

REPORT ON THE ETHICS OFFICE

I. INTRODUCTION

1. Pursuant to paragraph 161(d) of the 2005 World Summit Outcome¹ urging the Secretary-General to develop a system-wide code of ethics for all United Nations personnel, the Secretary-General established the Ethics Office within the United Nations Secretariat in December 2005 as part of reform initiatives to strengthen the United Nations. Subsequently, a framework was created for a unified set of ethical standards and policies that extended to all UN Funds and Programmes.
2. This led the High Commissioner to establish an Ethics Office within UNHCR in September 2008, with the objective of: a) ensuring that all staff members understand, observe and perform their functions, consistent with the highest standards of integrity required by the Charter of the United Nations, the United Nations Staff Rules and Regulations, related UNHCR administrative issuances and the UNHCR Code of Conduct; and b) fostering a culture of ethics, respect, transparency and accountability. The Director of the Ethics Office reports directly to the High Commissioner, including through an annual report that includes recommendations on how to address any recurring or systemic ethics problems found within UNHCR. The first annual report will be issued in 2009.
3. This conference room paper presents the terms of reference for the Ethics Office and describes the key developments since its establishment.

II. TERMS OF REFERENCE

4. The main responsibilities of the Ethics Office are to:
 - provide confidential advice and guidance to staff and senior management on ethical issues (e.g. conflicts of interest and ethical dilemmas in the workplace, such as gifts and hospitality, personal investments and assets, outside positions and activities, the use of United Nations assets, post-employment activities, etc.);
 - promote a culture of integrity and accountability;
 - raise awareness and develop standards and education on ethics issues;
 - administer the financial disclosure programme; and

¹ See General Assembly resolution A/RES/60/1

- implement the policy on the protection of staff against retaliation for the reporting of misconduct, collaboration with duly authorized audits, investigations, or inspections, or cooperation with the Office of the Ombudsman.

5. The Ethics Office does not investigate misconduct; mediate or act as an informal dispute resolution mechanism for resolving grievances; or take administrative decisions regarding employment.

6. A key function of the Ethics Office is to help staff and senior management identify potential ethical dilemmas so that appropriate steps can be taken to prevent problems before they arise. The Ethics Office serves as a resource for any staff seeking advice concerning standards of conduct required when serving within the United Nations and UNHCR. This includes how to manage real or potential conflicts of interest, and how to adhere to the values and principles outlined in the UNHCR Code of Conduct.

7. Staff can approach the Office to discuss any concerns in strict confidence. If the issue relates to an area which the Ethics Office does not cover (such as investigation of misconduct or informal resolution of grievances), it can assist in referring staff to the appropriate resource.

III. OVERVIEW OF KEY DEVELOPMENTS

8. Following the opening of the Ethics Office in September 2008, an initial six-month plan was developed in consultation with the High Commissioner, the Senior Management Committee, and relevant internal units, including the Inspector General's Office, the Staff Council, the Legal Affairs Section, the Ombudsman's Office, the Staff Welfare Section, the Division of Human Resources, and the Medical Service. This initial six-month plan was merged into the objectives for the Ethics Office for the 2009–2010 reporting period, and fed into the budget allocation process.

A. Awareness raising and information dissemination

9. Several initiatives have been undertaken to facilitate awareness of the Ethics Office and its advisory functions among staff, including:

- periodic flash updates on the UNHCR intranet on subjects such as the role of the Ethics Office, the draft system-wide Code of Ethics, and financial disclosure;
- postings on the Staff Council internal web forum;
- town hall meetings on the subject;
- contributions to the Staff Council publication "Dialogue"; and
- staff briefings including outside Geneva.

10. UNHCR has also opened up a dialogue on the subject with key partners and sister agencies.

11. The Ethics Office has produced three information brochures,² as well as a one-page guide: *Easy Reference: Where to go for further information, advice or help with a work-related problem*, and provided input for the updating of an internal booklet: *Addressing Grievances in UNHCR: Where to go for help*. Work is also under way on an enhanced dedicated website.

12. In June 2009, the Ethics Office began sending out periodic all staff messages, the first of which was on the theme of communications in the workplace. The message highlighted the links between respectful communications, staff well-being, and the effective implementation of UNHCR's mandate. These messages aim to remind staff of the core values and principles of the organization; highlight aspects of the UNHCR Code of Conduct; and articulate how the standards staff set and implement for themselves have a direct impact on UNHCR's ability to ensure the highest standard of delivery to those it serves. They also provide a reminder of where to go for advice on standards of conduct.

