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Dept of
State

**Report on Transparency and Accountability at the
United Nations, UN Agencies, and the Organization of American States
Department of State, Foreign Operations, and
Related Programs Appropriations Act, 2017
Division J, P. L. 115-31, Section 7048(a)**

Executive Summary

This report provides information on the efforts by the United Nations, UN agencies, and OAS to promote public access to audit reports and protect whistleblowers from retaliation. This report demonstrates that, with one exception, the relevant entities are providing access to audit reports and effectively implementing and enforcing best practices to protect whistleblowers from retaliation. The Department recognizes the progress the World Intellectual Property Organization (WIPO) is making to implement reforms agreed to at the 2016 WIPO general assemblies. However, the Department is not able to conclude that WIPO is effectively implementing and enforcing whistleblower protections until WIPO fully completes a review of its whistleblower protection policy and releases the annual report of its ethics office.

Whistleblower Protection

The whistleblower protection policies and procedures for each entity covered by this report are the same as or better than those described in the 2016 and 2015 reports on transparency and accountability. The 2016 report indicated that each entity's whistleblower protection policies and procedures incorporate best practices, including but not limited to those enumerated in section 7048(a)(2) of the FY 2016 appropriations act. The UN secretariat issued a revised whistleblower protection policy on January 20, 2017 (ST/SGB/2017/2). This is the first update of UN policy on protection against retaliation since the ethics office was established ten years ago and the first substantive policy issued by UN Secretary-General Guterres (issued in the first three weeks of his tenure). Several UN funds and programs, as well as UN specialized agencies, are in the process of reviewing their whistleblower protection policies in light of the updated UN policy and in preparation for the release of the UN's joint inspection unit's report on "Review of Whistle-blower Policies and Practices in the UN System."

The focus of this year's report is on the effective implementation and enforcement of each entity's whistleblower protection policies and procedures. Appendix A contains details on steps that each entity is taking to effectively implement and enforce such policies and procedures, including through training and outreach efforts. Appendix A explains the Department's determination that WIPO does not meet the legislative criteria regarding effective implementation and enforcement of whistleblower protections because two of the four oversight reforms agreed to at the 2016 general assemblies are still in progress. The incomplete reforms are: (1) a revised whistleblower protection policy being issued, and (2) active cases of retaliation being included in the annual report by the ethics office to the WIPO coordination committee. Appendix C reflects the current status of the four oversight reforms and a timeline for implementation of the outstanding reforms by the end of calendar year 2017.

Table 1 sets forth the number of ethics-related inquiries and claims of whistleblower retaliation occurring at each entity covered by the legislative requirement during calendar year 2016. The table 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.

Table 2 indicates the amount of time that each entity took to handle whistleblower-related cases in 2016, 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 receive any retaliation claims have "N/A" listed for the average length of time to complete an investigation and implement remedies and disciplinary measures.

Table 1
Whistleblower Statistics for 2016

United Nations, UN Agencies, and OAS	Number of staff	Number of general 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	37,666	592	199	25	6	6	1
UNEP	1,121	16	4	1	0	0	0
UN-Habitat	353	6	6	0	0	0	0
UN Women	719	33	41	1	0	0	0
UNDP	17,947	836	205	2	1	1	1
UNFPA	2,638	237	90	3	1	1	1
UNICEF	11,689	321	72	5	0	0	0
FAO	3,128	11	123	2	1	1	Pending
ICAO	973	40	22	0	0	0	0
ILO	2,903	22	32	1	0	0	0
IMO	273	6	6	1	0	0	0
ITU	710	10	0	0	0	0	0
UPU	253	0	0	0	0	0	0
WHO	6,306	4700	21	0	0	0	0
WIPO	1,167	32	29	3	0	0	0
WMO	282	2	8	0	0	0	0
OAS	2,667	1	6	0	0	0	0

Table 2
Timeliness of Whistleblower Protection Process in 2016

United Nations, UN Agencies and OAS	Average length of time to make a <i>prima facie</i> determination	Average length of time to complete an investigation	Average length of time for implementing remedies	Average length of time for implementing disciplinary measures
UN	43 days	126 days	No remedy required in the one case	365 days
UNEP	Case pending	N/A	N/A	N/A
UN-Habitat	No claims	N/A	N/A	N/A
UN Women	67 days	N/A	N/A	N/A
UNDP	45 days	120	Immediate	N/A
UNFPA	47.5 days	127 days	Pending	Pending
UNICEF	45 days	N/A	N/A	N/A
FAO	55 hours	Pending	N/A	N/A
ICAO	No claims	N/A	N/A	N/A
ILO	25 days	N/A	N/A	N/A
IMO	119 days	N/A	N/A	N/A
ITU	No claims	N/A	N/A	N/A
UPU	No claims	N/A	N/A	N/A
WHO	No claims	N/A	N/A	N/A
WIPO	48 days	No <i>prima facie</i> determination	N/A	N/A
WMO	No claims	N/A	N/A	N/A
OAS	No claims	N/A	N/A	N/A

Access to Audit Reports

Each entity covered by this report is 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 member states to access full internal audit reports, with redactions of sensitive information as appropriate, at the entity's headquarters. 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.

