

## UNHCR Ethics Office 2018 Annual Report

### *Summary*

The present annual report covers the activities of the Office of the United Nations High Commissioner for Refugees (UNHCR) Ethics Office in 2018.

In accordance with the Secretary-General's bulletin on United Nations system-wide application of ethics: separately administered organs and programmes (ST/SGB/2007/11), the Ethics Panel of the United Nations reviewed the report during its 114<sup>th</sup> session on 11 June 2019.

### *Elements of a decision*

The High Commissioner may wish to take note of the present report and consider the recommendations made by the UNHCR Ethics Office in formulating the UNHCR global and operational strategies to further strengthen the organization-wide implementation of and adherence to ethical standards and practices by its workforce and partners.

## Contents

<i>Chapter</i>	<i>Page</i>
I. Introduction .....	3
II. Key achievements .....	3
III. Activities of the Ethics Office .....	7
A. Ethics advice and guidance .....	7
B. Protection against retaliation .....	11
C. SpeakUp! Helpline .....	13
D. Outreach, training and education .....	15
E. Code of Conduct dialogue sessions .....	15
F. United Nations Financial Disclosure Programme .....	17
G. Standard-setting and policy support .....	18
H. Protection from sexual exploitation and abuse .....	19
I. Coordination and professional networking with the Ethics Panel of the United Nations and other ethics committees .....	21
IV. Observations and 2018 recommendations.....	21
A. Observations .....	21
B. 2018 Recommendations .....	22
V. Conclusion.....	24
 <i>Annexes</i>	
I. Terms of reference of the Ethics Office in accordance with UNHCR Inter-Office Memorandum No. 040/2008 and Field Office Memorandum No. 042/2008 .....	25
II. List of abbreviations and acronyms.....	26

## **I. Introduction**

1. This is the 10<sup>th</sup> annual report of the Office of the United Nations High Commissioner for Refugees (UNHCR) Ethics Office since its establishment on 6 June 2008. It is submitted in accordance with UNHCR Inter-Office Memorandum No. 040/2008 and Field Office Memorandum No. 042/2008 of 6 June 2008 and resolution 60/254 of the General Assembly in which the Assembly requested annual reporting of the United Nations Ethics Office on the implementation of ethics policies.

2. The UNHCR Ethics Office is mandated to promote the highest standards of integrity and foster an organizational culture of respect, transparency and accountability to its staff members and affiliated workforce employees in accordance with Article 101, paragraph 3 of the Charter of the United Nations, as well as to its partners and stakeholders, to ensure a work environment that upholds these values. The amended Secretary-General's bulletin 2007/11 on United Nations system-wide application of ethics: separately administered organs and programmes further provides that independence, impartiality and confidentiality are vital prerequisites for the functioning and operation of an Ethics Office and should be fully respected. Specific functions include:

- (a) advising individual colleagues and management on ethical behaviour and standards;
- (b) protecting individuals against retaliation;
- (c) implementing the policy of the Secretary-General of the United Nations on protection from sexual exploitation and abuse;
- (d) ensuring the implementation of the United Nations Financial Disclosure Programme (UNFDP) in UNHCR; and
- (e) developing, disseminating and promoting ethics-related policies.

3. As of February 2019, UNHCR had a workforce of 16,870 individuals comprising 12,189 staff and 4,681 affiliated workforce employees.

4. In promoting a sustainable culture of ethics in UNHCR, the Ethics Office is guided by UNHCR's 2017–2021 Strategic Directions, the global compact on refugees, the comprehensive refugee response framework and the transformation process initiated by the UNHCR headquarters review, as well as the related behaviour and culture change required to achieve the UNHCR strategic objectives.

5. The present report will highlight key achievements, describe related activities, share resulting observations and put forward several recommendations.

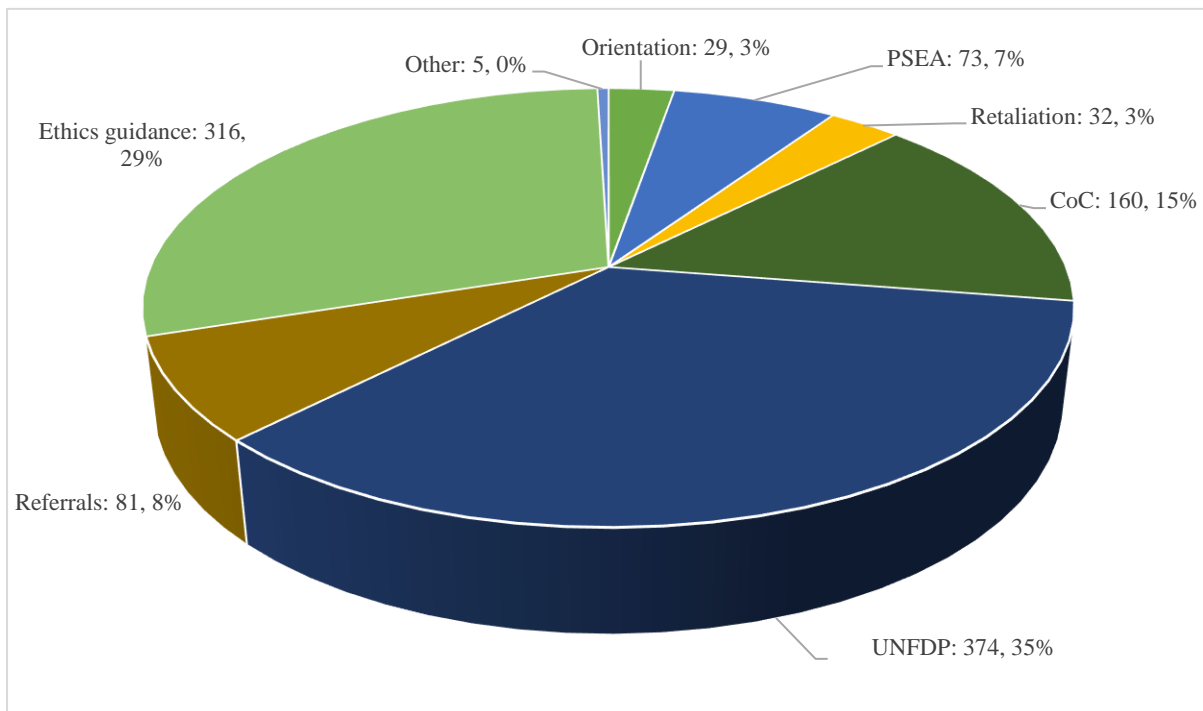
## **II. Key achievements**

6. In its mission to foster an ethical culture in UNHCR and in its partner organizations, the Ethics Office in 2018 strengthened its role as a key contributor and stakeholder in the efforts of UNHCR to drive behaviour and attitude change in the organization. It did so by

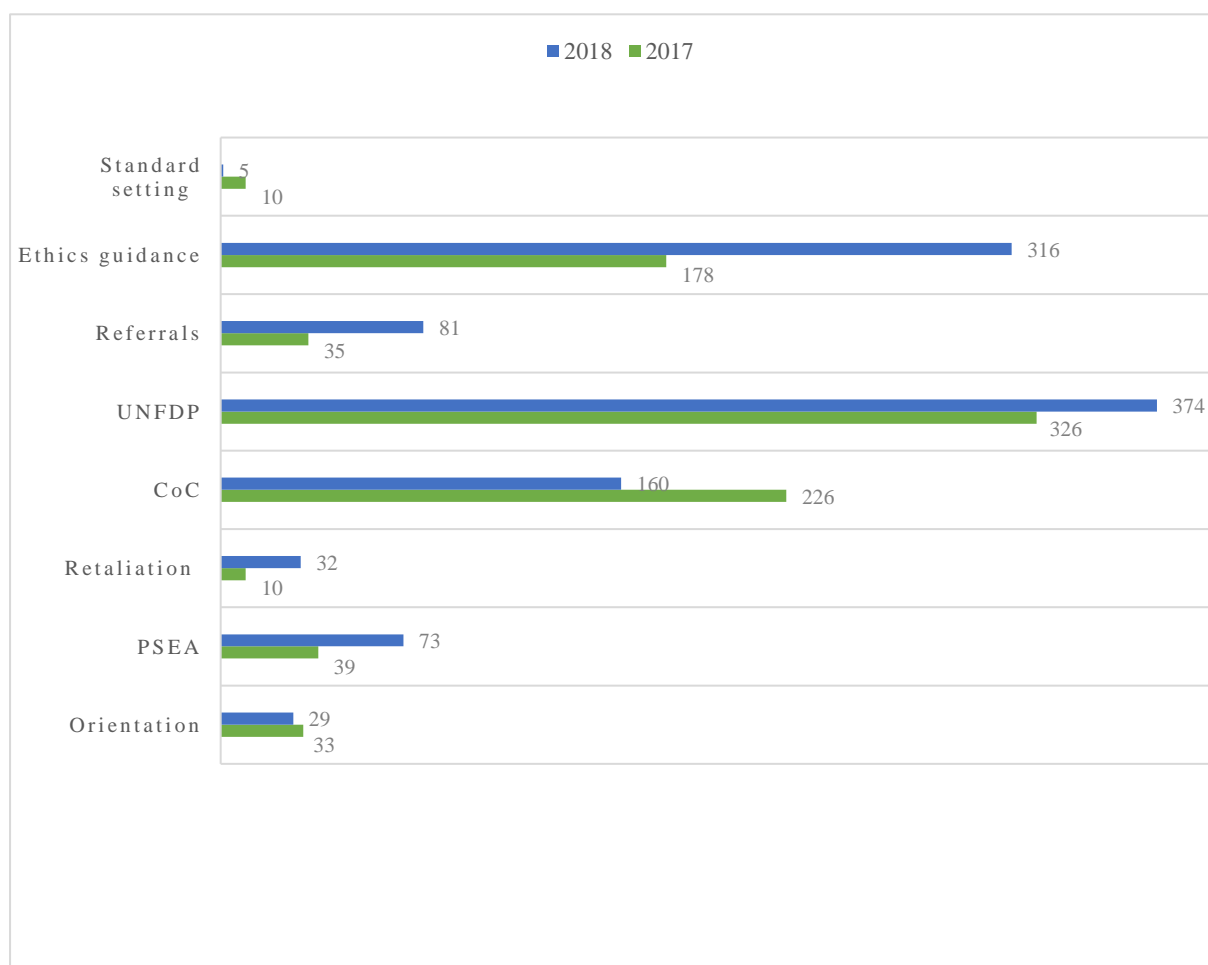
promoting a speak-up culture, enlarging safe spaces for dialogue, and empowering colleagues in ethical and value-based decision-making. Key milestones in that regard included the following:

