

7 March 2024

To: All UNFPA Personnel

From: Andrew Saberton

Deputy Executive Director (Management)

DocuSigned by:

Andrew Saberton

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Subject: Practice of UNFPA in cases of allegations of wrongdoing (1 January – 31

December 2023)

1. Since January 2007, UNFPA has been publishing actions taken by the Administration regarding allegations of wrongdoing. This circular covers the period 1 January to 31 December 2023.

- 2. As in previous years, the purpose of this circular is to achieve an increased level of transparency among UNFPA personnel 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 https://www.unfpa.org/admin-resource/practice-unfpa-cases-allegations-wrongdoing.

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

- 4. Disciplinary measures regarding 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.¹
 - (a) A staff member engaged in workplace harassment of another staff member. The staff member also failed to comply with instructions from the UNFPA Office of Audit and Investigation Services to maintain the confidentiality of the investigation. The staff member received a disciplinary measure of loss of one step in grade and a written censure.
 - (b) A staff member's conduct deviated substantially from the standard of care that a reasonable person would have exercised, *i.e.* the staff member permitted cash advances without authorization and by permitted payment to a vendor without proper

¹ The below summary statements of UNFPA's practice concerning allegations of misconduct omit information on potential referrals to member states for their consideration of criminal prosecution, so as not to prejudice such proceedings. See also paragraph 26 (below) in this circular on the issue of criminal referrals.

- supporting documentation. The staff member was demoted by one level with deferment for two years of eligibility for consideration for promotion as a disciplinary measure.
- (c) A staff member engaged in sexual harassment and workplace harassment, including by repeatedly making comments about the physical appearance of colleagues and making an inappropriate gesture towards a colleague. As a disciplinary measure, the staff member was separated from service with compensation in lieu of notice and without termination indemnity. The staff member's information was included in *Clear Check*.
- (d) A staff member engaged in sexual harassment and workplace harassment, including by repeatedly making comments of a sexual nature to another staff member. As a disciplinary measure, the staff member was separated from service with compensation in lieu of notice and without termination indemnity. The staff member's information was included in *Clear Check*.
- (e) A staff member failed to disclose a conflict of interest regarding the involvement of a company owned by the staff member's spouse in UNFPA-related activities. The staff member also failed to seek authorization for outside activities. The staff member received a disciplinary measure of demotion by one level with deferment for two years of eligibility for consideration for promotion.
- (f) A staff member defrauded the Organization by submitting fraudulent education grant claims. The staff member resigned before the conclusion of the disciplinary process. An appropriate note was placed in the staff member's personnel files to prevent rehire. Action is being taken to recover financial loss to the Organization.
- (g) A staff member fraudulently used UNFPA purchase orders to procure goods and services for personal use and failed to abide by local laws. The staff member resigned during the pendency of the investigation. An appropriate note was placed in the staff member's personnel file to prevent re-hire.
- (h) A former staff member was found to have submitted fraudulent insurance claims. The individual had already retired from service with UNFPA at the time the investigation report was issued. An appropriate note was place in the staff member's personnel file to prevent re-hire.
- (i) A former staff member failed to reimburse funds that were advanced to the staff member by the Organization. The former staff member also failed to exercise the requisite standard of care when approving payments to vendors. The staff member separated from UNFPA for unrelated reasons before the conclusion of the investigation. An appropriate note was placed in the staff member's personnel file to prevent re-hire.

(j) A former staff member misused official vehicles for personal use and abused official authority by instructing UNFPA personnel to conduct the staff member's personal errands. The former staff member also procured items of little programmatic value to be ultimately distributed to the former staff member and others in the UNFPA office. Finally, the former staff member benefitted financially and fraudulently by receiving internet service at the staff member's personal residence at UNFPA's expense. The former staff member was no longer with UNFPA at the conclusion of the investigation. However, the Organization recovered its financial loss from the former staff member. An appropriate note was placed in the former staff member's personnel files to prevent re-hire.

II. Practice of UNFPA in cases of facts anterior to an appointment of a staff member and relevant to their suitability that should have precluded their appointment

- 5. Following two staff members' appointment with UNFPA, it came to light that they had engaged in medical insurance fraud before being appointed by UNFPA. After UNFPA was made aware of these facts, one staff member's appointment was terminated. The other staff member resigned before the appointment could be terminated.
- 6. Following a staff member's appointment with UNFPA, it came to light that the staff member had engaged in sexual harassment and sexual exploitation and abuse before being appointed by UNFPA. After UNFPA was made aware of these facts, the staff member's appointment was terminated. UNFPA included the staff member's name and relevant information in *Clear Check*.

