

UNHCR CODE OF CONDUCT



GUIDELINES FOR MANAGERS

Division of Human Resources Management (DHRM)
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CORE VALUES FOR UNHCR STAFF



Core Value 1:

Ensure that our conduct is consistent with - and reflects - the values enshrined in the charter of the United Nations and the Rules and Regulations of the Organisation. We will be guided by the core values of the UN including professionalism, integrity, respect for diversity and always maintaining an international perspective.

Core Value 2:

Ensure the protection of, and assistance to, refugees and other persons of concern in accordance with the mandate of the Office. Support their participation in decisions that affect their lives.

Core Value 3:

Respect the dignity and worth of every individual. Aim to build constructive and respectful working relations with our humanitarian partners. Continuously seek to improve our performance, foster a climate that encourages learning, support positive change and apply lessons learned.

Core Value 4:

Show respect for all persons equally and strive to remove all barriers to equality without distinction whatsoever of race, gender, religion, colour, national or ethnic origin, language, marital status, sexual orientation, age, socio-economic status, disability, political conviction or any other distinguishing features.

Core Value 5:

Respect the cultures, customs and traditions of all people. Strive to avoid behaving in ways not acceptable in a particular cultural context. However, if considered as directly contrary to an international human rights instrument or standard, the later applicable instruments should guide us.

THE NINE GUIDING PRINCIPLES IN THE UNHCR CODE OF CONDUCT



Guiding Principle 1:

Treat all refugees and other persons of concern fairly and with respect and dignity.

Guiding Principle 2:

Uphold the integrity of the UNHCR by ensuring that my personal and professional conduct is, and is seen to be, of the highest standard.

Guiding Principle 3:

Perform my official duties and conduct my private affairs in a manner that avoids conflicts of interest, thereby preserving and enhancing public confidence in UNHCR.

Guiding Principle 4:

Contribute to building a harmonious workplace based on team spirit, mutual respect and understanding.

Guiding Principle 5:

Promote the safety, health and welfare of all UNHCR staff as a necessary condition for effective and consistent performance.

Guiding Principle 6:

Safeguard and make responsible use of the information and resources to which I have access by reason of my employment with UNHCR.

Guiding Principle 7:

Prevent, oppose and combat all exploitation and abuse of refugees and other persons of concern.

Guiding Principle 8:

Refrain from any involvement in criminal or unethical activities, activities that contravene human rights, or activities that compromise the image and interests of UNHCR.

Guiding Principle 9:

Refrain from any form of harassment, discrimination, physical or verbal abuse, intimidation or favouritism in the workplace.

INTRODUCTION

On 4 September 2002, the UNHCR Code of Conduct (CoC), as well as a set of explanatory Notes, was transmitted by the High Commissioner to all UNHCR staff. This message attached statements from both the High Commissioner and the then Chairperson of the Staff Council following a joint signing of the CoC (see pages 2 and 3). On the same day, the Senior Management Committee (SMC) also signed the CoC. On 14 October 2002, IOM/60-FOM/56/2002 was transmitted to all UNHCR staff, the purpose of which was to inform staff of implementation procedures for the CoC.

A year later on 15 October 2003, the Secretary General's Bulletin ST/SGB/2003/13 titled "*Special Measures for Protection from Sexual Exploitation and Sexual Abuse*" entered into force and was subsequently communicated to all UNHCR Staff at HQs and in the Field. This confirmed that the CoC was never meant to be simply a "one-off", but that it is a continuous learning process and will remain as an integral part of the Organisation's future management.

Since the launch of the CoC, the Staff Development Section (SDS) has prepared a comprehensive *Facilitator's Guide*, and staff have attended briefing sessions on the CoC both at HQs and in the Field¹ facilitated by volunteer staff (including managers). These sessions have since continued at various levels allowing participants to discuss/raise issues concerning ethical behaviour.

These *Guidelines for Managers* are intended to provide practical advice to managers in situations where ethical decisions are needed in the day-to-day life of UNHCR offices. Some may think that this does not concern them - but it concerns anyone who is a manager. These *Guidelines* aim to look at the CoC from the *conduct* rather than *misconduct* perspective - on how to behave with others, towards others and around others - and where mutual respect and common sense play a role. It is also recognised that at the organisational level greater action is required in order to create full support for the implementation of the CoC.

These *Guidelines* are being shared with all senior managers e.g. Representatives, Directors, Heads of Offices/Bureaux/Departments/Services, etc. This implies that **YOU** will bear the responsibility of sharing the content of this material with your managers - be they at the Professional or General Services level - in order to ensure that it is communicated to all staff.

The CoC focuses on individual and collective ethics and institutional integrity which can be seen as a set of principles (see page ii for the Nine Guiding Principles). Whilst working in a multi-cultural environment in its deepest possible meaning, we must focus on our behaviour towards colleagues and our beneficiaries. A positive working environment does not just happen by itself - we have to work at it as a *team*. As a UN Civil Servant working for UNHCR, we are provided with many exceptional privileges. However, we also have exceptional responsibilities and accountability to different stakeholders.

Remember, the CoC is a tool to encourage discussion on ethics and how to improve on the way we deal with ethical dilemmas, prejudices and grey areas that are encountered in everyday work. It is to complement relevant standards, policies, and rules/regulations - not to substitute them.



**"Rank does not confer privilege or give power.
It imposes responsibility."**

(Louis (Satchmo) Armstrong, American jazz trumpeter)

¹ Over 200 sessions with an estimated 3,200 participants were facilitated during the first months.