The following table lists the locations of the publicly accessible websites for each entity as of June 1, 2017.

Table 3
Access to Audit Reports

UN, UN Agencies and OAS	External Auditor Reports	Reports of the Internal Auditor
UN	http://www.un.org/en/auditors/board/auditors-reports.shtml	https://oios.un.org/page?slug=report
UN Environmental Program (UNEP)	http://www.un.org/en/auditors/board/auditors-reports.shtml	https://oios.un.org/page?slug=report
UN Human Settlement Program (UN-Habitat)	http://www.un.org/en/auditors/board/auditors-reports.shtml	https://oios.un.org/page?slug=report
UN Entity for Gender Equality and Empowerment of Women (UN Women)	http://www.un.org/en/auditors/board/auditors-reports.shtml	http://www.unwomen.org/en/about-us/accountability/audit/internal-audit-reports
UN Development Program (UNDP)	http://www.un.org/en/auditors/board/auditors-reports.shtml	http://www.undp.org/content/undp/en/home/operations/accountability/audit.html
UN Population Fund (UNFPA)	http://www.un.org/en/auditors/board/auditors-reports.shtml	http://www.unfpa.org/audit-and-investigation
UN Children's Emergency Fund (UNICEF)	http://www.un.org/en/auditors/board/auditors-reports.shtml	https://www.unicef.org/auditandinvestigation/index_65755.html
Food and Agriculture Organization (FAO)	http://www.fao.org/about/strategic-planning/audited/en/	http://www.fao.org/aud/48639/en/
International Civil Aviation	https://www.icao.int/publications/Pages/doc-	http://www.icao.int/secretariat/SecretaryGeneral/EvaluationAndInternalAuditOffice/Page

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Organization (ICAO)	series.aspx	s/annual-reports.aspx
International Labor Organization (ILO)	http://www.ilo.org/ilc/ILCSessions/106/reports/reports-to-the-conference/WCMS_552809/lang--en/index.htm	http://www.ilo.org/public/english/iao/whatwedo/assurance.htm
International Maritime Organization (IMO)	http://www.imo.org/en/OurWork/Pages/Financial-Statements.aspx	1.) http://www.imo.org/en/OurWork/Pages/Summary-of-Internal-Audit-Activities-and-Reports.aspx 2.) http://www.imo.org/en/OurWork/Documents/Summary%20of%20Internal%20Audit%20Activities%20and%20Reports/Summary%20of%20Internal%20Audit%20Activities%20and%20Reports%20for%202016.pdf
International Telecommunications Union (ITU)	https://www.itu.int/md/S16-CL-C-0040/en	https://www.itu.int/md/S16-CL-C-0044/en
Universal Postal Union (UPU)	http://www.upu.int/en/the-upu/audits/about-audits.html	http://www.upu.int/en/the-upu/audits/about-audits.html
WHO	http://apps.who.int/iris/handle/10665/252725	http://apps.who.int/iris/handle/10665/252711
World Intellectual Property Rights Organization (WIPO)	http://www.wipo.int/about-wipo/en/budget/financial/index.html	http://www.wipo.int/about-wipo/en/oversight/iaod/audit/
World Meteorological Organization (WMO)	http://library.wmo.int/opac/index.php?lvl=etager_e_sec&id=140#.V0X7fvnR_RY	https://ane4bf-datapl.s3-eu-west-1.amazonaws.com/wmocms/s3fs-public/EC-68-INF16-11-REPORT-IOO_en_3.pdf?xKrbj_ktE4MP4gjR5.fcNNpZnWo8BV78
OAS	http://www.oas.org/en/saf/accountability/external_audit.asp	http://www.oas.org/en/oig/activityreports.asp

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APPENDIX A

United Nations (UN)

The UN Secretariat took numerous steps during calendar year 2016 to effectively implement and enforce the UN whistleblower protection policy, including extensive training and outreach, continued development of educational materials, and issuance of an updated whistleblower protection policy. During 2016, the UN Ethics Office received 25 claims of whistleblower retaliation and referred six cases to the Office of Internal Oversight Services. One of the cases resulted in a finding of retaliation.

