



CHECK AGAINST DELIVERY

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Opening statement to the Fifth Committee on the JIU Report

Review of whistle-blower policies and practices in United Nations system organizations

JIU/REP/2018/4

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Madam Chair, distinguished delegates,

I have the honour to introduce to you the JIU report entitled: “Review of whistle-blower policies and practices in United Nations system organizations.”

This review was undertaken in response to updates made to the Secretary General’s Bulletin on Protection Against Retaliation in 2017, as well as a proposal by a JIU participating organization to assess the effectiveness of whistle-blower policies and practices across the United Nations system, to ensure that whistle-blowers are accorded adequate levels of protection, especially with regard to retaliation.

In recent years, there have been a number of instances of whistle-blowers from United Nations system organizations resorting to public disclosure of their cases for a variety of reasons, including a perceived lack of adequate action by their employer organization in response to their initial reporting of misconduct and/or retaliation. These cases point to policies and practices that appear to be falling short of the necessary standards of accountability adopted by the organizations of the United Nations system.

This JIU review consequently focused on: identifying best practice elements for protection against retaliation (PAR) policies; assessing the processes and procedures in place to implement PAR policies and the independence of functions that implement them; and identifying the underlying factors for creating a culture of accountability, notably the *tone at the top*.

As part of the review process, we analysed PAR policies, questionnaire responses, data, as well as other documentation from the 28 JIU participating organizations. We interviewed over 400 stakeholders, conducted focus group discussions and undertook a global staff survey. The final report contains 11 formal recommendations, two addressed to the legislative and governing bodies and nine to the Executive Heads.

Madam Chair, allow me to briefly highlight five key findings of the report.

Key Findings

1. Not a single whistle-blower policy fully meets all best practices criteria

The JIU, with the assistance of an external, independent expert, developed five best practices criteria and 22 corresponding indicators to assess the strength of PAR policies. 23 PAR policies covering 28 JIU participating organizations were then rated against these indicators, and the ratings were subsequently reviewed and validated by the organizations themselves. The exercise revealed that not a single policy fully met all best practices criteria. This may be largely due to the ad-hoc nature of policy design in some organizations.

2. Key functions that support the implementation of PAR policies may not be fully independent

Such functions, including the head of oversight, head of ethics and Ombudsman, often lack term limits, in some cases hold dual-functioning roles, and may not have a requirement to present a report directly to the governing bodies. These deficiencies can potentially compromise the independence of the function, which is essential to ensure staff that allegations will be addressed impartially and objectively.

3. Procedures for the reporting and handling of complaints are often vague, unclear and delayed

Quite often the PAR policies reviewed emerged as ad-hoc responses to high-profile whistle-blower cases. As a result, there is a lack of clarity and consistency with regard to whom allegations should be reported, the mechanisms in place for reporting and how reported cases should be handled. Consequently, the handling of retaliation cases clearly lacks defined standard operating procedures in most entities, resulting in delayed and in some cases inadequate organizational responses.

4. Poor handling of cases, fear of retaliation and personal risks contribute to underreporting

The results of a system-wide survey conducted by the JIU suggest that there is considerable under-reporting of misconduct and retaliation across the system. Responses show this is due to a combination of personal fears and perceived risks, as well as a lack of confidence in systems, functions and processes. Survey results also suggest that personnel who report cases of misconduct are often unsatisfied with the handling of their cases, particularly in small and medium-sized organizations, where vertical hierarchies and limited experience in implementing PAR policies may contribute to low levels of staff confidence in processes and functions.

5. Organizational leadership must develop and support a culture of accountability and integrity

The *tone at the top* within an organization is crucial in this regard. A culture of integrity can be developed by creating channels that enable staff to express dissent respectfully, making supervisor training on handling misconduct and retaliation reports mandatory, and conducting periodic staff surveys to gauge views on accountability issues.

Recommendations

Madam Chair, distinguished delegates, to address these challenges we have outlined actions for legislative bodies and executive heads to take. The report recommends that legislative bodies adopt measures by 2020 to ensure that all policies relating to misconduct and retaliation specify channels and modalities to report and investigate allegations against the executive head and other key functions within organizations. It is further recommended that legislative bodies request executive heads to ensure the independence of the head of ethics, the head of oversight and ombudsman/mediator functions, and that these functions regularly provide a report to the legislative bodies.

Furthermore, the importance of the legislative bodies impressing upon executive heads to take timely action on the nine specific recommendations addressed to executive heads, cannot be over-emphasized. These recommendations include: updating PAR policies in line with best practices; ensuring external, independent appeals mechanisms for retaliation related preliminary determinations; developing communications tools regarding what, how, where and to whom to report misconduct and retaliation; developing standard operating procedures for proactively protecting those who do report misconduct

from retaliation; developing procedures for handling retaliation cases; ensuring channels for anonymous reporting; publicly posting annual reports on retaliation and misconduct cases while balancing confidentiality requirements; training supervisors and managers on the handling of misconduct and retaliation reports; and periodically surveying staff on accountability and integrity issues.

Management response/CEB comments

Madam Chair, we were pleased that the CEB, on behalf of the JIU participating organizations, welcomed some of the recommendations contained in this review and commended the JIU report for its richness of the information and usefulness of the data. However, the views conveyed by participating organizations during the review stages do not align with their comments in Secretary General's Note A/73/665/Add.1, and this Note contains some factual errors.

Of particular concern is paragraph 8 of the Note which states that the JIU report "places significant weight on the statements of individuals who had claimed to be whistle-blowers but whose claims, after detailed and extensive review, were deemed to be without merit". There is a clear implication here that the identities of these individuals were shared by the JIU with the organizations. Paragraph 26 of the JIU report clearly states our desire to protect the identity and confidentiality of the complainants; implying otherwise is incorrect and misleading. This review was data-driven and all 11 recommendations contained in the report are supported by at least two data sources and not a single one is weighted on the particular cases of the individual complainants.

The JIU sent a formal letter to the CEB Secretariat on 25 January 2019 with a request to clarify and correct such factual errors. The JIU greatly regrets that the response from the CEB Secretary to its letter, received on 28 February 2019, noted that, beyond an editorial suggestion to paragraph 8, the content and meaning of the Note would remain unchanged. Such a mischaracterization of the JIU's work - whether deliberate or unintentional - holds the potential to cause significant reputational damage to the Joint Inspection Unit as an independent oversight body that respects the confidentiality of its stakeholders. If it was intended to discredit and dismiss some of the findings and conclusions of the report, please note that our conclusions are certainly not unique.

Indeed, the conclusions from this review that under-reporting of staff due to a lack of confidence in the system and functions as well as a fear of retaliation are closely aligned with the findings and conclusions from three recent staff surveys, covering protection against retaliation, harassment and ethics-related topics. These include the December 2017 [United Nations Staff Engagement Survey](#), the [survey on Discrimination, Sexual Harassment, Harassment and Abuse of Authority](#) conducted by the Coordinating Committee for International Staff Unions and Associations in late 2018, and the recent system-wide [Safe Space Survey on sexual harassment in the workplace](#) conducted in November 2018. As the [Secretary-General stated in response to the results of that particular survey](#):

"We must also do more... We must jointly nurture an institutional shift, and foster a workplace that is inclusive, where accountability is consistent, where power is never abused and where there is no fear of retaliation."

The objective of this JIU review was to go beyond the common findings and conclusions from across the United Nations system that staff do not trust the systems and function in place to report misconduct and fear retaliation if they do report, and provide concrete recommendations for what 'doing more' could, and should, entail.

Madam Chair, distinguished delegates, thank you for your kind attention, and I welcome any comments or questions you may have.
