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Code of Conduct & Explanatory Notes

**Including the Secretary-General's
bulletin on special measures for
protection from sexual exploitation
and sexual abuse (ST/SGB/2003/13)**

June 2004

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**OFFICE OF THE UNITED NATIONS HIGH
COMMISSIONER FOR REFUGEES
(UNHCR)**



CODE OF CONDUCT

INTRODUCTION

UNHCR's capacity to ensure the protection of and assistance to refugees and other persons of concern depends on the ability of its staff to uphold and promote the highest standards of ethical and professional conduct. We, the staff members of UNHCR, are personally and collectively responsible for maintaining these standards. Managers have a particular responsibility to uphold these standards, to set a good example, and to create a working environment that supports and empowers staff.

It is recognized that UNHCR's work often puts its staff in positions of power in relation to its beneficiaries. Staff have an obligation not to abuse this power.

This Code of Conduct is intended to serve as an illustrative guide for staff to make ethical decisions in their professional lives, and at times in their private lives. It is a moral code that does not have the force of law. It is designed to assist staff to better understand the obligations placed upon their conduct by the Charter of the United Nations and the Staff

Regulations and Rules, which remain the only legal instruments that determine acceptable conduct in UNHCR. Signing the Code does not take away any acquired rights of UNHCR Staff.

While acknowledging that local laws and customs may differ from one country to another, the Code of Conduct is based on international legal standards and outlined in the Secretary-General's bulletin ST/SGB/2003/13. For example, children are defined as those under the age of 18 years. Guidance on appropriate interpretation can be found in the Notes to the Code of Conduct (see pg.33).

The Code applies to all UNHCR staff members who are all requested to sign it. Persons holding a UNHCR consultant contract, UNVs and interns will also receive the Code and be requested to confirm that they uphold its standards as far as applicable to their status. Governmental and non-governmental organizations and companies which, through their employees, work for UNHCR, will be requested to make the principles contained in the Code known to those persons in an appropriate manner.

All UNHCR staff are responsible for encouraging, advocating and promoting the dissemination of the Code of Conduct. They also have a role in implementing, monitoring and enforcing its standards. Staff are also urged to encourage partners to adhere to these standards and to join UNHCR staff in upholding them.

CORE VALUES AND GUIDING PRINCIPLES

UNHCR staff are committed to the following fundamental values and principles:

- *As staff working within the UN system, we will ensure that our conduct is consistent with and reflects the values enshrined in the Charter of the United Nations: respect for fundamental human rights, social justice and human dignity, and respect for the equal rights of men and women. We will assist UNHCR to actively promote adherence to the principles of international refugee law, international human rights law and international humanitarian law. We will be guided by the core values of the UN system, including professionalism, integrity and respect for diversity, and will maintain an international perspective at all times.*
- *As UNHCR staff, our primary commitment is to ensure the protection of and assistance to refugees and other persons of concern, in accordance with the mandate of the Office. We are committed to supporting the fullest possible participation of refugees and other persons of concern – as individuals, families and communities – in decisions that affect their lives.*
- *We will respect the dignity and worth of every individual, will promote and practice understanding, respect, compassion and tolerance, and will demonstrate discretion and maintain confidentiality as required. We will aim to build constructive and*

respectful working relations with our humanitarian partners, will continuously seek to improve our performance, and will foster a climate that encourages learning, supports positive change, and applies the lessons learned from our experience.

- We will show respect for all persons equally without distinction whatsoever of race, gender, religion, colour, national or ethnic origin, language, marital status, sexual orientation, age, socio-economic status, disability, political conviction, or any other distinguishing feature. We will strive to remove all barriers to equality.
- We will respect the cultures, customs and traditions of all peoples, and will strive to avoid behaving in ways that are not acceptable in a particular cultural context. However, when the tradition or practice is considered by the relevant organ of the UN to be directly contrary to an international human rights instrument or standard, we will be guided by the applicable human rights instrument or standard.

COMMITMENT TO THE UNHCR CODE OF CONDUCT

As a staff member of UNHCR, I commit myself to:

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

I will always seek to understand the difficult experiences that refugees and other persons of concern to UNHCR have faced and survived, as well as the disadvantaged position in which they – particularly on the basis of gender, age or disability – may find themselves in relation to those who hold power or influence over aspects of their lives.

I will always seek to care for and protect the rights of children, and act in a manner that ensures that their best interests shall be the paramount consideration.

If my job involves direct work with refugees or other persons of concern, I will meet with them regularly, in order to fully understand their experiences and needs, and to explain the role of UNHCR and the scope of its work.

I will keep myself informed about UNHCR's policies, objectives and activities and about refugee concerns, and will do my utmost to support the Office's protection and assistance work.

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

I will demonstrate integrity, truthfulness, dedication and honesty in my actions. I will be patient, respectful and courteous to all persons with whom I deal in an official capacity, including refugees and other persons of concern, representatives of operational and implementing partners, governments and donors.