- (a) providing guidance to 1,070 UNHCR personnel, which represents an increase of 20.8 per cent in comparison to 2017. This includes ethics advice related to conflicts of interest, guidance related to the UNHCR Code of Conduct (CoC) and related annual mandatory Code of Conduct dialogue sessions, assessment of retaliation complaints, advice on questions regarding management, responding to requests related to the UNFDP, and guidance on ethics-related standard-setting and policies as well activities related to protection from sexual exploitation and abuse (PSEA) (fig. 1). Eighty-one cases were referred to other divisions/offices such as the Ombudsman’s Office, the Psychosocial Welfare Service (PWS), the Inspector General’s Office (IGO) and the Division of Human Resources (DHR);

**Figure 1. Number of inquiries to the Ethics Office, by category, 2018**



**Figure 2. Comparison of Ethics Office total intake, 2017–2018**



- (b) streamlining and standardizing the provision of ethics advice through face-to-face dialogue whenever feasible versus email communication, thereby strengthening the trust of colleagues to proactively reach out for advice to the Ethics Office and empowering personnel in ethical decision-making. The new way of communication and engagement implemented by the Ethics Office resulted in a 65 per cent increase in requests for ethics advice compared to requests in 2017;
- (c) spearheading the review of the UNHCR policy on protection against retaliation and an associated communications strategy. The Ethics Office considers that the 220 per cent increase in retaliation-related inquiries received in 2018 (32) compared to 10 in 2017 is a direct result of the new policy and the efforts of the organization in proactively communicating that policy;
- (d) leading a multi-stakeholder process to establish a new toll-free and confidential “speak-up” helpline operated by an independent, third-party provider, available 24 hours a day, 7 days a week, in September 2018. Initially conceived to serve as a

confidential, anonymous reporting channel for sexual harassment or PSEA allegations, the SpeakUp! Helpline provides a channel for reporting of all categories of allegations of misconduct. The Ethics Office is part of an inter-divisional triage team (consisting of the Legal Affairs Service (LAS), PSW, the Ethics Office and the Ombudsman's Office) to coordinate the processing of complaints upon receipt from the third-party provider to allow for collaborative, efficient and timely processing of cases;

- (e) facilitating the role-out of the new approach to the UNHCR CoC dialogue session and the full implementation of the 2017–2018 thematic sessions on diversity and inclusion. Participation reached 80 per cent, reflecting a 20 per cent increase over the 2016 participation rate. The attendance rate in the offices that conducted a Code of Conduct session increased from 70 per cent in 2017 to 80 per cent in 2018. The Ethics Office provided support to key operations in the CoC training, thereby applying a risk management approach in its selection of operations at the field level. Ethics dialogue was raised at the highest leadership level either preventively or as a measure to respond to breaches of ethical standards and UNHCR values. The Ethics Office continued to strengthen cooperation with the Enterprise Risk Management Team and the Senior Adviser on Inclusion, Diversity and Gender as well as the Change Team, the Ombudsman's Office, IGO, LAS and PWS;
- (f) administering the UNFDP, with an increase in participants; over 1,700 UNHCR colleagues were reached. The compliance rate in 2018 was 99.7 per cent;
- (g) supporting the conceptualization and establishment of the UNHCR Peer Adviser Network and related learning programme for 400 colleagues (previously Respectful Workplace Advisers and Peer Support Personnel) who are trained as conflict managers, psychosocial counsellors and ethics influencers;
- (h) facilitating the process of handing over a number of PSEA-related tasks to the newly appointed Senior Coordinator on Sexual Exploitation and Abuse and Sexual Harassment while retaining its central role and responsibility in ensuring organizational responsibility for prevention and awareness-raising on PSEA;
- (i) integrating awareness-raising and training components of sexual exploitation and abuse (SEA) and sexual harassment into various other learning modules and events such as CoC dialogue sessions, the Senior Emergency Leadership Programme, the Workshop on Emergency Management, and Field Security Service (FSS) briefings and training; and
- (j) providing country and regional PSEA focal-point training to the Democratic Republic of the Congo, India, Thailand and countries in the Middle East and North Africa (MENA) Region. The Ethics Office also further strengthened and expanded the Community of Practice PSEA Focal Points Network by engaging bilaterally and through the Yammer platform with over 400 PSEA focal points. In addition, it continued to play a major role in coordinating PSEA activities in the inter-agency

forums and the United Nations Special Coordinator on improving the response to SEA.

### III. Activities of the Ethics Office

#### A. Ethics advice and guidance

7. The Ethics Office provides confidential advice and guidance concerning ethical dilemmas and conflict-of-interest questions that personnel may encounter in the workplace. The confidential procedure ensures that colleagues have the opportunity to make informed decisions based on ethical values and principles without fear of speaking out or upsetting their work environment. Providing guidance to personnel early in their decision-making processes to resolve ethical dilemmas enables them to focus on achieving operational objectives and to prevent any conflict of interest from arising. This strengthens the effective delivery of protection and humanitarian assistance to populations of concern and increases the productivity of the team. Furthermore, the provision of advice and guidance to UNHCR personnel on their ethical obligations is key to promoting ethical standards and nurturing an ethical organizational culture as stipulated in the United Nations Charter.

8. By providing independent and impartial guidance, the Ethics Office seeks to mitigate operational and reputational risks through preventing, managing and resolving actual, perceived or potential conflict-of-interest issues faced by UNHCR personnel. Accountability, integrity and ethical behaviour figure high among the UNHCR 10 priority corporate risk themes. The work of the UNHCR Ethics Office is an integral part of the UNHCR risk management strategy.

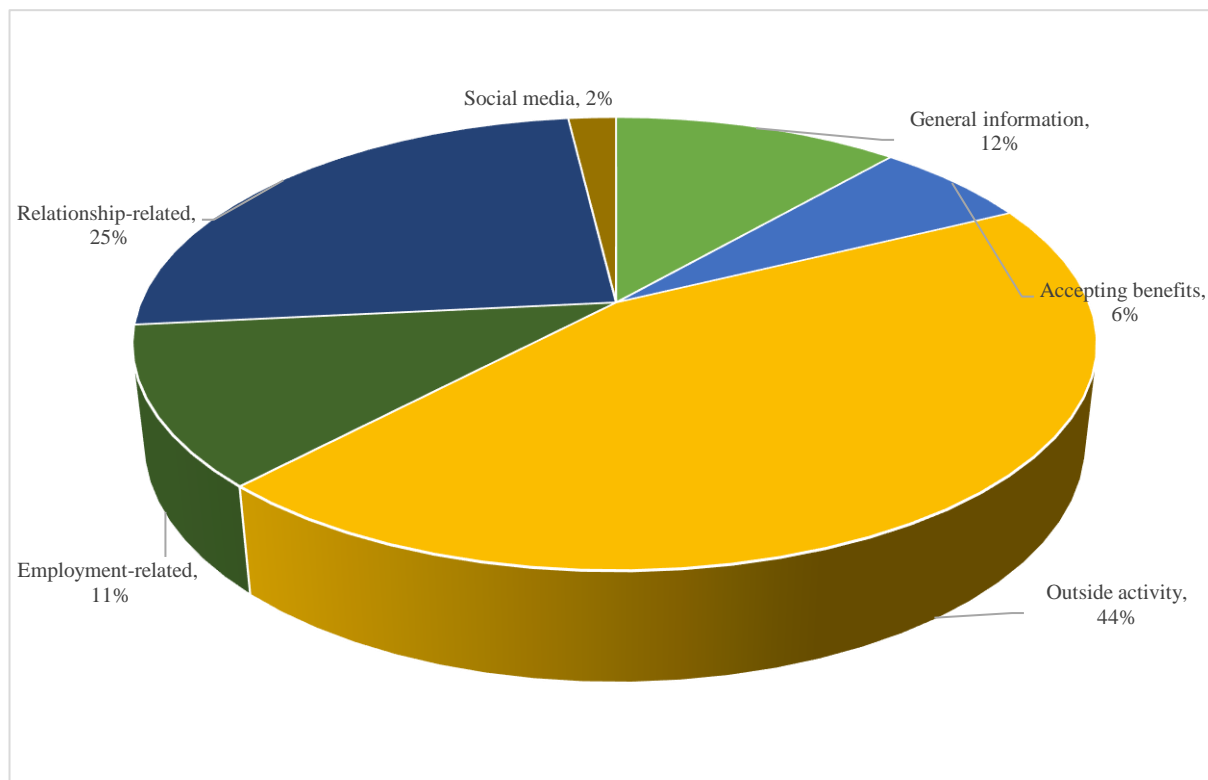
9. In 2018, the Ethics Office provided ethics advice and guidance to 316 UNHCR colleagues. Confidential guidance was given using different means such as email, telephone, Skype and face-to-face meetings, the latter including particularly colleagues based at headquarters and colleagues on mission at headquarters as well as colleagues met by the Ethics Office team during field missions.