B. Advisory services

13. The Ethics Office is tasked with advising and assisting the High Commissioner in the development, dissemination and promotion of ethics-related policies, in accordance with the common standards of conduct prescribed for all United Nations staff members. It also provides guidance to UNHCR management and staff to ensure practical implementation of UNHCR's policies, procedures and practices relating to ethical standards.

14. Advising individuals who seek confidential guidance regarding ethical behaviour, issues and standards, is one of the most critical areas of the Ethics Office's work. Providing the opportunity for all staff members to seek advice on a strictly confidential basis helps ensure that individuals will come forward, will solicit views concerning ethical dilemmas they may be facing, and will be able to make fully informed decisions without fear of sanction for having raised questions. The greater the emphasis on and support for prevention, the greater the likelihood that staff and operations are empowered to deliver UNHCR's mandate in the most effective and responsible manner.³

15. There has been a marked increase in the number of queries for confidential advice and support on ethics-related matters. In the first year of operation, there have been several hundred queries on issues such as interpretation of the standards of conduct and their application in specific contexts. While the majority of queries were made internally, staff and management of partner agencies have also consulted with UNHCR's Ethics Office. As awareness among staff grows, the services of the Ethics Office are expected to be sought increasingly. It is therefore important that the Office be sufficiently capacitated to ensure effective and timely support.

² *The UNHCR Ethics Office: An Introduction; The UNHCR Ethics Office: A Guide to UNHCR's Financial Disclosure Programme; and The UNHCR Ethics Office: A Guide to Protection against Retaliation for Reporting Misconduct or Cooperating with an Authorized Authority*. These brochures were released in March 2009 and are currently available in French and English.

³ In addition to providing advice on general queries arising in relation to standards of conduct, there may also be specific areas where the Ethics Office performs focal point advisory functions under the Code of Conduct. In 2009 for example, this included a heightened advisory role concerning the issue of protection from sexual exploitation and abuse.

C. Training / Code of Conduct refresher sessions

16. While addressing misconduct or work-related conflicts is necessary when problems arise, the proactive identification of potential problems will enable staff and managers to avoid decisions or actions which can lead to problems in the first instance. Advocacy aimed at prevention is therefore an important objective of the Ethics Office.

17. In June 2009, the Ethics Office made an important new tool available to all staff: *The Facilitator's Manual: UNHCR Code of Conduct*. This Manual will be used globally by managers to ensure that all staff members within their operations are introduced to the Code of Conduct, initially by way of induction upon arrival and thereafter through the annual refresher sessions. The Manual contains extensive information on the values and principles that underpin the UNHCR Code of Conduct, which are also derived from the United Nations Charter, the United Nations Staff Rules and Regulations and related issuances, thereby promoting a harmonized approach within the system. The Manual includes new case studies and induction lessons. It also provides information on the refresher session theme for the year and is updated annually.

18. Several new support tools have been introduced in the Facilitator's Manual. These include the standard individual evaluation form to be completed by all staff members who participate in a refresher session. These forms should be kept on file in each operation for future reference, including for audit or inspection purposes. A critical new tool for monitoring implementation is the *Senior Managers' Annual Report on the Code of Conduct Refresher Sessions*. All Directors and Representatives are required to complete this form, available online, which indicates whether all staff in the operation have participated in the annual Code of Conduct refresher session, completed the mandatory e-learning programmes,⁴ and been advised on where to seek confidential advice on the Code of Conduct. The Ethics Office will compile the data from these reports each year, monitor the results, and determine any gaps or target areas that need to be addressed.

19. The theme selected for the 2009 Code of Conduct refresher session is: *The Global Staff Survey: Ethics in Action*. Results of the global staff survey conducted in 2008 indicated that a substantial number of staff did not have information on issues such as where and how to report misconduct, while others expressed concern about issues such as non-discrimination and respectful communications in the workplace. The results provide an important and operation-specific tool for managers and staff to assess their strengths and weaknesses with regard to the values and principles outlined in the UNHCR Code of Conduct. Moreover, as this was the second global staff survey related to questions about ethical conduct, there is now a baseline emerging for monitoring implementation of these standards within operations and throughout the organization over time. The thematic focus for 2009 provides an important opportunity for UNHCR offices to review progress and to make constructive plans to address any gaps or concerns which will be measured again in the next survey.