I will observe local laws, will meet all my private legal and financial obligations, and will not seek to take personal advantage of any privileges or immunities that have been conferred on me in the interest of the UN. I will do my utmost to ensure that the conduct of members of my household does not reflect unfavourably on the integrity of UNHCR.

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

My actions will be free of any consideration of personal gain. I will resist any undue political pressure in decision making. I will neither seek nor accept instructions regarding performance of my duties from any government, my national authorities, or from an authority external to the UN.

In accordance with Staff Regulations and Rules, I will not accept any honour, decoration, favour gift, remuneration, from any government; nor will I accept these from any other source external to the UN

without prior authorization. I will not engage in any outside occupation or employment without prior authorization. I will not accept supplementary payments or subsidies from a government or any other source, or participate in certain political activities such as standing for or holding public office.

I will avoid assisting private persons or companies in their undertakings with UNHCR where this might lead to actual or perceived preferential treatment. I will never participate in activities related to procurement of goods or services, or in human resource activities, where a conflict of interests may arise.

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

I will show respect to all colleagues, regardless of status or position, and will allow all colleagues the opportunity to have their views heard, and to contribute from their knowledge and experience to team efforts. I will communicate openly and share relevant information (subject to confidentiality) with other colleagues, and will endeavour to respond in a timely manner to queries.

I will respect my colleagues' privacy, and avoid misinformation. I will seek to resolve differences and solve problems when they arise. I will contribute to building constructive dialogue, guided by mutual respect and an open, positive approach, between management and staff representatives.

As a manager/supervisor I will be open to the views of all team members. I will provide timely feedback on the performance of each team member through guidance, motivation and full recognition of their merits.

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

I will remain aware of and comply with all instructions designed to protect my health, welfare and safety. I will always consider the safety of staff in operational decisions. If I have doubts regarding an instruction that I consider threatening to my safety or the safety of other persons, I will bring this immediately to the attention of my supervisor.

As a manager/supervisor, I will endeavour to ensure that the health and well-being of staff and their families are not subjected to undue risk. I will promote a healthy work-life balance for staff, and will respect staff entitlements.

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

I will exercise due care in all matters of official business, and not divulge any confidential information about refugees, colleagues and other work-related matters in accordance with the Staff Regulations and Rules and current guidelines.

I will protect, manage and utilize UNHCR human, financial and material resources efficiently and effectively, bearing in mind that these resources have been placed at UNHCR's disposal for the benefit of refugees and other persons of concern.

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

I undertake not to abuse the power and influence that I have by virtue of my position over the lives and well-being of refugees and other persons of concern.

I will never request any service or favour from refugees or other persons of concern in return for protection or assistance. I will never engage in any exploitative relationships – sexual, emotional, financial or employment-related – with refugees or other persons of concern.

Should I find myself in such a relationship with a beneficiary that I consider non-exploitative and consensual, I will report this to my supervisor for appropriate guidance in the knowledge that this matter will be treated with due discretion. I understand that both my supervisor and I have available to us normal consultative and recourse mechanisms on these issues.

I will act responsibly when hiring or otherwise engaging refugees or other persons of concern for private services. I will report in writing on the nature and conditions of this employment to my supervisor.

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

I will neither support nor take part in any form of illegal, exploitative or abusive activities, including, for example, child labour, and trafficking of human beings and commodities.

As UNHCR is committed to the highest standards of protection and care for children, I am aware that I am expected not to engage in sexual activities with any person under the age of 18 years. (Further guidance is given in the Notes to this Code of Conduct - see pg.33).

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

I will not engage in or tolerate any form of harassment in the workplace, including sexual harassment and abuse of power.

As a manager/supervisor, I will not solicit favours, loans or gifts from staff, nor will I accept unsolicited ones that are of more than token value.

I recognize that there is an inherent conflict of interest and potential abuse of power in having sexual relations with staff under my supervision. Should I find myself in such a relationship, I will resolve this conflict of interest without delay.

NOTES ON THE CODE

Why a Code of Conduct?

In 1954 the United Nations International Civil Service Advisory Board established Standards of Conduct in the International Civil Service which were intended to contribute to improved understanding of the status and obligations of international civil servants. In 2001, the International Civil Service Commission adopted, revised and updated Standards of Conduct for the International Civil Service which were welcomed by the General Assembly in its Resolution 56/244. While this is a document applicable to UNHCR staff, it has been recognized that some aspects of UNHCR's work require the highlighting of additional types of behaviour.

