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REPORT BY THE DIRECTOR-GENERAL ON THE EXECUTION OF THE PROGRAMME ADOPTED BY THE GENERAL CONFERENCE

ETHICS OFFICE: ANNUAL REPORT 2009-2010

SUMMARY

The purpose of this report is to inform the Members of the Executive Board of the progress achieved in the Ethics Office. It sets out the key achievements and challenges for the Ethics Office for the reporting year, October 2009 to December 2010.

Key achievements for the reporting period were: the establishment of the Ethics Office at UNESCO; the progress made in outreach and communication, including the training of more than 600 employees on ethics and standards of conduct; and in terms of policy development, the Ethics Office assumed responsibility and updated the Anti-Harassment Policy; it established a disclosure channel to facilitate the reporting of allegations of misconduct, and implemented the anti-retaliation protection policy in December 2010; and it is an active participant and member of the United Nations Ethics Network which promotes a system-wide collaboration on ethics-related issues. The final chapter summarizes a number of ethical concerns that need to be examined in the coming year.

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Part 1

Mission statement

The Ethics Office is responsible for providing confidential advice on ethics and standards of conduct to the Organization and all its employees. It promotes ethical awareness through training, communication, policy development and liaison, and aims to resolve allegations of unethical behaviour or wrongdoing.

The Ethics Office is independent from all programme sectors, support sectors and other central services, and reports directly to the Director-General. In the event that the Director-General is the subject of an allegation, the Ethics Office will refer the case to the UNESCO Oversight Advisory Committee.

Ethics-related issues under the mandate of the UNESCO Ethics Office
<p>Conflicts of interest:</p> <ul style="list-style-type: none"> • Honours, gifts and remuneration; • Favouritism; • Outside employment and activities; • Use of privileged information; • Use of UNESCO property and assets; • Financial Disclosure Programme.
<p>Anti-discrimination</p>
<p>Anti-harassment policy For cases of both moral and sexual harassment.</p>
<p>Abuse of power or authority</p>
<p>Anti-retaliation policy Protection against retaliation for reporting misconduct or cooperating with a duly authorized audit or investigation.</p>

Part 2

A culture of ethics

The Ethics Office aims to establish an ethical culture at UNESCO based on integrity, transparency and accountability. Such a framework will ensure that at every step of the decision-making process, for every action taken, any potential ethical concern has been thoroughly deliberated. The role of the Ethics Office is to ensure that a strong ethical culture is in place so that all the employees of UNESCO do not dismiss ethical concerns as peripheral, distracting or inconsequential.

To precipitate an environment based on dignity and respect, it is vital that the Organization supports these principles at both the macro and the micro level, at Headquarters and in offices around the world, and throughout its personnel framework. The reputations of organizations are

increasingly contingent upon the strength of their ethical frameworks, which will continue to grow in importance in the eyes of the general public and Member States in coming years.

Culture for ethical action

UNESCO’s leadership position on the international stage, in terms of its mandate and priorities, can be consolidated by adopting and promoting ethical values which remain intrinsic to the implementation of its programmatic competence and the internal management of its workforce. Increasing transparency and accountability, and taking the initiative by prioritizing the importance of respecting ethical values, will place UNESCO as a forerunner to future demands in the area of ethics.

After all, the biggest assets of the Organization are its reputation and workforce. It is of the utmost importance to maintain UNESCO’s leadership position in order to fulfill its mandate and objectives. When employees behave unethically, not only are their personal reputation and career affected, but their actions put into jeopardy the reputation of the whole Organization. Through raising awareness on ethics-related issues and the importance of respecting the standards of conduct, UNESCO employees are provided with the resources to take ethical considerations into account when taking decisions.

The UNESCO Core Values guide us in the practices we use every day and in everything we do:

- Integrity
- Professionalism
- Respect for diversity

Ethics versus compliance

The table below is frequently used in our training sessions to illustrate the differences between compliance and ethics. To have a better grasp of ethics, it is important to understand the concept of ethics: responsible conduct motivated by self-improvement rather than avoiding punishment for non-compliance of rules.

