



United States Department of State

Washington, D.C. 20520

**CONGRESSIONAL REPORT TRANSMITTAL LETTER**

Please find enclosed the following report from the Department of State.

**Department Report Number:**

**Report Title:** FY 2020 Determination and Report to Congress on Transparency and Accountability at the UN, UN Agencies, and the OAS

**Legislation:** Section 7048(a) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2020 (Div. G, P. L. 116-94, "FY 2020 Appropriations Act")

**Recipients:**

House Foreign Affairs Committee

Senate Foreign Relations Committee

House Appropriations Committee

House Appropriations Subcommittee on State, Foreign Operations, and Related Programs

Senate Appropriations Committee

Senate Appropriations Subcommittee on State, Foreign Operations, and Related Programs

Sincerely,

A handwritten signature in black ink, appearing to read "R M Kaldahl".

Ryan M. Kaldahl  
Acting Assistant Secretary of State  
Bureau of Legislative Affairs



**Report to Congress on  
Transparency and Accountability at International Organizations  
Section 7048(a) of the Department of State, Foreign Operations, and  
Related Programs Appropriations Act, 2020  
(Div. G, P. L. 116-94)**

**Executive Summary**

This report describes efforts by the United Nations, UN agencies, several UN funds and programs, and the Organization of American States (OAS) to promote public access to audit reports, protect whistleblowers from retaliation, and use travel funds appropriately. Appendix A contains information describing in detail these entities' practices in each of these areas. Appendix B contains information describing the methodology used to prepare this report.

Information in this report demonstrates that the United Nations, UN agencies, several UN funds and programs, and OAS are meeting section 7048(a)(1) requirements on providing access to audit reports, effectively implementing and enforcing best practices to protect whistleblowers from retaliation, and effectively implementing and enforcing policies and procedures on the appropriate use of travel funds. The FY 2019 Report on Transparency and Accountability concluded that all but one entity – the International Civil Aviation Organization (ICAO) – were meeting criteria for effectively implementing and enforcing whistleblower protection policies.<sup>1</sup> However, ICAO took steps during 2019 and 2020 to address shortcomings in its investigation process and ethics framework through a reform package approved by its Council. ICAO also implemented a revised whistleblower protection policy in December 2019. The ICAO Council has addressed allegations of wrongdoing by the Secretary-General. Therefore, due to the implementation of key ethics and oversight reforms, available information indicates ICAO meets the criteria for effectively implementing and enforcing whistleblower protections.

**Whistleblower Protections**

This report focuses on each entity's effective implementation and enforcement of its whistleblower protection policies and procedures. All the entities subject to section 7048(a) meet the legislative criteria regarding effective implementation and enforcement of

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<sup>1</sup> In the 2019 Report, the Department was unable to determine that ICAO was effectively implementing and enforcing whistleblower protections because the ICAO Council mishandled allegations of wrongdoing and retaliation by the Secretary-General, the organization would not implement a newly revised whistleblower protection policy, and ICAO's investigation process had persistent shortcomings.

whistleblower protections. In Appendix A, further details are provided about key steps that each entity, including ICAO, has taken to meet the legislative criteria. The U.S. missions to the United Nations and OAS are continuing efforts to pursue additional reforms. At ICAO, these reforms include implementing an independent process for handling any future allegations of wrongdoing involving the Secretary-General or the Council President.

Table 1 sets forth the number of ethics-related inquiries and claims of whistleblower retaliation occurring at the United Nations, UN agencies, several UN funds and programs, and OAS during calendar year 2019. Numbers of claims and *prima facie* determinations<sup>2</sup> are indicators of the extent to which staff are experiencing negative interactions such as retaliation. Table 1 compares the number of ethics-related inquiries, reports of misconduct, retaliation claims, *prima facie* determinations, retaliation claims referred for investigation, and retaliation claims found in favor of the claimant for each entity. The number of retaliation claims referred for investigation and retaliation claims found in favor of the claimant may not equal the total number of retaliation claims or *prima facie* determinations listed for those entities, if one or more claims were still pending at the time this report was prepared.

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<sup>2</sup> A *prima facie* determination occurs when initial examination reveals sufficient evidence to support a full investigation.

Table 1: Whistleblower Statistics for 2019

UN, UN Agencies, and OAS	Number of Staff	Number of ethics-related inquiries	Number of reports of misconduct	Number of retaliation claims	Number of <i>prima facie</i> determinations	Number of retaliation claims referred for investigation	Number of retaliation claims found in favor of claimant
UN	45,000	1402	1387	204	12	9	3
UNEP	2,480	441	985	9	0	0	0
UN-Habitat	818	14	6	2	0	0	0
UN Women	2,890	58	36	3	0	0	0
UNDP	17,752	1,120	294	12	3	1	0
UNFPA	2,834	257	115	7	1	1	0
UNICEF	15,444	788	364	10	3	3	N/A
FAO	3,208	N/A <sup>3</sup>	122	3	1	1 <sup>4</sup>	pending
ICAO	703	58	24	0	0	0	0
ILO	3,498	36	50	2	0	0	0
IMO	455	24	2	0	0	0	0
ITU	688	34	8	1	1	1	0
UPU	269	0	0	0	0	0	0
WHO	13,936	200	162	2	2	2	pending
WIPO <sup>5</sup>	1,189	55	23	0	0	0	0
WMO	304	0	0	0	0	0	0
OAS	542	1	9	0	0	0	0

<sup>3</sup> FAO did not have a full-time Ethics Officer for part of the year and was unable to track the number of ethics inquiries in 2019

<sup>4</sup> One claim is still pending a prima facie determination and one claim was referred for investigation.

<sup>5</sup> Data includes the International Union for the Protection of New Varieties of Plants (UPOV) because WIPO's Ethics Office also serves UPOV.

(SBU) Table 2 indicates the amount of time each entity took to handle whistleblower-related cases in 2019, including the average length of time an organization took to make a *prima facie* determination, complete an investigation, and implement remedies and disciplinary measures. Organizations that did not report any retaliation claims have “N/A” listed for the average length of time to complete an investigation and implement remedies and disciplinary measures.

<b>UN, UN Agencies, and OAS</b>	<b>Average length of time to make a <i>prima facie</i> determination</b>	<b>Average length of time to complete an investigation</b>	<b>Average length of time for implementing remedies</b>	<b>Average length of time for implementing disciplinary measures</b>
UN	14 days	265 days	30 days	180 days
UNEP	13 days	236 days	30 days	253 days
UN-Habitat	25 days	105 days	N/A	N/A
UN Women	N/A	N/A	N/A	N/A
UNDP	49 days	N/A	N/A	< 180 days
UNFPA	75 days	183 days	N/A	N/A
UNICEF	61 days	113 days	No retaliation found	N/A
FAO	38 days	pending	Immediate <sup>6</sup>	N/A
ICAO	No claims	N/A	N/A	N/A
ILO	23 days	N/A	N/A	N/A
IMO	No claims	N/A	N/A	N/A
ITU	30 days	100 days	No retaliation found	N/A
UPU	No claims	N/A	N/A	N/A
WHO	5 days	pending <sup>7</sup>	N/A	N/A
WIPO	No claims	N/A	N/A	N/A
WMO	No claims	N/A	N/A	N/A
OAS	No claims	N/A	N/A	N/A

<sup>6</sup> In the one case pending investigation, the claimant was provided interim relief measures by having their contract renewed until the investigation is complete.

<sup>7</sup> The organization provided one claimant interim relief measures by suspending the reported retaliatory action.

## **Whistleblower Protection Policies**

The whistleblower protection policies and procedures of each entity covered by this report are the same as, or better than, those described in the 2016, 2017, 2018 and 2019 Reports on Transparency and Accountability. The 2019 report indicated that, with the exception of ICAO, each entity's whistleblower protection policies and procedures incorporate best practices, including, but not limited to, those enumerated in section 7048(a)(1)(B) of the FY 2019 appropriations act.<sup>8</sup>

In assessing whistleblower protections, the Department relied in part on a UN Joint Inspection Unit (JIU) report "Review of Whistle-blower Policies and Practices in the United Nations System" that was released in 2018. The JIU report is forward leaning, describing a number of criteria that UN system whistleblower protection policies should meet. The report highlights the importance of strengthening the independence of the ethics and investigation functions throughout the UN System. The Department supports and has promoted most of the recommendations contained in the report. The Department continues to track and encourage the implementation of the JIU recommendations by the United Nations and UN agencies. The Department informed the UN and UN agencies that progress made to implement the JIU recommendations would factor into this and future reports on Transparency and Accountability.