Training and Outreach

In 2016, the UN Secretariat conducted a range of ethics training and educational programs, including management-led "Leadership Dialogues," global outreach, and mission visits. The UN Secretariat reports, in 2016, that 4,513 staff members took the newly updated mandatory online training course "Ethics and Integrity at the United Nations." New training initiatives involved UN Secretariat managers hosting hour-long sessions with their direct report employees on fraud awareness and prevention. The Ethics Office collaborated with the Office of Internal Oversight Services to develop a new fraud awareness course entitled "Preventing Fraud and Corruption at the United Nations" that is expected to become mandatory this year. The course aims to increase staff's ability to recognize fraud and corruption at the UN, learn how the UN manages the risk of fraud and corruption, and learn about actions staff can take to reduce fraud and corruption. Additionally, the Office managed a mandatory course for employees involved in procurement, entitled "Ethics and Integrity in Procurement," as well as a pre-deployment training for peacekeepers that included sessions on the UN's code of conduct, respect for diversity, core values, and ethical behavior. Discussions of fraud prevention and other components of ethical behavior help address possible underlying unethical practices and wrong-doing that can prompt whistleblowing, which may lead to retaliation.

The UN Ethics Office website is the primary resource for information on the whistleblower protection policy. As in previous years, the Ethics Office continued to hold town hall meetings with UN staff to increase awareness of the whistleblower protection policy. The Ethics Office updated promotional materials, including "Putting Ethics to Work: A Guide for UN Staff." The guide includes specific references to the protection against retaliation policy. The Office conducted outreach visits to headquarters and the field, including to the Ivory Coast, Senegal, Guinea-Bissau, South Sudan, Haiti, Liberia, Ethiopia, Italy, Switzerland, Syria, Thailand, Afghanistan, Pakistan, and Austria. The visits facilitated discussion of the protection against retaliation policy and procedures. During these visits, the office met with managers to discuss ethical management including techniques to prevent retaliatory conduct.

The Ethics Office provided individual ethics induction briefings to newly appointed senior officials at the level of Assistant-Secretary General and Under-Secretary-General and, most recently, special advisors and special representatives of the Secretary-General. The effort seeks to help senior leaders mitigate the risk of retaliation within their departments by appropriately addressing employee concerns on a timely basis.

Educational materials were distributed in 2016, including “The Roadmap: A Staff Member’s Guide to Finding the Right Place,” which includes a section devoted to resources for reporting misconduct. These materials are available on the Ethics Office website that is publicly available in all six official UN languages at www.un.org/en/ethics. The website has videos that discuss the work of the Ethics Office and information on the UN’s whistleblower protection policy.

The Ethics Office reports it will continue to provide ethics training to staff worldwide during 2017. Training will include: (1) “Leadership Dialogues” focused on standards of conduct, sexual exploitation and abuse, participation by staff in political activities, gifts, harassment, and abuse of authority; (2) the Senior Mission Administration and Resource, or SMART Program, that targets mid-level managers in peacekeeping missions; and (3) an online course called “Working Together Harmoniously” that will cover the importance of ethical behavior, expectations for international civil servants, avoiding and addressing conflicts of interest, avoiding misconduct and harassment, and reporting concerns and addressing retaliation. The Ethics Office will expand availability of courses through e-learning platforms for the mandatory ethics and integrity course. The outreach and mission visit program is expected to continue throughout 2017.

Updated Whistleblower Policy

The Secretary-General issued an updated whistleblower protection policy in January 2017¹. The new policy was one of Secretary-General Guterres’ first actions after taking office, a demonstration that ethics and accountability issues will be a priority during his tenure. Along with the new policy, Secretary-General Guterres has acknowledged the need for continued attention to whistleblower protection at the UN; he established a new internal working group to consider additional changes to the whistleblower protection policy, such as the possible extension of that policy to consultants and individual contractors. As this review continues, the Secretary-General has asked the Ethics Office to assist consultants and contractors who seek protection against retaliation. The Secretary-General announced he would request that the General Assembly consider an additional legal officer position within the Ethics Office to support the implementation of the new policy.

Several key changes to the whistleblower policy are in direct response to past criticisms in the treatment of whistleblowers. The changes, which aim to prevent retaliation, include:

- the ability for the internal auditor to submit referrals to the Ethics Office where there may be a risk of retaliation;
- expanded protection to staff for reporting misconduct by non-staff, such as contractors and peacekeepers;
- the opportunity for complainants to appeal and seek further review in cases where the Ethics Office finds no *prima facie* evidence of retaliation;
- the ability to appeal the action or non-action of the Secretary-General on a recommendation from the Ethics Office as a contestable administrative decision;
- notification to complainants of disciplinary action against retaliators;

¹Secretary-General’s bulletin: “Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations” (SGB/2017/2).