In addition, the Office of the Inspector General has in its regular inspections of UNHCR activities identified the need for a UNHCR-specific code of conduct to address some of the most frequently identified issues about which UNHCR staff should concern themselves. Parallel processes such as the development of a policy on harassment; greater attention to the importance of a work/life balance; the concern for the health, welfare and safety of staff; and the increasing desire for more consistent and effective performance management in UNHCR have suggested that a UNHCR-specific code would contribute to a positive organizational culture in the Office. Periodic incidents which have come to light through media or evaluation reports have confirmed that a Code of Conduct could add value and provide guidance to staff in addition to that set out in

the Staff Rules and Regulations and in the Standards of Conduct. An administrative instruction promulgated by the Secretary-General* concerning protection from sexual exploitation and abuse further enhances the standard of conduct for UN personnel. Work on the UNHCR Code began in 2000 and was accelerated in mid-2002 after a highly publicized incident relating to the alleged sexual misconduct of humanitarian staff and the subsequent recommendations of the Inter-Agency Standing Committee (IASC) which urged all humanitarian agencies to develop agency-specific codes of conduct. Some may still ask: Why have a new set of standards if we already have Staff Regulations and Rules? The Code is not meant to replace these. It reinforces them by offering more detailed guidance and advice on how to handle financial, physical and emotional relationships, not only between ourselves and the people we serve, but also among ourselves. At this juncture it is to be recalled that the Staff Regulations and Rules and other administrative issuances remain the only legally binding instruments that determines acceptable or non-acceptable conduct.

This Code explains the key values and standards of behaviour that we are expected to observe under the United Nations Charter and the Staff Regulations and Rules. The Code's Core Values and Guiding Principles are meant to help UNHCR staff deal with ethical and moral dilemmas linked to their

*ST/SGB/2003/13, Special Measures for Protection from Sexual Exploitation and Sexual Abuse, (IOM-FOM/77/2003).

professional lives, and also, at times to their private lives. It advises on issues, such as how to build a harmonious workplace environment, and on staff welfare, health and safety. Accordingly, the Code of Conduct is designed to foster an organizational culture to which UNHCR staff can be proud to belong, and to help staff understand the kinds of behaviour that are considered abusive or exploitative, no matter whether this behaviour stems from conscious misconduct or ignorance. It essentially spells out what is and what is not acceptable for any person working for UNHCR.

There are moments when being in control of scarce humanitarian resources vests us with enormous power. Needless to say, the behaviour and professionalism of most UNHCR staff is exemplary, but staff do recognize that the abuse of power is possible. Such abuse hurts not only the people we serve, but also damages UNHCR's image, our reputation and ultimately the morale of our staff.

To whom does the Code apply?

The Code is for all UNHCR staff, and its guiding principles should also be adhered to by persons holding a UNHCR consultant or independent contractor contract, UNVs, interns and other individuals working for UNHCR. The Code is an attempt to clarify what types of behaviour are appropriate, particularly in situations where difficult choices need to be made. It should be useful to all whose conduct matters to the people we serve, and to those in the outside world who care about the quality of our work. Managers at all levels have a particular

responsibility for making sure that those who answer to them are familiar with the Code, and for helping to promote the honouring of its provisions. Managers, who are expected to set an example, are also responsible for communicating the Code's principles to those with whom we work, no matter how tenuous or short-term their relationship with UNHCR may be. Managers must further make sure that the people we serve - the beneficiaries - know about our Code of Conduct, and that they have the opportunity to report breaches of the Code without fear of reprisal.

UNHCR recognizes that the majority of staff are dedicated and loyal, and act in ways totally consistent with the values and principles described in the Code. Therefore, the introduction of the Code should not be taken as a sign of mistrust or criticism of existing staff.

Is the Code legally binding and do we have to sign it?

The Code does not have the force of law. It is simply a guide to the kind of professional and personal behaviour which is expected of all staff. However, failure to comply with the Code may amount to misconduct, if by any action or omission, the staff member has violated a Staff Regulation or Rule, taking into account all the circumstances of the case.

The High Commissioner wants every UNHCR staff member to read and sign the Code, and this has become a condition of recruitment as of 15 October 2002. Signature of the Code is not a legal commitment. It simply confirms the fact that we have read and understood that we are expected to live up to

the standards of behaviour described in the text. The signature is without prejudice to our rights as a staff member.

Those staff already employed by UNHCR at the time of the Code's introduction who did not wish to sign were asked to give the reason for this in writing. It should be pointed out that UNHCR has to monitor implementation. By providing a written explanation, staff have an opportunity to highlight their concerns.

Why the Notes on the Code?

The Code is written in a declarative manner and does not always provide sufficient elaboration. These explanatory notes are intended to walk the reader step-by-step through the various provisions of the Code in order to help UNHCR staff understand the Code's purpose and make it easier for them to adhere to it in everyday situations. UNHCR has also developed a "Facilitator's Guide" which should be used to facilitate group sessions in the workplace, in order to give staff an opportunity to better understand the provisions of the Code and clarify, amongst themselves, its implications for personal behaviour.

Managers have a special responsibility to disseminate information. This is strongly emphasized and guidance is available through the UNHCR Code of Conduct "Guidelines for Managers"*.

*IOM-FOM/06/2004.

PRINCIPLE 1*

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

1. Treating beneficiaries with “respect and dignity” is our basic obligation. Behaviour or comments by any UNHCR staff member that degrade a beneficiary or beneficiaries are totally unacceptable, no matter whether the beneficiaries are present or not.