Multiple UN agencies, including the International Telecommunication Union, the International Labor Organization, and the Universal Postal Union, have updated, or are in the process of updating, their whistleblower protection policies to incorporate recommendations from the JIU Report. The Department will continue to monitor closely the implementation of these JIU recommendations.

## **Audit Reports**

The United Nations, UN agencies, several UN funds and programs, and OAS are meeting the legislation's criteria for providing access to audit reports. Each entity publishes external audit reports and at least a summary of the entity's internal audit reports on a publicly accessible website. Each entity allows representatives of member states to access full internal audit reports, with redactions of sensitive information as appropriate, at the entity's headquarters or online.<sup>9</sup> Therefore, based on the Department's review, the United Nations, UN agencies, and OAS are meeting the criteria in section 7048(a) for providing access to audit reports. Table 3 lists the locations of the publicly accessible websites for each entity as of July 31, 2020.

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<sup>8</sup> This report does not repeat the detailed analysis of each entity's whistleblower policies contained in the 2015 and 2016 Reports on Transparency and Accountability.

<sup>9</sup> The 2015 Report on Transparency and Accountability, submitted to Congress on August 26, 2015, and updated on May 4, 2016, and the 2016 Report on Transparency and Accountability, contain detailed information on the audit disclosure practices of each entity covered by the 2020 report.

**Table 3**  
**Access to Audit Reports**

<b>Entity</b>	<b>External Auditor Reports</b>	<b>Reports of the Internal Auditor</b>
<b>United Nations (UN)</b>	<a href="http://un.org/en/auditors/board/auditors-reports.shtml">http://un.org/en/auditors/board/auditors-reports.shtml</a>	<a href="https://oios.un.org/node/1709">https://oios.un.org/node/1709</a>
<b>United Nations Environmental Program (UNEP)</b>	<a href="http://un.org/en/auditors/board/auditors-reports.shtml">http://un.org/en/auditors/board/auditors-reports.shtml</a>	<a href="https://oios.un.org/node/1709">https://oios.un.org/node/1709</a>
<b>United Nations Human Settlement Program (UN-Habitat)</b>	<a href="http://un.org/en/auditors/board/auditors-reports.shtml">http://un.org/en/auditors/board/auditors-reports.shtml</a>	<a href="https://oios.un.org/node/1709">https://oios.un.org/node/1709</a>
<b>United Nations Entity for Gender Equality and Empowerment of Women (UN Women)</b>	<a href="http://un.org/en/auditors/board/auditors-reports.shtml">http://un.org/en/auditors/board/auditors-reports.shtml</a>	1) <a href="https://www.unwomen.org/en/about-us/accountability/audit/internal-audit-reports">https://www.unwomen.org/en/about-us/accountability/audit/internal-audit-reports</a> 2) <a href="http://unwomen.org/en/executive-board">http://unwomen.org/en/executive-board</a>
<b>United Nations Development Program (UNDP)</b>	<a href="https://undp.org/content/undp/en/home/accountability/audit/audit.html#external">https://undp.org/content/undp/en/home/accountability/audit/audit.html#external</a>	<a href="https://undp.org/content/undp/en/home/accountability/audit/audit.html#internal">https://undp.org/content/undp/en/home/accountability/audit/audit.html#internal</a>
<b>United Nations Population Fund (UNFPA)</b>	<a href="http://un.org/en/auditors/board/auditors-reports.shtml">http://un.org/en/auditors/board/auditors-reports.shtml</a>  <a href="https://unfpa.org/resource-library-listing-page/board%20of%20auditors">https://unfpa.org/resource-library-listing-page/board%20of%20auditors</a>	<a href="https://unfpa.org/internal-audit-reports-listing-page">https://unfpa.org/internal-audit-reports-listing-page</a>

<b>Food and Agriculture Organization (FAO)</b>	<a href="http://fao.org/about/strategic-planning/audited/en/">http://fao.org/about/strategic-planning/audited/en/</a>	<a href="http://fao.org/aud/48639/en/">http://fao.org/aud/48639/en/</a>
<b>International Civil Aviation Organization (ICAO)</b>	<a href="https://icao.int/publications/Pages/doc-series.aspx">https://icao.int/publications/Pages/doc-series.aspx</a>	<a href="http://icao.int/secretariat/SecretaryGeneral/EvaluationAndInternalAuditOffice/Pages/annual-reports.aspx">http://icao.int/secretariat/SecretaryGeneral/EvaluationAndInternalAuditOffice/Pages/annual-reports.aspx</a>
<b>International Labor Organization (ILO)</b>	<a href="https://ilo.org/finance/f?p=15100:18:0::NO:RP::&amp;tz=-4:00">https://ilo.org/finance/f?p=15100:18:0::NO:RP::&amp;tz=-4:00</a>	<a href="https://ilo.org/global/about-the-ilo/how-the-ilo-works/accountability-and-transparency/iao/assurance-audit/lang-en/index.htm">https://ilo.org/global/about-the-ilo/how-the-ilo-works/accountability-and-transparency/iao/assurance-audit/lang-en/index.htm</a>
<b>International Maritime Organization (IMO)</b>	<a href="http://imo.org/en/OurWork/Pages/Financial-Statements-Summary.aspx">http://imo.org/en/OurWork/Pages/Financial-Statements-Summary.aspx</a>	<a href="http://www.imo.org/en/OurWork/Pages/Summary-of-Internal-Audit-Activities-and-Reports.aspx">http://www.imo.org/en/OurWork/Pages/Summary-of-Internal-Audit-Activities-and-Reports.aspx</a>
<b>International Telecommunication Union (ITU)</b>	<a href="https://itu.int/en/council/Pages/documents.aspx">https://itu.int/en/council/Pages/documents.aspx</a>	<a href="https://itu.int/en/council/Pages/documents.aspx">https://itu.int/en/council/Pages/documents.aspx</a>
<b>Universal Postal Union (UPU)</b>	<a href="https://www.upu.int/en/Universal-Postal-Union/About-UPU/Audits">https://www.upu.int/en/Universal-Postal-Union/About-UPU/Audits</a>	<a href="https://www.upu.int/en/Universal-Postal-Union/About-UPU/Audits">https://www.upu.int/en/Universal-Postal-Union/About-UPU/Audits</a>
<b>World Health Organization (WHO)</b>	<a href="https://who.int/about/finances-accountability/reports/en/">https://who.int/about/finances-accountability/reports/en/</a>	<a href="https://www.who.int/about/planning-finance-and-accountability/accountability">https://www.who.int/about/planning-finance-and-accountability/accountability</a>
<b>World Intellectual Property Rights Organization (WIPO)</b>	<a href="http://wipo.int/about-wipo/en/oversight/audit">http://wipo.int/about-wipo/en/oversight/audit</a>	<a href="http://wipo.int/about-wipo/en/oversight/iaod/audit/">http://wipo.int/about-wipo/en/oversight/iaod/audit/</a>
<b>World Meteorological Organization (WMO)</b>		<a href="https://public.wmo.int/en/about-us/planning-finance-accountability/internal-oversight-office">https://public.wmo.int/en/about-us/planning-finance-accountability/internal-oversight-office</a>



<b>Organization of American States (OAS)</b>	<a href="http://oas.org/en/saf/accountability/external_aud">http://oas.org/en/saf/accountability/external_aud</a>	<a href="http://oas.org/en/oig/activityreports.asp">http://oas.org/en/oig/activityreports.asp</a>
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### **Appropriate Use of Travel Funds**

The United Nations, UN agencies, several UN funds and programs, and OAS are effectively implementing and enforcing policies and procedures on the appropriate use of travel funds, including restrictions on first-class and business-class travel. Most of the entities do not permit first-class travel or only allow the head of the organization and/or the head of the governing body to travel first class. OAS and the Universal Postal Union allow the Assistant Secretary General/Deputy Director General to travel first class. WIPO and the World Meteorological Organization allow only the executive head of the entity to travel first class. ICAO and OAS allow the executive head and the chair or president of their governing bodies to travel first class. Similarly, the United Nations allows the Secretary-General, the President of the General Assembly, and heads of delegations of member states designated as least-developed countries to travel first class.

