA Legal Unit is established in the Office of the Executive Director. The Unit provides legal advice and support to UNFPA management on the range of legal issues, including employment law. Such advice may extend, for example, to advice on administrative decisions, disciplinary measures, requests for management evaluation, and alternative dispute resolution. The Legal Unit represents the Secretary-General before the United Nations Dispute Tribunal (“UNDT”) in employment disputes involving UNFPA staff members and makes recommendations to the United Nations Office of Legal Affairs on appeals against UNDT judgments concerning UNFPA. Referrals to national authorities for criminal prosecution are conducted through the UNFPA Legal Unit and the United Nations Office of Legal Affairs.

² 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)).

Overview of Mechanisms for Reporting Wrongdoing

What to report allegation	Where to report	How to report wrongdoing
<p>1. Proscribed practices (including fraudulent and corrupt practices)</p>	<ul style="list-style-type: none"> • Director, OAIS • Or to Supervisor who then reports to Director, OAIS 	<ul style="list-style-type: none"> • Confidential helpline – only accessible by selected OAIS staff: <ul style="list-style-type: none"> ○ On www.unfpa.org, at the bottom of each page, click on “Report wrongdoing”; also available on each country office website ○ Click on the icon on the dedicated “audit and investigation” page on the UNFPA website https://www.unfpa.org/audit-and-investigation; ○ Go directly http://web2.unfpa.org/help/hotline.cfm. <p><i>Note: the confidential helpline is available in the six official languages of the United Nations on unfpa.org and in the languages most widely spoken in the corresponding country office. Anonymous reporting is possible;</i></p> <ul style="list-style-type: none"> • Dedicated investigation hotline email address: investigationshotline@unfpa.org – only accessible by selected OAIS staff; • In person at the OAIS office; • By mail marked as “Confidential” to the Director, OAIS; • To the dedicated OAIS fax at +1 (212) 297 4938; or • By telephone to the OAIS-dedicated voicemail at +1 (212) 297 5200.
<p>2. Harassment, sexual abuse of authority</p>	<ul style="list-style-type: none"> • Director, OAIS 	<ul style="list-style-type: none"> • Same as 1 – except that anonymous reporting of allegations or reporting on behalf of another person is <u>not</u> possible
<p>3. Sexual exploitation and sexual abuse (SEA)</p>	<ul style="list-style-type: none"> • Director, OAIS 	<ul style="list-style-type: none"> • Same as 1 • Allegations have to be reported to OAIS immediately!
<p>4. Retaliation</p>	<ul style="list-style-type: none"> • Ethics Office 	<ul style="list-style-type: none"> • By email to Ethics.office@unfpa.org • In person to the Ethics Office; • By mail marked as “Confidential” to the Ethics Advisor.