2. Fair treatment of beneficiaries requires staff members to avoid taking sides or to be seen as favouring any one individual or group. Staff members should not be identified with any causes other than that which UNHCR represents. This is important for all staff irrespective of status or position.

3. By definition, UNHCR’s beneficiaries lack the protection they previously enjoyed in their country, community and family. In many situations, children and certain groups of women are especially at risk. By understanding the specific situations of women, men, girls and boys in a beneficiary community, we can better protect them. UNHCR already has well-developed guidelines on the appropriate treatment of refugee children and refugee women. Staff should make themselves familiar with these guidelines and at all times recognize the special needs of each of these

*Regulation 1.2 (a) (b), (e)
Rules 101.2 (d), paras 1, 2, 3, 4, 31, 38

groups and act in their best interests.

4. It is vital that staff see the people we serve as human beings rather than “individual cases”, “populations”, or “caseloads.” Impersonal, bureaucratic terms breed a bureaucratic approach. As humanitarian staff we need to empathize with the people we serve and understand their situation. Direct conversations with people, individually or in a small group, can help us “put a human face” on complex problems.

5. Staff should make every effort to communicate directly with beneficiaries even when our work does not normally involve direct contact with them. Staff who are directly responsible for protection and assistance to beneficiaries - including senior managers - are expected to visit places where they live and talk to them on a regular basis. Staff should balance the demands of office work and official meetings with the need to take time to keep in contact with the people we serve.

6. UNHCR work can be very stressful, especially when resources are scarce. Beneficiaries’ demands in these situations can give us a sense of discomfort. Staff should listen to their concerns and try and involve them in finding a solution. In doing so, we should be wary of individuals or groups who may seek to exploit or control resources to the detriment of the beneficiaries or particular groups of beneficiaries. Special care should be taken in sectors where staff control decisions relating to refugee status

determination, resettlement and the provision of assistance.

7. Less-experienced staff in UNHCR often find themselves in frontline field locations, frequently without the benefit of team support close by. These colleagues are viewed by beneficiaries and by the public as the representatives of UNHCR. The vulnerability of such staff to stress and insecurity, which aggravates the lack of experience, can place such staff in difficult positions. Supervisors should be aware of these pressures and more experienced staff should provide adequate guidance and support. UNHCR staff should be well-informed about the policy priorities of UNHCR and the guidelines associated with these policies. Supervisors are responsible for giving guidance in this regard and, more generally, for coaching and guiding less-experienced staff in performing their functions.

PRINCIPLE 2*

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

1. To a large extent, the integrity of UNHCR depends on the integrity of its staff members. By integrity, we mean the overall personal and professional behaviour of our staff. This includes honesty, truthfulness and loyalty to the Office.

2. UNHCR staff should avoid criticizing our partner agencies and other UN organizations in public. In case of any problems with our partners, we should endeavour to seek resolution directly and if the issue persists, refer the matter to HQ. The ultimate victims of public disputes between humanitarian agencies are often the beneficiaries.

3. The privileges and immunities that we enjoy as staff members of the UN are conferred upon us solely in the interest of the Organization. They do not exempt us from observing local laws or provide an excuse for ignoring private legal or financial obligations. Honouring our private obligations is a matter of integrity and honesty. Failure to do so may be treated as a disciplinary matter under the Staff Regulations and Rules. For example, diplomatic immunity that comes with our position as UN officials is not a reason for ignoring our personal legal obligations such as

*Regulations 1.1 (f), 1.2 (a) (b)
Rules 101.2 (c), 103, 18 (b) (iii), Paras 36, 38-40

respect for local traffic regulations, alimony payments and repayment of debts.

4. Even though nobody should be telling adults how to manage their private lives, including personal relationships, we should not forget that whatever we do outside our homes may become the object of public scrutiny. In general, staff should not implicate UNHCR in any way by frequenting locations or undertaking activities that verge on illegality. Staff are expected to show respect for the local practices and customs of the host government. Additional caution is required while serving in small duty stations where anonymity of a UN official in practice does not exist.

5. In principle, UNHCR has no right to interfere with the private lives of staff members. However, in many parts of the world our family members enjoy privileges and immunities and are regarded by the public as “unofficial ambassadors”. This is why we should do our utmost to ensure that members of our household know the importance of maintaining high standards of personal conduct.

PRINCIPLE 3*

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

1. The use of one's office or position in UNHCR for personal gain is unacceptable and unprofessional. Conducting private business from a UNHCR office, or using UNHCR facilities for private business, also constitutes unacceptable behaviour.
2. At the time of joining UNHCR, we all specifically pledge not to seek or accept instructions in regard to the performance of our duties from any government or other authority external to the UN. This does not, of course, affect contacts of staff at the appropriate level with government officials which help good relations with Member States, and which contribute to trust and confidence in UNHCR and promote its interests.
3. Staff must avoid accepting any honour, decoration, favour, gift or remuneration from any government. When this is unavoidable, however, we must be extremely careful not to accept gifts of value which might constitute a real or apparent attempt to influence our decisions or actions.
4. The primary professional obligation of a staff member is to devote our energies and capacity fully to

*Regulations 1.2 (e) (f) (g) (h) (k) (m) (n) (q), 1.3 (b)
Rule 101.2 (i) (j) (k) (m) (p) (q), paras 8, 12, 21, 22, 41-47

the work of UNHCR. In addition, outside activities have to be compatible with the staff member's status as an international civil servant. Therefore prior authorization must be sought before engaging in any outside activity in order to ensure that there is no conflict of interest.