Each entity covered in this report restricts the use of business-class travel. A majority of entities restrict business-class travel according to flight duration. However, the required amount of flight time to claim business class varies by entity. For example, in order to fly business class at UN Women, the flight must be more than 11 hours, while at WIPO the requirement is nine hours. Most of the entities were able to provide a breakdown of the number of business-class tickets issued to staff and non-staff. A number of organizations, including the United Nations, World Health Organization, International Maritime Organization, and World Intellectual Property Organization, allow non-staff to travel business class. This “non-staff” category includes experts traveling to cover health or humanitarian emergencies, delegations of some member states traveling to governing body meetings, and expert consultants/guest lecturers.

The Department has engaged with the United Nations, UN agencies, and OAS, as well as their respective governing bodies, to encourage further cost-saving initiatives and efficiencies for official travel. Based on those efforts, and the information collected for this report, the Department will continue to work with these entities to reduce travel costs and improve travel oversight by promoting the elimination of first-class travel for non-staff, increasing flight time restrictions for business-class travel to at least 11 hours, limiting the use of exceptions for all classes of travel, and providing detailed annual reports on travel to respective governing bodies. Most of these recommendations will require agreement by the governing bodies of each entity.

**Table 4: Travel Policies and Data for 2019**

Entity	Restrictions on first class travel	Amount of flight time required to fly business class	Number of first class tickets authorized	Number of business class tickets authorized
UN	First-class travel eliminated for staff <sup>10</sup>	Single leg: 9 hours Multi-leg: 11 hours	23	12,445 staff 2,772 non-staff
UNEP	First-class travel eliminated for staff	Single leg: 9 hours Multi-leg: 11 hours	0	438 staff 6 non-staff
UN-Habitat	First-class travel eliminated for staff	Single leg: 9 hours Multi-leg: 11 hours	0	171 staff 5 non-staff
UN Women	Restrictions in place but not eliminated	11 hours	7	390 staff 52 non-staff
UNDP	First-class travel eliminated	Over 9 hours	0	1,940 staff 48 non-staff
UNFPA	First-class travel eliminated	9 hours	0	Does not track numbers of tickets
UNICEF	First-class travel eliminated for staff	9 hours	0	2,225
FAO	First-class travel eliminated	Over 9 hours	0	1,754 staff <sup>11</sup> 1,274 non-staff
ICAO	First-class travel eliminated for staff	9 hours	0	903
ILO	First-class travel eliminated	9 hours	0	2,804 staff 134 non-staff
IMO	First-class travel eliminated	7 hours	0	200 staff 116 non-staff
ITU	First-class travel eliminated for staff <sup>12</sup>	Single leg: 9 hours Multi-leg: 11 hours	5 staff	615 staff
UPU	Only elected officials travel first class	Staff generally use economy class <sup>13</sup>	5 staff	60 staff 4 non-staff
WHO	First class travel eliminated for staff <sup>14</sup>	Single leg: 9 hours Multi-leg: 11 hours	0	4,646 staff 867 non-staff
WIPO	First class travel eliminated for staff	Single leg: 9 hours Multi-leg: 11 hours	10	1,050 staff 619 non-staff
WMO	First class travel eliminated for staff	Single leg: 9 hours Multi-leg: 11 hours	0	630 staff 570 non-staff

<sup>10</sup> For the purposes of this table “staff” does not include senior officials and representatives of member states.

<sup>11</sup> These figures only represent FAO headquarters staff travel.

<sup>12</sup> Only ITU elected officials can travel first class in the United States or China when business class is unavailable.

<sup>13</sup> The most direct route and the most economic means of transportation are used for official travel.

<sup>14</sup> The Chair of the Executive Board can travel first class

<b>OAS</b>	First class travel eliminated for staff	Staff generally use economy class	38	49
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## Appendix A

### Review of the United Nations, UN Agencies, Funds and Programs, and OAS Whistleblower Protections, Access to Audit Reports, and Travel Policies

#### United Nations (UN)

##### *Whistleblower Protections*

The United Nations continued to take steps in 2019 to implement and enforce the UN protection against retaliation policy effectively. Improving whistleblower protections at the United Nations has been a top priority of Secretary-General Guterres and an area of focus for the UN General Assembly and Fifth Committee, which is responsible for administrative and management matters. Updating the protection against retaliation policy in November 2017 was one of the Secretary-General's first initiatives upon taking office.

##### Training and Outreach

In 2019, the UN Secretariat conducted a wide range of ethics training and educational programs, online and in-person training, management-led Leadership Dialogues, and global outreach and mission visits. These efforts included:

<i>Training Program</i>	<i>Staff Trained in 2019</i>	<i>Total Staff Trained</i>	<i>Percent of Staff Trained</i>
<i>Ethics and Integrity at the United Nations<sup>1</sup></i>	3,104	23,463	65%
<i>Preventing Fraud and Corruption at the United Nations<sup>2</sup></i>	8,932	21,070	58%
<i>Prevention of Sexual Exploitation and Abuse by UN Personnel: Managers and Commanders</i>	6,404	23,892	66%
<i>Prevention of Sexual Harassment and Abuse by UN Personnel – Working Harmoniously</i>	7,983	23,242	64%

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<sup>1</sup> The course describes actions that constitute misconduct as well as retaliation, explains the procedures for reporting misconduct and retaliation, and explains remedies available to those who are victims of retaliation.

<sup>2</sup> Made mandatory in March of 2018.

To strengthen the UN's culture of ethics, the Ethics Office collaborated with other offices to hold 13 town halls and other large meetings in 2019. The Ethics Office also shared annual broadcasts and iSeek articles on political activities, the UN's financial disclosure program, and gifts received during the holiday period. In 2019, the Ethics Office conducted 224 tailored ethics briefings, including 22 briefings for newly appointed senior staff at the Under-Secretary-General level, Assistant Secretary-General level, and other senior levels. Upon request, the Ethics Office also conducted outreach missions to the International Civil Aviation Organization (ICAO), the International Tribunal for the Law of the Sea (ITLOS) and the United Nations Framework Convention on Climate Change (UNFCCC). These and other customized briefings for various functional groups stressed the importance of "leading by example."

Given resource constraints and a very broad mandate, the Ethics Office prioritized field duty stations and conducted outreach missions to: the United Nations Mission for the Referendum in Western Sahara, the United Nations Office for West Africa and the Sahel, the United Nations Integrated Peacebuilding Office in Guinea-Bissau, the United Nations Multidimensional Integrated Stabilization Mission in Mali, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, the United Nations Disengagement Observer Force, the United Nations Truce Supervision Organization, the United Nations Support Office in Somalia, the United Nations Assistance Mission in Somalia, the United Nations Support Mission in Libya, and the United Nations Peacekeeping Force in Cyprus.

The 2019 Leadership Dialogue on "Conflicts of Interest-Why Do They Matter?" provided an opportunity for staff and managers to discuss the importance of maintaining public trust through mitigating risks arising from personal interests. Such conflicts can interfere, or appear to interfere, with the performance of official duties and responsibilities or with the integrity, independence and impartiality required of international civil servants. A total of 32,836 United Nations personnel participated in these dialogues convened within each entity (16,606 from UN headquarters, 16,056 from field missions and 174 from UN Women). This is the largest participation since the launch of the Dialogue by the Secretary-General in 2013. The Ethics Office assisted the UN Joint Staff Pension Fund and UN Women with launching their respective dialogues. On October 16, 2019, the Secretary-General and members of his Executive Office held their Leadership Dialogue. The discussions were led by the director of the Ethics Office.

An independent survey conducted by the OIOS (Office of Internal Oversight Services) Audit Division on the effectiveness of the Leadership Dialogue indicated positive results of the Leadership Dialogue in raising awareness and knowledge of staff, which is critical to preventing ethical lapses.

### Updated Whistleblower Policy

No revisions to the protection against retaliation policy have been issued since November 28, 2017. The FY 2018 and FY 2019 Reports on Transparency and Accountability concluded that the 2017 policy reflects best practices for implementing and enforcing whistleblower protections. As required by Section 12 of the policy, the Ethics Office met with relevant stakeholders twice in 2019 to assist the Secretary-General with his review and assessment of the policy. In April 2019, the Ethics Office met with the Working Group on Whistleblower Protection, a working group of the Staff Management Committee, to provide an update on the protection against retaliation policy. The Working Group has agreed to proceed with the review once it has completed its review of the policy on discrimination, harassment, including sexual harassment, and abuse of authority. Consultations with relevant stakeholders will continue in 2020.

