To Speak or Not to Speak…
that seems to be the question!

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Deputy High Commissioner Kelly Clements in her speech for International’s Women’s Day recently, made a plea to all staff.

“Speak up and be heard”, she said to staff who had gathered at the Atrium of the UNHCR head quarter in Geneva and to staff at large. Clements was probably referring to the regrettable culture of silence that prevailed among UNHCR staff.

According to a 2014 Global Staff Survey only 36% of the respondents\(^1\) thought it was safe to speak up to denounce harassment, discrimination, or misconduct. This represents a significant drop from 2011 when 43% of staff expressed confidence in speaking out.

The mechanisms and channels to report wrongdoing have long been established, and there are various support systems in place to protect whistleblowers from retaliation. Yet, UN civil servants continue to grapple with “whistle-blowing”, and the apparent dilemma of speaking up against wrongdoings, even when perpetrated towards the beneficiaries we have sworn to protect.

The Staff Rules governing each person contractually-bound to the UN, require every staff member to report any breach of UN regulations and rules to the appropriate officials. It is outlined in the 1946 Charter of the United Nations, and reiterated in the UN Secretary-General’s Bulletin of 19 December 2005 on “Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations”. UNHCR reaffirmed “zero-tolerance for all forms of fraud and corruption” to mark International Anti-Corruption Day on 9 December 2016. The organisation even launched an e-learning course on the Fundamentals of Fraud and Corruption awareness with the slogan, “It’s never the wrong time to do the right thing”.

And even if these guidelines, rules and campaigns did compel us, wouldn’t it still be our moral imperative to speak out about misconduct?

So why are we staff reluctant to speak up?

\(^1\) 4,355 out 12,645 staff members participated in the survey.
Could it mean that we have such little faith in the system?

Not only are staff afraid to speak up against wrongdoing because they do not think it will lead to anything, but also because whistleblowers are often turned on by their colleagues, who swallow the line that by reporting the wrongdoing, they are the ones damaging the reputation of the organization rather than those who commit the wrongdoing.

Yet, the common lament is often, “Nothing will happen even if I report, so why bother?”, or “I need to keep my job” or “the Management is not interested in resolving issues, nothing will happen.”

Is there a culture of “shooting the messenger”, to the point that we have cultivated a fear of reporting cases of fraud and abuse, and thereby, lowering staff morale? Perhaps there is a justifiable disillusionment among staff that reporting will not yield results. How often have we heard of staff complaining of misuse of funds and mismanagement in the field by Senior Managers or Heads of Offices? How often have we heard of investigations only beginning when alleged perpetrators have retired, thereby removing all possibility of holding the person accountable?

There have been some instances in the past within UNHCR where whistleblowers suffered certain consequences for reporting wrongdoings. Staff members have complained of strained relationships within the department and of being sidelined. A staff member who complained of wrongdoing some fourteen years ago was not only allegedly denied protection from retaliation but was also reported to have been separated in the interim period.

There are also examples of cases similar in nature in other UN agencies such as the case of an OHCHR staff member who was retaliated against for sharing a report with French diplomatic officials containing serious allegations of pedophilia and bestiality committed on children in the Central African Republic by the French military.

Allegations of atrocities committed by peacekeeping forces have been going on for years. The continuous abuses and sexual exploitation committed by colleagues and military personnel led to wide condemnation by the staff unions of the UN common system. In a statement issued in 2016, the Coordinating Committee of International Staff Unions and Associations (CCISUA) which is one of the UN staff federations took a moral stand to demonstrate the lack of accountability and the lack of preventive measures in place to prevent such sexual exploitation from recurring. The staff federation also spoke about the need for a culture change, that staff should be encouraged to alert management and those in authority of abuses and similar behaviours.

Change in sight?

These sobering examples might help us to understand why staff fear to speak up.

Critics have asked how then do we change
this perception and demonstrate otherwise?

How then can we learn from past lessons?

Can we place our hope in the recent change of guards in the entire UN system, such as the new Secretary General, the UNHCR High Commissioner, among others?

The new UN Secretary-General has already made several promising commitments since taking oath. Following intensive negotiations spearheaded by the Staff Federations for the past three years, particularly in light of several scandals, the new SG agreed to improve the whistleblower protection policy to include the right to appeal to the UNDT against a decision not to provide staff protection from retaliation. Staff members can now not only report cases of public interests but include reporting something as simple as the breaking of rules (if done in good faith) and the whistleblower can also report an act committed not only by a staff member but an act committed by a contractor or a UN partner. Other improvements include a tightened burden of proof to the benefit of staff, a reduced delay for the Ethics Office review (from 45 days to 30 days) and the possibility of preventive action by the UN Ethics Office and the OIOS to enable them to act before retaliation takes place.

It was refreshing to hear from the new Ethics Director that the new policy on Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations is both a reflection of shortcomings of that policy in the past and an attempt to create a safer and more protected space for colleagues to report misconduct. He added that certain cases in the past have illustrated that protection against retaliation was not sufficiently robust and that UN(HCR) staff did not trust the organization’s ability to actually provide effective protection against retaliation. According to him, the lack of trust is embedded in an organizational culture of widespread fear of reporting dysfunctions and misconduct. Trust in the system can only be restored by an organization that is walking the talk, is holding its managers accountable and is promoting a culture of open and respectful dialogue. To achieve that, everyone in the organization should play a role and we all have an opportunity and a responsibility to contribute to that culture of open dialogue through our behavior every day. As a humanitarian organization we put humanity at the forefront of our values. We will only be able to do that in a credible way if we make sure that humanity and respect are at the core of our work environment.

Additionally, we must also be cautious of the misuse of the very mechanisms that are there to protect whistle-blowers. Often times, we have heard of staff members falsely making accusations of being retaliated against when contracts are not renewed or to cover up against poor performance. Others may not realise that personal grievances such as alleged bullying or harassment incidents do not fall under the whistle-blower policy and
should therefore be properly channeled to the other conciliatory bodies that exist in the system.

But now let’s look forward. This is a time for change in the way the UN, and by the same token, UNHCR, do business and demonstrate a genuine commitment to protecting whistleblowers. Whistleblowers are motivated by the need to do the right thing, very often they do so to the detriment of their careers, which should not be the case.

Let no more past and future whistleblowers fall through the cracks of retaliation.

Let’s start by doing what is right.

Speak up. If not us, then whom? If not now, then when?