5. In general, UNHCR staff must not accept payments or other subsidies from a government or any other source. If there is any doubt, it is the responsibility of staff members to seek advice from the Human Resources Service.

6. While UNHCR staff retain the right to vote, we may not run for or hold local or national political office. UNHCR staff must exercise discretion in their support for a political party or campaign. We should never accept or solicit funds for political purposes, write articles or make campaign-related public statements. Staff may, however, participate in local community or civic activities, provided that this is consistent with our solemn declaration made when entering the services of the UN.

7. Staff who manage decisions related to refugee status determination, resettlement, assistance and procurement may be subject to pressures or offers which involve dishonest practices. Those of us in such situations must be particularly careful to act, and be seen to act, with the utmost transparency and integrity. In case of any doubt, we should consult our supervisor to seek guidance.

PRINCIPLE 4*
**Contribute to building a harmonious
workplace based on team spirit, mutual
respect and understanding**

1. All managers and staff are responsible for building a teamwork environment. Politeness, respect, tolerance, and moderation should be the norm. Good performance is not only about how quickly and efficiently we perform our tasks but also about how well we interact with others. Insulting conduct is inexcusable even if the colleague who behaves in that manner is otherwise considered by many to be an efficient worker. In light of the diverse backgrounds, cultures and experiences of UNHCR staff, we should take extra care to respect our colleagues. Lack of communication, personality differences, and lack of empathy, i.e. the inability or unwillingness to see other colleagues' points of view can have a serious negative impact on the work environment. Team spirit means transparency in decision-making and is fostered by staff taking a positive and optimistic approach to their work.

2. An adversarial office environment not only stifles ideas, initiative, and creativity; it also harms UNHCR. It often leads to absenteeism, low productivity, and low morale. There must be trust and open dialogue between management and other staff. Elected staff representatives in their statutory role should be

*Regulations 1.2 (a) (b), 8.1, 8.2

Rules 101.2 (d) (e) (i), 108.1, 108.2, paras 6, 14, 15-19, 26-28

protected against discriminatory or prejudicial treatment.

3. There is often a fine line between poor managerial practices and the issues of conduct covered by this Code. Accordingly, managers not only have a particular responsibility for, but can also have significant influence in fostering a harmonious workplace. Managers should be open to all views, including those of their junior staff, particularly when those views are opposed to their own. Managers are expected to set a good example.

PRINCIPLE 5*

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

1. UNHCR as an institution is responsible for the safety and welfare of its staff. Staff should strictly observe safety and security instructions and demonstrate responsible behaviour that minimizes risks for themselves and others.

2. Staff should follow instructions relating to security and safety issued internally by UNHCR as well as those issued by the United Nations Designated Official for security matters. If staff members have doubts as to whether an instruction threatens their own safety or that of others they should first consult their supervisor. Staff members have, in exceptional circumstances, the right to refrain from executing instructions in the following situations:

a) Where the instruction is in breach of existing UNHCR and UN security policies and regulations;

b) Where the staff member has reasonable grounds to believe that carrying out specific instructions will expose him/her or others to unnecessary risks.

Where there is such a difference in views, staff are advised to put their concern in writing and if they wish, to consult the higher level supervisor.

*Regulations 1.2 (c), 6.2

Rules 101.2 (b), 104.16, 105.1, 105.3, 106.2, 106.3, 106.4, 107.24, para 37

A supervisor who gives instructions that involve a potential for high risk to safety and security, should be held liable and accountable.

3. A reasonable work/life balance is essential to maintain productivity at work. This includes using various entitlements designed to allow staff to rest and recuperate. Managers are expected to encourage staff to use such entitlements. Staff should avoid the abusive use of alcohol and drugs. A reduced level of physical and mental fitness can also have implications on the safety of staff.

PRINCIPLE 6*

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

1. Disclosure of sensitive or confidential information without authorization may seriously jeopardize the efficiency and credibility of UNHCR and its staff, and endanger beneficiaries. This includes, but is not restricted to, contacts with the media. It is understood that these provisions do not affect established procedures governing the exchange of information between UNHCR, on the one hand, and government representatives, national authorities, NGOs, donors etc on the other.