10. The Ethics Office divided the requests for ethics advice into six categories (fig. 3):

- (a) *general information*: requests for materials or general guidance on ethical considerations;
- (b) *accepting benefits*: requests concerning accepting benefits such as gifts, honours or awards, and remuneration and invitations to events;
- (c) *outside activity*: requests related to outside employment, business ownership, publications, voluntary engagement, membership and political engagement, or private investment;
- (d) *employment related*: requests concerning employment of family members, the recruitment process, post-employment restrictions, and the use of UNHCR assets for private purposes;

- (e) *relationship related*: requests concerning relationship among colleagues, and with partners, governments, other entities and persons of concern; and
- (f) *social media*: requests about the use of social media.

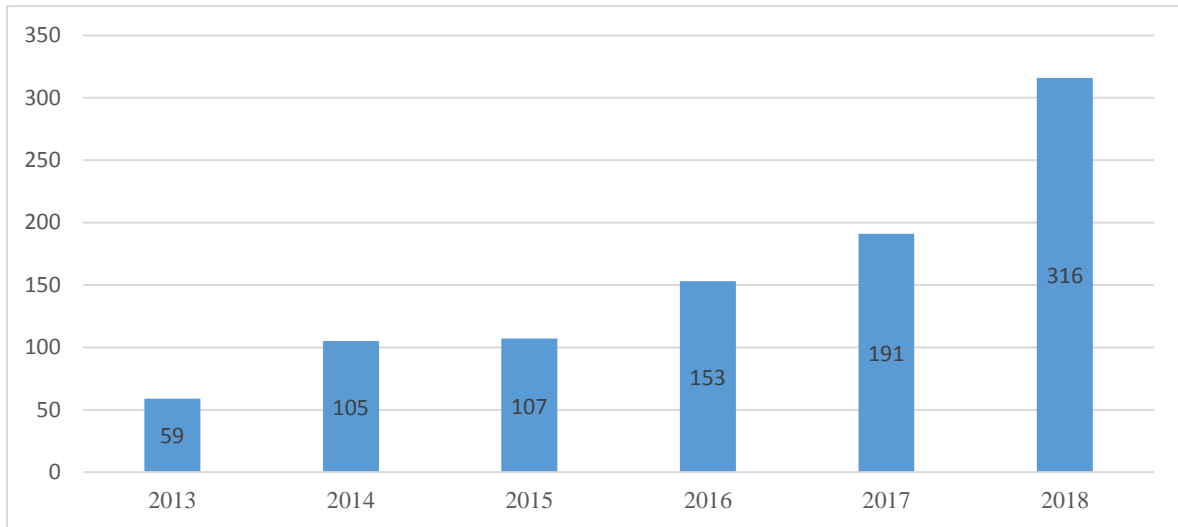
**Figure 3. Requests for ethics advice, by category, 2018**



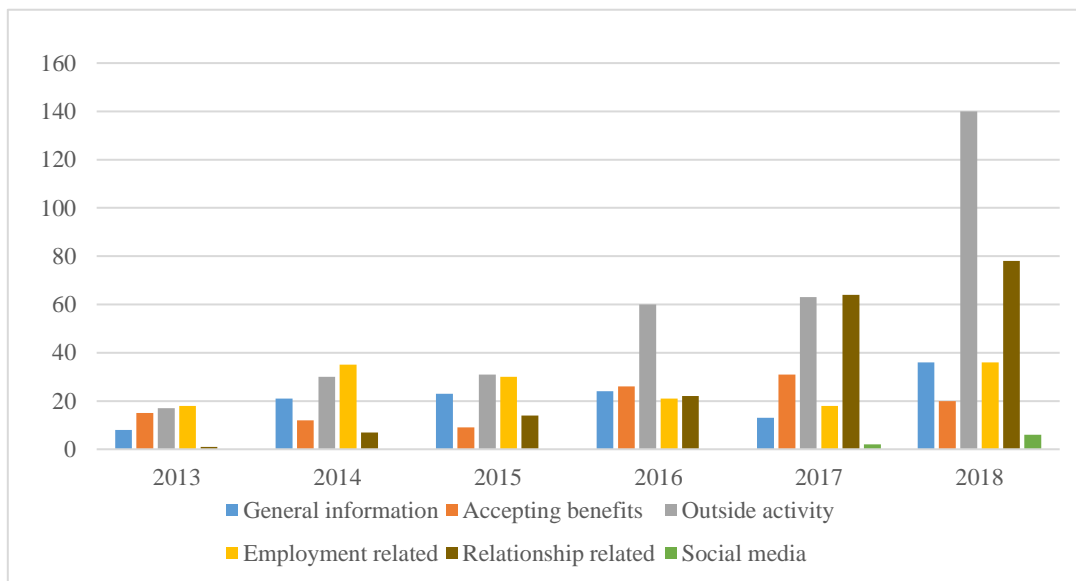
11. Overall, there was a 65-per cent increase in requests in 2018, with a total of 316 cases compared to 191 cases in 2017 (fig. 4). From 2013 to 2018, the number of requests for ethics advice increased by 436 per cent. There were significant increases in outside-activity and relationship-related requests (fig. 5). According to feedback received by the Ethics Office, the substantive increase in requests for ethics advice in 2018 was in part related to the trust-building impact of a greater systematic dialogue with personnel in person wherever and whenever possible. That included engaging colleagues requesting ethics advice in reflection on steps and underlying dynamics in ethical decision-making to empower them to proactively and confidently address conflicts of interest and other ethical dilemmas. An additional trust builder seems to have been the Ethics Office commitment to respond initially within 48 hours.