- reduction of the time limit to complete a preliminary case review from 45 to 30 days upon receipt of all supporting documents; and
- introduction of a six-month statute of limitations for those seeking protection against retaliation once they recognize they were retaliated against.

Reported Cases

The UN Ethics Office reports annually to the UN General Assembly on its activities, including protecting staff against retaliation for reporting misconduct and for cooperating with audits and investigations.² The Office reported that it received 17 inquiries related to protection against retaliation in calendar year 2016, of which three were from personnel deployed in peacekeeping missions. There were 23 claims of whistleblower retaliation in 2016, including five from personnel deployed to UN peacekeeping missions. One complaint was withdrawn by the staff member. Six resulted in *prima facie* determinations that were referred to the Office of Oversight and Investigation Services for further investigation. The average length of time for the UN Ethics Office to make a *prima facie* determination was 43 days compared to 65 last year. In one of the cases, retaliation was ultimately found. The individual responsible for the retaliation resigned, and after discussions with the complainant, no additional remedies were needed since the claimant's contract had been renewed. In the other five cases referred for investigation, investigations into three of the claims were still in progress at the time of preparation of this report. Retaliation was not found in the two cases for which investigations had concluded.

While sustained attention to whistleblower protections at the UN is needed, available information indicates that the UN is effectively implementing and enforcing policies and procedures that reflect best practices for protecting whistleblowers.

² The 2016 Ethics Report can be found at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/71/334.

UN Funds and Programs Served by the UN Ethics Office

Two UN funds and programs (the UN Environment Programme and UN Habitat) adhere to the UN Secretary-General's whistleblower protection 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 claims of retaliation. In February 2017, the UN Secretary-General issued a new whistleblower protection policy bulletin that applies to UN-Habitat and UNEP.

United Nations Environment Program (UNEP)

To promote effective implementation and enforcement of the UN Secretariat's whistleblower protection policy, as well as address underlying unethical practices and wrong-doing that can lead to retaliation against whistleblowers, the UN Ethics Office engages in several forms of outreach and education to communicate the UN's ethics standards and policies to UNEP staff. These methods include updating the mandatory course, "Ethics and Integrity at the United Nations," distributing Ethics Office publications, and outreach visits to headquarters and field locations where the Ethics Office conducts town hall presentations and meets with staff and managers individually and in groups. There was one whistleblower retaliation claim reported in 2016 at UNEP, and the preliminary review for the case was still in progress at the time of preparation of this report. Available information indicates that UNEP is effectively implementing and enforcing policies and procedures that reflect best practices for protecting whistleblowers.

United Nations Human Settlements Program (UN-Habitat)

To promote effective implementation and enforcement of the UN Secretariat's whistleblower protection policy, UN-Habitat staff must complete a mandatory online training program called "Ethics and Integrity at the United Nations," which includes sections on reporting misconduct and protection against retaliation. There were six ethics-related inquiries, and no whistleblower retaliation claims reported in 2016 at UN-Habitat. Available information indicates that UN-Habitat is effectively implementing and enforcing policies and procedures that reflect best practices for protecting whistleblowers.

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

UN Women's whistleblower protection policy remained unchanged in 2016, when the Department concluded that the policy reflects best practices among international organizations. To promote effective implementation and enforcement of its whistleblower protection policy, UN Women continues to conduct town halls and disseminate a "Quick Guide" to increase awareness about the policy. UN Women conducts quarterly workshops on "Ethics and the Workplace" to promote greater awareness of the need to prevent unethical practices and wrong-doing that can lead to retaliation against whistleblowers. The organization hopes to reach 100 percent of its employees with ethics related training in 2017. There was one claim of retaliation during 2016. The UN Ethics Office found no *prima facie* evidence to support the claim. Available information indicates that UN Women is effectively implementing and enforcing policies and procedures that reflect best practices for protecting whistleblowers.

UN Funds and Programs that have Independent Ethics Functions

UN Development Programme (UNDP)

UNDP's whistleblower protection policy remains unchanged from 2016, when the Department concluded that the policy reflects best practices among international organizations. To promote effective implementation and enforcement of the policy, UNDP continued to provide workshop training courses and panels on ethical conduct both virtually and in-person. The "Ethics and Integrity at UNDP" course was made mandatory for both staff and service contract holders in 2016, and new or updated training programs related to fraud prevention, procurement, harassment, conflict of interest, financial disclosure, and protection against retaliation were completed. The Ethics Office offered in-person training during regional leadership cluster meetings. Senior managers were required to attend a tailored Ethical Leadership session during on-site country visits by the Ethics Office.