High Commissioner's message to all staff when launching the Code of Conduct on 4 September 2002

Dear Colleagues,

I am pleased to announce that today the Chairman of the Staff Council and I both signed the UNHCR Code of Conduct. It was subsequently signed by members of the Senior Management Committee.

The Code of Conduct is intended to guide us in our work, and to inspire us to live up to the high ideals of the United Nations. It explains the standards of conduct that we are all expected to adhere to under the Charter and the Staff Regulations and Rules.

UNHCR has a proud tradition of service to others. The Code builds on this tradition and reaffirms the common values that have always guided UNHCR staff in their work and lives. It reminds us that our effectiveness depends on our ability to uphold the highest standards of ethical and professional conduct at all times.

In carrying out our mandate, we often face difficult ethical and moral dilemmas. The Code is intended to assist us in dealing with these dilemmas. Since UNHCR staff often find themselves in positions of power in relation to refugees and other persons of concern, the Code is also meant to help staff to recognise and avoid any behaviour which may be considered to be exploitative or abusive.

The Code has been in the making for some time. Many colleagues assisted in its development, and I would like to thank all of them. In preparing the Code, we have had an opportunity to reflect on many issues related to our work. There has been much constructive dialogue, and I hope this will continue. I urge all of you to think carefully about the Code and its implications, and to discuss it with your colleagues.

The ultimate aim of the Code of Conduct is to promote a culture of respect for others, and to encourage a supportive work environment characterised by integrity, professionalism and mutual trust. It is our common responsibility, now, to support each other in achieving this. I would like to ask all of you, therefore, to follow the lead of senior managers in signing the Code and in living up to its standards.

Ruud Lubbers



The High Commissioner and the then Chairperson of the Staff Council (Naveed Hussain) after signing the Code of Conduct, 4 September 2002.

Staff Council's message to all staff when launching the Code of Conduct on 4 September 2002

Dear Colleagues,

The UNHCR Code of Conduct is the result of an intensive process of consultations in the house. The views of staff at large were sought while it was being drafted. Many of you put forward very useful suggestions for which we thank you. These constituted the basis for our discussions with management. Moreover, the text was reviewed by the Joint Advisory Committee (JAC).

In fact, throughout the entire process, we have understood the importance of ensuring as much as possible “ownership” of the Code by the staff of UNHCR: if this does not exist, the usefulness of the document would necessarily be undermined. Having said this, the Staff Council is fully aware that some of you have had concerns about its contents and, most importantly, how it may be used.

Some of you, for example, felt that the Code implied a criticism of the way staff at large had been behaving in the past. Others thought that the Code did not recognise sufficiently cultural diversities. Finally, some of you were worried that the Code could end up being no more than a disciplinary tool and that it could even result in unfair dismissals of staff. During negotiations these concerns were given full consideration and important changes were incorporated into the final document. All things considered, we believe that we have been able to reach a positive outcome, which satisfies the interests of staff and our Organisation.

Above all, this Code should be seen as a reaffirmation of the values UNHCR staff have already been upholding for over fifty years, and which have given this institution the reputation it enjoys today. Moreover, these values are largely universal. At the same time, while providing a useful guide in terms of the ethical conduct expected of UNHCR staff, the Code does not infringe on the rights of colleagues as stipulated in the Staff Regulations and Rules.

It is our sincere hope that the Code will be implemented in the constructive spirit in which it was developed. In other words, it should act as an inspiration to staff at large to continue to display the integrity that has always characterised UNHCR, while promoting greater accountability, including among managers.

Most importantly, the value of the Code in the years to come, and the support for it among staff, will greatly depend on it being used with the very same fairness, transparency and honesty it aims to promote among its workers. We look to management to take the lead in meeting this challenge.

*Naveed Hussain
Chairperson
UNHCR Staff Council*

BACKGROUND

A snapshot of what has happened since October 2002

- The need for UNHCR to elaborate a Code of Conduct (CoC) tailored to its specific operational needs was based on the regular Inspector General's Office (IGO) inspections of UNHCR activities and offices and was initiated in 2000. The main trigger, however, was the disturbing report received in spring 2002 from West Africa concerning the exploitation of refugee children.
- The CoC reinforces the Staff Rules and Regulations by offering more detailed guidance and advice on how to handle a range of possible scenarios, involving both those we serve and those we work with.
- All nine Guiding Principles detailed in the CoC as well as the Core Values are embodied in the Staff Rules and Regulations. The CoC is an illustrative guide to assist staff in making ethical decisions in their professional life and, at times, personal lives to the extent that the latter affects their work with UNHCR.
- The CoC is not intended to replace or supersede the Staff Rules and Regulations nor is it a substitute for good judgement. The CoC does not purport to have all the answers to ethical dilemmas and ambiguities that may arise. It is simply a tool to encourage discussion on ethics and to guide professional and personal behaviour which is expected of all staff. (See also CC 01-*Organisational Commitment*: "Demonstrates commitment....Acts and takes decision in accordance with UNHCR's needs, priorities, goals and values. Actively supports the principles captured in the UN Charter and embodied in international ...human rights and humanitarian law".) (CC 06 - *Professional and Personal Behaviour*: "Adheres to standards of personal and professional conduct appropriate to an international civil servant and a representative of UNHCR.")



"The focus of ethics...is how to live a human life among human beings, and live it well."

