

April 8, 2015

Dear UN Secretary-General and UN Executive Heads:

We are United Nations whistleblowers.

Each one of us has blown the whistle on serious wrongdoing, gross misconduct and even criminal acts at the United Nations. Our collective experience of reporting misconduct in the UN covers sexual exploitation, abuse of power, corruption and other criminal behavior over a period of more than a decade and a half. Each one of us has faced retaliation for reporting the wrongdoing. Our cases are well-known and, sadly, deter others from reporting wrongdoing. This must change.

Over the past decade the UN and its specialized agencies have established new whistleblower policies, but many of these lag behind modern standards¹ and are poorly implemented. The policies afford little to no measure of real or meaningful protection for whistleblowers.

As our experience shows, retaliation against whistleblowers affects the entire UN system and goes largely unchecked at all levels, including in the Executive suites. Some UN whistleblowers have been fired or demoted; others have been subject to more subtle forms of abuse like non-renewal of contracts or sudden transfer to duty stations on the other side of the globe; many face plain, simple harassment and intimidation.

As a result, fear of reporting wrongdoing is widespread. UN whistleblowers are forced to go through lengthy, and often expensive, internal appeal processes in which the burden of proof, as a practical matter, rests on the *whistleblower* to demonstrate retaliation (the usual standard in national systems requires the *employer* to justify their actions were not retaliatory).

Put simply, the UN system of justice fails whistleblowers, and most of us have been forced to leave the UN to save our livelihoods, our health and our reputations. The UN Appeals Tribunal has recently demonstrated the failure of the UN justice system, ruling in the case of James Wasserstrom that determinations made by the UN Ethics Office (whose record in addressing reprisal is itself scandalous) are not appealable decisions.

Whistleblower rights are human rights. Whistleblowers should be protected by the principles of the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights.

¹ We note the standards of whistleblower protection in place in large parts of the world. See, for examples, <http://www.oecd.org/g20/topics/anti-corruption/48972967.pdf> and <https://wcd.coe.int/ViewDoc.jsp?id=2188855&Site=CM>.

We call on you to urgently review whistleblower protection for UN staff, and for those serving in affiliated specialized agencies and international organisations not protected by national laws. In the case of whistleblowers, this immunity can easily become raw impunity. Without proper whistleblower protection, wrong-doing at the United Nations—be it sexual exploitation, abuse of power, fraud or corruption—will not be reported and will continue to go unchecked. There will be no accountability. This can only damage the UN's moral standing and, ultimately, its legitimacy.

We call on you to take the following concrete steps:

- recognize that whistleblower rights are human rights, which must be promoted and protected within the UN, as well as in affiliated specialized agencies and international organisations with immunity from national laws.
- publicly release the external study of whistleblower protections at the UN conducted by Justice Louise Otis.
- submit the proposed revisions to the UN protection against retaliation policy for public consultation, and specifically seek feedback from our whistleblower coalition and from organisations with expertise on whistleblower policies, such as the Government Accountability Project.
- extend whistleblower protections to UN peacekeepers, police officers, contractors, victims and any other person who provides information about misconduct that could undermine the organisation's mission. The key to receiving protection should be the content of the information disclosed, not the identity of the person disclosing it.²
- immediately end the practice of subjecting known UN whistleblowers to lengthy internal appeals processes for contesting the loss of their job or other adverse employment decisions.
- establish an external independent mechanism for claims of retaliation against UN whistleblowers and provide regular reports to the UN General Assembly.
- provide an external arbitration option for all whistleblowers. The decision maker should be selected by mutual consent through a “strike” process.³
- recognize that whistleblowers are vulnerable across the UN system, possibly for the duration of their careers, and provide them with appropriate psychological support and counselling, as well as career development.

² This is a best practice in place at other intergovernmental organisations, including the African Development Bank and Asian Development Bank.

³ Section 7048 (a) of the 2014 U.S. Consolidated Appropriations Act requires the United Nations to offer whistleblowers “access to independent adjudicative bodies, including external arbitration,” as a condition of full U.S. funding. External arbitration is contemplated as a normal option to resolve retaliation cases in the U.S. Whistleblower Protection Act and is used by international trading partners and sovereign nations caught up in similar wrangles.