UNDP continued to use outreach methods to increase awareness about the whistleblower protection policy, including through briefings, town halls, promotional material, and the use of discussion forums on social media. Protection against retaliation training is specifically included in online mandatory courses, as a standalone module, and part of in-person workshops and leadership briefings.

In 2017, UNDP expects that all staff will complete the newly mandatory ethics refresher training, along with the majority of its service contractors, which the Office may make a requirement every three years. A new training course titled, "Anti-corruption and Ethics in Procurement" was launched in 2017 to further create awareness in the procurement profession. Finally, an annual report on ethics-related activities and findings is presented to the governing body.

In 2016, the Ethics Office received two claims of retaliation. The complainant in one of those claims sought resolution via the Office of the Ombudsman. *Prima facie* evidence of retaliation was found in the remaining case, which was referred for further investigation. The Ethics Office concluded that retaliation had occurred. Interim protective measures were provided to the complainant in this case, including not having to involuntarily transfer to another office and gaining greater access to training programs. Available information indicates that UNDP is effectively implementing and enforcing policies and procedures that reflect best practices for protecting whistleblowers.

UN Population Fund (UNFPA)

UNFPA's whistleblower protection policy remains unchanged from 2016, 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 whistleblower retaliation, UNFPA updated its mandatory online ethics course, which covers expectations for ethical behavior of international civil servants. A course titled "Ethics in Procurement" was offered, which includes a module on integrity and ethics. The Ethics Office conducted outreach to increase awareness of the policy on whistleblower protection through training courses, town halls, and discussion forums at the headquarters location and at country offices. UNFPA has a dedicated ethics hotline, which provides UNFPA personnel direct contact to the Ethics Office and an intranet site with

informational articles on ethical behavior and potential blind spots. Training specifically targeted to managers was offered during regional planning meetings.

UNFPA expects to continue delivering in-person and virtual training in 2017 and expects that 90 percent or more of its employees will complete the mandatory online training course titled, "Ethics and Integrity at the United Nations Population Fund." An annual report on ethics-related activities and findings is presented to the governing body.

There were three claims of retaliation during 2016. One of these led to a *prima facie* determination of retaliation and it involved three different subjects. One case is still under investigation by the Office of Audit and Investigations, and no *prima facie* evidence was found in one case. At the time of preparation of this report, the disciplinary process to hold the retaliator accountable in the one case where retaliation was found was in progress. Available information indicates that UNFPA is effectively implementing and enforcing policies and procedures that reflect best practices for protecting whistleblowers.

UN International Children's Emergency Fund (UNICEF)

UNICEF's whistleblower protection policy remains unchanged from 2016, 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, UNICEF developed ethics training programs on procurement, reporting fraud, conflict of interest, the policy on gifts, and ethics in emergency situations. There is a mandatory course on ethics, which is available online for all current and new staff.

In 2016, UNICEF expanded a system of local Ethics Dialogue Facilitators who have access to a dedicated intranet page with a range of case studies on ethical behaviors. The Ethics Office used online outreach methods such as discussion forums, webinars and country office trainings to increase awareness about the whistleblower protection policy. An annual report on ethics-related activities is presented to the governing body. There were five claims of whistleblower retaliation in 2016. None of these resulted in a *prima facie* determination, which led the Ethics Office to refer the complainants to other forms of internal conflict resolution mechanisms. Available information indicates that UNICEF is effectively implementing and enforcing policies and procedures that reflect best practices for protecting whistleblowers.

UN Specialized Agencies

Food and Agriculture Organization (FAO)

FAO's whistleblower protection policy remains unchanged from 2016, when the Department concluded that the policy reflects best practices among international organizations. To promote effective implementation and enforcement of the policy, FAO developed new training programs on protection against retaliation and reporting sexual exploitation and abuse, fraud and conflict of interest. FAO held video conferences with staff to increase awareness about the organization's ethics policies, including whistleblower protection. FAO reports that 35 ethics-related training classes are scheduled in 2017. An annual report on ethics-related activities and findings is presented to the governing body. There were two claims of

whistleblower retaliation in 2016. One of these claims resulted in a *prima facie* determination and was referred for further investigation. The investigation into the claim of retaliation was still in progress at the time of preparation of this report. Available information indicates that FAO is effectively implementing and enforcing policies and procedures that reflect best practices for protecting whistleblowers.