(Fernando Savater, Spanish writer and philosopher)

- A message dated 11 November 2002 from Mr. Werner Blatter, Director, Division of Human Resources Management (DHRM), urged all staff to attend briefing sessions on the CoC, with the responsibility for ensuring participation by staff placed on managers. Where sessions have been conducted correctly, evaluation reports confirm their vital role in team building and in obliging staff to reflect on the moral dilemmas which often present themselves when working for UNHCR. Reports on these sessions reveal that more than 50% of staff attended these sessions and we are aware that even more sessions have taken place.
- By November 2003, almost 99% of UNHCR staff worldwide have signed adherence to the principles outlined in the CoC and understand that they are expected to continue to live up to the standards described therein regarded as an expression of his/her support, and to uphold and promote high standards of ethical and professional behaviour. Few have not yet complied with the stipulated condition. Of these, 0.2 % have submitted a letter of explanation.

- In February 2003, the Inter-Agency Standing Committee (IASC) urged all agencies to adopt codes of conduct (or incorporate into existing codes the agreed Core Principles including specific responsibilities of humanitarian aid workers to prevent and respond appropriately to sexual exploitation and abuse) to ensure that certain minimum standards of behaviour are observed.
- The UNHCR CoC is aimed at helping staff deal with ethical and moral dilemmas. It is intended to help foster an organisational culture to which UNHCR staff can be proud to belong, and to encourage a supportive work environment characterised by integrity, professionalism and mutual trust with accountability placed on managers.
- Reportedly, both DHRM and the IGO have seen an increase in the number of complaints being reported (see Annex 1). This increase - as seen by the IGO - can be attributed to the knowledge of the CoC and its “activation” through the briefing sessions. Repeated messages and instructions from Senior Management on accountability (e.g. sexual exploitation) and greater confidence in reporting allegations to the IGO are other perceived contributory factors. This development should not be seen as illustrating deterioration in the conduct of UNHCR staff, but as a healthy internal indicator suggesting that more emphasis is being placed on effective accountability mechanisms within the Organisation.



**"The integrity of men is to be measured by their conduct,
not by their professions".**

(Junius - English Political Author)

Integration of the Code of Conduct into existing documents

The only long-term method of keeping the message of the CoC alive is to have it fully embedded into already existing tools and procedures of the Organisation (cascading from the top down) and linked to daily aspects of operational activities.

The following list represents a sample of existing manuals, documents and agreements that have been amended to include the CoC:

- UNHCR’s Learning Policy and Guidelines - Parameters for the Enhancement of Staff Development in UNHCR.
- The Induction and Orientation Tool Kit.
- The revised Management Learning Programme (MLP).
- Tripartite Sub-Project Agreements with Implementing Partners.
- Offers of Appointment to all newly recruited staff (including JPOs).
- The Implementing Partner Procurement Guidelines and Contracts - standards of conduct and business ethics (November 2001).
- The Sexual and Gender-Based Violence guidelines.
- The Resettlement Guidelines.
- The Procedural Standard for Refugee Status Determination under UNHCR’s mandate.

- The Memorandum of Understanding with Save the Children Sweden & Norway for stand-by deployments of Community Services Officers.
- The consultancy agreement with RedR refers to the Standard of Conduct for UN officials.
- The agreement with the Norwegian Refugee Council and the Danish Refugee Council in seconding staff for emergency deployment will reflect the CoC when amended.
- Internship agreements.
- The Memorandum of Understanding with UNV.
- The New IOM-FOM on the role of the IGO of 9 October 2003.
- Consultancy contracts – a paragraph will be inserted in the covering letter obliging consultants to “take note of and abide by the spirit of the CoC”.



“A little in accuracy sometimes saves a ton of explanations.”

(Saki [H.H Munro], British short story author)

THE MANAGER’S ROLE IN IMPLEMENTING THE CODE

How do we ensure that the proactive promotion of the CoC continues after briefing sessions? What can be done to ensure that the CoC is integrated into our daily operations and professional life? Will it become just another IOM/FOM shelved for future reference?

A disturbing message which came across from session reports (as well as from more than 20 consultations and interviews conducted) is the lack of trust and confidence in managers and management’s ability to live up to and implement the message in the CoC.



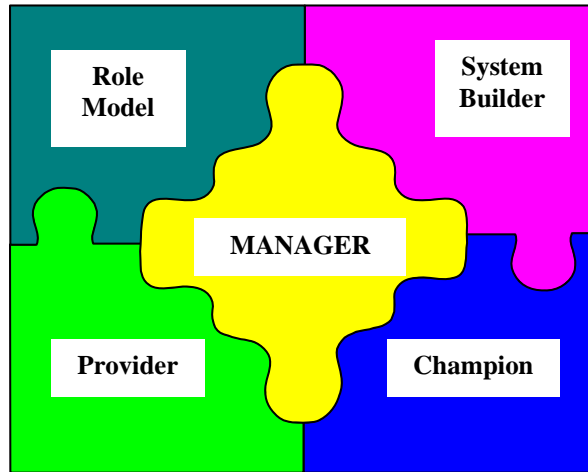
“Clearly, all staff have a degree of responsibility in complying with the CoC and in promoting its values within their team. The role of the manager, however, is of paramount importance. Apart from ensuring that all staff under their supervision received the CoC, managers are also expected to set an example and make a proactive effort to foster an understanding of the CoC’s provisions among their team”.

(UNHCR Code of Conduct, 2002)

“Managers at all levels have a particular responsibility to making sure that all staff, including newly recruited, are familiar with the CoC and to promote and honour its provisions.”