**Figure 4. Number of requests for ethics advice, 2013–2018**

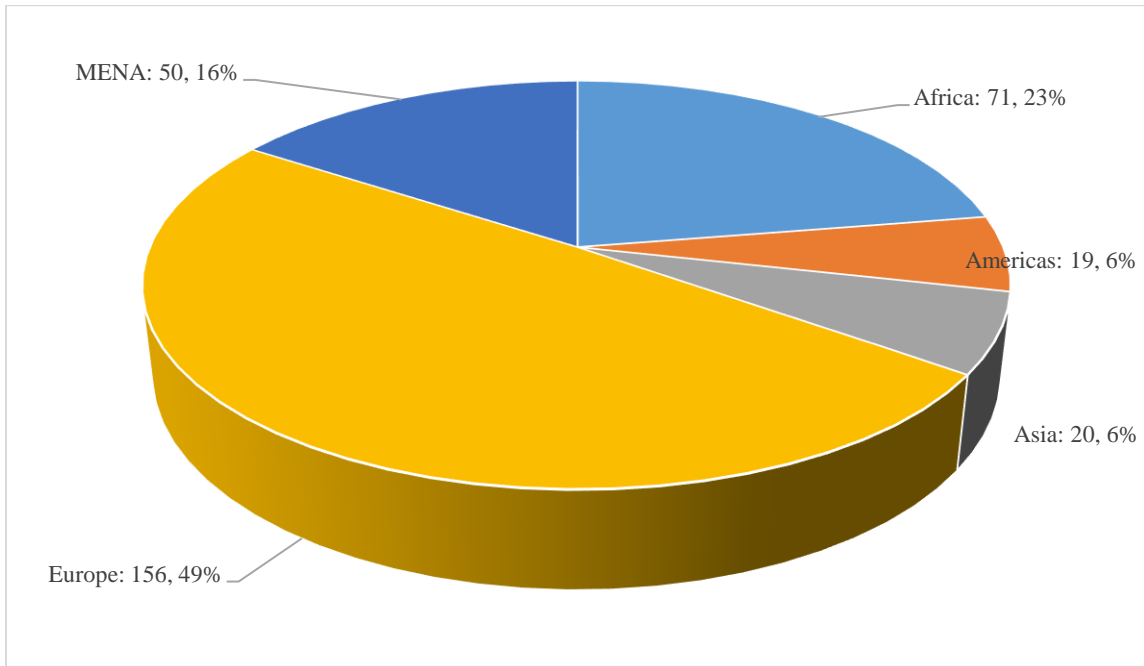


**Figure 5. Requests for ethics advice, by category and year, 2013–2018**

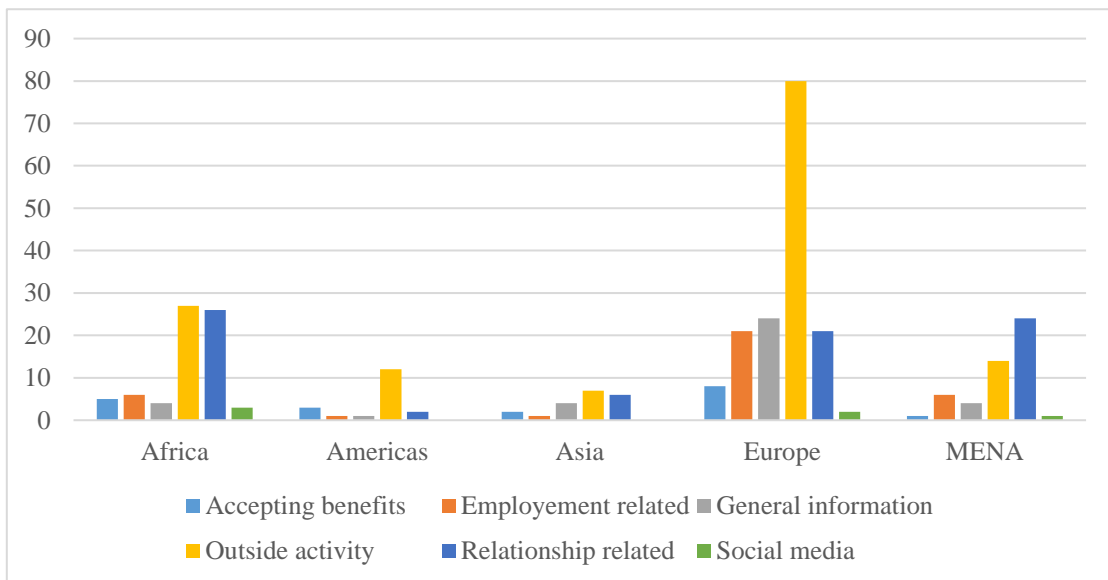


12. While the majority of requests for ethics advice and guidance in 2018 came from colleagues in Europe (including Budapest, Copenhagen and UNHCR headquarters at Geneva) (fig. 6), the number of personnel working in Africa who contacted the office increased from 5 per cent in 2017 to 23 per cent in 2018.

**Figure 6. Requests for ethics advice, by region in 2018**



**Figure 7. Requests for ethics advice, by region and category, 2018**



13. In 2018, the Ethics Office received 140 requests about outside activity (fig. 7). The majority of those requests were addressed directly to the Ethics Office; 46 per cent were referred for advice to the Ethics Office by the Division of Human Resources (DHR). While authorization on outside activity can be granted only by DHR, the Ethics Office works in close collaboration with DHR to provide ethics advice. The increase in requests concerning outside activity can be explained partly by additional Ethics Office-led country-specific

outreach activities on outside activity following a marked increase in detection of non-compliance with related staff regulations and rules and disciplinary cases in those operations.

14. In 2018, 25 per cent of requests for ethics advice concerned relationship issues, including work relationships among colleagues and with personnel of UNHCR implementing partners.

15. Cases addressing employment-related questions represented 11 per cent of ethics advice requests. They included cases that concerned the hiring of family members, post-employment restrictions, matters pertaining to recruitment processes, and the use of UNHCR assets for private purposes.

## **B. Protection against retaliation**

16. Pursuant to the Secretary-General's bulletin on United Nations system-wide application of ethics: separately administered organs and programmes (ST/SGB/2007/11), the Ethics Office administers the UNHCR policy for protection against retaliation. The UNHCR policy is both a whistle-blower protection programme and a risk management mechanism that encourages UNHCR personnel to report misconduct and/or cooperate with authorized audits and investigations, duly authorized evaluations, inquiries and reviews, and cooperate with the Ombudsman's Office without fear of reprisal. The UNHCR policy on protection of individuals against retaliation (whistle-blower policy) was outlined in IOM/FOM No. 43/45 of 15 September 2008 and was valid until 31 August 2018.

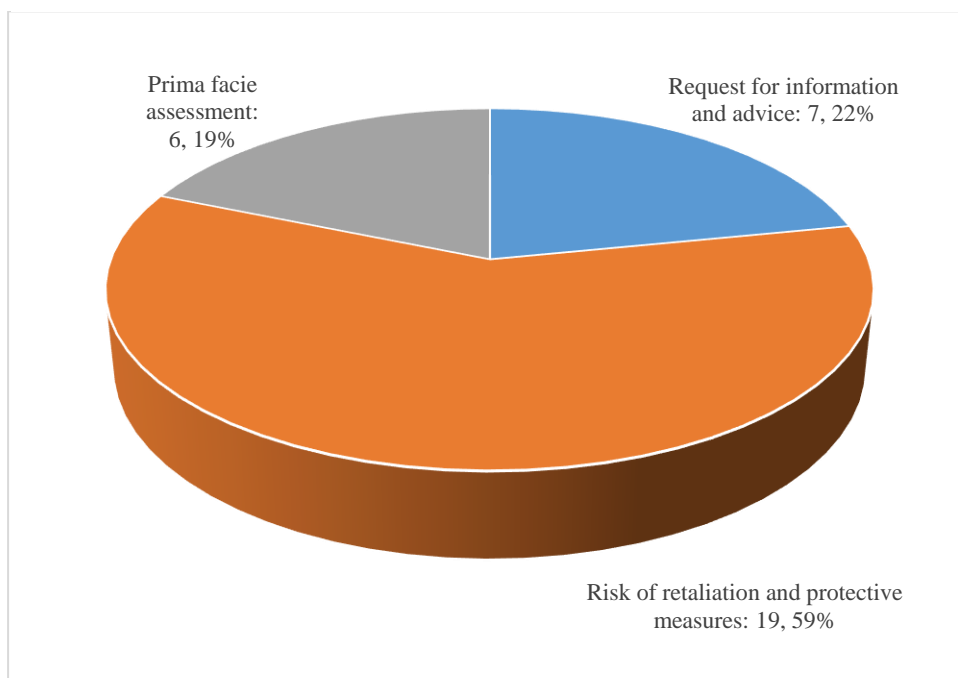
17. On 1 September 2018, the new Administrative Instruction on Protection against Retaliation (UNHCR/AI/2018/10) entered into force, replacing the above-mentioned whistle-blower policy. It was developed in close consultation and collaboration with a broad working group, with participation from DHR, FSS, IGO, the Ombudsman's Office, policy persons and other services. The draft also went through the Joint Advisory Committee (with personnel and management representation), and their comments and proposals were integrated into the text. The most important changes include: (a) an extension of the time limit to seek protection from 90 days to six months after the alleged retaliatory action took place; (b) inclusion as protected activity of (i) reporting of misconduct through line management, and (ii) provision of witness testimony before the United Nations Dispute Tribunal or the United Nations Appeals Tribunal; (c) clarification that former staff members and former affiliate workforce employees are eligible to submit a request for protection against retaliation; (d) protection against risk of retaliation based on information provided to the Ethics Office by the IGO or directly by the complainant; and (e) collaboration of the Ethics Office with FSS in situations of risk of retaliation and related safety and security concerns outside the workplace.

18. The new Administrative Instruction was published at the end of August 2018 with a general electronic broadcast issued by the High Commissioner. The broadcast contained a series of hyperlinks leading to additional information disseminated on the Ethics Office page of the UNHCR intranet site. A special Q+A as well as a one-page document explaining the changes introduced through the new Administrative Instruction are available. In addition, several regional webinars were held to familiarize the PSEA focal points with the new Administrative Instruction.

19. Under both the old whistle-blower policy and the new Administrative Instruction, the Ethics Office receives an individual complaint of retaliation from a colleague who reports that he/she was reporting misconduct and/or had cooperated with duly authorized evaluations, inquiries and/or reviews or had contacted or cooperated with the Ombudsman’s Office. Based on this information, the Ethics Office conducts preliminary assessments to determine whether a complainant has engaged in a protected activity and, if so, whether the protected activity was a contributing factor in causing the alleged retaliation. If the Ethics Office determines that a prima facie case of retaliation has been established, the matter is referred to the IGO for investigation. The Ethics Office makes a retaliation determination subsequent to its receipt and independent review of the IGO investigation report. Pending the completion of the IGO investigation, the Ethics Office may recommend that the High Commissioner take appropriate interim action to safeguard the interests of the complainant.

20. In 2018, the Ethics Office received a total of 32 inquiries regarding protection against retaliation, of which 7 involved requests for information and advice (fig. 8). The remaining 25 requests were split between cases including risk of retaliation and requests for protective measures (19 cases), and retaliation complaints for prima facie case assessment (6 cases). In those 6 complaints of retaliation, the complainants alleged that they had been subjected to harmful retaliatory action as a consequence of engaging in a protected activity. In comparison, the Ethics Office had received 6 requests for information and advice and 4 formal complaints in 2017.