III. Policy-related information

UNFPA Oversight Policy

- 7. 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.
- 8. Proscribed practices are defined in the UNFPA Oversight Policy as follows:

- (a) <u>Corrupt practice</u>: The offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence improperly the actions of another party;
- (b) <u>Fraudulent practice</u>: 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;²
- (c) <u>Collusive practice</u>: An arrangement between two or more parties designed to achieve an improper purpose, including influencing improperly the actions of another party;
- (d) <u>Coercive practice</u>: 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) <u>Unethical practice</u>: 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, postemployment provisions, abuse of authority and harassment.

Investigation of allegations of wrongdoing

9. I further take this opportunity to underline that in accordance Financial Regulation 17.2, the Office of Audit and Investigation Services (OAIS) shall be responsible for assessing and investigating allegations of wrongdoing, including fraud and corruption, committed by UNFPA personnel or by others to the detriment of UNFPA. OAIS shall also be responsible for doing the same for allegations of harassment, sexual harassment, abuse of authority, discrimination, and sexual exploitation and abuse.

Zero tolerance

10. It is important to emphasize that the UNFPA Oversight Policy expressly "calls for zero tolerance for wrongdoing".

Harassment, sexual harassment, abuse of authority, and discrimination

11. I also wish to take this opportunity to recall the <u>PPM, Prohibition of Harassment, Sexual Harassment, Abuse of Authority and Discrimination</u> and to reiterate the Organization's

² UNFPA also applies the fraud definition approved by the High Level Committee on Management 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."

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, abuse of authority or discrimination. 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.

- 12. 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, abuse of authority and discrimination is the collective responsibility of us all.
- 13. 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 and abuse of authority and will hold accountable those who engage in such conduct. For those who wish to file a formal complaint with OAIS anonymously, they are strongly encouraged to consider including contact information at which they can be reached for clarification, and to include as much information in the complaint as possible, as these considerations will create a more enabling environment for a fulsome and comprehensive investigation.

Protection from sexual exploitation and sexual abuse

- 14. 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) "<u>Sexual exploitation</u>" 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 "<u>sexual abuse</u>" 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).

15. 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 zero tolerance for any form of sexual exploitation or sexual abuse.

Reporting and investigation processes

- 16. It is recalled, firstly, that all UNFPA personnel have an obligation to report allegations of wrongdoing to OAIS. Failure to report allegations of wrongdoing can constitute misconduct.
- 17. There are several ways to report to OAIS, as further presented below. An <u>overview of the reporting mechanisms</u> 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 complainant may submit a complaint anonymously if they so choose. As noted above, personnel are strongly encouraged to include contact information when submitting a complaint anonymously, and including as much detail as possible in their complaint. The confidential reporting line is available in five of the six official languages of the United Nations (Arabic, English, French, Spanish and Russian). The reporting line 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 <u>investigationshotline@unfpa.org</u>, which is only accessible by selected OAIS staff; or to the Director of OAIS directly: <u>DirectorOAIS@unfpa.org</u>
 - (c) In person at the OAIS office;
 - (d) By mail marked as "Confidential" to the Director, OAIS;
 - (e) By telephone to the OAIS-dedicated voicemail at +1 (212) 297 5200.
- 18. Any complaint of retaliation under the <u>PPM</u>, <u>Protection against Retaliation for Reporting Misconduct or for Cooperating with an Authorized Fact-Finding Activity</u>, should be made to the UNFPA Ethics Adviser. (See further information included below.)

- 19. 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, as follows below:
 - (a) Generally, with regard to allegations of misconduct, the <u>PPM</u>, <u>Disciplinary Framework</u> applies. 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, abuse of authority and discrimination, the PPM, Prohibition of Harassment, abuse of authority and Discrimination applies. Formal complaints of harassment, sexual harassment, abuse of authority and discrimination shall be made to the Director, OAIS, in accordance with the procedures established in that policy. However, the policy also specifies additional mechanisms through which affected individuals can seek resolution through informal processes if they wish to do so.
 - (c) With regard to the specific issue of sexual exploitation and sexual abuse, the PPM, Special Measures on Sexual Exploitation and Sexual Abuse applies. This part of the PPM restates the United Nations Secretariat policy of the same title, which expressly applies to the staff of the 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. An allegation of sexual exploitation and sexual abuse can also be made to an assigned Protection from Sexual Exploitation and Abuse (PSEA) Focal Point in a UNFPA office or to the UNFPA Office of the Global PSEAH Coordinator, all of whom must immediately refer allegations to 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 applies. The report is made to the UNFPA Ethics Adviser in accordance with the procedures established in that policy.
 - (e) The <u>PPM, Policy against Fraudulent and other Proscribed Practices</u> examines various policy related aspects of fraud and other proscribed practices. All allegations of fraudulent and other proscribed practices shall be reported to the Director, OAIS or to the staff member's Manager, who shall forward without delay the report to the Director, OAIS.
 - (f) The <u>PPM</u>, <u>Policy for Vendor Review and Sanctions</u> provides a process for the imposition of sanctions on vendors that engaged in corrupt, fraudulent, collusive, coercive, obstructive or unethical practices (*i.e.*, any proscribed practices as explained above in this circular) and the inclusion of such vendors in the United Nations Global Marketplace ("UNGM") as vendors ineligible for United Nations business.