	Ethics	Compliance
Objective	Encourage responsible conduct	Prevent misconduct
Standards	Self-imposed	Externally imposed
Motivation	Self improvement	Avoid penalties
Reinforcements	Personal responsibility (What should I do?)	Legally driven (What I can’t do)

Part 3

Overview of the Ethics Office

Established in September 2009, the UNESCO Ethics Office is comprised of the Ethics Advisor, Mr Jean-Paul Proulx (since September 2009); the Ethics Officer, Mr Farice Quinio (since September 2010) and an Administrative Assistant, Ms Aurélie Vignal (since January 2011). Mr Daniel Faull has been providing assistance since November 2009.

In order to protect the Ethics Office from any external influence or organizational constraints, the Ethics Office is independent from all other services and sectors, and the Ethics Advisor reports directly to the Director-General. It is also interesting to note that the Ethics Advisor is imposed a limit with regards to time in office.

Upon arrival, one of the first tasks of the Ethics Advisor was to determine the functions of the Ethics Office, especially in relation to the other services to ensure there was no overlap in terms of responsibility and activities. In close collaboration with the Bureau of Human Resources Management and the Internal Oversight Service, and in consultation with the Staff Unions, the functions under the remit of the Ethics Office were defined. A matrix was designed to clearly define the functions of each of the services:

Actions Alleged wrongdoings	Receiving and Screening Complaints and Reports; Reporting to DG with recommendation on whether further investigation is warranted	Conducting Investigation per DG's instructions; Reporting to DG + EO, HRM and LA as relevant	Making recommendation to DG on remedial action
Corruption: bribery, kickbacks	IOS	IOS	HRM
Fraud: falsification, misrepresentation, abuse of trust	IOS	IOS	HRM
Waste, theft, misappropriation or misuse of assets	IOS	IOS	HRM
Abuse of authority or power	EO	IOS	EO + HRM
Harassment involving abuse of authority or power	EO	IOS	EO + HRM
Discrimination	EO	IOS	EO + HRM
Conflict of interest	EO	IOS	EO + HRM
Unethical behaviour (other cases)	EO	IOS	EO + HRM
Misconduct (other cases)	HRM	IOS	HRM

The definition of the functions of the Ethics Office are continuously being redefined as the Office develops policies, and assumes new responsibilities in terms of supporting and responding to the needs of the Organization. For example, the updated Anti-Harassment Policy¹ in June 2010 now falls under the responsibility of the Ethics Office, and the Ethics Office established the Whistleblower and Anti-Retaliation Policy² in December 2010.

Part 4

Activities and operations

As this is the first annual report published by the Ethics Office, the reporting period has been extended to just over 12 months: from 1 October 2009 to 31 December 2010.

Please note that the statistics and figures presented below may not represent a true reflection of the ethical climate at UNESCO due to the fact that the Ethics Office is a new service. We expect to be able to draw more precise conclusions from the analysis of data in the next couple of years, once the Ethics Office has completed its first cycle of training sessions on ethics, mandatory for all UNESCO employees (regardless of the type of contract) both at Headquarters and in the field offices and Institutes.

1. Advice, guidance and complaints

The Ethics Office received 178 requests during the reporting period, from 1 October 2009 to 31 December 2010, with the majority being requests for advice (see Figure I) rather than complaints regarding unethical issues. The high number of requests should not be interpreted as an indicator of the ethical climate in the Organization, but more due to the fact that the Ethics Office is a new service, and fills a vacuum in UNESCO; therefore a certain number of UNESCO employees have contacted the Ethics Office simply to find out more information on its services and how to manage a specific ethical dilemma rather than to signal unethical behaviour.

*Figure I
Advice and Complaints*



The Ethics Office has focused on awareness-raising initiatives on ethics-related issues, through its training sessions and communication strategy which is paying dividends as more employees are taking ethical considerations into account in their daily work, and are taking preventative measures by seeking advice before they take action in “grey” or “sensitive” areas. Encouragingly, these also include many members of the senior management who consult the Ethics Office before taking decisions which require ethical considerations.

Out of the 178 cases opened during the reporting period, 112 are now closed because the request was either addressed (advice given; successful informal resolution or recommendations made to the Director-General for action by the administration) or the complaint was withdrawn. Of the 66 cases still ongoing, most are pending further developments. Many employees of UNESCO visit the Ethics Office simply for the Organization to have a record of their situation, but do not necessarily want immediate action to be taken.

¹ See page 8 for more information on the Anti-Harassment Policy.
² See page 8 for more information on the Whistleblower and Anti-Retaliation Policy.

