




5 February 2013

**To:** All UNFPA Staff

**From:**   
Anne-Birgitte Albrechtsen  
Deputy Executive Director - Management

**Subject:** Practice of UNFPA in cases of allegations of misconduct  
(January 2011 – December 2012)

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 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. In this context, I recall the following circulars on the same topic: UNFPA/CM/11/01; UNFPA/CM/09/02; and UNFPA/CM/07/2 (all available, *inter alia*, on the intranet site of the Division for Human Resources under “workplace conduct”; click [here](#)).

## **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:

- (1) With regard to all types of alleged misconduct, the UNFPA Policy on Accountability, Disciplinary Measures and Procedures. Allegations of misconduct shall be reported 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. Allegations of harassment, sexual harassment and abuse of authority shall be reported

to the Director, Division for Human Resources, in accordance with the procedures established in that policy. (As decided by the Executive Committee, this will be transferred to the Director, Division for Oversight Services, in the near future; staff members will receive further information in a separate communication shortly);

(3) With regard to the specific issue of sexual exploitation and sexual abuse, the UNFPA Policy on 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 UNFPA 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 at [www.unfpa.org](http://www.unfpa.org) (click on “UNFPA Integrity Helpline”).

## **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. 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 and reiterate the Organization’s commitment to ensure a work environment free of all types of harassment and abusive behaviour. 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.

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 an informal option for off-the-record, confidential and impartial assistance for 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 the staff member to identify options and to assess them with a view to determining the best option for a resolution. More information is available at the website of the Office of the Ombudsman (<http://www.un.org/en/ombudsman/index.shtml>), including the 2011 Report of the Office of the Ombudsman for United Nations Funds and Programmes (<http://www.jointombudsperson.org/2011%20english.pdf>).

#### **IV. The UNFPA Ethics Office**

I also 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 UN 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 Ethics Office also provides advice and guidance to staff at their request and in confidence, on conflicts of interest and other ethics-related issues.

The Ethics Office also 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 a non-retaliatory culture so that staff members are able to report acts of misconduct without fear of reprisal, reprimand or any other form of retaliation and to take swift and appropriate action in cases in which retaliation has occurred.

## **V. Practice of UNFPA in cases of allegations of misconduct**

1. On the basis of an investigation, the Organization concluded that a staff member had committed several violations of regulatory provisions related to procurement and finance (see [UNFPA/CM/11/01](#) of 21 January 2011, item 8). A disciplinary measure of dismissal was imposed on that staff member.

On the basis of the same investigation, the Organization further concluded that another staff member had departed from regulatory provisions related to procurement. These included (i) acting under conflict of interest; (ii) abetting the wrongful use of funds; and (iii) failing to apply informal methods of solicitation. However, under the specific circumstances of the case, the Organization determined that the staff member had not acted willfully or grossly negligent. Consequently, no disciplinary measure was imposed on the staff member. However, the Organization determined that the staff member had departed from the required standards of performance and had displayed poor judgment. Therefore, the staff member received a written reprimand.

2. Funds made available by UNFPA to a government implementing partner under a UNFPA programme of assistance were misappropriated while in the custody of the implementing partner. While the implementing partner obtained alternative funding from other donors to make up the shortfall, a UNFPA staff member assisted the implementing partner in setting up an arrangement designed to conceal that any misappropriation had occurred so as to avoid having to report the misappropriation to UNFPA's donor. A disciplinary measure of censure was imposed on the staff member.

3. A staff member committed a number of departures from the requirements of the procurement procedures, including: (i) failing to obtain a minimum of three quotations; and (ii) authorizing an advance payment, although the prerequisites for advance payments (Financial Rule 114.17) were not met. As a result of the staff member's conduct UNFPA was overcharged and suffered financial loss. The staff member received disciplinary measures of censure and of loss of one step in grade.

4. Two staff members took action that was detrimental to the interests of another staff member, who had made a report of possible misconduct against those staff members. The Organization concluded that such action constituted retaliation. Each of the two staff members received a fine as a disciplinary measure.

5. Two staff members and a service contractor, acting in concert with a government implementing partner, accepted a Funding Authorization and Certificate of Expenditure (“FACE”) form from the implementing partner that included financial information that was materially false. One of the two staff members, with knowledge of the falsity of the FACE form, certified that the form was correct. Furthermore, the concerned individuals deposited cash, which had been given to them by the implementing partner and which was in the amount by which the FACE form was materially false, in the Country Office’s safe deposit box until certain programme activities in respect of which the cash in question was earmarked, would have been completed the following year. The cash amount in question significantly exceeded UNFPA’s established petty cash limit. Subsequently, the cash was stolen from the cash box by an unknown person. The individuals failed to report the theft and, instead, sought to replenish the cash from their own pockets.

The service contract was not renewed after it expired. One staff member received a disciplinary measure of loss of two steps in grade and of deferment, for a period of two years, of eligibility for a salary increment. The other staff member received a disciplinary measure of loss of one step in grade and of deferment, for a period of two years, of eligibility for a salary increment.

6. A staff member submitted a certificate of costs towards an education grant entitlement which failed to adequately reflect the financial contributions received by him from a government. Moreover, the staff member failed to report in due time the receipt of a second contribution received from the same government at a later stage. The staff member received a fine as a disciplinary measure.