2. We are all responsible for the resources entrusted to us by UNHCR and we must be able to account for every penny spent on UNHCR's behalf and every decision we take, be this in human resources or in financial matters. Being careless with human, financial and material resources is incompatible with honesty and professional integrity. Staff should be careful not to allow private interests to impact on their work duties. UNHCR recognizes that certain activities of a personal nature can only reasonably be undertaken in working hours. Many staff also face the reality of official tasks impacting on "after-hours" personal time. What is important here is that staff maintain a

*Regulations 1.1 (b), 1.2 (d) (f) (g) (i) (m) (n)
Rules 101.2 (f) (g) (h), 105.2(iv), 112.3, paras 31, 34, 35

reasonable balance and that supervisors give reasonable guidance, at all times keeping the requirements of the Office and the staff members' right to a work/life balance in mind. Within this context, staff should not, for example: misuse office assets; use an official vehicle for private purposes without authorization; perform excessive and unreasonable private business during working time; use office equipment for private purposes; and have staff or official contractors provide unremunerated private services.

PRINCIPLE 7*
**Prevent, oppose and combat all
exploitation and abuse of refugees and
other persons of concern**

1. Having at our disposal scarce humanitarian resources puts us in a position of power vis-à-vis the people whose survival may depend on our assistance. That power must never be abused. Requesting favours or accepting bribes or offers of favours in exchange for protection or aid is totally unacceptable.

2. Unequal power relationships generally exist between UNHCR staff and beneficiaries. We therefore have to keep in mind that sexual, emotional, financial or employment relationships between staff and beneficiaries, even if we ourselves see them as consensual and non-exploitative, could be perceived by others in the humanitarian community and the public as an abuse of power and trust, or as a conflict of interest. According to a Secretary-General's Bulletin from 2003,** sexual relationships with beneficiaries undermine the credibility and integrity of the work of the UN and are strongly discouraged. Where there is any doubt, it is in the interests of staff to discuss these relationships with the supervisor. Where supervisors are consulted, it is expected that

*Regulations 1.1 (d), 1.2 (a) (b) (e) (l)
Rule 101.2 (i) (j), paras 22, 38

**Secretary-General's bulletin – ST/SGB/2003/13 (para 3.2 (c)).
IOM-FOM/77/2003.

they will respect confidentiality and treat sensitive matters with discretion. Staff and supervisors can also avail themselves of the normal consultative options such as the Staff Welfare Section, Staff Council and Staff Associations. In case of disagreement staff may resort to recourse options such as the Mediator.

3. Staff who hire beneficiaries for private services, such as housekeeping, must be aware that they may be seen as abusing their economic power or favouring certain individuals. In some places where we work, the economic gap between us and the people we serve is so huge that any association with us could be seen as a privilege and a position of advantage. On the other hand, working as a private employee for a staff member is sometimes the only possible source of income for a refugee and his/her family. This means that we must do all we can to avoid that this is perceived as an abuse of our power and/or as favouring those whom we employ. One rule of thumb would be to ensure that conditions of employment are no worse than locally accepted norms whether governed by local law or not. Reporting to, or discussing the existence of such an employment relationship with our supervisor is a step intended to establish clarity in what could otherwise become an ethically ambiguous situation.

4. Sexual exploitation and sexual abuse violate universally recognized international legal norms and standards and as such have always been unacceptable behaviour and prohibited conduct for UNHCR staff. Specific standards that reiterate these existing general obligations under the rules and obligations have been promulgated. Degrading or exploitative behaviour

such as exchange of money, employment, goods or services for sex or sexual favours, or other forms of humiliation are prohibited to UNHCR staff or any other UN Personnel. This includes any exchange of assistance that is due to beneficiaries of assistance.

PRINCIPLE 8*

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

1. No staff member of integrity will engage or support any illegal, exploitative, abusive or unethical activities that violate human dignity or contravene UN resolutions or international human rights standards. It does not matter whether such activities are carried out within UNHCR premises or using UNHCR assets, or whether this appears to be common practice within the community where we work or tolerated by the local police or judicial system.

2. Sexual exploitation and abuse, constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal.** Any concerns or suspicions regarding sexual exploitation or sexual abuse by a fellow worker, regardless whether in the same agency or not and whether or not within the UN system, must be reported through the established mechanisms. Also please refer to IOM-65/FOM-65/2003, “The role and function of the Inspector General’s Office” which defines the reporting lines and procedures for such concerns if they are related to UNHCR personnel.

*Regulations 1.1 (d), 1.2 (a) (b) (e)
Rule 101.2 (c), paras 36, 38, 40

**ST/SGB/2003/13 Special Measures for Protection from Sexual Exploitation and Sexual Abuse.

3. Our private lives should remain private. UNHCR has no business regulating our private conduct, unless it is illegal under local law or has negative impact on our work or the people whom we serve.

4. According to paragraph 3.2.(b) of the Secretary-General's Bulletin ST/SGB/2003/13 of 9 October 2003, sexual activity with children (persons under 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence. However, according to paragraph 4.4 of the Bulletin, this does not apply where a staff member is legally married to someone who is under the age of 18 but over the age of majority or consent in their country of citizenship.

5. According to paragraph 3(c) of the same Bulletin, the exchange of money, employment, goods or services for sex or sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited. This includes prostitution.