On September 10, 2019, the Secretary-General issued a bulletin on addressing discrimination, harassment, including sexual harassment, and abuse of authority. This new policy on prohibited conduct explicitly addresses monitoring of the workplace by heads of entities to ensure that no misconduct, prohibited conduct or other adverse action is directed against staff who are availing themselves of a formal or informal process to address their rights as a staff member, including acting as a staff representative or appearing as a witness before the United Nations Dispute Tribunal or the United Nations Appeals Tribunal.

### Reported Cases and Timelines

In 2019, average number of days for the Ethics Office's to conduct preliminary reviews, upon receipt of all information requested for a complaint, was 14.2 days, which is a slight increase from the 13-day average in 2018. This average was well within the policy's 30-day timeline.

The average length of time to complete an investigation by the OIOS in 2019 increased to 275 days from 236 days in 2018, based on the date the Ethics Office received the final report, with three cases from 2017 (that have since been closed) taking at least 448 days. Removal of those three cases, which were referred by the Ethics Office to OIOS in 2017, results in five cases that were referred to OIOS by the Ethics Office in 2018, and investigations in those five case took an average of 132 days to complete. OIOS has since proactively revamped its internal process in the interest of completing its investigation of retaliation cases in a more timely manner, which OIOS believes will shorten the investigatory process in order to better meet the benchmark set out in the policy.

The Department remains concerned about the increase in the length of time to complete investigations. The Department will continue to advocate for OIOS to continue to put measures in place that will lead to timely investigations and resolutions of all cases and will closely

monitor the implementation of these measures to ensure they are effective and implemented in a timely manner in 2020.

The Ethics Office conducts preliminary reviews of alleged retaliation under the policy in order to determine whether the complainant engaged in a protected activity and, if so, whether there is a *prima facie* case that the protected activity was a contributing factor in causing the alleged retaliation. The Ethics Office initiated 44 preliminary reviews in 2019, of which 35 were completed and six claims were abandoned. Of the remaining three claims, two were completed in early 2020 and the final claim was on hold at the staff member's request. Since one preliminary review was initiated in 2018 and completed in early 2019, there were 36 completed preliminary reviews in 2019. Twenty-four of the completed reviews did not present a *prima facie* case of retaliation. There were 12 *prima facie* cases of retaliation that were referred for investigation in 2019. In 11 of the cases, the Ethics Office determined that a *prima facie* case of retaliation had been established and referred the cases to OIOS for investigation. The 12<sup>th</sup> case was referred to the Secretary-General for an alternative investigating mechanism following reversal of the Ethics Office's determination by the UN Ethics Panel.

In four of the *prima facie* cases, the Ethics Office recommended interim protection measures, including restoring the complainant's functions and changes to the complainant's reporting lines. Following consultation, complainants in three of the *prima facie* cases did not request interim protection measures. The remaining five *prima facie* cases were referred to OIOS at the end of 2019 and recommendations for interim protection measures were made in early 2020. The recommended measures included changes to the complainants' reporting lines, which would prevent the alleged retaliators from being involved with the complainants' performance evaluations and a transition process that could affect the complainants' working conditions. All the recommendations were accepted by management.

Overall, available information at this time indicates that the United Nations is effectively implementing and enforcing policies and procedures that meet or exceed best practices for protecting whistleblowers. However, the Department is concerned about the increase in the length of time for investigations. The Department will continue to advocate for OIOS to continue to put measures in place that will lead to timely investigations and resolutions of all cases. The Department will closely monitor the implementation of these measures to ensure that they are effectively implemented in a timely manner in 2020.

Continual engagement by senior leadership at the United Nations and by Member States is needed to ensure that the protection against retaliation policy provides effective protections for staff who report misconduct or cooperate with duly authorized audits or investigations. The policy must continue to serve as an instrument staff can rely on to prevent retaliation before it occurs and support the remediation of the retaliatory actions, when such actions occur. Effective coordination between the UN Ethics Office and OIOS is key to this successful prevention and remediation. The U.S. Mission to the United Nations will continue to call for

preventative actions when an individual may be at risk of retaliation as the result of speaking up about wrong-doing.

### *Travel*

The United Nations amended its travel policy in May 2018 to reflect General Assembly resolution 72/262 B (2018), which: (1) reiterated that economy class is the standard accommodation for UN staff; (2) eliminated first-class travel for UN staff and executives; and (3) encouraged staff and non-staff to voluntarily downgrade business-class travel to economy travel. In May 2019, the UN further amended its travel policy to reflect resolution 74/262 limiting access to first-class travel to the Secretary-General, President of the General Assembly, the President of the International Court of Justice (ICJ), and the heads of delegations of least developed countries. The changes to the policy eliminated first-class travel for ICJ judges other than the President of the ICJ.

Over 88 percent of official trips at the United Nations are conducted via economy class. The UN authorized first-class travel in 23 instances or 0.001 percent of 2019 travel volume. The UN does not permit the use of first-class travel by UN staff and restricts the use of business-class travel to single-leg journeys of nine hours or more and multi-leg journeys of 11 hours or more.

In an effort to reduce travel costs, the United Nations relies on virtual methods of communication, restricts the number of staff per trip and group travels, and actively monitors advanced purchase of tickets. The use of alternative methods, such as video conferencing and "e-meeting" facilities, increased significantly over the five-year period from 2014-2018. Available information indicates the United Nations is effectively implementing appropriate travel policies and procedures, including by restricting the use of first and business class.

### **UN Funds and Programs Served by the UN Ethics Office**

Two UN funds and programs (the UN Environment Program and UN-Habitat) adhere to the Secretary-General's protection against retaliation policy bulletin. These two entities and a third (UN Women) rely on the UN Ethics Office for advisory services, training, and procedures for implementing whistleblower protections, including adjudication of retaliation claims. The 2017 protection against retaliation policy bulletin issued by the UN Secretary-General applies to UN-Habitat. UN Women and other UN funds and programs have their own whistleblower protection policies. An annual report on ethics-related activities and findings is presented to the governing body at each entity, except for UN Women, UN-Habitat, and UNEP, which are included in the UN Ethics Office's Annual Ethics Report to the UN General Assembly.



## **United Nations Environment Program (UNEP)**

### *Whistleblower Protections*

To promote effective implementation and enforcement of the UN Secretariat's protection against retaliation policy and to address underlying unethical practices and wrong-doing that can lead to retaliation, the UN Ethics Office engages in several forms of outreach and education efforts to communicate the UN's ethics standards and policies to UNEP staff. In 2019, the UN Ombudsman and Mediation Services conducted field-based workshops on whistleblower protection with UNEP staff. UNEP staff also continued to participate in the mandatory course "Ethics and Integrity at the United Nations" and in outreach visits to field locations where the Ethics Office conducted town hall presentations and met with staff and managers individually and in groups. Available information indicates that UNEP is effectively implementing and enforcing policies and procedures that meet or exceed best practices for protecting whistleblowers.

### *Travel*

UNEP follows UN Secretariat travel policies and did not issue first-class travel tickets during 2019. UNEP restricts business class, which may only be authorized for trips longer than nine hours. To reduce travel costs, UNEP limited travel authorizations to essential trips, increased the threshold number of hours required to use business-class travel and eliminated the daily subsistence allowance for time spent in flight. Available information indicates that UNEP is effectively implementing travel policies and procedures by restricting the use of first and business class.

## **United Nations Human Settlements Program (UN-Habitat)**

### *Whistleblower Protections*

To promote effective implementation and enforcement of the UN protection against retaliation policy, UN-Habitat staff complete a mandatory online training program called "Ethics and Integrity at the United Nations." This mandatory course includes sections on reporting misconduct and protection against retaliation. In 2019, the UN Ombudsman and Mediation Services conducted field-based workshops on whistleblower protection with UN-Habitat staff. UN-Habitat staff also continued to participate in the mandatory course "Ethics and Integrity at the United Nations" and in outreach visits to field locations where the Ethics Office conducted town hall presentations and met with staff and managers individually and in groups. Available information indicates that UN-Habitat is effectively implementing and enforcing policies and procedures that meet or exceed best practices for protecting whistleblowers.