**Figure 8. Requests relating to protection against retaliation**



21. Of the 6 retaliation complaints received in 2018, the Ethics Office determined in all of those cases that a prima facie case of retaliation had not been established. All colleagues who raised issues not covered by the Administrative Instruction were advised of other avenues for pursuing their concerns, including the respective management unit, DHR, the Ombudsman’s Office, the Staff Council and the Office of Staff Legal Assistance.

22. After the new Administrative Instruction (received after 1 September 2018) entered into force, 11 of the total 32 inquiries regarding protection against retaliation were received. One (1) case was a request for information and advice on the new policy (Administrative Instruction), and 5 were cases including risk of retaliation and requests for protective measures. In 2 cases, protective measures have been taken: in one case, the alleged perpetrator was put on administrative leave with pay for the time of the investigation, and in the other case, a temporary assignment was sought, the complainant having shown a well-founded fear of being be retaliated against/harmed. Finally, 3 cases out of the total of 11 cases were retaliation complaints for prima facie case assessment. In 2 out of those 3 cases, the Ethics Office determined that a prima facie case of retaliation had not been established and the third case would be decided in 2019.

### **C. SpeakUp! Helpline**

23. In March 2018, the High Commissioner announced his commitment to the creation of an independent external hotline for reporting misconduct, including of a sexual nature, as one of a number of steps towards ensuring that UNHCR mechanisms for receiving and handling complaints are: (a) accessible to all members of the UNHCR workforce, irrespective of grade, category or contract type, when faced with challenges; (b) trusted; and (c) lead to swift action.

24. The SpeakUp! Helpline embodies the UNHCR vision of a trusted, respectful and inclusive environment where colleagues feel safe, heard, equipped and empowered to speak up for themselves and others. Colleagues can report all types of misconduct through the SpeakUp! Helpline, including those of a sexual nature, and be accompanied through the process of seeking resolution through existing services and mechanisms. The SpeakUp! Helpline is an additional reporting mechanism that complements the existing internal mechanism for reporting misconduct to the IGO, which is at present carrying the bulk of reports.

25. The helpline, which is available to staff members and affiliated workforce employees, is a confidential and secure reporting service operated independently by a third-party company based in the United Kingdom of Great Britain and Northern Ireland. Colleagues have the option to report anonymously, and their identity is protected.

26. This worldwide service, which is part of all UNHCR operations, is available 24 hours a day, 7 days a week. It offers three channels for reporting: via telephone, an online form, or a mobile app. Real-time telephone interpretation enables colleagues to report in their own language. The online form and the mobile app are available in seven languages, with translation services integrated into the service.

27. The UNHCR SpeakUp! Helpline is a collaborative initiative spearheaded by the UNHCR Ethics Office and involving teams from DHR, FSS, IGO, LAS, the Ombudsman's Office and PWS.

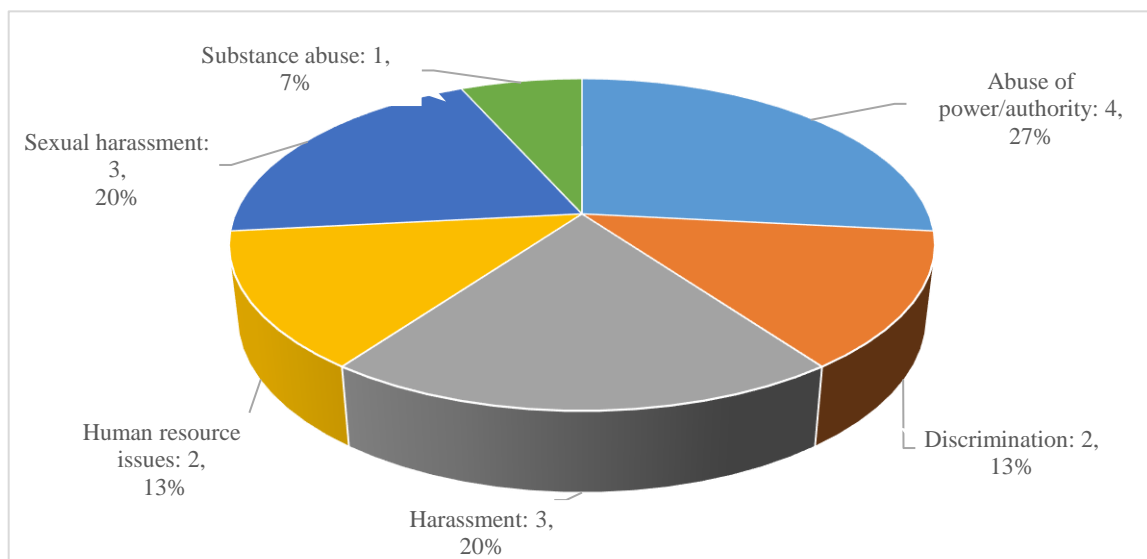
28. The SpeakUp! Helpline intake Triage Team is comprised of members of LAS, PWS, the Ombudsman's Office (as of January 2019) and the Ethics Office. The Triage Team assesses reports at intake and refers them for follow-up and resolution to the most

appropriate service or office.

29. Following the SpeakUp! Helpline launch from headquarters in Geneva on 17 September 2018, the Ethics Office led a phased roll-out of information to colleagues in the field through a poster campaign, pocket-card dissemination, and an informational webinar series combining topics on reporting and protection against retaliation.

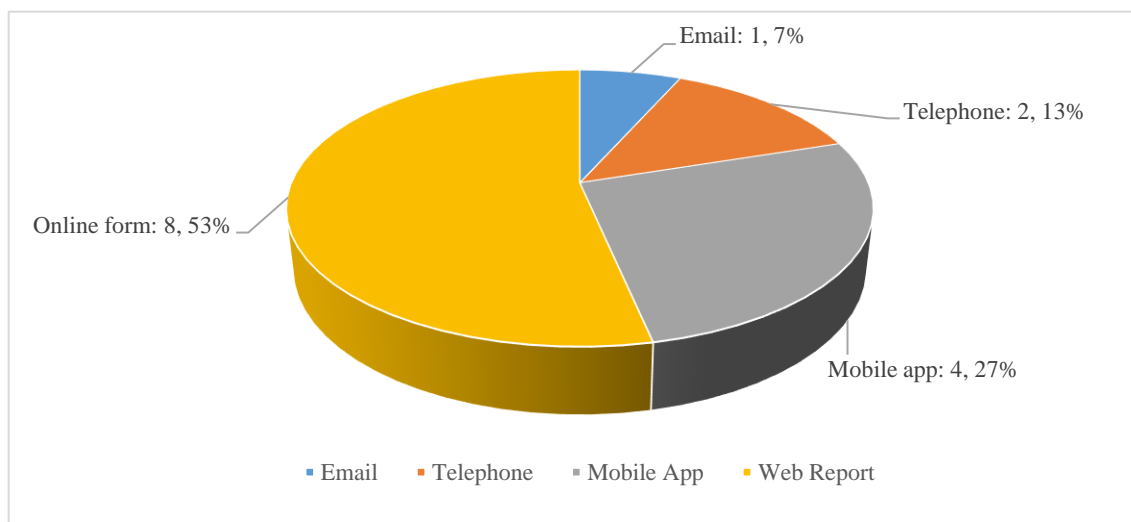
30. Incident reports are classified according to reporting categories by the UNHCR Triage Team at the intake level. The category with the greatest number of reports was *abuse of power/authority* (4 reports, 27%), followed by *sexual harassment* (3 reports, 20%) and *harassment* (3 reports, 20%). Other reports pertained to *discrimination* (2 reports, 13%), *human resource issues* (2 reports, 13%) and *substance abuse* (1 report, 7%) (fig. 9).

**Figure 9. Incident reporting categories, 17 September 2018–31 December 2018**



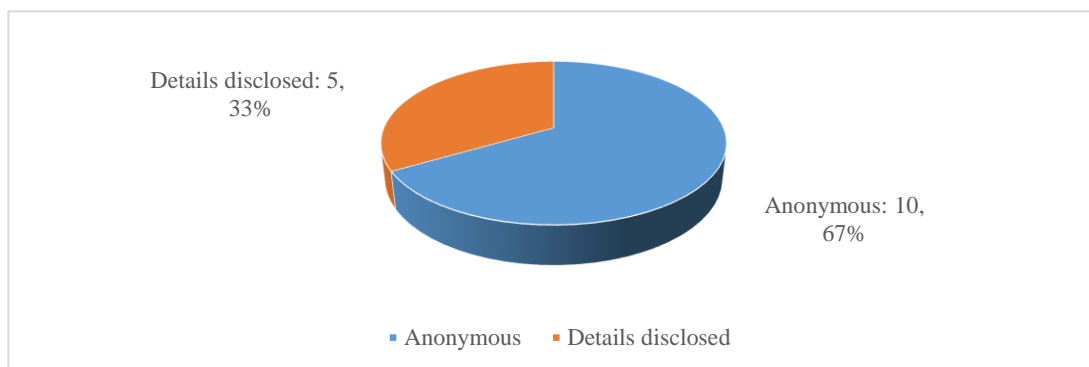
31. The preferred reporting channels were the online form (8 reports, 53%) and the mobile app (4 reports, 27%). Email (1 report, 7%) has not been promoted as a means of reporting although it is available. The telephone accounted for 2 reports, or 13% (fig. 10).

