Information Note on the Joint Inspection Unit Review of governance and oversight of the Executive Boards of UNDP/UNFPA/UNOPS, UNICEF and UN-Women: initial response from the Ethics Offices of UNDP, UNFPA, UNOPS, UNICEF and UN-Women

The respective Executive Boards of the United Nations Development Programme (UNDP), the United Nations Population Fund (UNFPA) and the United Nations Office for Project Services (UNOPS), the United Nations Children's Fund (UNICEF) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) requested the Directors/Heads of the independent offices to provide their initial views of the Joint Inspection Unit's (JIU) Review of governance and oversight of the Executive Boards of UNDP/UNFPA/UNOPS, UNICEF and UN-Women (JIU/REP/2023/7) (the "2023 JIU Review").[1]

As Directors/Heads of independent offices, the Directors of the Ethics Offices of UNDP, UNFPA, UNOPS, UNICEF and the Ethics Advisor at UN-Women (referred to herein as the "Ethics Offices"), who regularly engage as members of the Ethics Panel of the United Nations (EPUN) with harmonized responsibilities, consulted to provide the Executive Boards a harmonized view regarding issues raised in the 2023 JIU Review as it relates to the Ethics Offices.

For the aforementioned Ethics Offices, Recommendation 8 and the first two informal recommendations under Chapter VII of the JIU Review were of relevance:

> **Recommendation 8**
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> **The Executive Boards should direct their respective organizations to ensure that the charters, frameworks and terms of reference of independent and advisory functions and committees reflect the roles and responsibilities of the Boards, including in relation to reporting lines, access to the Board and consultations on human and financial resources, to ensure independence.**
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> **Informal Recommendations**
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> **Chapter VII**
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> - To ensure the independence of oversight functions, a consistent approach is necessary so that the Executive Boards are responsible for the approval of all oversight charters (para. 82)
> - In accordance with best practices, the selection, performance assessment, and renewal and termination of the contracts of the heads of the independent oversight functions should require consultation with the Executive Boards and should be reflected in their terms of reference (para. 83)

To support in the consideration of these recommendations, the Ethics Offices of UNDP, UNFPA, UNOPS, UNICEF and UN-Women note the following:

To the extent the recommendations concern the framework and terms of reference for the ethics offices of UNDP, UNFPA, UNOPS, UNICEF and UN-Women, this is set forth in ST/SGB/2007/11, the Secretary-General's bulletin on the *United Nations system-wide application of ethics: separately administered organs and programmes*. The bulletin promotes a harmonized

[1] Paragraph 11 of Executive Board decision 2024/12 for UNDP/UNFPA/UNOPS, paragraph 11 of Executive Board decision 2024/15 for UNICEF, and paragraph 10 of Executive Board decision 2024/3 for UN-Women.

approach in support of an Ethics Office's goal to "*cultivate and nurture a culture of ethics, integrity and accountability, thereby enhancing the trust in, and the credibility of, the United Nations, both internally and externally*." It also created EPUN, which is tasked with establishing a unified set of standards and policies of the United Nations Secretariat and of the separately administered organs and programmes.

In its earlier and separate report on the *Review of the ethics function in the United Nations system* (the "2021 JIU Report"), the JIU noted that *"[t]he mandate or terms of reference of the Ethics Offices of the United Nations and its funds and programmes all conform to the standards suggested in 2010. In the main, the funds and programmes*[2] *apply the terms of reference set out in the Secretary-General's bulletin on separately administered organs and programmes in the United Nations system-wide application of ethics,*[3] *issued in follow-up to General Assembly resolution 60/1*."[4]

As the framework and terms of reference for the ethics offices has been issued by the Secretary-General, to the extent there would be any revisions thereto, it would be appropriate to engage in further consultation with the United Nations Secretariat thereon.

Currently, the Ethics Offices engage regularly with the Executive Board. Pursuant to Executive Board decisions, the Executive Boards of UNDP/UNFPA/UNOPS, UNICEF and UN-Women have requested that ethics be added as a recurring item for decision at their annual sessions and for ethics to directly submit an annual report on its activities to their respective Executive Board. Each of the Ethics Offices also has an informal session with Executive Board members prior to the annual session.

The Ethics Offices consider independence a prerequisite for the effective implementation of their mandate. In its 2021 JIU Report, the JIU noted *"…the independence of the [ethics] function to be of utmost importance to protect it from undue influence and pressure. This independence is critical to ensure the unbiased and objective discharge of its responsibilities, in particular in cases of protection against retaliation."*[5] In this regard, the Ethics Offices note that the JIU identified specific standards for the independence of the ethics function. These standards already include provisions concerning engagement with the governing body, as well as safeguards in the selection/appointment, performance and dismissal/removal of the head of the Ethics Office. With respect to reporting lines, consistent with the bulletin, the JIU standards for independence of the Ethics Office provide that each ethics office shall be headed by an Ethics Officer, who shall function independently and report directly to the Executive Head.

This reporting structure is consistent with Articles 100 and 101 of the United Nations Charter which provide that the staff shall be appointed by the Secretary-General under regulations established by the General Assembly and that in the performance of their duties, the staff shall not seek or receive instructions from any government or from any authority external to the Organization. Further, the Secretary-General has delegated authority in human resources matters, including the appointment of staff, to the executive heads of the separately administered organs

[2] The JIU made express reference to UNDP, UNFPA, UNOPS and UNICEF in its footnote. At the time of the report, UN-Women had not yet created its own in-house ethics function. The Ethics Advisor at UN-Women has established the ethics function at UN-Women consistent with ST/SGB/2007/11.
[3] ST/SGB/2007/11, section 3.
[4] JIU/REP/2021/5, paragraph 73.
[5] JIU/REP/2021/5, paragraphs 97-100.

and programmes. To the extent any revisions under consideration may entail additional involvement of the Executive Boards beyond the standards identified for the Ethics Offices in the 2021 JIU report, it would be relevant to also consider compatibility with the bulletin setting out the framework and terms and conditions for the Ethics Offices as well as the aforementioned provisions of the Charter.