The Ethics Office expects the number of requests to increase over the next year as the outreach initiative continues to expand across Headquarters, the field offices and Institutes, and will peak by mid-2012, as the first wave of training on ethics has been completed. Post-2012, we expect the number of cases to begin to diminish as a culture of ethics is progressively established throughout the Organization.

Caseload: requests received

Each of the 178 requests is assigned to a category illustrated in the pie chart in Figure II and requires different types of responses, from a simple advice or referral to the appropriate service, to more time-consuming information gathering or other follow-up activities.

Figure II
Request Volume, by category

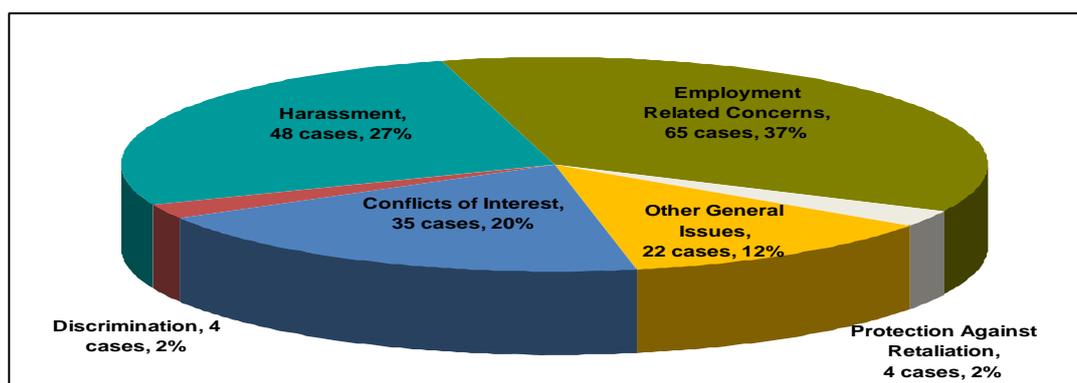
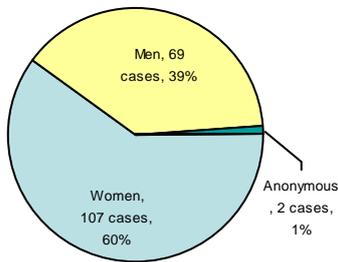


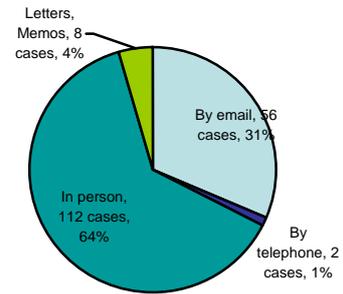
Figure III

Categories	Examples
<i>Employment related concerns</i>	Contractual issues in relation to harassment; Performance evaluations; Career development; Working relationships/environment; incivilities; Communication issues.
<i>Harassment</i>	Cases of moral or sexual harassment; Abuse of power or authority.
<i>Conflicts of interest</i>	Honours, gifts and remuneration; Favouritism; Outside employment and activities; Use of privileged information; Use of UNESCO property and assets.
<i>Other general issues</i>	Private legal obligations; Fraud and corruption; Referrals to other services.

*Figure IV
Request Volume, by gender*



*Figure V
Request Volume, by mode of contact*



The relatively high proportion of contact made in person (see Figure V) compared to other modes of contact is due to the fact the Ethics Office is located at Headquarters, which is at the origin of most of the requests (see Figure VI); and also because after each training session in the field, the Ethics Office extends its mission to hold individual, voluntary and confidential consultations in person with staff of the office who would like to receive advice or raise a concern related to an ethical issue. A hike in demand for a meeting with the Ethics Office is noticeable during this period.

The data in Figure VI provides a fair reflection of the actual distribution of UNESCO employees. In addition to the pie chart in Figure VII, which compares the percentage of employees per Sector/Programme/Field Office and the percentage of requests from each Sector/Programme/Field Office received by the Ethics Office, both charts illustrate the fact that there is not an area of UNESCO with a higher proportion of ethical problems. (Please note that some of the services indicated in Figure VII have since changed names due to recent restructuring activities within UNESCO.)