**Figure 10. Reporting channels and number of reports, 17 September 2018–31 December 2018**



32. Anonymous reporting was high in the first few months following the launch of the SpeakUp! Helpline (fig. 11). A total of 10 reporters (67%) did not share their personal details with UNHCR when they made their report. Two of the five anonymous reporters disclosed their identity at a later stage, however, while three did not pursue their complaint any further.

*Figure 11. Anonymity and disclosure in reporting, 17 September–31 December 2018*



#### **D. Outreach, training and education**

33. Training, education and outreach activities continued to be key initiatives through which the UNHCR Ethics Office could raise awareness and identify high-risk areas and ethical dilemmas to better address ethical decision-making and to prevent misconduct.

34. The Ethics Office continued to upgrade its intranet site to support greater visibility of the Office and to enable easier access to education and training materials.

35. The Ethics Office also initiated and supported several global email messages to the UNHCR workforce on topics such as the Code of Conduct dialogue, UNFDP, the SpeakUp! Helpline, protection against retaliation and PSEA.

#### **E. Code of Conduct dialogue sessions**

36. One of the well-established outreach activities spearheaded by the Ethics Office is the annual dialogue session on the Code of Conduct, which is mandatory and thus carried out worldwide by all country operations. The main purpose of the annual dialogue session is to provide the UNHCR global workforce with a space for open dialogue and collaborative learning in applying Code of Conduct principles and to foster an organizational culture that upholds ethical and value-based behaviour.

37. In 2017, the Ethics Office introduced the UNHCR new approach to ethics, including the design of the 2017–2018 Code of Conduct dialogue sessions. In that new approach, UNHCR is seeking to reinforce a strong “ethical culture” within the organization, engaging everyone at all levels to become involved in contributing individually and as part of a team to an overall environment that supports ethical behaviour and ethical decision-making. Simply put, the approach is about instilling in each individual an understanding that “Your actions matter” and an obligation and commitment to do what is right.

38. The 2017–2018 Code of Conduct dialogue theme was inclusion and diversity. The choice of the theme was a result of various surveys conducted in UNHCR in 2016 that indicated the need to enhance diversity and inclusion in the organization. All Code of Conduct dialogue sessions include a dedicated section on SEA and sexual harassment. The workshop design and materials for the 2017–2018 theme were developed and launched in close collaboration with the Senior Adviser on Inclusion, Diversity and Gender. The main learning objectives can be summarized as follows:

- (a) increase the understanding of the importance of inclusion and diversity in the UNHCR workforce;
- (b) explore the influence of unconscious bias on decision-making and its unintended consequences;
- (c) identify and commit to actions strengthening inclusive behaviours and enhancing the quality of decision-making in each team; and
- (d) discuss PSEA and reaffirm the policy of zero tolerance of SEA in UNHCR by raising awareness of actions that can be undertaken to prevent and respond to cases of SEA.

39. Sessions have a minimum duration of half a day, with many offices going beyond that and allowing for a full day. In addition to the mandatory annual dialogue sessions, the new approach encourages ongoing dialogue among colleagues on ethical decision-making, and the Ethics Office supports this process with periodic global ethics dialogue topics. It is hoped that this new approach, emphasizing open dialogue and providing colleagues with an opportunity to “reflect and contribute”, will help UNHCR to transition to more value-based management and decision-making when it comes to managing ethical dilemmas and a value-based organizational culture.

40. The annual Code of Conduct cycle was exceptionally extended to a two-year period: 2017–2018. As a result, the mandatory Code of Conduct dialogue sessions on inclusion and diversity for that two-year cycle were concluded on 31 December 2018.

41. During the two-year cycle covering 2017 and 2018, UNHCR operations reported the participation of 13,438 UNHCR colleagues in the mandatory Code of Conduct dialogue sessions, representing 80 per cent of the total UNHCR workforce of 16,870. This reflects a substantial increase compared to a participation rate of 60 per cent by UNHCR colleagues in 2016. Since not all operations that held Code of Conduct dialogue sessions reported them, the actual participation rate is estimated to be above 80 per cent. The target of 80 per cent participation in Code of Conduct dialogue sessions by 2019 set by the Ethics Office and included in a recommendation in its 2017 annual report was thus reached. This upward trend should build momentum to reach 100 per cent compliance in the future.

42. In 2018, the Ethics Office processed a total of 160 Code of Conduct dialogue sessions-related support requests and facilitated 16 Code of Conduct sessions, in close collaboration with the Senior Adviser on Inclusion, Diversity and Gender (8 in the field and 8 at headquarters), reaching in person a total of some 900 colleagues.

43. Feedback from the 2017–2018 Code of Conduct dialogue sessions indicated that participants particularly appreciated the inspiring and engaging character of the sessions, the opportunity for open dialogue, and self-reflection as well as discussion on concrete



follow-up actions to practise both individually and as part of a team inclusive and ethical behaviour in the workplace.

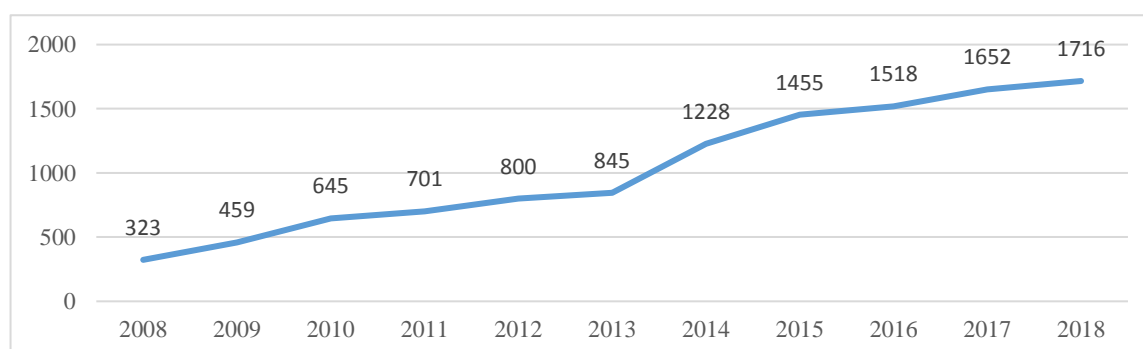
44. Subsequently, the Ethics Office started preparing the theme for the Code of Conduct dialogue for 2019–2020, “values in action: trust and collaboration”, building on the 2017–2018 cycle on inclusion and diversity. With the 2019–2020 programme, UNHCR is reverting to the annual cycle of mandatory Code of Conduct dialogue sessions, supported by an ongoing global dialogue on ethical dilemmas with events led by both the Ethics Office and country operations to build on the last two-year programme on inclusion and diversity. The 2019–2020 Code of Conduct dialogue aims at reconnecting with UNHCR core values in order to build trust and collaboration. In addition to the mandatory annual session, regular dialogue on ethics-related topics will be encouraged.

## F. United Nations Financial Disclosure Programme

45. The primary purpose of the United Nations Financial Disclosure Programme (UNFDP) is to protect the integrity and reputation of the organization by identifying, managing and mitigating the risk of personal conflicts of interest. It is a tool with which to assess actual, apparent or potential conflicts of interest so that appropriate advice may be provided. The UNFDP helps to ensure that all UNHCR colleagues observe and perform their functions consistent with the highest standards of integrity required by the Charter of the United Nations, staff regulations and rules, and relevant guidelines and policies. This, in turn, reinforces trust and confidence in UNHCR, thereby facilitating advocacy for increased support.

46. The UNHCR Ethics Office works closely with the United Nations Ethics Office to administer the UNFDP for the eligible UNHCR colleagues, that is, those whose grade is D1 and above, procurement officers, those involved in the investment of United Nations assets, all members of contracts committees, and personnel of the Ethics Office. During the 2018 annual filing cycle, reporting on the previous year (1 January–31 December 2017), 1,716 UNHCR colleagues participated in the UNFDP. The total number of staff required to participate in the programme has steadily increased over the past ten years at a rate that is slightly above the 50 per cent increase in the UNHCR global workforce since 2013 (fig. 12).

*Figure 12. UNFDP participants, 2008–2018*



47. All filers were given a deadline of 30 days to submit their Financial Disclosure or Declaration of Interest Statement. A total of 938 filers (54.25 per cent) submitted their

disclosures within the deadline; 788 filers (45.58 per cent) submitted after the expiration of the deadline, often following reception of a multitude of reminder messages; and 3 filers (0.17 per cent) did not submit their disclosures. Disciplinary procedures were initiated against the three non-compliant staff members.

48. The UNHCR Ethics Office prepared the master list of UNHCR participants for the United Nations Ethics Office after verifying each submission, particularly reasons for inclusion. The Ethics Office assisted participants on an ongoing basis, responding to queries and providing counselling by email and telephone, liaising with the United Nations Ethics Office and with filers' managers, and performing searches in human resource databases as needed. The Office received 374 requests from participants regarding eligibility, change of duty station, UNHCR personnel not being aware of their participation and requesting clarifications, lack of receipt of a password or password not working, access to the website, confirmation of submission, and compliance follow-up to ensure timely submission.