(Notes on the UNHCR Code of Conduct, 2002)

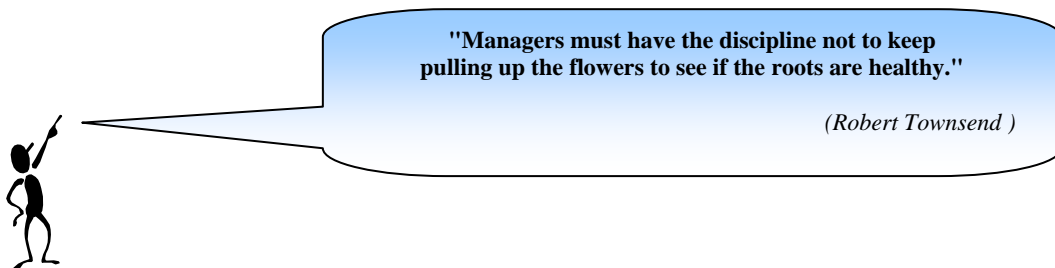
As a manager you embody many roles. But if you are serious about making the implementation of the CoC a priority, you must address a number of things which fall into one or other of the following four models². Depending on where you are working, there may be two that are more dominant than others - but see where improvements can be made and where you can make a difference.



Role model

You need to be a role model by explicitly demonstrating in your behaviour and actions that you stand behind the values and messages in the CoC and are an enthusiastic learner/developer yourself.

- As stated by many staff following the sessions, managers should be clear that they have a responsibility for promoting the standards and living by them.
- It is natural that managers are seen as role models and therefore have a special obligation to uphold the highest standards of conduct (as stated in the Secretary-General's Bulletin/Staff Rules).
- As a UN Civil Servant, a manager (or someone in a Representative-like position) is always in the limelight - be it in a professional or personal situation.
- Share the content of these *Guidelines* with your substantial managers and discuss what strategy your office/department should adopt to reach all staff.



² Four models adapted and introduced from the Learning Environment Questionnaire by Peter Honey (Honey & Mumford, 1996).

Provider

You need to be both a conscious and generous provider of learning/development opportunities for other people and an active supporter/encourager whenever these opportunities arise.

- Ensure that there are mechanisms in place for all staff arriving at your office to receive a copy of the Induction and Orientation Tool Kit.
- Ensure that all newly recruited staff are actively coached on the content of the CoC and that staff assigned from other offices have attended the briefing sessions. If not, coaching should be undertaken.
- Organise annual evaluations on what your office has undertaken to demonstrate the messages in the CoC.



“A wise man never knows all, only fools know everything.”

(Proverb from Africa)

System builder

You need to build the CoC (learning) into the system so that it is integrated with normal work processes and is firmly on the conscious agenda.

- As a manager you must ensure that the people we serve (i.e. persons of concern to UNHCR) and our partners know about the relevant aspects of the CoC, as well as their rights and obligations, and that continuous adherence to the CoC is being monitored.
- Identify a contact person (ideally nominated by the staff) for the CoC in the office (accountability still remains with you - the manager).
- The CoC is reflected in the Tripartite Sub-Project Agreements, but how is it being implemented and monitored in your operation?
- Build partnerships with your implementing partners and ensure that the CoC is a joint responsibility of mutual interest.
- Ensure that your Staff Association is involved in the maintenance of the CoC.
- Ensure that your managers are briefed that non-adherence can be a performance issue and should be reflected accordingly (see PAR/CMS: VII.2) or could lead to an investigation as per the Administrative Instruction IOM/65/2003-FOM/65/2003 of 9 October 2003.
- Ensure that the CoC is addressed in the Country Operation Plan (COP), including what your office is aiming for during the work period to come.
- Promote the CoC by sending positive messages.



“Waste no more time arguing about what a good man should be. Be one.”

(Marcus Aelius Aurelius - Roman emperor, philosopher)



“The greatest discovery of my generation is that man can alter his life simply by altering his attitude of mind.”

(James Truslow Adams - American historian, writer)

Champion

At senior management positions, you need to champion the importance of the message of the CoC (learning) for other parts of your Organisation and the Organisation as a whole.

- Inform other UN agencies, government counterparts etc. about the UNHCR CoC and its content. Seek support from other UN agencies in the implementation of the CoC and take the opportunity to link it to the Secretary-General’s Bulletin (SGB/2003/13).³
- Provide updates at donor briefings on how the CoC is being integrated into your operation and office.
- Discuss the CoC at regional Representative meetings. Is there anything that can be done at regional level?
- Look at the integrity concept for Civil Servants. How are other agencies dealing with this issue? Dissemination of material and information.



“Any intelligent fool can make things bigger, more complex, and more violent. It takes a touch of genius – and a lot of courage - to move in the opposite direction.”

(Albert Einstein)

³ IOM/77-FOM/77/2003 Special Measures for Protection from Sexual Exploitation and Sexual Abuse.

LIST OF ACTIVITIES TO "KEEP THE CODE ALIVE"

Depending on whether your work place is a small- or a large-scale operation, if it is one with a high number of government interlocutors and implementing partners or one where you are just a small team, you can choose from the list of activities below. There are many more things your office can do. The list only provides you with some ideas and suggestions. You can mark your choices in the last column. At the end, you are the only one who knows what is doable or not in your context and environment. Therefore, the Organisation relies on you to ensure that the positive messages and spirit of the CoC are carried on in your operation.



"Effective managers live in the present - but concentrate on the future."