*Travel*

UN-Habitat follows UN Secretariat travel policies and did not issue first-class travel tickets in 2019. UN-Habitat restricts business class, which may only be authorized for trips longer than nine hours. To reduce travel costs, UN-Habitat relies on videoconferences, minimizes the number of staff on official travel, and requests staff to downgrade to economy class voluntarily. Available information indicates that UN-Habitat is effectively implementing travel policies and procedures by restricting the use of first and business class.

**United Nations Entity for Gender Equality and the Empowerment of Women (UN Women)**

*Whistleblower Protections*

UN Women implemented a new protection against retaliation policy in 2018 that aligns with the UN's updated policy on protection against retaliation. The policy will be reviewed in 2022. To promote effective implementation and enforcement of its whistleblower protection policy, UN Women continues to deliver ethics trainings in person at regional and headquarters offices and encourages staff to participate in online ethics trainings. In 2019, UN Women updated courses on harassment, prevention of sexual exploitation and abuse, and conflict of interest. UN Women also used online discussion forums to increase awareness of the policy on prevention of retaliation. There were no claims of retaliation during 2019. Available information indicates that UN Women is effectively implementing and enforcing policies and procedures that meet or exceed best practices for protecting whistleblowers.

*Travel*

UN Women issued seven first-class tickets in 2019, reportedly because they were less expensive than the travel policy entitlement. To reduce travel costs, the organization relies on video conferences, eliminated payment of the daily subsistence allowance during overnight flights, and raised the flight time required to qualify for business class when connecting flights are used to 11 hours. Available information indicates that UN Women is effectively implementing travel policies and procedures by restricting the use of first and business class.

**UN Funds and Programs that have Independent Ethics Functions**

**United Nations Development Program (UNDP)**

*Whistleblower Protections*

In 2018, UNDP's Ethics Office revised its policy on protection against retaliation, including reducing the timeframe for preliminary assessments of complaints from 45 to 30 days, introducing the possibility of interim protective measures during the preliminary assessment stage, and enabling protection for the reporting of misconduct to an external entity in limited

circumstances. In 2019, UNDP made minor technical changes to their policy. The Office supported implementation of the policy on protection against retaliation.

Upon receipt of all requested information from 12 complainants in 2019, the UNDP Ethics Office completed its *prima facie* determination reviews in an average of seven days. The Office referred three cases for a *prima facie* review and found *prima facie* evidence of retaliation in one complaint received, but the case was dropped when the complainant left UNDP for reasons unrelated to the complaint. The Office referred the other complainants to internal recourse mechanisms to address their concerns. In 2019, the Office also reopened a number of investigations related to wrongdoing in UNDP-Global Environmental Finance (GEF) projects. Those reinvestigations, which may have retaliation implications, are ongoing and will be closely monitored by the Department to ensure adherence to proper transparency and accountability. Available information indicates that UNDP is effectively implementing and enforcing policies and procedures that meet or exceed best practices for protecting whistleblowers.

### *Travel*

UNDP updated its travel policy in 2017 to restrict travel by adhering to the most economical route. The policy also requires managers to certify that no alternative means would meet the objectives of a particular trip and limits the number of staff per trip. In an effort to reduce travel costs, UNDP's travel policy explicitly encourages the use of virtual technologies. UNDP utilizes online claims processes and negotiates agreements with airlines to obtain discounted fares. UNDP actively works to limit the number of staff traveling to meetings. UNDP does not authorize first-class travel and authorizes business class only for trips longer than nine hours. Available information indicates that UNDP is effectively implementing travel policies and procedures by restricting the use of first and business class.

### **United Nations Population Fund (UNFPA)**

#### *Whistleblower Protections*

UNFPA revised its policy on protection against retaliation in June 2019. In 2019, the UNFPA Ethics Office received three complaints of retaliation and six retaliation-related inquiries. The Office found no *prima facie* evidence of retaliation in two of the formal complaints received, but did find *prima facie* evidence in a third case and referred the matter to UNFPA's Office of Audit and Investigative Services for further action. An investigation into that case is ongoing. Available information indicates that UNFPA is effectively implementing and enforcing policies and procedures that meet or exceed best practices for protecting whistleblowers.

### *Travel*

UNFPA's travel policy is closely linked to UNDP's policy. The policy restricts the number of staff per trip and requires managers to certify that no alternative means of communication would meet the objectives of a particular trip. In an effort to reduce travel costs, UNFPA encourages the use of virtual technologies and encourages advanced purchasing of trips and established arrangements to secure low airfares. UNFPA does not authorize first-class travel and the use of business-class travel is restricted to flights of nine hours or more. Efforts to improve efficiency include enhancing online booking and travel management tools and mandating the least costly option for travel. Available information indicates that UNFPA is effectively implementing travel policies and procedures by restricting the use of first and business class.

## **United Nations International Children's Emergency Fund (UNICEF)**

### *Whistleblower Protections*

UNICEF revised its protection against retaliation policy, effective June 21, 2018, to align the policy more closely with the UN's updated policy against retaliation. To promote effective implementation and enforcement of the policy, as well as address underlying unethical practices and wrongdoing that can lead to retaliation against whistleblowers, UNICEF offers a mandatory ethics awareness course, face-to-face training courses and global webinars, and coordinates an annual ethics leadership month for staff worldwide. UNICEF deployed a number of different outreach activities related to whistleblowing in 2019, including promotional materials, online discussion fora, field-based workshops, and webinars.

In 2019, UNICEF received 10 formal requests for protection under the UNICEF whistle-blower protection policy and no additional requests for interim protective measures. The Ethics Office determined that in three cases there was a *prima facie* case of retaliation. The Ethics Office referred the cases to the Office of Internal Audit and Investigations for a full investigation. The investigation found that neither misconduct nor retaliation had been established in any of the cases. The average length of time for an investigation was 61 days. For the *prima facie* case, the total length of the investigation was 113 days. UNICEF has accepted and is implementing the eight applicable UN Joint Inspection Unit recommendations. Available information indicates that UNICEF is effectively implementing and enforcing policies and procedures that meet or exceed best practices for protecting whistleblowers.

### *Travel*

UNICEF revised its travel policy in December 2017 to reduce travel expenditures and did not issue first-class tickets in 2019. First-class travel is not permitted under the travel policy. UNICEF also restricts the use of business-class travel to flights of nine hours or more. In an effort to reduce travel costs, UNICEF is conducting travel audits, seeking discounts through

negotiated contracts with airlines, and encouraging downgrades in flight accommodations. Available information indicates that UNICEF is effectively implementing travel policies and procedures by restricting the use of first and business class.

### **UN Specialized Agencies**

#### **Food and Agriculture Organization (FAO)**

##### *Whistleblower Protections*

FAO's whistleblower protection policy was revised in August 2019. The Department concluded that the new policy reflects best practices among international organizations. The Department had previously concluded that the policy in effect prior to August 2019 reflected best practices among international organizations. To promote effective implementation and enforcement of the policy, FAO has developed new training programs on the whistleblower protection policy and process, harassment, procurement, and sexual exploitation and abuse.

FAO reports that four ethics-related training courses are scheduled for 2020. FAO reports that an annual report on ethics-related activities will be available for 2019 and a new Ethics Officer was appointed in March 2020. There were three claims of whistleblower retaliation in 2019. One of these claims resulted in a *prima facie* determination and was referred for further investigation, which is still ongoing. One claim is still under review by the Ethics Office.

In the FY 2019 Transparency and Accountability Report, the Department noted concerns about the independence of FAO's investigation process due to interference by the previous Director-General in investigations of misconduct, including blocking the Office of the Inspector General's access to information. However, over the last year, FAO has implemented ethics and oversight reforms that the U.S. Mission advanced in 2019 to strengthen the independence of the Ethics and Ombudsman functions as well as the Office of the Inspector General. FAO also appointed a new Inspector General in June 2020 after the position had been vacant for a prolonged amount of time.

Therefore, on balance, available information indicates that FAO is effectively implementing and enforcing policies and procedures that meet or exceed best practices for protecting whistleblowers. The Department will continue to advocate for strengthening the independence of the Office of the Inspector General, and the U.S. Mission will closely monitor the independence and functioning of oversight mechanisms at the organization.