49. Following the submissions, the external reviewers contracted by the United Nations Ethics Office conducted a conflict-of-interest assessment of the filers' statements. They identified 40 actual or possible conflicts of interest involving financial activity (8), family relationships (10) and outside activities (22).

50. Regarding the implementation of measures to mitigate conflict of interest, the external reviewers made 39 mitigation recommendations, of which 34 were completed before the end of the filing cycle while 5 were not implemented. Those five disclosure statements remained incomplete at the end of the filing cycle, and those filers will be subject to priority review if they should be required to participate in the 2019 filing cycle. In one case, a conflict of interest was mitigated by the filer before the external reviewers had issued their recommendation.

## **G. Standard-setting and policy support**

51. The Ethics Office is responsible for disseminating and promoting ethics-related policies and guidelines. In 2018, it spearheaded the review of the UNHCR policy on protection against retaliation, provided input on numerous UNHCR policy reviews, and coordinated UNHCR input on the Joint Inspection Unit review on conflict of interest in the United Nations system.

52. The Ethics Office chaired the UNHCR Informal Conflict Management Support Group comprising IGO, LAS, PWS, the Ethics Office and the Ombudsman's Office and involving both regular informal consultation and monthly coordination meetings. The Group provides a confidential platform for discussion and consultation to (a) strengthen synergies between the different services and be an interlocutor for UNHCR leadership in early prevention and identification of dysfunctionalities requiring management action, (b) harmonize corporate messages to support conflict management and ethical behaviour, and (c) support related policy reviews in UNHCR.

## **H. Protection from sexual exploitation and abuse**

53. In 2018, the Ethics Office supported the organization, pursuant to its mandate, in the implementation of actions related to the Secretary-General's bulletin entitled "Special measures for protection from sexual exploitation and abuse" (ST/SGB/2003/13). The Ethics Office participated in the initiatives spearheaded by the United Nations Special Coordinator on SEA, which have been outlined in the report of the Secretary-General on special measures for protection from sexual exploitation and abuse: a new approach (A/71/818) issued in February 2017. The Ethics Office started to support and collaborate closely with the UNHCR Senior Coordinator on SEA and Sexual Harassment following her appointment in February 2018.

54. At the inter-agency level, the Ethics Office involvement translated into preparing for the UNHCR participation in the High-level Meetings and High-level Steering Group Meetings on PSEA of the wider United Nations system. The Ethics Office actively contributed to the discussions at the monthly meetings of the Office of the Special Coordinator and worked within the different working groups on the elaboration of policy documents such as the United Nations Protocol on Allegations of Sexual Exploitation and Abuse Involving Implementing Partners.

55. The Ethics Office played an active role in the newly established Inter-Divisional Working Group on SEA and Sexual Harassment established by the Senior Coordinator on SEA and Sexual Harassment and contributed to various activities led by the Senior Coordinator such as the SEA and Sexual Harassment Strategy and Work Plan, communication and innovation activities, the Evaluative Review on SEA, community-based complaints mechanisms and victim assistance while leading various learning initiatives, namely, the PSEA/Sexual Harassment Learning Package (to be finalized in 2019) and other training initiatives on SEA and sexual harassment. Additionally, the Ethics Office supported the launch in UNHCR of the 2018 Survey of United Nations Personnel on SEA conducted by the Office of the Special Coordinator to improve the United Nations response to SEA.

56. The Ethics Office participated in the Inter-Agency Standing Committee (IASC) Task Force on Accountability to Affected Populations and PSEA. The agencies of the Task Force support field offices in implementing joint community-based complaint mechanisms, including survivor assistance and related activities. The Ethics Office participated in the monthly IASC Task Team meetings to combine and coordinate the efforts of both United Nations and non-governmental organizations to meet agreed IASC minimum operating standards on PSEA and to implement the requirements for the UNHCR policy of zero tolerance towards SEA. The Ethics Office co-drafted a number of documents for the IASC and other inter-agency coordination mechanisms such as the UNHCR PSEA Work Plan as well as a Good Practice Paper on SEA and Sexual Harassment for the Chief Executives Board for Coordination Task Force on Addressing Sexual Harassment within the Organizations of the UN System. In addition, the Ethics Office contributed to the drafting of the Improved Reporting Questionnaire on Sexual Harassment and the Draft Code of Conduct to Prevent Harassment, Including Sexual Harassment, at UN System Events.

57. As part of its mandate to lead the implementation of PSEA in UNHCR, the Ethics Office also coordinated and contributed to various activities and deliverables focusing on the prevention and risk management of SEA, including:

- (a) integration of PSEA into the Administrative Instructions on Detailed Planning and Budgeting for 2019;
- (b) development of a guidance note/checklist as part of a Project Partnership Agreement for PSEA requirements in order to operationalize the UN Protocol on Allegations of SEA Involving Implementing Partners that entered into force in March 2019;
- (c) revision of PSEA content in the UNHCR Emergency Handbook ;
- (d) integration of PSEA/sexual harassment into the UNHCR Handbook on Guidance for Partnering with UNHCR; and
- (e) issuance of the Annual Management Letter to the Executive Committee, signed by the High Commissioner.

58. To further increase prevention of SEA by UNHCR personnel, the Ethics Office was involved in supporting the development of an Electronic Screening Database that will allow, prior to recruitment, the identification of individuals who have previously been dismissed from the United Nations system for causes related to SEA. In addition, the Ethics Office initiated the development of a programme manual containing a section on PSEA and launched discussions on the inclusion of SEA in the Corporate Risk Register and related guidance in the Policy for Enterprise Risk Management and Administrative Instructions.

59. To further strengthen the organization's capacity to respond to SEA, the Ethics Office revitalized the taskforce comprising PSEA focal points based at headquarters and regional offices. The taskforce updated the PSEA focal-point terms of reference for both headquarters and the field and closely followed up on the representatives' commitments from the 2018 global meeting of UNHCR country representatives.

60. In the realm of providing support to PSEA focal points at headquarters and in the field, the Ethics Office further built and moderated the existing web-based community-of-practice platform, which provides over 400 PSEA focal points with an opportunity to share best practices, lessons learned and materials developed. Moreover, the platform has helped the Ethics Office to initiate dialogue on PSEA among regional bureaux, divisions and country offices to increase field ownership of the organization-wide implementation of PSEA activities. In that context, the Ethics Office provided in-country workshops for PSEA focal points in the Democratic Republic of the Congo and India, involving participation of 57 UNHCR PSEA focal points and 14 focal points from partner organizations. In addition to the country- and region-specific training, the Ethics Office, in collaboration with the IGO, provided two webinars on SEA reporting and investigation, protection against retaliation and the SpeakUp! Helpline in the Americas and East Africa regions.

61. As part of the training initiatives, the Ethics Office developed training and presentations and delivered training to a Field Security Adviser Workshop in Tunis in May 2018 and to the Senior Emergency Leadership Programme in June 2018.

62. In addition, the Ethics Office supported the translations of PSEA e-learning courses to make the learning accessible for colleagues and partner organizations. The PSEA e-learning was made available to UNHCR implementing partners via DisasterReady, a non-

governmental organization (NGO) platform.

63. A stronger, systemic PSEA focus in the UNHCR Ethics Office-led, mandatory annual Code of Conduct dialogue sessions contributed to a marked 62 per cent increase in PSEA-related inquiries to the Ethics Office from 45 in 2017 to 73 in 2018.

64. The active engagement on PSEA- and sexual harassment-related matters and the intensive, often face-to-face connection with a large network of 400 PSEA focal points have greatly assisted the Ethics Office in its efforts to promote a dialogue and speak-up culture and use role modelling by UNHCR colleagues in upholding and strengthening an ethical work environment.

## **I. Coordination and professional networking with the Ethics Panel of the United Nations and other ethics committees**

65. The United Nations Ethics Committee was established in December 2007 and renamed the Ethics Panel of the United Nations (EPUN) in April 2013. It is mandated to create a unified set of ethical standards and policies for the Secretariat and separately administered organs and programmes. It consults on important and complex ethics matters having system-wide implications. The Panel is chaired by the Director of the Ethics Office of the United Nations Secretariat.

66. The Ethics Panel comprises the heads of the ethics offices of the funds and programmes and the Secretariat. In the course of the reporting period, the Ethics Panel met in 11 formal sessions.

67. Within the United Nations system, the Ethics Panel continues to serve an essential function as the sole mandated mechanism to promote the coherent application of ethical standards. In enhancing harmonized ethics and integrity policies and practices among member organizations, EPUN plays a vital role in fostering a “United Nations identity” based on integrity and accountability. Through promoting an organizational culture of ethics and integrity within the international civil service, the Ethics Panel supports stronger and healthier institutions. UNHCR participates in monthly EPUN meetings and supports the work of EPUN related to community of practice and sharing of advice and information.

68. The Ethics Office participated in the Ethics Network of Multilateral Organizations (ENMO) annual meeting in New York, periodic meetings of Geneva-based ENMO members and the annual European Business Ethics Forum meeting in Amsterdam.

