

6 May 2009

TO: All UNFPA Headquarters Staff
All UNFPA Field Office Staff
All UNFPA Representatives
All UNFPA CST Directors/Staff

FROM: Sean Hand
Director, Division for Human Resources



SUBJECT: Practice of UNFPA in cases of allegations of misconduct and serious misconduct (January 2007 to April 2009)

From time to time, UNFPA may publish disciplinary measures and related actions taken by the Administration following allegations of misconduct. The purpose of this publication is to achieve an increased level of transparency in the administration of issues of conduct, to inform staff members of the practice of UNFPA in taking action on such allegations, and to ensure that members of the staff are informed about common examples of misconduct and possible consequences. Furthermore, this circular is also an opportunity to recall important information concerning the conduct required of international civil servants and the procedures relating to allegations of misconduct.

I. Reporting and investigation processes concerning misconduct

The reporting and investigation process concerning allegations of misconduct is established in these primary policy documents:

(1) With regard to all types of alleged misconduct, the UNFPA policy on Accountability, Disciplinary Measures and Procedures.¹ Allegations of misconduct shall be made to the Director, Division for Oversight Services;

(2) With regard to the specific issue of misconduct in the shape of harassment, sexual harassment and abuse of authority, the UNFPA policy on Harassment, Sexual Harassment and Abuse of Authority.² Allegations of harassment, sexual harassment and abuse of authority shall be made to the Director, Division for Human Resources, in strict accordance with the procedures established in that policy;

(3) With regard to the specific issue of sexual exploitation and sexual abuse, the UNFPA policy on Special Measures on Sexual Exploitation and Sexual Abuse³ together with the United Nations Secretariat policy of the same title, which expressly applies to the staff of separately administered funds and programmes, including UNFPA (ST/SGB/2003/13 of 9 October 2003, attached to the text of the UNFPA policy).

Furthermore, the UNFPA Fraud policy⁴ examines various aspects of fraud and recalls the reporting procedures for misconduct. UNFPA staff members are also reminded that under the terms of that policy, a confidential Helpline⁵ managed by the Division for Oversight Services has been set up, which any staff member, contractor or other person may access at www.unfpa.org (click on "UNFPA Integrity Helpline").

¹ Available on the PPM, Human Resources, Personnel Policies and Procedures, 18th folder entitled: "Conduct, Misconduct, Disciplinary Measures and Procedures".

² See above.

³ See above.

⁴ See above.

⁵ Also at: <http://www.unfpa.org/help/hotline.cfm>

II. Disciplinary measures

Disciplinary proceedings and disciplinary measures, if any, are instituted against staff members under Article X and Chapter X of the Staff Regulations and Rules, and the terms and procedures contained in the UNFPA policy on Accountability, Disciplinary Measures and Procedures.⁶ Individuals contracted on Special Service Agreements or Service Contracts are not subject to those rules and procedures. They are subject, however, to the terms of their contracts, which include provisions for contract termination.

III. Harassment and abuse of authority

I wish to take this opportunity to make more specific and detailed reference to UNFPA's policy on Harassment, Sexual Harassment and Abuse of Authority. 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 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 mention 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, could put offenders on notice and 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.

IV. The UNFPA Ethics Office

UNFPA's Ethics Office was established in February 2008. The overall goal of this office is to cultivate and nurture a culture of ethics, integrity and accountability within the Organization. The Ethics Office will provide guidance to staff and management on ethical standards and expected behavior with the aim of safeguarding the respect and dignity of staff, promoting a conducive work environment and adopting sound business practices. Towards this end the Ethics Office will collaborate with the Division for Human Resources, the Division for Oversight Services and the UN Ethics Committee to develop learning programmes to educate staff on ethical behavior and how they should deal with the ethical dilemmas they face in their daily work.

The Ethics Office will also administer the financial disclosure programme under the UNFPA policy on Financial Disclosure and Declaration of Interest Statements⁷, and the responsibilities assigned to it under UNFPA's policy on Protection against Retaliation for Reporting Misconduct or for Cooperating with an Authorized Fact-Finding Activity⁸. The Ethics Advisor will advise staff in confidence on ethical standards and behavior, including ethics related policies and practices, conflict of interest issues, outside activities, and protection against retaliation.