*Figure VI
Request Volume, origin of request*

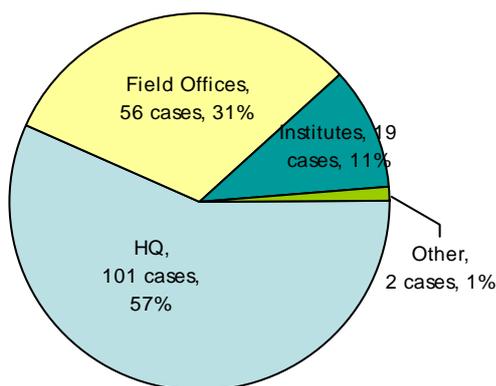
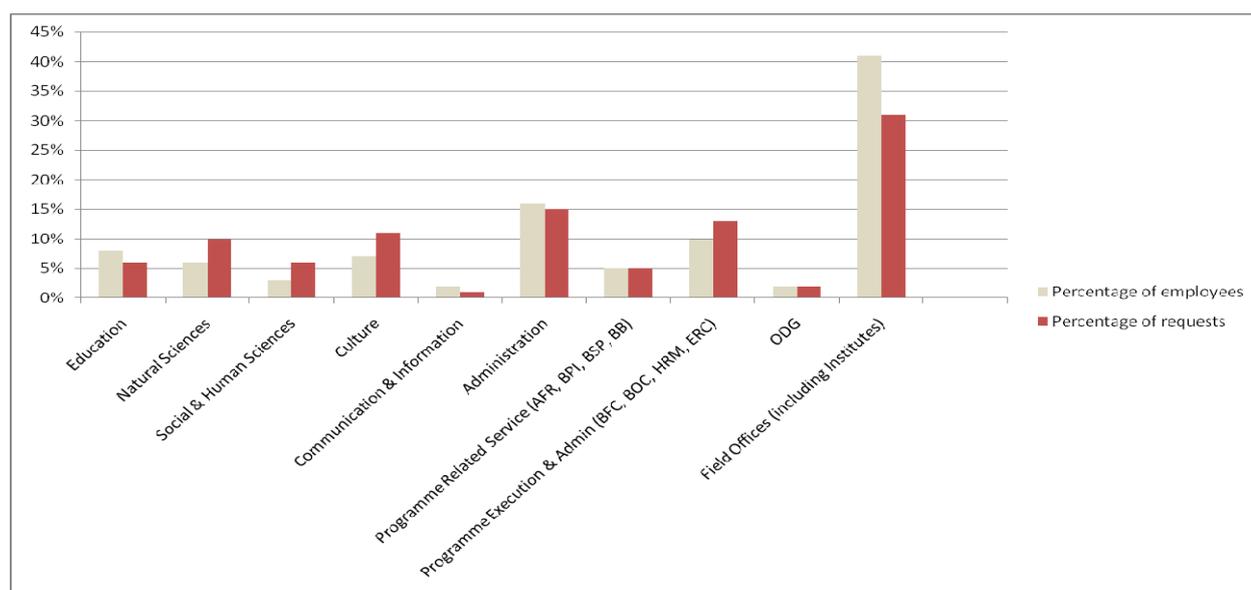


Figure VII – Request Volume, Number of requests v Origin of requests



2. Training, education and outreach to build an ethical culture

Prioritizing training and education is a key element in the Office's preventative mandate. The Ethics Office provides a training session on ethics and the standards of conduct in the Organization; and provides a separate training session devoted to managing and preventing cases of moral and sexual harassment.

Ethics training

The training on ethics and standards of conduct is mandatory for all UNESCO employees, regardless of contractual status. The Ethics Office has prioritized the field offices and institutes during its first year as the training sessions are also an opportunity to get to know the Ethics Office, which may be harder to do in the field as the Ethics Office is based at Headquarters. During field missions, the Ethics Office delivers the training, meets the staff individually, and debriefs the Director/Head of the office on any potential ethical issues that need to be addressed. The debriefing is a very general overview on the situation in the office, and the sources remain anonymous in accordance with our stringent confidentiality policy.

It is the intention of the Ethics Office to have trained the whole of UNESCO, both at Headquarters and in field offices and institutes by mid-2012, which represents just over 2,100 employees.

The Ethics Office is satisfied with the progress achieved in terms of the training on ethics, having trained 609 UNESCO employees both at Headquarters and in 11 field offices during the reporting period for a cost of less than US \$30,000.