(James L. Hayes)

Activity	Purpose /Definition	With Others	Big Office	Small Office	Material Needed	My Office Activities
Bulletin boards	Place information / posters about the CoC on bulletin boards in the office, in IP offices and in key locations in camps with an adequate explanation on local complaint mechanism. Disseminate material to IPs. Remember to make your items eye catching to draw employees' attention to the documents.		✓	✓		
All staff meetings	Have a quick 10 - 15 min. presentation of one of the principles or one ethical dilemma related to one specific principle at your regular staff meeting (monthly or fortnightly basis). Rotate the presentation among your staff. Use case studies from the facilitator's guide if inspiration is needed or real life situations. You never know what will come up during these meetings.		✓	✓	✓	
Contests	Hold drawing competitions in the refugee (local) schools on the CoC. Provide incentives (prizes). Publicise the best drawings – make posters locally. This can be a way to re-interest the refugee community and IPs.	✓	✓	✓	✓	

Activity	Purpose /Definition	With Others	Big Office	Small Office	Material Needed	My Office Activities
Inter-agency meetings	Ensure that the content of the CoC is discussed at inter-agency meetings at sector level. Designate focal points on sexual exploitation as per SG's Bulletin of 15 October 2003 (para: 4.3).	✓	✓	✓	✓	
Marketing	Make the CoC part of regular routines - send out messages. Discuss it openly - there is nothing to hide. Do not forget that the CoC covers a range of issues and is not limited to solely sexual exploitation.		✓	✓	✓	
Workshops	Bring IPs into the discussion e.g. use the POP workshop to also address the CoC. The CoC should be mainstreamed into all workshops. Devise a concrete list of activities for refugee participation.	✓	✓	✓	✓	
New staff <i>If few</i> <i>If many</i> Staff reassigned	All staff, interns, UNVs, consultants etc. arriving at your office/department should receive the I&O Kit including the CoC. Have them review the CoC under coaching by a senior staff member. Organise briefing sessions for new staff on an annual or 6-monthly basis depending on numbers. Ensure that they have already attended briefing sessions or are coached upon arrival.	✓	✓	✓	✓	
Office of the Year	At the organisational (global) level it is important to recognise "The Office of the Year" - to be nominated. The winning office should be publicised in Dialogue Magazine and with a prize to be received from the High Commissioner. Review board: All Directors, Staff Council and Executive Office. This can inspire the competitive edge in people and get them to see that the CoC is for working and living with other people.		✓	✓	✓	
Display the CoC poster	Display available posters of the CoC. Provide copies to IPs and government interlocutors. Post them in a high traffic area such as the cafeteria to remind staff about its existence and importance.		✓	✓	✓	

Activity	Purpose /Definition	With Others	Big Office	Small Office	Material Needed	My Office Activities
Translate CoC – local languages	Translate the CoC (if not already done so) as it can better reach out to the beneficiaries, government interlocutors, local IPs etc. Also translate the values and the nine principles.		✓	✓	✓	
PAR (+mid-term review)	Use the PAR discussion as a constructive dialogue on how the CoC can be reflected: CC 01 and CC 06 for all staff, and MC 03 and MC 04 for managers. Also to be reflected in the annual objective setting exercise.		✓	✓		
Network of facilitators/ resource persons	Form a network of facilitators (incl. at the regional level). Use local training coordinators as resource persons. Use skills and experiences that are already there and connect with SDS/HQ ⁴ to find out about other’s experiences e.g. rotate facilitator’s between offices/departments.		✓	✓	✓	
Meetings with your local managers	Take a proactive approach (Role Model) to schedule meetings with your managers to learn about their day-to-day issue <i>vis-à-vis</i> the CoC. Be available to guide them if they experience problems.		✓	✓		
Annual review	Organise at least one annual session of the CoC for all staff. Use case studies/real life situations and let the session/s run across sections. You can also make thematic sessions. Rotate the role of the facilitator as part of empowerment of staff and a learning opportunity. Any differences since last year? Remember all staff should attend regardless of grade or position (be inclusive - make sure that all people assisting UNHCR with vulnerable contractual situations: i.e. cleaners, guards, interpreters, refugee aid workers are also associated in this effort. Your presence - ‘Role model’ - is very important.		✓	✓	✓	

⁴ Staff Development Section and/or Policy Unit – both at HQs.

REPORTING MECHANISMS

As a manager, if you have received credible information regarding misconduct, report it immediately to the IGO for registration in the confidential database for appropriate follow-up.⁵

As a manager, you are responsible for creating a respectful work environment, and for taking reasonable steps to ensure that inappropriate behaviours do not occur or are stopped if discovered (foremost to work towards prevention). It is also important to handle complaints in a confidential manner and to prevent any reprisals towards staff reporting incidents. Along the same lines, managers are encouraged not to confront the staff allegedly in breach of the CoC with the complaint until basic and initial verification has been undertaken and available evidence secured.



“A bird does not sing because it has an answer. It sings because it has a song.”

(Chinese Proverb)

Misconduct

According to Staff Rule 110.1, failure to comply with obligations under the UN Charter, the Staff Rules and Regulations, or other relevant administrative issuances, or failure to observe standards of conduct expected of an International Civil Servant, may amount to misconduct leading to the institution of disciplinary proceedings and the imposition of disciplinary measures.

The Secretary-General of the United Nations decides, upon recommendation from UNHCR, on the imposition of disciplinary measures in cases of established misconduct.

The PAR process through CMS

As a manager, you are accountable for **ALL** staff in your office/department in complying with the PAR process. Following the Organisational commitment to the CoC, the performance review should therefore adhere to the CoC through the appropriate competencies - CC 01 and CC 06, and for managers MC 03 and MC 04. This can be done as the core competencies are illustrated in the CoC. Thus, the CoC is a tool of illustration and explanation of the existing rules.



“Our lives begin to end the day we become silent about things that matter.”