V. Practice of UNFPA in cases of allegations of misconduct and serious misconduct (January 2007 to April 2009)

The information on action following allegations of misconduct contained below covers the time frame January 2007 until April 2009:

⁶ See footnote 1 above.

⁷ See above.

⁸ See footnote 1, above.

1. A staff member spent cash funds belonging to a UNFPA project, which were under her control, on her personal affairs. The staff member was summarily dismissed.
2. Two staff members, acting together, altered the text of an external NEX-project audit report by removing an original page of the report, which contained material audit information. The staff members destroyed and discarded that page, manufactured a new page with different text, and reinserted it in the audit report in the place of the original page. Subsequently, one of the staff members sent the falsified audit report to the Audit Services Branch, Division for Oversight Services, for its review and comments, causing the Branch to issue its comments on an untrue version of the audit report. Both staff members were summarily dismissed.
3. A staff member allegedly solicited cash payments from a UNFPA commercial contractor in exchange for the timely processing and payment of the contractor's bills. An investigation did not adduce evidence in support of the allegation. However, the staff member admitted having accepted a gift from the contractor without requesting or receiving authorization to do so. The staff member was reprimanded.
4. A staff member, while driving a UNFPA vehicle on official business, involuntarily caused the death of a pedestrian by driving over an intersection while the traffic light was red. The Secretary-General waived the staff member's immunity from legal process. A competent host country criminal court convicted the staff member to a suspended prison term. The Administration charged the staff member with misconduct and referred the matter to the UNDP/UNFPA/UNOPS Disciplinary Committee for advice. The Disciplinary Committee issued a report, finding that the staff member was guilty of misconduct, warranting a disciplinary measure. The Committee recommended that the staff member be demoted by one grade and be ineligible for consideration for promotion for the next two years. The Executive Director accepted the findings of fact and conclusions of law contained in the Disciplinary Committee report, but disagreed on its recommendation in respect of the proposed disciplinary measure. Rather, the Executive Director decided that the staff member be separated from service without notice, with compensation in lieu of notice and payment of 25% of termination indemnity.
5. A staff member submitted false information in support of a claim for reimbursement of expenses (F.10) related to the staff member's rest and recuperation (R&R) break, resulting in a claim for payment exceeding the staff member's R&R entitlement. The staff member concerned agreed, in accordance with Staff Rule 110.4(b)(i), to waive the referral of the case to the UNDP/UNFPA/UNOPS Disciplinary Committee and to accept the Executive Director's decision regarding a disciplinary measure. The staff member received a fine in an amount of twice the amount by which the staff member's claim for expenses had exceeded his entitlement.
6. A staff member made use of his official position as the Administration/Finance Associate in a UNFPA Country Office to request, by means of official United Nations communications and through official channels, the issuance by the Foreign Ministry in the country concerned of multiple-entry visas for two private individuals. These individuals were businessmen with no association with UNFPA or the United Nations. The visa requests were stopped in time. The staff member was summarily dismissed.
7. A staff member allegedly committed assault against another staff member. The matter was investigated. At the conclusion of the investigation, the staff member resigned. The resignation became effective before disciplinary charges were brought or a disciplinary measure was imposed.
8. A staff member solicited and received a kickback (in cash) in an amount of 10% of the contract volume from a UNFPA contractor. Furthermore, the same staff member solicited a further kickback (in the form of a vehicle) in return for the promise of the award of another contract to the same contractor. The second kickback was not paid and the contract was not awarded to

the contractor. In addition, the staff member violated several expressly stated prescriptions contained in the UNFPA procurement procedures. The staff member was summarily dismissed.

9. A staff member was alleged to have committed abuse of authority and workplace harassment. Following an investigation, the staff member was charged accordingly, and the matter was referred to the UNDP/UNFPA/UNOPS Disciplinary Committee for advice. The Disciplinary Committee issued a report, finding that the evidence supported that the staff member had committed harassment, but that the charge of abuse of authority was not supported by the evidence and could not be sustained. Regarding the harassment, the Disciplinary Committee recommended that the staff member receive a written censure. The Executive Director accepted the findings and recommendation of the Disciplinary Committee and imposed a censure.