Anti-harassment training

The Ethics Office has taken the responsibility of implementing the Anti-harassment policy from the Bureau of Human Resources Management in June 2010. Therefore, the Ethics Office is also responsible for delivering the training on Anti-harassment. This training was designed to help UNESCO employees build a positive work environment and a climate of trust and tolerance, free of all forms of harassment. A pilot training has already been scheduled in January 2011 in a field office. It is our objective to provide a series of training sessions on Anti-harassment in a number of field offices and at Headquarters during 2011.

Information meetings

In addition to the training and with the objective to increase visibility, the Ethics Office has hosted a number of information meetings on the Ethics Office and its functions: the Directors of the field offices during a conference convened by the Bureau of Field Coordination (October 2009), and the Internal Oversight Service of UNESCO (October 2009). The “Groupe de Genève” also invited the Ethics Advisor to introduce the Ethics Office and its mandate to its members in January 2010, and the Oversight Advisory Committee did the same in September 2010.

An open invitation session for all the employees at Headquarters was hosted by the Ethics Office, under the umbrella of the “60 Minutes” series in February 2010, which was an opportunity for over 100 UNESCO employees in attendance, to learn about the Ethics Office and its functions; and more recently, the Ethics Office delivered an information meeting to the Permanent Delegations to UNESCO in November 2010, with the support of the Sector for External Relations and Public Information.

3. Standard-setting and policy support to build an ethical framework

A key function of the Ethics Office is to develop, clarify and provide information on standards of conduct. While UNESCO’s standards generally compare favorably with many leading institutions, some policies and rules require further consideration, and some are in need of clarification. International standards of conduct need to be current, concise and easy to find.

In broad collaboration with the Bureau of Human Resources Management, the Ethics Office has already begun to work on policy development:

(a) Anti-Harassment Policy

Work-related issues involving both cases of moral and sexual harassment were previously under the remit of the Bureau of Human Resources Management. It was agreed that the policy would be under the responsibility of the Ethics Office as harassment is considered to be unethical behaviour. In June 2010, the Director-General approved the updated Anti-Harassment Policy³ transferring the responsibility for its implementation to the Ethics Office, and requesting zero-tolerance in handling allegations of harassment.

(b) Whistleblowing and Anti-Retaliation Policy

This policy sets out:

I. The Organization’s confidential whistleblowing system.

In order to simplify the reporting mechanisms, a user-friendly one-stop-shop disclosure channel has been set up. To make it more accessible, an online disclosure system will be available in the autumn 2011, for anyone inside and outside UNESCO to report any allegations of misconduct in the Organization. However, this does not prevent from contacting the responsible UNESCO service directly. Allegations of misconduct and unethical behaviour by UNESCO employees can be reported on an anonymous or identified basis, and from internal or external sources.

II. The anti-retaliation protection policy of UNESCO

The whistleblower protection policy provides enhanced protection against retaliation for individuals who report misconduct, provide information in good faith on alleged wrongdoing, or cooperate with a duly authorized audit, investigation, or inquiry.

³ See the Administrative Circular AC/HR/4 – Changes to the Anti-Harassment Policy.

c. Conflicts of interest

The Ethics Office is mandated to clarify the rules on conflicts of interest including establishing a framework on accepting and managing gifts received by UNESCO employees in their official capacity.

It also includes the implementation of a Financial Disclosure Programme to reveal the financial holdings and assets of certain members of staff who hold financial responsibilities or are in a position of authority. The purpose of the policy is to reduce the risk of a real or perceived conflict of interest arising from the financial holdings or outside activities of the employee. The UNESCO Financial Disclosure Programme is currently being developed by the Ethics Office before undergoing an internal consultation process, and is expected to be presented for the approval of the Director-General by September 2011, and come into force by January 2012.

4. Participation in the United Nations Ethics Network

The United Nations Ethics Network promotes a system-wide collaboration on ethics-related issues with a specific focus on coherent application of ethics standards and policies throughout the United Nations System. The UNESCO Ethics Office attended two system-wide ethics meetings, one in Rome (June 2010), and another in Washington (December 2010). The United Nations Ethics Network is comprised of 21 United Nations entities.