International Civil Aviation Organization (ICAO)

ICAO's whistleblower protection policy remains unchanged from 2016, when the Department concluded that the policy reflects best practices among international organizations. To promote effective implementation and enforcement of the policy, ICAO developed new ethics-related training programs on the whistleblower protection policy and ethical leadership. ICAO is conducting site visits and workshops on their ethics framework and standards of conduct to increase staff awareness of the whistleblower protection policy. An annual report on ethics-related activities and findings is presented to the governing body. There were no whistleblower retaliation claims reported in 2016. Available information indicates that ICAO is effectively implementing and enforcing policies and procedures that reflect best practices for protecting whistleblowers.

International Labor Organization (ILO)

ILO's whistleblower protection policy remains unchanged from 2016, when the Department concluded that the policy reflects best practices among international organizations. To promote effective implementation and enforcement of the policy, ILO implemented new training courses related to whistleblower protection and employee disputes. ILO is in the process of updating its whistleblower protection policy and expects to implement the new policy in 2017. ILO is currently developing ethics-related training courses on procurement, fraud, and protection against retaliation. An annual report on ethics-related activities and findings is made available online. There was one whistleblower retaliation claim reported in 2016. The claim did not result in a *prima facie* determination. Available information indicates that ILO is effectively implementing and enforcing policies and procedures that reflect best practices for protecting whistleblowers.

International Maritime Organization (IMO)

IMO's whistleblower protection policy remains unchanged from 2016, 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, IMO developed ethics and training programs on harassment, fraud, conflicts of interest, protection against retaliation, and professional integrity. IMO is developing ethics and training programs on procurement and sexual exploitation and abuse. Ethics training will reach all employees within the next year. There was one claim of whistleblower retaliation in 2016. This claim did not result in a *prima facie* determination. An annual report on ethics-related activities will be presented to the governing body in 2017. Available information indicates that IMO is effectively implementing and enforcing policies and procedures that reflect best practices for protecting whistleblowers.

International Telecommunication Union (ITU)

ITU's whistleblower protection policy remains unchanged from 2016, when the Department concluded that the policy reflects best practices among international organizations. In 2016, the new ITU Ethics Officer came on board and began undertaking several initiatives to raise awareness about ethics, including the whistleblower protection policy. The newly appointed Ethics Officer developed a new intranet page on ethics, engaged in town hall discussions on ethics, and is conducting an ethics climate survey to assess staff awareness of ethics-related policies and procedures. The Ethics Officer meets with newly-hired staff as part of the onboarding process. The Ethics Officer is conducting a review of the current whistleblower protection policy for potential revision. There were no whistleblower retaliation claims reported in 2016. Available information indicates that ITU is effectively implementing and enforcing policies and procedures that reflect best practices for protecting whistleblowers.

Universal Postal Union (UPU)

UPU's whistleblower protection policy remains unchanged from 2016, 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 whistleblower retaliation, UPU gave ethics-related training for the first time in 2016. All staff members will receive the training within the next year. Town halls and an ethics hotline have been used to increase awareness about UPU's whistleblower protection policy. There were no whistleblower retaliation claims reported in 2016. 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 reflect best practices for protecting whistleblowers.

World Health Organization (WHO)

WHO's whistleblower protection policy remains unchanged from 2016, when the Department concluded that the policy reflects best practices among international organizations. To promote effective implementation and enforcement of the policy, WHO circulated UN Secretariat bulletins to all staff, implemented an ethics hotline, and distributed promotional materials to raise awareness about the policy. WHO is developing new ethics-related training programs on reporting fraud, sexual exploitation and abuse, conflict of interest, and protection against retaliation. Ethics-related activities and findings are presented to the governing body as part of the annual compliance, risk management, and ethics report.

During preparation of the 2016 report, WHO reported that three retaliation claims resulted in *prima facie* determinations and were pending investigation. At this time, all three of these investigations have been closed. In one case, the subject left the organization. In the second case, the claimant withdrew his/her complaint. In the third case, protective measures were taken to prevent retaliation, but no disciplinary action was taken. There were no new whistleblower retaliation claims reported in 2016. Overall, available information indicates that WHO is effectively implementing and enforcing policies and procedures that reflect best practices for protecting whistleblowers.

World Intellectual Property Organization (WIPO)

WIPO's whistleblower protection policy remains unchanged from 2016, when the Department concluded that the policy itself reflects best practices among international organizations. However, because the Department did not conclude in 2016 that WIPO was effectively implementing and enforcing policies and procedures that reflect best practices for protecting whistleblowers, the United States led an effort at the 2016 WIPO General Assemblies that resulted in agreement on multiple governance and oversight reforms to address the issues identified in the 2016 Report on Transparency and Accountability.