##### *Travel*

According to FAO's travel policy, first-class travel has been eliminated. No first-class airfare tickets were issued in 2019. To reduce travel costs, FAO has implemented travel limits on all staff, increased the use of video teleconferencing and "e-meeting" facilities, and implemented an

advance purchase policy. In 2019, FAO conducted an airfare audit of the headquarters travel agency. The audit confirmed that 99.8 percent of the tickets were bought at the best fare available in the market. FAO restricts the use of business-class tickets, allowing business-class travel only for flights over 9 hours, which is a change from their policy in 2018 of over 12 hours. Available information indicates FAO is effectively implementing and enforcing travel policies and procedures on the appropriate use of travel funds by eliminating first-class travel and implementing initiatives, including staff travel limits, to reduce travel costs.

## **International Civil Aviation Organization (ICAO)**

### *Whistleblower Protections*

Since 2016, the U.S. Mission to ICAO has raised numerous concerns about ICAO's investigation procedures, ethics framework, and the Secretariat's lack of transparency. The Department reported concerns in the FY 2018 Transparency and Accountability Report about potential procedural shortcomings in ICAO's investigation processes and senior management's lack of support for an ethics function. The ICAO Council subsequently mishandled allegations by a member of the senior management team in June 2019 that the Secretary-General had engaged in wrongdoing and retaliation. In the same timeframe, the ICAO Secretariat would not implement a newly revised whistleblower protection policy approved by Council.

For these reasons, the Department was unable to conclude in the FY 2019 Transparency and Accountability Report that ICAO was effectively implementing and enforcing whistleblower protections until the following steps were taken: (1) the Council appropriately addressed the allegations of retaliation and wrongdoing involving ICAO's Secretary General; (2) the ICAO Secretariat effectively implemented the new whistleblower policy; and (3) ICAO hired or contracted for a professional investigator to handle complaints of misconduct. ICAO has made progress over the last year and implemented the three key steps that the Department determined were needed to conclude that the organization is effectively implementing and enforcing whistleblower protections.

The allegations of wrongdoing by the Secretary-General had not been adequately addressed or resolved when the 2019 Report was prepared, due in part to the absence of a defined procedure within the ICAO Council for adjudicating allegations against senior secretariat officials and due in part to senior management's resistance to the Council taking any action on the complaints. In response to a proposal by the U.S. Mission to break the impasse in the Council, the Council President formed an Ad Hoc Committee to identify an external investigative entity that could conduct a preliminary review of the complaints and establish a clear process moving forward. In September 2019, the Ad Hoc Committee accomplished its intended objective of referring the allegations of misconduct to an external investigative authority. After examining the complaint, the external investigative authority declined to investigate it. The Council took no further action.

At the urging of USICAO, and despite pushback from the Secretariat and a number of member states, the Council approved part of a reform package in July 2020 that included reforming the investigation process, updating the ethics framework, and establishing an independent investigation function. The Council agreement included entering into memoranda of understanding with the UN's Office of Internal Oversight Services and the UN Ethics Office for investigating sensitive retaliation cases. The Council also approved the appointment of a new ICAO Ethics Officer, whose assignment will officially begin in September 2020.

The Council also directed ICAO secretariat to implement the revised whistleblower protection policy it approved in June 2019. The ICAO secretariat implemented the policy in December 2019 when it updated the ICAO Service Code to reflect the new policy revisions.<sup>3</sup> Upon review, the Department concluded that the new policy reflects best practices among international organizations. To promote effective implementation and enforcement of the policy, ICAO developed new ethics-related training programs on whistleblower protections and procurement. ICAO plans to deliver 25 ethics-related trainings in 2020 to staff members and develop an online ethics and leadership module for supervisors. ICAO's Ethics Officer provides an annual report on ethics-related activities to the ICAO Council. There were no whistleblower retaliation claims reported in 2019.

ICAO has implemented key ethics and oversight reforms that the U.S. Mission advanced in 2019 and 2020 to improve the independence of ICAO's oversight mechanisms and whistleblower protection practices. Therefore, available information indicates that ICAO is effectively implementing and enforcing policies and procedures that meet or exceed best practices for protecting whistleblowers. The U.S. Mission will pursue Council approval of the remaining reform package, which includes a new process for handling allegations of misconduct involving the Secretary-General and/or President of the Council, who is employed by ICAO. The Department will continue to monitor ICAO's progress on implementing the remaining reforms and the independence of the oversight mechanisms at the organization.

### *Travel*

According to ICAO's travel policy, the Secretary General and the President of the Council are the only officials permitted to travel first class. No first-class airfare tickets were issued in 2019. ICAO generally restricts the use of business-class tickets. Business-class tickets may be permitted for flights of nine hours or more. In an effort to reduce travel costs, ICAO limited the number of staff traveling to participate in meetings, increased the use of video conferencing, and has an advance booking policy. ICAO continuously monitors its travel management to

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<sup>3</sup> Following the approval of the new policy in June 2019, the Secretariat refused to implement the new policy by claiming that the policy is not implemented until it is reflected in the ICAO Service Code, which the Secretariat is responsible for updating. Therefore, it was not clear to staff which version of the policy was in effect.

ensure conformity with air travel policies and procedures. Available information indicates ICAO is effectively implementing and enforcing travel policies and procedures on the appropriate use of travel funds by implementing restrictions on first-class and business-class travel.

## **International Labor Organization (ILO)**

### *Whistleblower Protections*

ILO's whistleblower protection policy was revised in November 2019. The Department concluded that the new policy reflects best practices among international organizations. The Department had previously concluded that the policy in effect prior to November 2019 reflected best practices among international organizations. ILO did not develop any new training courses in 2019, but conducted ten in-person trainings and workshops for headquarters staff and regional offices on ethics, fraud, and corruption. To promote effective implementation and enforcement of the new whistleblower protection policy, ILO will develop new promotional materials and training for staff to cover sexual exploitation, abuse, and harassment. ILO does not provide an annual report on ethics-related activities to the governing body, but it does publish an Annual Report of the Ethics Officer on its website. There were two whistleblower retaliation claims reported in 2019, neither of which resulted in a *prima facie* determination of retaliation. Available information indicates that ILO is effectively implementing and enforcing policies and procedures that meet or exceed best practices for protecting whistleblowers.

### *Travel*

According to ILO's travel policy, first-class travel has been eliminated, except in exceptional circumstances. In an effort to reduce travel costs, ILO has increased the use of video teleconferencing, the use of train travel, and has an advance booking policy. ILO staff travel in economy class when the total travel time is less than nine hours, and in business class when the total travel time is nine hours or more. The Director-General may make exceptions on medical grounds, for security purposes, or when economy class is not available. ILO continuously monitors or assesses its travel management to ensure conformity with air travel policies and procedures. Available information indicates that ILO is effectively implementing and enforcing travel policies and procedures on the appropriate use of travel funds by eliminating first-class travel and implementing restrictions on business-class travel.

## **International Maritime Organization (IMO)**

### *Whistleblower Protections*

IMO's whistleblower protection policy remains unchanged from 2019, when the Department concluded that the policy reflects best practices among international organizations. IMO did not develop any new ethics-related trainings in 2019. However, 94 percent of fulltime staff received ethics training during the year, along with 42 percent of temporary staff. IMO intends to



provide refresher ethics training to 100 percent of staff in 2020, in part by delivering a training program currently under development by the UN Ethics Office to staff via a UN System Staff College online portal. There were no claims of whistleblower retaliation in 2019. IMO does not provide an annual report on ethics-related activities to the IMO governing body, but does publish a summary on the IMO website. The Department notes that IMO's current policy requires some improvement, because it allows a single entity - the Internal Oversight and Ethics Office - to make both *prima facie* determinations on claims of retaliation and to conduct any subsequent investigations. The Department will therefore work with IMO to develop a workable solution for the separation of those functions that also takes into account the organization's size. Overall, available information indicates that IMO is effectively implementing and enforcing policies and procedures that meet or exceed best practices for protecting whistleblowers.

### *Travel*

IMO eliminated first-class travel in 2018. In an effort to reduce travel costs, IMO has increased the use of video teleconferencing, limited the number of staff traveling to meetings, placed restrictions on business-class travel, and implemented an advanced purchase policy. IMO staff travel economy class for travel of less than seven hours and business class for travel of seven hours or more. Available information indicates that IMO is effectively implementing and enforcing travel policies and procedures on the appropriate use of travel funds by implementing restrictions on first and business-class travel.