The participating agencies agreed to establish a United Nations system-wide network, consisting of ethics officers and related professionals. Meeting once or twice per annum, this community of interest will be structured as a professional affiliation of international ethics practitioners.

Areas of collaboration include:

Core Principles for International Ethics Offices/Status and Structure/Legal Considerations and Policy Frameworks/Codes of Conduct and/or Ethics/Risk Assessment and Risk Mitigation/Emerging Ethical and Reputational Risks/Sustaining an Ethical Organizational Culture/Employee Reporting Channels/Ethics Advice/Conflicts of Interest/Disclosure Programmes for Financial and Other Interests/Protection against Retaliation/Investigations/Communication and Outreach/Education and Training/Metrics and Results/Professional Development/Expanding focus of ethical organizational conduct.

Part 5

Ethical concerns to look at in the next year

1. Ethical management

- The Ethics Office is concerned by the fact that we received many requests from UNESCO employees about alleged abuse of authority or harassment by their supervisors. All the more worrying is the fact that it is temporary employees who tend to be more frequently the victims of such unethical behaviour. In this regard, the status of temporary employees puts them in a difficult position to defend themselves.
- There also appears to be a failure by employees at all levels to take responsibility for their work, and an unwillingness to delegate authority. Many people who contact the Ethics Office are more preoccupied in letting us know what they are not responsible for. Job descriptions should clearly state the responsibilities of everyone, and delegating authority should be encouraged in order for staff members to feel a sense of responsibility.

For instance, a Director in a field office can send correspondence to a Minister within two hours. At Headquarters, a letter takes weeks to be sent due to the numerous “visas” needed. The visa

process, useful despite its limitations, is a good example of clearly destroying a sense of individual responsibility.

2. Respect of private legal and financial obligations

- The Ethics Office has received more and more complaints about the non-respect of private legal and financial obligations by UNESCO employees, sometimes by inappropriately using their diplomatic immunity. We will have to look at measures that can be taken by UNESCO to address this issue.

3. Performance assessment

- The performance evaluation system is a cause of concern for the Ethics Office, as too many employees associate it with sanctions. We will examine the managerial responsibilities in performing this task, and the capacity of staff members to accept constructive criticism. It is also our understanding that sometimes the performance evaluation system is not seen, both by managers and subordinates, as a learning exercise, compelling the employee to improve on certain aspects of his or her work where necessary. The Ethics Office is also concerned by the fact that the system foresees only three levels of appreciation. Our understanding is if a staff member simply performs his/her duties, he/she will be awarded a “fully meet expectations” rate, whilst a staff member who frequently exceeds expectation will still be awarded an equal evaluation rate. For these reasons, the Ethics Office believes that the performance evaluation system does not always reflect fairly or effectively the work of the employee, regardless of whether he/she is meeting expectations.

4. Global conflict resolution system

- Having been given the mandate by the Director-General to solve the problems reported to the Ethics Office, it has become increasingly evident that the Ethics Office and the Office of Mediators may have overlapping functions. It could be in the interest of the Organization to look at the establishment of a general conflict resolution system.

5. Geographical mobility policy

- The Ethics Office would like to ensure that the Geographical Mobility Policy is implemented in a fair manner for everyone. We are concerned about criticism we have heard from the grapevine that some Directors were misusing the policy to “move” certain members of staff that they do not like, while bypassing the policy for staff members they appreciate.

Part 6

Conclusion

The Ethics Office continues to strive to best serve the interests and the needs of all the employees of UNESCO. This current year will be another busy year for the Office as we continue to work on communication and outreach, as well as policy development.

As was previously stated, the Ethics Office aims to have trained all the employees on ethics and standards of conduct by mid 2012, including all field offices and institutes. To further promote our mandate and activities, the Ethics Office will add to its existing intranet portal, an internet website by the summer 2011. Both portals will provide a one-stop-shop reporting form to reveal any wrongdoing on an identified or anonymous basis.

The Financial Disclosure Programme will be the focus of the policy development for the Ethics Office, as well as clarifying conflict of interest rules, as mentioned in the report.

The Ethics Office is confident that steady progress is being made to change the mentality in the Organization in order to establish a culture of ethics. This can only be achieved with the support of all the employees of UNESCO, at every level and regardless of their contractual status. After all, ethics is not only the business of the Ethics Office, but more importantly it is everyone's business.