These measures included: (a) adopting amendments to the WIPO Internal Oversight Charter to improve WIPO's investigation and oversight procedures, (b) mandating a review of WIPO's procurement policies and procedures, (c) mandating a review of WIPO's whistleblower protection policy, and (d) including any active cases of retaliation against witnesses who cooperate with an investigation of alleged wrongdoing in the Ethics Office's annual report to the WIPO Coordination Committee. The amendments to the charter were effective immediately upon adoption at the 2016 General Assemblies. The review of WIPO's procurement policies and procedures was completed by the WIPO Program and Budget Committee in July 2017. The review of WIPO's whistleblower protection policy is still pending; however, the Department expects WIPO to implement the revised whistleblower policy in calendar year 2017. Finally, the Chief Ethics Officer is aware of the requirement to include active cases of retaliation in the Annual Report by the Ethics Office to the WIPO Coordination Committee. WIPO member states, including the United States, will have an opportunity to review this annual report when it is presented to the Coordination Committee during the 2017 General Assembly. Additional details on all four reforms are included in Appendix C.

In 2016, the Chief Ethics Officer distributed promotional materials to staff on ethics related policies, including whistleblower protection and WIPO's Code of Ethics, and conducted specific sector outreach. To promote effective implementation and enforcement of the whistleblower protection policy, as well as address underlying unethical practices and wrong-doing that can lead to retaliation against whistleblowers, WIPO developed new training courses on Ethics Awareness and Conflict of Interest during 2016. WIPO reports that training courses related to combating fraud and WIPO's Code of Ethics are currently being developed for 2017. The WIPO Ethics Office began presenting an annual report on ethics-related activities and findings to the governing body in 2015. There were three reported whistleblower retaliation claims in 2016, but none of these claims resulted in a *prima facie* determination. The Ethics Officer advised the complainants of the possibility of redress through other mechanisms.

Notwithstanding the steps WIPO has taken to implement the reforms approved by the General Assemblies in October 2016, the Department is not able to conclude that WIPO is meeting the legislative criteria regarding effective implementation and enforcement of whistleblower protections until WIPO fully satisfies the mandates derived from the 2016 General Assembly. Specifically, the Department anticipates WIPO will complete a review of its whistleblower protection policy and release the Annual Report by the Ethics Office that reflects any active cases of retaliation against witnesses.

World Meteorological Organization (WMO)

WMO's whistleblower protection policy remains unchanged from 2016, 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, WMO developed training programs on conflict of interest, protection against retaliation, and codes of conduct. Training programs on standards of conduct are currently being developed. All staff members received ethics training in 2016. There were no whistleblower retaliation claims reported in 2016. Available information indicates that WMO is effectively implementing and enforcing policies and procedures that reflect best practices for protecting whistleblowers.

Organization of American States (OAS)

OAS's whistleblower protection policy remains unchanged from 2016, 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 is developing new ethics-related training programs on conflict of interest and financial disclosure, as well as on the code of ethics. OAS reports that two ethics-related training courses are planned for 2017 that will reach about 50 percent of staff. Ethics activities and findings are reported to the governing body annually. No whistleblower retaliation claims were reported in 2016. Available information indicates that OAS is effectively implementing and enforcing policies and procedures that reflect best practices for protecting whistleblowers.

APPENDIX B

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, 2017 (Division J, P. L. 115-31) ("FY 2017 Appropriations Act"). The scope of the report includes the United Nations, including its offices, departments, peacekeeping missions, and funds and programs; UN agencies; and the Organization of American States. For the purposes of this report, "UN agencies" is interpreted to mean UN specialized agencies.

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

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 are 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.

Whistleblower Protections

- Whistleblower policies and procedures incorporate best practices including, but not limited to, those enumerated in the legislation; and
- The entity is taking steps to implement and enforce such policies and procedures effectively.

Methodology

To ascertain whether each entity is meeting the criteria in the FY 2017 Appropriations Act, the Bureau of International Organization Affairs collected detailed information about each entity's current practices regarding the publication of audit reports on a publicly available web site and protecting whistleblowers from retaliation.

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

With respect to whistleblower protections, the Department analyzed the provisions of each entity's whistleblower protection policy to confirm that each entity's whistleblower protection policy as written was meeting 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 implementation and enforcement includes frequency of ethics training and outreach efforts, as well as overall timeliness and responsiveness to claims of whistleblower retaliation.

Where claims of whistleblower retaliation were reported, the Department reviewed the handling of the claims to assess whether the cases indicated a pattern of retaliation or systemic

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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.

The information on training, outreach, and frequency of whistleblower cases is summarized in Tables 1 and 2 and Appendix A of the report.