## **International Telecommunication Union (ITU)**

### *Whistleblower Protections*

ITU's whistleblower protection policy remains unchanged from 2019, when the Department concluded that the policy reflects best practices among international organizations. ITU plans to issue a revised whistleblower protection policy in 2020. To promote effective implementation and enforcement of the policy, as well as address underlying unethical practices and wrongdoing, ITU developed new ethics trainings on procurement, fraud, harassment, and sexual exploitation and abuse. These new trainings reached about 35 percent of staff members. ITU is developing new anti-fraud and whistleblower protection trainings in 2020. ITU provides an annual report on ethics-related activities to the governing body. There was one whistleblower retaliation claim reported in 2019, which resulted in a *prima facie* determination of retaliation that was referred for investigation. The investigation found that retaliation did not occur.

In the FY 2019 Transparency and Accountability Report, the Department reported that a significant case of alleged fraud relayed to the ITU Council in June 2019 had revealed shortcomings in ITU's oversight policies and procedures. In particular, the case revealed that only the ITU Secretary-General had the authority to initiate misconduct investigations, and ITU did not have a full-time, qualified investigation function in place, which is not consistent with

UN System best practices. Additionally, the confidentiality of the whistleblower in the case was put at risk, because information about the complaint was shared with the person suspected of wrongdoing. Since the Department's last report, the U.S. Mission has worked to advance reforms to the investigation process, revisions to ITU's ethics policies, including updating the whistleblower protection policy, and establishing a new investigation function at the organization. All of these reforms are underway, with revisions to the whistleblower protection policy scheduled for implementation by the end of 2020. Reforms to the investigation process and function will be proposed to ITU Council for approval in October 2020. The Department will continue to monitor the status of these reforms in 2020 and advocate for implementing the investigation-related reforms at the October 2020 Council session. Therefore, on balance, available information indicates that ITU is adopting reforms that are sufficient to enable the Department to conclude that ITU is effectively implementing and enforcing policies and procedures that meet or exceed best practices for protecting whistleblowers.

### *Travel*

According to ITU's travel policy, first-class travel has been eliminated for staff, but elected officials can travel first class in the United States or China when business class is unavailable. ITU issued five first-class tickets in 2019. In an effort to reduce travel costs, ITU increased the use of teleconferencing, used online booking tools for European travel, and required travel authorizations to be submitted 30 days in advance. Although ITU staff generally fly in economy class, staff may be eligible to travel in business class when the duration of a single-leg journey is nine hours or more, or when a multi-leg journey is eleven hours or more. ITU continuously monitors or assesses its travel management to ensure conformity with air travel policies and procedures. Available information indicates ITU is effectively implementing and enforcing travel policies and procedures on the appropriate use of travel funds by implementing restrictions on first- and business-class travel.

## **Universal Postal Union (UPU)**

### *Whistleblower Protections*

UPU's whistleblower protection policy remains unchanged from 2019, when the Department concluded that the policy reflects best practices among international organizations. The whistleblower protection policy is currently under review and may be enhanced in the future. To promote effective implementation and enforcement of the policy, as well as address underlying unethical practices and wrong-doing that can lead to whistleblower retaliation, UPU implemented a new training on ethics in procurement and conducted online ethics training for all staff. UPU is developing a training course on harassment and diversity in 2020. There were no whistleblower retaliation claims reported in 2019. An annual report on ethics-related activities and findings is presented to the governing body. Available information indicates that UPU is

effectively implementing and enforcing policies and procedures that meet or exceed best practices for protecting whistleblowers.

### *Travel*

According to UPU's travel policy, only elected officials can travel first class. UPU reported that this does not generally occur in practice, except that UPU reported that five first-class tickets were issued in 2019. In an effort to reduce travel costs, UPU has increased the use of video teleconferencing and e-meeting facilities, limited the number of staff traveling to participate in meetings, and implemented an advance purchase policy. According to UPU's policy, official travel should be by the most direct route and economical means of transportation, with economy-class airfare being the standard for staff and typically considered the appropriate means of transportation for travel outside Switzerland. Available information indicates that UPU is effectively implementing and enforcing travel policies and procedures on the appropriate use of travel funds by implementing restrictions on first- and business-class travel.

## **World Health Organization (WHO)**

### *Whistleblower Protections*

WHO's whistleblower protection policy remains unchanged from 2019, when the Department concluded that the policy reflected best practices among international organizations. To promote effective implementation and enforcement of the policy in 2019, WHO conducted town halls and field-based workshops, implemented an ethics hotline, and provided online discussion forums to raise awareness about the policy. WHO also developed new training programs on whistleblower protections, harassment, sexual harassment, sexual exploitation and abuse, and conflicts of interest. All WHO staff received ethics related training in 2019. Ethics-related activities and findings are presented to the governing body as part of the annual compliance, risk management, and ethics report.

There were two whistleblower retaliation claims reported in 2019. Both claims led to *prima facie* determinations of retaliation and were referred for further investigation. As an interim relief measure for one of the claims referred for investigation, WHO temporarily suspended the reported retaliatory actions. On the whole, available information indicates that WHO is effectively implementing and enforcing policies and procedures that meet or exceed best practices for protecting whistleblowers.

### *Travel*

Per WHO's travel policy, the Chair of the WHO Executive Board is the only high-level official permitted to travel first class, but this has not happened since 2010. Therefore, there were no first-class airfare tickets issued in 2019. In an effort to reduce travel costs, WHO has limited the number of staff traveling to meetings, increased the use of video teleconferencing and "e-

meeting” facilities, enforced advanced purchase policies, implemented online booking tools, expanded the WHO preferred-hotel program, and improved its corporate airline agreements. WHO staff generally use economy class for travel, but staff may be allowed business class for non-stop flights of nine hours or more or connecting flights of 11 hours or more. Available information indicates that WHO is effectively implementing and enforcing travel policies and procedures on the appropriate use of travel funds by implementing restrictions on first- and business-class travel.

## **World Intellectual Property Organization (WIPO)**

### *Whistleblower Protections*

WIPO’s whistleblower protection policy remains unchanged from 2019, when the Department concluded that the policy reflects best practices among international organizations. To promote effective implementation and enforcement of the whistleblower protection policy, as well as address underlying unethical practices and wrongdoing that can lead to retaliation against whistleblowers, WIPO developed new training courses on fraud and ethics and culture. WIPO distributed promotional materials on its ethics policies. WIPO reports that four training courses on topical ethics issues are being developed for 2020. The WIPO Ethics Office presents an annual report on ethics-related activities and findings to the relevant governing body. There were no claims of whistleblower retaliation in 2019. Therefore, available information indicates that WIPO is effectively implementing and enforcing policies and procedures that meet or exceed best practices for protecting whistleblowers. The U.S. Mission in Geneva will continue to advocate for WIPO’s oversight functions and whistleblower protection policy to meet best practices in the UN System.<sup>4</sup>

### *Travel*

Per WIPO’s travel policy, the Director General is the only high-level official permitted to travel first class. There were 10 first-class tickets issued in 2019. In an effort to reduce travel costs, WIPO has limited the number of staff traveling to meetings, implemented an advance purchase policy, and placed restrictions on first- and business-class travel. WIPO requires that all requests for travel be submitted at least 16 days prior to the date of travel. WIPO generally restricts the use of business-class tickets, although business-class tickets may be permitted for non-stop flights of nine hours or more or connecting flights of 11 hours or more. WIPO monitors or

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<sup>4</sup> The Department concluded in the FY 2015, FY 2016, FY 2017 and FY 2018 Reports on Transparency and Accountability that WIPO was not effectively implementing and enforcing policies and procedures that reflect best practices for protecting whistleblowers. The FY 2019 Report on Transparency and Accountability concluded that WIPO had enacted sufficient reforms to enable effective implementation and enforcement of whistleblower protections that reflect best practices.

assesses its travel management quarterly to ensure conformity with air travel policies and procedures. Available information indicates WMO is effectively implementing and enforcing travel policies and procedures on the appropriate use of travel funds by implementing restrictions on first- and business-class travel.