PRINCIPLE 9*

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

1. Discrimination and harassment have a negative effect on the workplace environment, the career and well-being of staff. Discrimination, harassment, or bullying (mobbing) on the grounds of race, gender, religion, colour, national or ethnic origin, language, marital status, sexual orientation, age, socio-economic status, disability, political conviction, hierarchy within UNHCR or any other distinguishing feature, must not be tolerated. Harassment can take many forms. It can be physical, verbal, visual or written (including electronic media such as e-mails). It can also be one incident or a series of incidents and can occur at work or during non-working hours. Harassment typically involves a person in a position of power or authority as the initiator, but it should be recognized that staff in subordinate or equal positions may also be initiators. Staff, either singly or as a group, may be victims of or perpetrators of harassment.

2. UN staff are obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse. Managers, at all levels, have a particular responsibility to support and develop systems that

*Regulations 1.1 (d), 1.2 (a) (b) (l)
Rule 101.2 (d) (i) (j), 104.10 (c) (d), paras 16, 20

maintain this environment. Moreover, they have a special obligation in the workplace to uphold the highest standards of conduct, free of intimidation and personal favouritism because of their authority, and its inherent danger of abuse. The traditional respect of hierarchical structure within UNHCR creates a greater risk that this authority might be abused consciously or unconsciously. The solicitation or acceptance of favours, loans, or gifts of substantial value by managers from colleagues with whom they work would be improper.

3.A consensual sexual and/or romantic relationship with a work colleague may not cause harm to either party and may not have detrimental professional consequences. However, staff in supervisory or positions of authority should be aware of the difficulties that may arise and the possible negative perception of other staff when they enter into such a relationship with subordinates. Difficulties may arise in relation to: maintaining proper boundaries between professional and personal life, exhibiting bias in performance assessments, compromising on correct professional decisions or negatively impacting team relationships in the working environment. It may be particularly difficult to convince other staff that their colleague has not been favoured because of the relationship. This applies not only to direct supervisor-staff member relationships, but also to relationships for example between the head of a field office and all staff serving in that office.

4.For these reasons, staff who find themselves in, or entering into, such a relationship have to resolve this conflict without delay. This means that they either

must not pursue the relationship or else inform their supervisor of the situation. The supervisor will then advise the staff member whether or not she/he should seek a new assignment or a transfer with a view to removing the power or hierarchical relationship between the two staff members concerned. Staff and supervisors can also avail themselves of the normal consultative options such as the Staff Welfare Section, Staff Council and Staff Associations.

SECRETARY-GENERAL'S BULLETIN
Special measures for protection from sexual
exploitation and sexual abuse

SGB/2003/13
9 October 2003

The Secretary-General, for the purpose of preventing and addressing cases of sexual exploitation and sexual abuse, and taking into consideration General Assembly resolution 57/306 of 15 April 2003, "Investigation into sexual exploitation of refugees by aid workers in West Africa", promulgates the following in consultation with Executive Heads of separately administered organs and programmes of the United Nations:

Section 1: Definitions

For the purposes of the present bulletin, the term "sexual exploitation" means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Similarly, the term "sexual abuse" means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Section 2: Scope of application

2.1 The present bulletin shall apply to all staff of the United Nations, including staff of separately

administered organs and programmes of the United Nations.

2.2 United Nations forces conducting operations under United Nations command and control are prohibited from committing acts of sexual exploitation and sexual abuse, and have a particular duty of care towards women and children, pursuant to section 7 of Secretary-General's bulletin ST/SGB/1999/13, entitled "Observance by United Nations forces of international humanitarian law".

2.3 Secretary-General's bulletin ST/SGB/253, entitled "Promotion of equal treatment of men and women in the Secretariat and prevention of sexual harassment", and the related administrative instruction* set forth policies and procedures for handling cases of sexual harassment in the Secretariat of the United Nations. Separately administered organs and programmes of the United Nations have promulgated similar policies and procedures.

Section 3: Prohibition of sexual exploitation and sexual abuse

3.1 Sexual exploitation and sexual abuse violate universally recognized international legal norms and standards and have always been unacceptable behaviour and prohibited conduct for United Nations staff. Such conduct is prohibited by the United Nations Staff Regulations and Rules.

*Currently ST/AI/379 entitled "Procedures for dealing with sexual harassment".

3.2 In order to further protect the most vulnerable populations, especially women and children, the following specific standards which reiterate existing general obligations under the United Nations Staff Regulations and Rules, are promulgated:

(a) Sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal;

(b) Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence;

(c) Exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited. This includes any exchange of assistance that is due to beneficiaries of assistance;

(d) Sexual relationships between United Nations staff and beneficiaries of assistance, since they are based on inherently unequal power dynamics, undermine the credibility and integrity of the work of the United Nations and are strongly discouraged;

(e) Where a United Nations staff member develops concerns or suspicions regarding sexual exploitation or sexual abuse by a fellow worker, whether in the same agency or not and whether or not within the United Nations system, he or she must report such concerns via established reporting mechanisms;

(f) United Nations staff are obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse. Managers at all levels have a particular responsibility to support and develop systems that maintain this environment.