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Appendix C

Executive Summary

This is an update to the FY 2016 Report on Transparency and Accountability submitted to Congress in July 2016. In accordance with Section 7048 (a) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2016 (Div. K, P. L. 114-113, "FY 2016 Act"), the Department determined that the World Intellectual Property Organization (WIPO) did not meet criteria related to effective implementation and enforcement of whistleblower protections. This report provides an update on the progress that has occurred at WIPO since submission of the FY 2016 Report to Congress.

Update to 2016 Report on Transparency and Accountability

The FY 2016 Report on Transparency and Accountability found that WIPO was not effectively implementing and enforcing whistleblower protections due to a significant delay in making a report from an investigation available to member states. The delay in accessing the report hindered member states' ability to assess its findings and fulfill their collective responsibility for oversight of the organization. A copy of the redacted full report from the investigation was provided to member states in September 2016.

In October 2016, the WIPO General Assembly approved four measures to address the issues identified in the July 2016 Report on Transparency and Accountability report to Congress. The measures included: (a) adopting amendments to the WIPO Internal Oversight Charter to improve WIPO's investigation and oversight procedures, (b) mandating a review of WIPO's procurement policies and procedures, (c) mandating a review of WIPO's whistleblower protection policy, and (d) including any active cases of retaliation against witnesses who cooperate with an investigation of alleged wrongdoing in the Ethics Office's annual report to the WIPO Coordination Committee.

The WIPO Director General has demonstrated support for these measures. He met with the U.S. mission in Geneva on several occasions to share the progress the organization has made and continues to make in implementing these initiatives. The Director General has also held two town hall meetings with staff members since October 2016, during which he outlined the reform measures underway, underscored his support for them, and emphasized the importance of transparency and accountability in the organization.

Amendments to the WIPO Internal Oversight Charter

At the 2016 General Assemblies, the Department secured agreement with other WIPO member states to adopt important amendments to the Internal Oversight Charter, which strengthen transparency and member state oversight of senior management. These amendments provide a transparent investigative process and clear guidance to WIPO bodies on how to proceed should an investigation concerning a member of WIPO's senior management team arise in the future. The amendments to the Internal Oversight Charter became effective immediately after their adoption and include:

- Delegation of authority to WIPO's Independent Advisory Oversight Committee (IAOC) to recommend referral of allegations against the Director General and/or the Internal Oversight Division Director to an external investigative entity, as well as to provide advice on a suitable investigative entity;
- Clear timetables for the investigatory processes;
- Clarification regarding which parties are allowed to receive a final investigation report that concerns the Director General;
- Creation of an explicit right of member states to access unredacted final investigation reports and receive, upon request, a redacted final investigation report concerning a Director General, Deputy Director General, or Assistant Director General; and
- Making explicit the role of the WIPO Coordination Committee in determining whether to close a case or initiate and conduct a disciplinary procedure against a Director General.

The amendments to the Internal Oversight Charter are complete and the staff regulations and rules are now being updated to provide for the conduct of disciplinary procedures by the Coordination Committee against a Director General. With these amendments, should there be an investigation of a WIPO senior management official in the future that substantiates some or all of the allegations of misconduct, member states now have a clear right to request, and a process to gain timely access to, the investigation report.

Progress on the Review of Procurement Policies and Procedures

At the direction of the 2016 WIPO General Assembly, the IAOC and WIPO's Internal Oversight Division conducted a review of and recommended changes to WIPO's procurement policies and procedures. In the IAOC's assessment, the proposed amendments, which are contained within WIPO's Financial Regulations and Rules, will improve WIPO's procedures by ensuring greater clarity and transparency in procurement processes. The proposed amendments were reviewed and approved by the WIPO Program and Budget Committee during its July 2017 session.

Progress on the Review of the Effectiveness of the Whistleblower Protection Policy

As directed by the October 2016 General Assembly decision, WIPO's Chief Ethics Officer, in conjunction with WIPO's Office of Legal Counsel, is preparing revisions to WIPO's current policy on protection against retaliation, taking into account lessons learned, recent developments in the area of whistleblower protection, and best practices from other organizations to strengthen WIPO's implementation going forward. The IAOC is currently reviewing these revisions and is expected to offer a written response to the Chief Ethics Officer no later than October 2017.

The Ethics Office's Annual Report to the WIPO Coordination Committee

During the 2016 General Assembly, the United States requested that the Ethics Office include in its annual report to the WIPO Coordination Committee information on "any active cases of retaliation against witnesses who cooperate with an investigation of alleged wrongdoing." The next Coordination Committee will take place in October 2017. The Department will assess the implementation of this specific reform at that time.