## **World Meteorological Organization (WMO)**

### *Whistleblower Protections*

WMO's whistleblower protection policy remains unchanged from 2019, when the Department concluded that the policy reflected best practices among international organizations. WMO did not perform any outreach to promote effective implementation and enforcement of the policy in 2019, nor did it provide any other type of ethics training in 2019. However, WMO hired a part-time Ethics Officer during the past year to oversee implementation of the policy. The Ethics Officer will develop and begin implementing a whistleblower protection policy training plan later this year. An annual report on ethics-related activities and findings was presented to the governing body for the first time in 2017.

There were no whistleblower retaliation claims reported in 2019. WMO initiated a substantial reorganization effort in 2019 aimed at improving administrative and staff cost efficiencies. However, through this effort, members states grew concerned about the organization's transparency and oversight mechanisms; the WMO Secretary-General and other officials have recently recommitted to transparency with Member States. The U.S. Mission in Geneva will continue to monitor the reorganization effort and to press as necessary for continued transparency. In doing so, the U.S. Mission will seek opportunities to improve and advance reforms of the organization's oversight mechanisms. Notwithstanding these transparency concerns, available information indicates that WMO is in the process of enacting reforms that are sufficient to enable the Department to conclude that WMO is effectively implementing and enforcing policies and procedures that meet or exceed best practices for protecting whistleblowers. The U.S. Mission in Geneva will encourage the organization to work in cooperation with its new Ethics Officer to properly and regularly sensitize all staff to those policies and procedures on an ongoing basis.

### *Travel*

According to WMO's travel policy, only the Secretary-General and, where applicable, his/her family, can travel first class. WMO reports that although this policy allows the Secretary-General to travel first class, such travel rarely occurs. No first-class airfare tickets issued in 2019. To reduce travel costs, WMO has increased the use of video teleconferencing and other "e-meeting" facilities, limited the number of staff traveling to participate in meetings, and implemented an advance purchase policy. WMO has begun regularly monitoring travel policy conformity with established policies and procedures, and it is in the process of testing online booking tools. Staff members generally fly economy class. WMO allows business-class tickets

for single-leg journeys of nine hours or more and for multi-leg journeys of 11 hours or more. Available information indicates that WMO is effectively implementing and enforcing travel policies and procedures on the appropriate use of travel funds by implementing restrictions on first- and business-class travel.

## **Organization of American States (OAS)**

### *Whistleblower Protections*

The OAS whistleblower protection policy remains unchanged from 2019, when the Department concluded that the policy reflects best practices among international organizations. To promote effective implementation and enforcement of the policy, as well as address underlying unethical practices and wrong-doing that can lead to retaliation against whistleblowers, OAS implemented a mandatory training course on its code of conduct and ethics, which was completed by 85% of OAS personnel. The organization also developed new ethics-related training programs on procurement, harassment, sexual exploitation and abuse, and conflict of interest in 2019.

OAS does not report annually on ethics activities and findings to the governing body. One ethics inquiry was received, but there were no whistleblower retaliation claims reported in 2019. Additional outreach on whistleblower protections is recommended for 2020. Available information indicates that OAS is effectively implementing and enforcing policies and procedures that meet or exceed best practices for protecting whistleblowers. The U.S. Mission will continue to monitor the organization's protection of whistleblowers.

### *Travel*

According to OAS's travel policy, the standard of air travel for OAS staff is coach/economy class at the lowest available fare, with exceptions for the Secretary General, Assistant Secretary General, and Chair of the Permanent Council. Exceptions to the policy must be authorized by the Secretary General and reported to the OAS Permanent Council on a quarterly basis. OAS issued 38 first-class tickets in 2019, 10 less than in 2018. OAS was unable to provide separate totals for staff and non-staff tickets issued, but the Secretariat reports that in practice reservations are made using the least expensive premium fare ticket available. To reduce travel costs, OAS limited the number of staff traveling to meetings. Available information indicates that OAS is effectively implementing and enforcing travel policies and procedures on the appropriate use of travel funds by implementing restrictions on first and business-class travel.

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## **Review Criteria and Methodology**

### **Legislative Requirement and Determination Criteria**

This report was prepared and submitted in accordance with section 7048(a) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2020 (Div. G, P.L. 116-94, "Appropriations Act"). The scope of the report includes: the UN Secretariat, including its offices, departments, and peacekeeping missions; several UN funds and programs; UN agencies; and the Organization of American States. For the purposes of this report, "UN agencies" was interpreted to mean UN specialized agencies.

The Department reviewed the policies and practices of these entities according to the following criteria:

### **Whistleblower Protections**

- Whistleblower and related policies and procedures meet or exceed best practices in the United States, including but not limited to those enumerated in the legislation, taking into account U.S. government practices and best practices at international organizations; and
- The entity is implementing and enforcing such policies and procedures effectively.

### **Access to Audit Reports**

- External audit reports are available online and accessible to the public;
- Reports of the internal auditor with redactions of sensitive information or summary reports of internal audit activities, findings, and recommendations available online and accessible to the public; and
- Member states have access to full internal audit reports, with redactions of sensitive information, at the entity's headquarters.

### **Appropriate Use of Travel Funds**

- The entity is effectively implementing travel policies and procedures that meet best practices by having restrictions on first-class and business-class air travel; and
- The entity is implementing initiatives or measures to contain travel costs.

### **Methodology**

To ascertain whether the UN, the OAS, relevant UN funds and programs, and UN agencies are meeting the criteria in the Appropriations Act, the Bureau of International Organization Affairs collected detailed information from each entity on current practices related to the public on-line availability of audit reports, policies and practices related to first-class and business-class air travel, and policies and practices for protecting whistleblowers from retaliation.

With respect to whistleblower protections, the Department analyzed the provisions of each entity's whistleblower protection policy to confirm that the policy met the statutory criteria. The Department collected information to assess whether each entity is effectively implementing and enforcing its whistleblower protection policy. The information used to evaluate effective

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implementation and enforcement includes frequency of ethics training and outreach efforts, as well as overall timeliness and responsiveness to claims of whistleblower retaliation.

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Where claims of whistleblower retaliation were reported, the Department reviewed the handling of the claims to assess whether the cases reflected a pattern of retaliation or systemic shortcomings that undermined the entity's efforts to protect whistleblowers. The Department viewed the outcomes in retaliation cases from the perspective of the entity's overall efforts to protect whistleblowers. At those organizations that experienced *prima facie* cases of alleged retaliation or other indications of weaknesses in whistleblower protections, the Department's assessment (and ultimate determination) included consideration of measures and actions that the organization is taking to address weaknesses and factors that gave rise to cases of alleged retaliation.

With respect to access to audit reports, the Department verified during the preparation of this report that each of these entities was continuing to meet the criteria on access to audit reports. Verification involved a visual inspection of each entity's website to confirm public access.

With respect to the appropriate use of travel funds, the Department reviewed each entity's air travel policies on the use of premium classes of travel, such as first- and business-class travel, and efforts taken by each entity to reduce travel expenditures, such as the use of video conferencing and other virtual forms of meeting in lieu of travel; airline agreements for discounted ticket prices; and limits on the number of travelers per official engagement. The Department reviewed recommendations that the UN Joint Inspection Unit (JIU) issued to organizations in the UN System in their report entitled "Review of Air Travel Policies."

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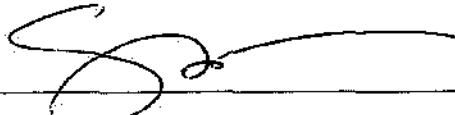
DETERMINATION UNDER SECTION 7048(a) OF  
THE DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS  
APPROPRIATIONS ACT, 2020 (Div. G, P.L. 116-94)

Pursuant to the authority vested in the Secretary of State, including under section 7048(a)(1) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2020 (Div. G, P.L. 116-94) (SFOAA), and State Department Delegation of Authority 245-2, I hereby determine that the following entities are taking the actions outlined in section 7048(a)(1)(A), (B), and (C) of the SFOAA:

The United Nations  
Food and Agriculture Organization  
International Civil Aviation Organization  
International Labor Organization  
International Maritime Organization  
International Telecommunication Union  
Universal Postal Union  
World Health Organization  
World Intellectual Property Organization  
World Meteorological Organization  
Organization of American States

9/11/2020

Date

  
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Stephen Biegun  
Deputy Secretary of State