3.3 The standards set out above are not intended to be an exhaustive list. Other types of sexually exploitive or sexually abusive behaviour may be grounds for administrative action or disciplinary measures, including summary dismissal, pursuant to the United Nations Staff Regulations and Rules.

Section 4: Duties of Heads of Departments, Offices and Missions

4.1 The Head of Department, Office or Mission, as appropriate, shall be responsible for creating and maintaining an environment that prevents sexual exploitation and sexual abuse, and shall take appropriate measures for this purpose. In particular, the Head of Department, Office or Mission shall inform his or her staff of the contents of the present bulletin and ascertain that each staff member receives a copy.

4.2 The Head of Department, Office or Mission shall be responsible for taking appropriate action in cases where there is reason to believe that any of the standards listed in section 3.2 above have been violated or any behaviour referred to in section 3.3 above has occurred. This action shall be taken in accordance with established rules and procedures for dealing with cases of staff misconduct.

4.3 The Head of Department, Office or Mission shall appoint an official, at a sufficiently high level, to serve as a focal point for receiving reports on cases of sexual exploitation and sexual abuse. With respect to Missions, the staff of the Mission and the local population shall be properly informed of the existence and role of the focal point and of how to contact him or her. All reports of sexual exploitation and sexual abuse shall be handled in a confidential manner in order to protect the rights of all involved. However, such reports may be used, where necessary, for action taken pursuant to section 4.2 above.

4.4 The Head of Department, Office or Mission shall not apply the standard prescribed in section 3.2 (b), where a staff member is legally married to someone under the age of 18 but over the age of majority or consent in their country of citizenship.

4.5 The Head of Department, Office or Mission may use his or her discretion in applying the standard prescribed in section 3.2 (d), where beneficiaries of assistance are over the age of 18 and the circumstances of the case justify an exception.

4.6 The Head of Department, Office or Mission shall promptly inform the Department of Management of its investigations into cases of sexual exploitation and sexual abuse, and the actions it has taken as a result of such investigations.

Section 5: Referral to national authorities

If, after proper investigation, there is evidence to support allegations of sexual exploitation or sexual

abuse, these cases may, upon consultation with the Office of Legal Affairs, be referred to national authorities for criminal prosecution.

Section 6: Cooperative arrangements with non-United Nations entities or individuals

6.1 When entering into cooperative arrangements with non-United Nations entities or individuals, relevant United Nations officials shall inform those entities or individuals of the standards of conduct listed in section 3, and shall receive a written undertaking from those entities or individuals that they accept these standards.

6.2 The failure of those entities or individuals to take preventive measures against sexual exploitation or sexual abuse, to investigate allegations thereof, or to take corrective action when sexual exploitation or sexual abuse has occurred, shall constitute grounds for termination of any cooperative arrangement with the United Nations.

Section 7: Entry into force

The present bulletin shall enter into force on 15 October 2003.

(Signed) Kofi A. Annan
Secretary-General

**CONTACT INFORMATION FOR UNHCR
STAFF IN NEED OF ADVICE OR
SUPPORT ON
THE CODE OF CONDUCT**

For general enquiries on the Code of Conduct and its interpretation:

Division of Human Resources Management
Tel: (+41 22) 739 8288
Fax: (+41 22) 739 7313
Email: hqcc01@unhcr.ch

For reporting allegations of misconduct, please report either to your direct supervisor or:

Office of the Inspector General (IGO)
Tel: (+41 22) 739 8844
Fax: (+41 22) 739 7380
Email: inspector@unhcr.ch

For legal advice to applicable procedures and on relevant Staff Regulations and Rules:

Legal Affairs Section
Tel: (+41 22) 739 7831
Fax: (+41 22) 739 7391
Email: hqfle00@unhcr.ch

For discussion and counselling on personal issues related to the Code of Conduct:

Staff Welfare Section

Tel: (+41 22) 739 7947

Fax: (+41 22) 739 7370

Email: hqsw00@unhcr.ch

For mediation between staff members and supervisors; and between staff members on non-work related problems:

UNHCR Mediator

Tel: (+41 22) 739 8240

Fax: (+41 22) 739 7340

Email: hqmtor00@unhcr.ch

Staff may seek advice and support from the UNHCR Staff Council in Geneva or their local Staff Association:

UNHCR Staff Council

Tel: (+41 22) 739 8591

Fax: (+41 22) 739 7364

Email: hqsr00@unhcr.ch

When staff contact any of the listed services, they will be treated with respect and dignity. All communications will be protected to the greatest extent possible. All concerns will be seriously addressed and informed of eventual outcomes.

This booklet concerning the UNHCR Code of Conduct is available for distribution to UNHCR implementing partners, local government officials and non-governmental organizations.

For additional copies of this booklet, contact:

Division of Human Resources Management
UNHCR
CP 2500
CH-1211 Geneva 2
Switzerland

Email: hqcc01@unhcr.ch