## **IV. Observations and 2018 recommendations**

### **A. Observations**

69. The UNHCR Ethics Office gained substantial leadership support, visibility and impact in becoming an active partner in supporting UNHCR culture and behaviour change. It received additional short-term financial and staffing resources to support PSEA activities and the development of a “speak-up” helpline and to strengthen the Office capacity in processing protection against retaliation cases. As a result, most of the recommendations

in the Ethics Office 2017 Annual Report have been implemented, as shown in the following table.

*Implementation of 2017 Ethics Office recommendations*

No.	2017 Recommendation	Status	Comments
1	“Foster greater engagement with the field to strengthen ethics learning globally. To that end, it is suggested to formalize support at field level and add ethics staffing capacity to regional hubs with existing LAS/SWS/IGO presence in locations such as Nairobi and Bangkok.”	<b>Partially implemented</b>	Subject to implementation of the UNHCR decentralization and regionalization process in 2019–2020. While the Ethics Office received additional substantive temporary staffing and financial resources in 2018, they did not translate into creation of posts in the Ethics Office at Geneva headquarters or additional posts in the field. It is suggested that support at field level be formalized and ethics staffing capacity be added to regional bureaux.
2	“Bring the annual mandatory Code of Conduct refresher compliance rate in 2019 to at least 80 percent.”	<b>Implemented</b>	Compliance rate increased from 60 per cent in 2016 to 80 per cent in the 2017–2018 cycle.
3	“Strengthen PSEA/SHA related coordination role namely through engaging outreach and learning activities, stronger anchoring of PSEA focal point networks and engagement with emergency operations.”	<b>Implemented</b>	Consolidation of PSEA focal point community of practice and delivery of PSEA webinars and regional workshops.
4	“Additional financial and staffing resources for the Ethics Office to support SEA/SHA working groups in producing tools, policies and procedures.”	<b>Implemented</b>	One additional P3 staff and financial support for SEA/SHA learning activities.
5	“UNHCR to consider the introduction of a mandatory annual conflict of interest self-declaration for all personnel.”	<b>Pending</b>	Pilot programme initiated in Kenya. Follow-up action planned for 2019.

## B. 2018 Recommendations

70. The Ethics Office will require more strengthening, including sustainable staffing both at headquarters and in the field, to secure the development of a professional service platform and a sustainable and institutionalized “ethics memory” and to support a global, field-driven ethics culture in the organization. The 2018 recommendations aim at: (a) achieving 100 per cent compliance on the annual mandatory Code of Conduct dialogue sessions; (b) strengthening the independence of the Ethics Office function; (c) upgrading and sustaining the professional expertise of the Ethics Office; (d) making ethical behaviour competencies integral parts of the UNHCR recruitment process, job descriptions and performance management system; and (e) developing UNHCR capacity to address organizational ethics challenges.

**71. Recommendation 1: Achieving 100 per cent compliance regarding mandatory annual Code of Conduct dialogue sessions for the UNHCR global workforce.** Although the participation rate in the annual mandatory Code of Conduct dialogue sessions increased substantially from 60 per cent in 2016 to 80 per cent in 2018, it is important that UNHCR managers themselves become more actively involved in prioritizing and supporting annual Code of Conduct dialogue sessions and thereby contribute to reaching full compliance in the future.

**72. Recommendation 2: Strengthen the independence of the Ethics Office function.** The UNHCR Ethics Office was established by the High Commissioner as an independent office in 2008 pursuant to ST/SGB/2007/11 on United Nations system-wide application of ethics: separately administered organs and programmes. While the independence of the Ethics Office is largely reflected in practice, it is not yet sufficiently reflected in UNHCR policies and procedures. Building on specific Joint Inspection Unit recommendations to the legislative organs and the executive heads about strengthening the independence of the ethics function, several United Nations funds and programmes have implemented important measures that support the independence of an ethics office such as: (a) term limits for the heads of the ethics offices; (b) submission of annual reports to the legislative bodies; and (c) reporting to the internal audit or oversight committee. It is thus recommended that UNHCR adapt its policies and procedures accordingly. If endorsed, the Ethics Office would prepare a discussion paper on options to implement the recommendation.

**73. Recommendation 3: Further upgrade the professional expertise of the Ethics Office and the in-person provision of ethics services at the country operation levels.** As already highlighted in the Ethics Office 2017 Annual Report, the Office has been subject to considerable instability of professional staffing due to limited contract durations and turnover of staff. With the increasing importance that the organization attaches to integrity, accountability and ethics, the Ethics Office requires more sustainable expert-profile staffing and a field presence of ethics professionals. To this end, it is suggested that, as part of a wider integrity vision and roadmap to be developed in the second half of 2019, ethics positions be filled with ethics experts and that ethics support be formalized at the field level by adding ethics staffing capacity to regional bureaux in locations with an existing IGO/LAS/PWS presence, such as Bangkok and Nairobi.

**74. Recommendation 4: Increase efforts to make ethical-behaviour competencies integral parts of recruitment, job descriptions and performance management.** Based on cases brought to the attention of the Ethics Office, the Office has observed too little focus by supervisors on people management. Many managers tend to attend primarily to achieving operational targets. UNHCR leadership plays a critical role in instituting a 50/50 model in which managers exercise their accountability and time allocation in a much more balanced way in areas that focus on both operational results and internal people-management-related matters. It is equally important that UNHCR continue to prioritize, under the overall supervision of DHR, full integration of ethical behaviour principles and requirements into recruitment procedures, job descriptions and performance management, including the systematic integration of 360-degree feedback tools.

**75. Recommendation 5: Develop UNHCR capacity to address organizational ethics challenges.** The increased engagement by UNHCR with a wider range of partners, the use of new technology such as artificial intelligence and new demands brought by persons of

concern or Member States are only some of the areas that require a capacity to professionally assess the related ethical dimensions. The Ethics Office is at present mandated to focus on questions concerning individual ethics but lacks the capacity to provide professional advice relating to the full range of organizational ethics questions. It is thus important that UNHCR engage relevant stakeholders to start formulating a strategy on how to manage organizational ethics challenges. It is suggested that the Ethics Office lead that effort in collaboration with the UNHCR Innovation Service and develop a discussion paper.

## **V. Conclusion**

76. The Ethics Office in 2018 engaged in hands-on and practical strategies to support personnel and management with the knowledge and skills to engage in ethical behaviour and take value-driven decisions. This is part of a much wider movement throughout UNHCR and the United Nations system to strengthen the culture of ethics and integrity, value-based management and delivery of quality services for persons of concern. The Ethics Office looks forward to continuing these efforts in partnership and collaboration with UNHCR colleagues and the many stakeholders in UNHCR in 2019.



## Annexes

### **I. Terms of reference of the Ethics Office in accordance with UNHCR Inter-Office Memorandum No. 040/2008 and Field Office Memorandum No. 042/2008**

The UNHCR Ethics Office was established by the High Commissioner as an independent office in 2008 pursuant to ST/SGB/2007/11 on United Nations system-wide application of ethics: separately administered organs and programmes. The main responsibilities of the Ethics Office are as follows:

- (a) raise UNHCR personnel awareness of expected ethical standards and behaviour, including the policies and procedures related thereto, in close cooperation with DHR, LAS, IGO and the Ombudsman's Office, and reinforce a culture of ethics in UNHCR through appropriate orientation, learning and induction programmes, and communications and information dissemination activities;
- (b) advise individuals who seek advice in confidence regarding ethical behaviour, issues and standards;
- (c) provide guidance to UNHCR Management and personnel to ensure practical implementation of UNHCR's policies, procedures and practices relating to ethical standards called for under the UN Charter, Staff Regulations and Rules and UNHCR's Code of Conduct and ensure that ethical standards pertaining to employment and service with UNHCR are clearly understood;
- (d) advise and assist 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 colleagues;
- (e) undertake the responsibilities assigned to it under the Organization's policy on protection of individuals against retaliation, for individuals who report misconduct, provide information in good faith on alleged wrongdoing or cooperate with, or participate in, a duly authorized audit, investigation or inquiry or the activities of the Ombudsman's Office;
- (f) coordinate UNHCR activities on protection from sexual exploitation and abuse;
- (g) assist the High Commissioner in ensuring compliance with UNHCR's Policy on Financial Disclosure and providing guidance to concerned UNHCR colleagues in ensuring full understanding of the financial disclosure requirements and objectives and their timely implementation.

## **II. List of abbreviations and acronyms**

CoC	Code of Conduct
DHR	Division of Human Resources
ENMO	Ethics Network of Multilateral Organizations
EPUN	Ethics Panel of the United Nations
FSS	Field Security Service
IASC	Inter-Agency Standing Committee
IGO	Inspector General's Office
LAS	Legal Affairs Service
MENA	Middle East and North Africa
PSEA	Protection from sexual exploitation and abuse
PWS	Psychosocial Welfare Service
SEA	Sexual exploitation and abuse
SGB	Secretary-General's bulletin
UNFDP	United Nations Financial Disclosure Programme
UNHCR	Office of the United Nations High Commissioner for Refugees