(Martin Luther King Jnr.)

⁵ IOM/65/-FOM/65/2003: The role of the IGO regarding inspection, preliminary investigations and inquiries.

REPORTING – AT A GLANCE

1. Staff should be encouraged to report suspected allegations of misconduct to their manager.
2. If the manager is unable to solve the problem or is *actually the person perceived as being the problem*, staff should be encouraged to take their concern to a higher level authority. Therefore, staff must have the right to have access to make confidential phone calls to the Reviewing Officer or support functions e.g. the Mediator or other outside resources at HQs without having to go through the manager.
3. Staff may chose alternatively to contact the IGO hotline. The identity of any persons reporting allegations will be strictly protected by the IGO. Anonymous phone calls are accepted though may be viewed as carrying less weight. The IGO will decide whether to initiate an investigation at its level or to delegate this responsibility with technical guidance to the manager.
4. As a manager, if you are not sure what to do, or feel uncomfortable to report it as you are not sure that what you have heard or seen is really misconduct, do not forget that you can always seek advice from either the Legal Affairs Sections (LAS), the Inspector General's Office (IGO) or the Division of Human Resources Management (DHRM).

SOME FREQUENTLY ASKED QUESTIONS⁶

- Q. The reporting mechanism is vague (e.g. Principle 7). What is the role of the supervisor? What is done with the information (e.g. is it filed, sent along)? Where lies the accountability?*
- A. The supervisor is accountable for his/her actions or lack thereof. What s/he does with the information depends on the type of information. At the very least, she/he is to ensure that there is a record. If there is any doubt, s/he is supposed to act on it, and this may include either passing it along (to someone with greater knowledge) or saying "no".
- Q. What about the channels and sanctions (for breach of the CoC)?*
- A. The channels and sanctions existing before the CoC remain the same (disciplinary and performance). The CoC is an interpretation and illustration of the Staff Rules. Therefore, a breach of the CoC could be interpreted as contravention of the applicable staff rules and regulations as illustrated by the CoC.
- Q. Could the CoC be used in a legal argument? For instance, could the fact that someone has signed it be used in a disciplinary proceeding?*
- A. The CoC is an illustration of the Staff Rules and Regulations and is already invoked in investigation reports to clarify a Staff Rule or Regulation. Conceivably, it could be argued that the fact that you signed the CoC means you are aware of its content and thus cannot claim ignorance as a defence. However, even before the CoC was introduced, it was not possible to claim that a staff member did not have sufficient knowledge of the rules to justify, for example, lack of integrity, impartiality and negligence in the performance of duties, etc.

⁶ Answers provided by LAS.

Q. What about the identity of people who disclose/share information (is it protected/guaranteed)?

A. IOM/65-FOM/65/2003 summarizes UNHCR's position in this regard as follows: "The IGO shall safeguard the confidentiality of the identity of the person or entity from whom it receives a complaint of alleged misconduct (the "complainant"). The complainant's identity can only be disclosed if all of the following conditions are met:

- the complainant has been informed in advance of the disclosure;
- such disclosure is necessary for administrative, disciplinary or judicial proceedings; and
- the IG has approved such disclosure.

Unauthorised disclosure of a complainant's identity, if established, may constitute misconduct.

The foregoing confidentiality provisions do not apply in instances of knowing and wilful transmittal of false complaints, if confirmed. Nor do they apply to witnesses who provide information relevant to an investigation.

Notwithstanding the above, information contained in the complaint itself, as provided to the IGO, may be used in order to institute or implement administrative, disciplinary or judicial proceedings. It may also be used in other official reports and briefings without attribution directly or indirectly as to source or identity of the individuals or entities involved or implicated."



"Real knowledge is to know the extent of ones ignorance."

(Confucius)

RESOURCES

Depending on the issue, below you will find some resources - either of people to contact or written material - which may be helpful and provide you with additional information. Please note that the following pages contain the contact details for those functions in the office that have a more direct involvement with the CoC.

The list below is an alphabetical listing of contact units/sections from where you could seek advice:

- Human Resources Officer.
- Inspector General's Office.
- Legal Affairs Section.
- Office of the Mediator.
- Policy Unit/ DHRM
- Senior Performance Management Officer.
- Staff Council (Geneva or your local Staff Association).
- Staff Development Section.
- Staff Welfare Officers (HQ, Kenya, Guinea).
- Your Reviewing Officer (i.e. your supervisor).



“An error doesn't become a mistake until you refuse to correct it.”
(Orlando O. Battista)

Agreements, policies and statements

The following list represents documents relating to and/or supporting the CoC:

- IOM/60-FOM/56/2002 - UNHCR Code of Conduct: Initial Implementation Procedures.
- IOM/65-FOM/65/2003 - The role of the Inspector General's Office
- IOM/38-FOM/36/2002 - Disciplinary Proceedings and Measures (from LAS).
- IOM/54-FOM/61/1997 - Establishment of the Career Management System (CMS).
- ST/AI/379, 29 October 1992 - Procedures for Dealing with Sexual Harassment.
- Prevention and Response to Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Reponse (2003).
- IOM/77-FOM/77/2003 - Secretary-General's Bulletin: Special Measures for Protection from Sexual Exploitation and Sexual Abuse (ST/SGB/2003/13).
- Staff Rules and Regulations /Chapter X – Disciplinary Measures.
- The Mediator's annual reports.
- The Facilitator's Guide to the Code of Conduct.
- All Staff Memorandum from the Inspector General dated 26 March 2003 on allegations of sexual exploitation.