(g) The <u>PPM, Policy for Implementing Partner Review and Sanctions</u> provides for a range of remedies to deal with implementing partners that engaged in proscribed practices.

Relevant Offices

- 20. Office of Audit and Investigation Services ("OAIS"): The mandate of OAIS is described in the Oversight Policy approved 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 promptly and as described above in this circular.
- 21. As it deems appropriate or necessary, OAIS will conduct preliminary assessments and internal and external investigations:
 - (a) Internal investigations involve all allegations of wrongdoing, including proscribed practices (corrupt, fraudulent, coercive, collusive, obstructive, or unethical practices), harassment, sexual harassment, abuse of authority, sexual exploitation and abuse, and other violations of applicable regulations, rules and administrative or policy issuances, by UNFPA staff.
 - (b) External investigations involve all allegations of wrongdoing, including proscribed practices committed to the detriment of UNFPA, by independent contractors, implementing partners and other third parties.
- 22. Upon request of the Ethics Advisor, OAIS shall also conduct investigations into allegations of retaliation for reporting misconduct or for cooperating with an authorized investigation or internal audit activity. OAIS may also undertake proactive investigations in areas susceptible to fraud, corruption, or other wrongdoing.
- 23. 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.
- 24. <u>UNFPA Ethics Office:</u> 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.
- 25. 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. The Ethics Office is responsible for receiving complaints of retaliation and referring them to the Director, OAIS, if it determines that a *prima facie* case or threat of retaliation exists.
- 26. <u>UNFPA Legal Unit</u>: 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.
- 27. Office of the Coordinator, Protection from Sexual Exploitation and Abuse and from Sexual Harassment (PSEAH): The PSEAH Coordinator and team 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, survivor support, and to promote accountability and culture change. The PSEAH Coordinator is responsible for ensuring 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 the Sexual Misconduct Support Focal Point for UNFPA staff who have been impacted by sexual harassment but is not involved in the resolution of individual cases. The Coordinator can provide support in accessing information on available services and assistance, and provide appropriate guidance on policies, procedures and mechanisms available.
- 28. <u>UN Office of Staff Legal Assistance</u>: 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/.3

³ 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
1. Proscribed practices of Fraud Corruption Collusion Coercion Obstruction Unethical practices (conduct or behaviour that is contrary to staff or supplier codes of conduct)and other forms of wrongdoing	• Director, OAIS	 Confidential web-based hotline – only accessible by selected OAIS staff: 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 Note: the confidential hotline 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; Dedicated investigation hotline email address: investigationshotline@unfpa.org – only accessible by selected OAIS staff By email to the Director of OAIS: DirectorOAIS@unfpa.org In person at the OAIS office By mail marked as "Confidential" to the Director, OAIS:
2. Prohibited conduct: Harassment, sexual harassment, abuse of authority, discrimination	• For formal complaints, Director, OAIS	 Confidential web-based hotline – only accessible by selected OAIS staff: 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 Note: the confidential hotline 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; Dedicated investigation hotline email address: investigationshotline@unfpa.org

3. Sexual Misconduct:	Director, OAIS	 By mail marked as "Confidential" to the Director, OAIS: UNFPA Office of Audit and Investigation Services (OAIS) for the attention of the Director, OAIS
Sexual exploitation and sexual abuse (SEA)	 Global PSEAH Coordinator (who will refer report immediately to OAIS) Or to an assigned Protection from Sexual Exploitation and Abuse (PSEA) Focal Point in any given UNFPA office, who must report without delay to OAIS, including sharing all relevant details. 	 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 Note: the confidential hotline 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; Dedicated investigation hotline email address: investigationshotline@unfpa.org – only accessible by selected OAIS staff By email to the Director of OAIS: DirectorOAIS@unfpa.org 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 By telephone to the OAIS-dedicated voicemail at +1 (212) 297 5200.
4. Retaliation	Ethics Office	 By email to Ethics.office@unfpa.org In person to the Ethics Office; By mail marked as "Confidential" to the Ethics Advisor.