



7 April 2020

To: All UNFPA Personnel

From: Ramiz Alakbarov
Deputy Executive Director (Management) *a.i.*

A handwritten signature in black ink, appearing to be 'Ramiz Alakbarov', is written over the 'From' field.

Subject: **Practice of UNFPA in cases of allegations of wrongdoing (1 February 2018 – 31 December 2019)**

1. Since January 2007, UNFPA has been publishing actions taken by the Administration regarding allegations of wrongdoing. This circular covers the period 1 February 2018 to 31 December 2019.
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>.

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

4. Disciplinary measures with regard to staff members 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 stole four mobile phones from UNFPA and attempted to cover up the theft by forwarding fraudulent documents to his/her supervisor and colleagues. The staff member was separated from service with compensation in lieu of notice and without termination indemnity.
 - (b) A UNFPA staff member hired a service contractor without conducting a fair, transparent and competitive recruitment exercise, in contravention of the UNFPA Policies and Procedures Manual, Personnel of UNFPA: Service Contracts. The same staff member also failed to cooperate with the Office of Audit and Investigation Services during the investigation. The staff member received a fine in the amount of one month's net base salary and a loss of one step in grade.
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- (c) A UNFPA staff member used his/her United Nations Laissez-Passer for unofficial and unauthorized travel. The staff member was charged with misconduct. While those charges were pending, the staff member resigned from service.
- (d) A staff member utilized and charged his/her international personal packages to the Organization's official mail courier domestic business account without authorization. The staff member was separated from service with compensation in lieu of notice and without termination indemnity.
- (e) A UNFPA staff member attempted to solicit and/or extort a UNFPA vendor for free hotel rooms and shopping mall coupons and then threatened the vendor when denied. The staff member also signed a contract on behalf of UNFPA without authorization. Finally, the staff member provided confidential information to a vendor during a competitive procurement exercise to assist the vendor in securing UNFPA contracts. The staff member was charged with misconduct. While those charges were pending, the staff member resigned from service.

II. Practice of UNFPA in cases of allegations of wrongdoing by non-staff personnel

- (a) A UNFPA service contractor engaged in workplace and sexual harassment. The service contractor's contract expired before the issuance of the investigation report. His/her identity and the above determination was included in "Clear Check", the United Nations system-wide screening database for recording information regarding individuals who engaged in sexual harassment and sexual exploitation and abuse to avoid their re-employment within the UN system.
- (b) A UNFPA service contractor engaged in an attempted rape. His/her contract was terminated. While the contractor negotiated a settlement with the victim that was approved by the relevant public prosecutor, UNFPA included his/her identity and the above determination of attempted rape in the "Clear Check" system to prevent re-employment in the United Nations system.

III. 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](http://www.unfpa.org/sites/default/files/admin-resource/OAIS_Oversight.pdf) 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 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.

Zero tolerance

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

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.”

Harassment, sexual harassment, abuse of authority and discrimination

8. I also wish to take this opportunity to recall the promulgation of the new [PPM, Prohibition of Harassment, Sexual Harassment, Abuse of Authority and Discrimination](#) 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.
10. In this regard, please note: anyone can file a complaint of harassment, sexual harassment, abuse of authority or discrimination; complaints can be made anonymously; and, no deadlines or time limits for filing such complaints apply. The Organization will support those who report harassment, sexual harassment, discrimination or abuse of authority and will hold accountable those who engage in such conduct.

Protection from sexual exploitation and sexual abuse

11. 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"](#)).
 - (a) "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.
 - (b) 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. (See section 1 of ST/SGB/2003/13).
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12. 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. Again, UNFPA has absolutely zero tolerance for any form of sexual exploitation or sexual abuse.