20. The Ethics Office is working with the newly established Global Learning Centre to ensure that the core values and principles are reflected in all learning initiatives, from training on procurement or finance to management learning programmes required for career advancement. UNHCR's new Performance Appraisal and Management System (PAMS), incorporates the

⁴ These mandatory e-learning programmes include the United Nations learning programme on the *Prevention of Workplace Harassment, Sexual Harassment and Abuse of Authority*, as well as security and basic protection training.

values of integrity, professionalism and respect for diversity: all supervisors are required to provide guidance, discuss with staff members, and formally comment on these values during the final evaluation.

21. The Ethics Office has also been working closely with the Office for Organizational Development and Management to ensure that the values and principles guiding standards of conduct are articulated in the Global Strategic Objectives, objectives and outputs in UNHCR planning tools such as *Focus*, and the Global Management Accountability Framework. Specific measurables would include, for example, the rate of compliance with the financial disclosure programme and implementation of the annual Code of Conduct refresher sessions.

22. The number of queries made by staff in order for them to make an informed decision as to ethical approaches before an action is taken, will be a key measurement of the success of the training and Code of Conduct refresher sessions as they relate to prevention.

D. The financial disclosure programme

23. The financial disclosure programme seeks to identify and constructively manage and resolve any conflicts arising between the private interests of a staff member, such as financial holdings or outside activities, and those of UNHCR. By identifying and managing any possible conflicts of interest, the programme helps to ensure that all staff members observe and perform their functions consistent with the highest standards of integrity required by the United Nations.

24. The financial disclosure programme takes place on an annual basis and is overseen by the Ethics Office. Staff members at the D-1 level or above, staff whose principal occupational duties relate to the procurement of goods and services, and those whose direct access to confidential procurement or investment information warrants the filing of a financial disclosure statement, are all required to participate. Over 450 staff will participate in the programme in 2009. It is however emphasized that the values and principles underlying the programme are relevant to all staff. Any staff member with concerns or questions can contact the Ethics Office in confidence for advice.

25. UNHCR's financial disclosure system is implemented under the framework established by the United Nations Ethics Office, through PricewaterhouseCoopers (PWC) which has been contracted as an external, independent entity. PWC reviews the disclosure of the staff member in complete confidentiality under the framework and guidelines outlined by the United Nations. If an actual or potential conflict of interest is identified, the staff member is advised of options and requested to resolve the conflict. The Ethics Office is currently reviewing the methodology outlined and will make recommendations in its annual report on long-term sustainable approaches as well as on compliance.

E. Protection from retaliation for protected activities

26. According to UNHCR policy adopted in September 2008, "retaliation" refers to any direct or indirect detrimental action recommended, threatened or taken in response to an individual's engagement in a protected activity, such as reporting misconduct or cooperating with a designated authority. When established, retaliation itself constitutes misconduct. It is important to note that this policy is not intended to address all forms of retaliation, and covers

only instances where the individual concerned has reported misconduct to an appropriate authority such as the Inspector General or the Ombudsman, or cooperated with or participated in an audit, inspection, investigation or inquiry.

27. The Ethics Office is responsible for:

- receiving complaints of retaliation;
- keeping a confidential record of such complaints;
- conducting initial reviews of the complaints to determine whether they fall under the whistleblower policy;
- referring the case for investigation, as appropriate;
- providing advice on the next steps, including the mitigation of any negative consequences for the complainant; and
- liaising with the United Nations Ethics Office on specific issues.

28. Since the adoption of the policy on retaliation, several staff members have contacted the Office for advice as well as to lodge complaints. While all such cases are managed in strict confidence, a general update on developments in this area will be provided in the annual report.

F. United Nations Ethics Committee/Draft Code of Ethics

29. UNHCR is a member of the United Nations Ethics Committee, which is an extremely useful forum for discussion on issues of system-wide harmonization, emerging challenges, and general approaches to the implementation of prevention programmes such as financial disclosure. The United Nations Ethics Committee reviews the annual reports of members and makes recommendations for the future as appropriate.

30. UNHCR has participated actively in the promulgation by the United Nations Ethics Committee of the draft system-wide Code of Ethics, prior to its presentation to the General Assembly. The Code of Ethics sets out broad values and principles (such as integrity, impartiality, and loyalty) to guide behaviour among staff. UNHCR's Code of Conduct incorporates these values and principles into a standard of conduct that "operationalizes" them.

IV. CONCLUSION

31. Given the marked increase over recent months in queries for advice on standards of conduct, and UNHCR's focus on prevention, it will be important to ensure that the Ethics Office has the capacity to meet the needs of staff in order to fulfil its core functions over time. Emphasis will continue to be placed on strengthening support and prevention activities, both internally and through liaison with concerned partners.

32. More detailed information will be provided in the annual report to be released later this year.