- ST/SGB/2003/13 of 15 October 2003 - Special Measures for Protection from Sexual Exploitation and Sexual Abuse.
- ST/SGB/2002/13 - Standards of Conduct for the International Civil Service 2001.
- Administrative procedures - to be found in the Staff Administrative Management Manual (SAMM), e.g. Gifts – Chapter 1 (1.2 .16 – 18).
- Addressing Greivances in UNHCR: Where to go for help (2004).



“Listening to good advice is the way to wealth.”

(Iranian proverb)

In the following table you will find information on where the Principles of the Code are referenced to the relevant paragraphs in the UN Staff Rules and Regulations. For further information, please refer to the accompanying notes to the CoC (IOM/60-FOM/56/2002).

Principle	Regulation	Rule
1	1.2 (a) (b) (e)	101.2 (d), paras 1, 2, 3, 4, 31, 38
2	1.1 (f), 1.2 (a) (b)	101.2 (c) 103, 18(b) (iii), paras 36, 38-40
3	1.2(e) (f) (g) (h) (k) (m) (n) (q), 1.3(b)	101.2 (i) (j) (k) (m) (p) (q), paras 8, 12, 21, 22, 41-47
4	1.2(a) (b), 8.1, 8.2	101.2 (d) (e) (I), 108.1, 108.2, paras 6, 14, 15-19, 26-28
5	1.2 (c), 6.2	101.2 (b), 104.16, 105.1+3, 106.2+3+4, 107.24 para 37
6	1.1(b), 1.2(d) (f) (g) (i) (m) (n)	101.2 (f) (g) (h), 105.2 (iv), 112.3, paras 31, 34-35
7	1.1(d), 1.2 (a) (b) (e) (l)	101.2 (i) (j), paras 22, 38
8	1.1(d), 1.2(a) (b) (e)	101.2 (c), paras 36, 38, 40 & SGB/2003/13
9	1.1(d), 1.2(a) (b) (l)	101.2 (d) (i) (j), 104.10 (c) (d), paras 16, 20



“Remember, our conduct is influenced not by our experience but by our expectations.”

(George Bernard Shaw)

CONCLUDING REMARKS

We hope that you will find these *Guidelines* of use and benefit when you, as a manager, convey the message of the CoC (a set of rules and behaviours) to your staff, implementing partners and government interlocutors. Remember, the CoC is a non-judgemental guide to establishing a framework that will help us to work together, not forgetting that common sense still has an important role to play.



“Sweep first before your own door-step, before you sweep the doorsteps of your neighbor.”

(Swedish Proverb)

CONTACTS

Should you or a member of your team need to contact any of the services listed on the following pages, the IOM/FOM for the CoC states:

“You will be treated with respect and dignity. Communications will be protected to the greatest extent possible and your concerns will be seriously addressed if not resolved speedily. You will be kept informed of the outcome. The Mediator and the Staff Welfare Section both guarantee strict confidentiality.”

The divisions listed below are here to provide some direction but should not be interpreted in a rigid manner. Most important is that you seek advice from the source that you feel most comfortable with. DHRM, LAS and the IGO deal primarily with the process and are where you also should file a formal claim, whilst Staff Welfare, the Mediator and Staff Council are more of a support function or where you can solicit information if you are not sure what to do.



“There is no shame in not knowing; the shame lies in not finding out.”

(Russian Proverb)

DIVISION OF HUMAN RESOURCES MANAGEMENT (DHRM)

DHRM: Encompasses several sections/units which deal with issues pertaining to the CoC. It includes - amongst others - the Personnel and Administration Section, the Recruitment and Posting Section (which also covers JPOs and SIBAs) the Performance Management Unit, the Staff Development Section and the Human Resources Policy Unit. Formal allegations of misconduct can only be issued by the Director of DHRM as per para 6 of ST/AI/371.

Assists with:

- a) General inquiries about the CoC and questions that are linked to the policy aspect of the CoC and its relation with other inter-related policies.
- b) Questions that concern facilitation of the CoC - tips and ideas can be provided.
- c) Questions that are linked to the PAR process (or any other aspect of the process) can still be submitted to hqpu01 for forwarding to the concerned Section/Unit

Contacts: E-mail: hqcc01@unhcr.org (*general inquiries about the CoC*)
E-mail: hqtr00@unhcr.org (*questions concerning facilitation of the CoC*)
Phone: (*see your respective Human Resources Officer*)
Fax: (+41 22) 739 7313

LEGAL AFFAIRS SECTION (LAS)

LAS: Provides legal advice to UNHCR and its staff (at HQ and in the Field) on all legal matters concerning UNHCR and its staff (except on refugee law and related issues which fall under DIP). Monitors disciplinary cases, including investigations, in co-operation with the IGO and prepares the final recommendations to the Secretary-General's office in collaboration with DHRM. Prepares submissions to the Joint Appeals Board and the Joint Disciplinary Committee. Advises on legal questions relating to staff/management issues.

Assists with:

- a) Providing legal advice to individual staff members regarding their status as International Civil Servants.
- b) Advising Field Offices on violations of the privileges and immunities of UNHCR and its staff, including preparation of correspondence with governments.
- c) Liaising with the authorities of the host country and those of neighbouring France on legal issues regarding the status of UNHCR and its staff.