Reporting and investigation processes

13. 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.
14. There are several ways to report to OAIS, as further presented below. An [overview of the reporting mechanisms](#) is included at the end of this document and is also available publicly on the UNFPA website:
- (a) There is a convenient, confidential reporting line managed by OAIS, 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 five of the six official languages of the United Nations. The helpline is also available on the websites of UNFPA country offices, in the official language(s) most widely spoken in the relevant country.
 - (b) Wrongdoing can also be reported via the dedicated investigation hotline email address investigationshotline@unfpa.org, which is only accessible by selected OAIS staff;
 - (c) In person at 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.
15. 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 further information included below.)
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16. 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.
- (a) Generally, with regard to allegations of misconduct, the [PPM, Disciplinary Framework](#). Allegations of misconduct shall be reported to the Director, OAIS;
 - (b) With regard to the specific issue of misconduct in the form of harassment, sexual harassment and abuse of authority, the [PPM, Prohibition of Harassment, Sexual Harassment, Abuse of Authority and Discrimination](#). Allegations of harassment, sexual harassment and abuse of authority shall be reported to the Director, OAIS, 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, OAIS;
 - (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](#). Note that this policy was revised in June 2019. 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. All allegations of
 - (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 (“Proscribed Practices”), and the inclusion of such vendors in the United Nations Global Marketplace (“UNGM”) as vendors ineligible for United Nations business.

Relevant Offices

17. Funds and Programmes Ombudsman: UNFPA encourages the informal resolution of conflicts at the workplace. 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 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.

18. 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](#). 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.
 19. UNFPA Ethics Office: In October 2019, UNFPA welcomed a new Ethics Adviser, Ms. Leanne Kinsella, joining from the International Civil Aviation Organization in Montreal, Canada.
 20. 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.
 21. In addition, the Ethics Office administers UNFPA’s policy on Protection against Retaliation. This policy was revised in 2019. UNFPA is committed to fostering and maintaining a culture in which UNFPA personnel 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.
 22. 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 and administrative 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 and cooperation with national authorities for criminal prosecution are conducted through the UNFPA Legal Unit, which works closely with the United Nations Office of Legal Affairs in these matters.
 23. Coordinator, Protection from Sexual Exploitation and Abuse and from Sexual Harassment: In 2019, UNFPA established the position of Coordinator, Protection from Sexual
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Exploitation and Abuse and from Sexual Harassment (“PSEAH”). Ms. Eva Bolkart, transferring from OAIS, took up this role starting in August 2018.

24. The position is established in the Office of the Executive Director. In collaboration with its UN system partners, UNFPA is implementing a PSEAH strategy across the organization through a range of actions to strengthen prevention, response, assistance, management and coordination. The PSEAH Coordinator is responsible for ensuring a coordinated and comprehensive engagement across the organization as well as external coordination for interagency collaboration on PSEAH related issues. It is important to note that the PSEAH Coordinator is not involved in the resolution of individual cases but can provide advice on policies, procedures and mechanisms available.

25. 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 on the OSLA website at <https://www.un.org/en/internaljustice/osla/>.²

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)).

UNFPA Overview of Mechanisms for Reporting Wrongdoing

What to report allegation	Where to report	How to report wrongdoing
<p>1. Proscribed practices of Fraud Corruption Collusion Coercion Obstruction Unethical behavior or conduct (other than those mentioned below)</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 web-based hotline – 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 five of the six official languages of the United Nations on unfpa.org and in the UN official languages most widely spoken in the corresponding country office. Anonymous reporting is possible;</i></p> • 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 : UNFPA Office of Audit and Investigation Services (OAIS) for the attention of the Director, OAIS 605 Third Avenue New York, NY 10158, USA • To the dedicated OAIS fax at +1 (212) 297 4938 • By telephone to the OAIS-dedicated voicemail at +1 (212) 297 5200.
<p>2. Proscribed practice of unethical conduct or behavior: Harassment, sexual harassment, abuse of authority, discrimination</p>	<ul style="list-style-type: none"> • Director, OAIS 	<ul style="list-style-type: none"> • Same as 1.
<p>3. Proscribed practice of unethical conduct or behavior: 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.

