



11 July 2014

To: All UNFPA Staff

From: 
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Subject: Practice of UNFPA in cases of allegations of misconduct
(January 2013 – May 2014)

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 an opportunity to recall important information concerning the conduct required of international civil servants and the procedures relating to allegations of misconduct.

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 Internet site at <http://www.unfpa.org/public/home/about/oversight/investigations>.

I. Reporting and investigation processes concerning misconduct

The reporting and investigation process concerning allegations of misconduct is established in the following primary UNFPA policy documents, all of which are included in UNFPA's intranet-based Policies and Procedures Manual ("PPM"):

Generally with regard to allegations of misconduct, the PPM: Disciplinary Framework. Allegations of misconduct shall be reported to the Director, Division for Oversight Services;

With regard to the specific issue of misconduct in the shape 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, Division for Oversight Services, in accordance with the procedures established in that policy;

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).

Furthermore, the PPM: Fraud Policy examines various aspects of fraud. Fraud constitutes misconduct. The Fraud policy also recalls the reporting procedures for misconduct. UNFPA staff members are also reminded that under the terms of that policy, a confidential Helpline managed by the Division for Oversight Services has been established, which any staff member, contractor or other person may access on UNFPA's Internet site (www.unfpa.org, click on "UNFPA Integrity Helpline").

II. Disciplinary measures

As applicable, disciplinary proceedings are instituted, and disciplinary measures are imposed against staff members under the provisions of Article X of the United Nations Staff Regulations and Chapter X of the Staff Rules, as well as the terms and procedures contained in the PPM: Disciplinary Framework. Individual consultants as well as individual persons retained on Service Contracts are not subject to those rules and procedures. They are subject, however, to the terms of their contracts, which include effective provisions for contract termination.

III. Harassment and abuse of authority

I wish to take this opportunity again 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 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 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.

IV. UN Funds and Programmes Ombudsman

In this context, I would like to recall that the Office of the United Nations Ombudsman, which services UNFPA through the 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. 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 Ombudsman's Internet website (<http://www.un.org/en/ombudsman/index.shtml>), including the reports of the Office of the Ombudsman for United Nations Funds and Programmes.

V. The UNFPA Ethics Office

Once again, I wish to draw your attention to UNFPA's Ethics Office, which was established in January 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 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 (available on the PPM). UNFPA is committed to fostering and maintaining a culture in which staff members are able to report acts of misconduct 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.

VI. Practice of UNFPA in cases of allegations of misconduct

(1) On the basis of an investigation, the Organization concluded that a staff member had fabricated official UNFPA documentation resulting in a material misrepresentation. At the time the investigation was concluded, the staff member had separated from service with the Organization for other reasons but was informed in writing that a written reprimand would have been issued should he or she have remained in service.

(2) On the basis of the same investigation, the Organization further concluded that another staff member had assisted in fabricating the official UNFPA documentation. At the time the investigation was concluded, the staff member had separated from service with the Organization for other reasons but was informed in writing that a written reprimand would have

been issued should he or she have remained in service.

(3) Finally, the Administration concluded, on the basis of the same investigation, that an individual service contractor had also assisted in fabricating official UNFPA documentation. The Organization terminated that person's service contract.

(4) An investigation report indicated that a staff member had participated in partisan activities through the use of social media. The staff member was served with a copy of the investigation report for his or her comments. The staff member resigned from service with the Organization.

(5) An investigation report indicated that a staff member failed to report two traffic accidents involving UNFPA official vehicles he had been driving, left the scenes of the accidents, failed to exercise reasonable care for his/her subordinates, backdated an official document, and misrepresented material facts in connection with the payment by the Organization to the staff member of dependency allowance, home leave travel entitlements, relocation grant and education grant. The Organization formally charged the staff member with misconduct. Subsequently, the staff member resigned from service. The Organization recovered the amounts in question from the staff member.

(6) A staff member misrepresented material facts in connection with the payment by the Organization to the staff member of dependency allowance, home leave travel entitlements, education grant, payment of daily subsistence allowance, and misused UNFPA property and assets. A disciplinary measure of separation from service, without compensation, was imposed on the staff member. The Organization is in the process of recovering the funds lost as a consequence of the staff member's misconduct.

(7) An individual service contractor carried a fire arm in a UNFPA vehicle while on official mission. The service contractor's contract with UNFPA was terminated.