Contacts: E-mail: hqle00@unhcr.org
Phone: (+41 22) 739 7831
Fax: (+41 22) 739 7391
Ref: IOM/38-FOM/36/2002 (*Disciplinary Proceedings and Measures*)

INSPECTOR GENERAL'S OFFICE (IGO)

IGO: Inspects the management of Field Offices and Headquarters' Units. Investigates allegations of misconduct by staff members and inquires into incidents of violent attacks on UNHCR staff and operations where these involve fatalities, major injuries or large-scale damage to UNHCR staff or assets. The principles governing the work of the IGO are impartiality, objectivity and appropriate confidentiality. The Inspector General reports directly to the High Commissioner and keeps him informed of all serious allegations of misconduct as well as main inspection findings.

Assists with:

- a) Responding to allegations of misconduct by UNHCR staff, including consultants, JPOs and other personnel working under contract with the Office.
- b) Reports of alleged misconduct can be made directly to the Inspector General by staff members or non-staff members and should be as specific and detailed as possible.
- c) All reports of alleged misconduct are treated confidentially by the IGO and the identity of the source is protected.
- d) The IGO also addresses weaknesses in the quality or effectiveness of the management of UNHCR offices/operations/activities through inspections.

Contact: E-mail: inspector@unhcr.org
Hotline: (+41 22) 739 8844
Fax: (+41 22) 739 7380 (*Confidential*)
Ref: IOM/65-FOM/65/2003 (*Role of the Inspector General's Office*)

MEDIATOR

Mediator: Provides assistance to all UNHCR staff members (including JPOs, UNVs and Project staff) in facilitating solutions to work-related problems and conflicts of individual or groups of staff members related to the terms and conditions of employment, working conditions, relations between staff and supervisor, and between staff members at equal level. Recourse through the Mediator's office is without prejudice to a staff member's right to appeal to official procedures. The procedure for the Mediator's work is voluntarily, confidential, informal, impartial and non-adversarial.

Assists with:

- a) Listening to you and helping to identify available resources and options for different solutions without risk of reprisal.
- b) Informing you of relevant documentation and pertinent information.
- c) Serving as an intermediary and intervening in a neutral and impartial manner between you and a third-party.
- d) Can act in prevention of conflicts or restoration of peaceful working relations.

The Mediator does not interfere with cases investigated by the IGO but can still provide advice and does not serve as an advocate for any of the parties.

Contact: E-mail: hqmtor00@unhcr.org
Phone: (+41 22) 739 7770
Fax: (+41 22) 739 7340 (*confidential*)

STAFF WELFARE SECTION (SWS)

SWS: Available to staff members and their families at Headquarters and in the Field, as well as to retired staff. The section provides a range of services designed to help staff through social, psychological, personal problems (daily challenges, stress or critical incidents) that may interfere with ability to function. Allegations relating to sexual harassment should be brought to the attention of a Staff Counsellor. The Staff Welfare Section is bound by a professional code of ethics to maintain strict confidentiality.

Assists with:

- a) Psychosocial support to staff members and their families.
- b) Offers individual or group counselling, intervenes in crisis situations and undertakes missions to the field. SWS is present at Headquarters, Nairobi (Kenya) and Conakry (Guinea).
- c) Contact Staff Welfare Section if you need guidance on whether the problem is one of management or misconduct.

Contact:

E-mail: suzic@unhcr.org
Phone: (+41 22) 739 7947
Mobile: (+41 79) 202 2417 (*emergency*)
Fax: (+ 41 22) 739 7370 (*confidential*)
Web: <http://intranet.hcrnet.ch/swu.htm>

UNHCR STAFF COUNCIL (Geneva HQ)

SC: Staff members can seek advice and support from the UNHCR Staff Council in Geneva or their local staff associations.

Assists with:

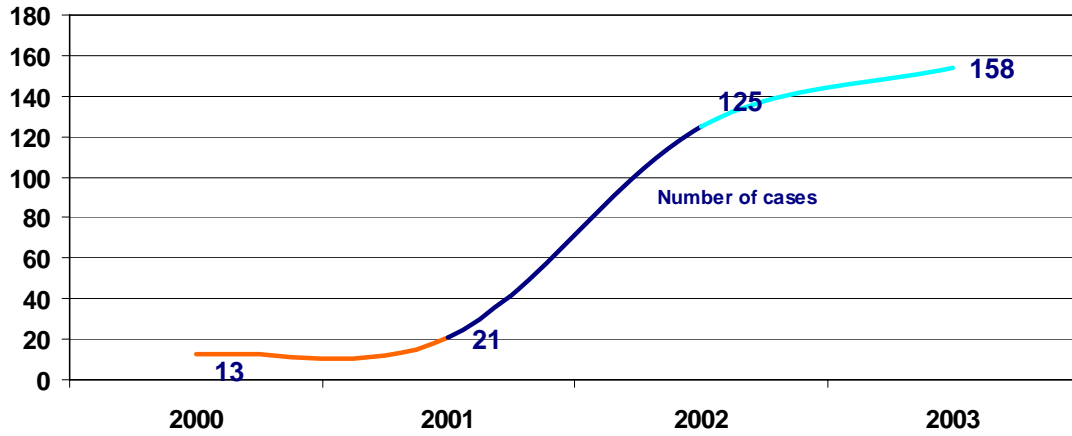
- a) Referrals to the right department/section if you are not sure where to go/who to consult.
- b) Provides a listening ear of a concerned person.
- c) Brings influence to bear at a policy level if your concern is of global interest to other staff members.
- d) Links up with the local Staff Associations in your office and provides them with coaching and guidance if necessary.

Contact:

E-mail: hqsr00@unhcr.org
Phone: (+41 22) 739 8591
Fax: (+41 22) 739 7364

ANNEX

Number of investigation cases from 2000 - 2003



Types of complaints received in 2003

