

# **Report of the Executive Director of UN-Women on disciplinary measures and other actions taken in response to misconduct and wrongdoing by UN-Women staff members, other personnel or third parties and cases of possible criminal behaviour 1 January-31 December 2021**

## **I. Introduction**

1. In observance of the Charter of the United Nations and the UN Staff Regulations and Rules<sup>1</sup>, and in accordance with section 2.1(d) of ST/SGB/2011/2 (Authority of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) in matters relating to human resources management) dated 1 January 2011, UN-Women is committed to preventing, identifying and addressing all incidents of misconduct and wrongdoing whether committed by UN-Women staff members, other personnel<sup>2</sup> or third parties such as vendors or implementing partners.
2. This Report is issued under the [UN Women Legal Policy for Addressing Non-Compliance with United Nations Standards of Conduct](#) (the Legal Policy), which requires that, in the interests of transparency, the Executive Director publish information on disciplinary decisions taken in the course of the preceding year and cases of misconduct (without the individuals' names) that have resulted in the imposition of disciplinary measures.
3. In summary, in 2021 there was one disciplinary case against a UN-Women staff member and one case involving other personnel. There was also one case involving an implementing partner.
4. In 2021, one case was referred to national authorities pursuant to General Assembly resolution 62/63.
5. Cases of misconduct and wrongdoing are reported to the Executive Board annually through its established reporting mechanisms, as set in Part C of Section IV of this Report. This includes the annual report on internal investigation activities, which includes complaints received broken down by category including fraud, disposition of cases, and any financial loss as well as information on the actions taken and UN-Women management's response to substantiated allegations of misconduct including fraud.

## **II. Cases involving staff members, other personnel or third parties in 2021**

### **A. Cases involving staff members**

6. This section contains a summary of the action taken where an investigation report has established misconduct by staff members and the report has been submitted to UN-Women for review and further action.
7. UN-Women has zero tolerance for any kind of misconduct and takes all such reports seriously. Misconduct is defined in Staff Rule 10.1 as "failure by a staff member to comply with his or her obligations under the Charter of the United Nations, the Staff Regulations and Staff Rules or other relevant administrative issuances or to observe the standards of conduct expected of an international civil servant."
8. Such a failure could be deliberate (intentional or wilful act) or result from an extreme or aggravated failure to exercise the standard of care that a reasonable person would have exercised with respect to a

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<sup>1</sup> Article 101, paragraph 3 of the Charter of the United Nations states that the "*paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity.*" UN Staff Regulation 1.2(b) provides that "[t]he concept of integrity includes, but is not limited to, probity, impartiality, fairness, honesty and truthfulness in all matters affecting their work and status."

<sup>2</sup> Other personnel include service contract holders and consultants.

reasonably foreseeable risk (gross negligence) or from a complete disregard of a risk which is likely to cause harm (recklessness).

i. Disciplinary or administrative action

9. The Executive Director imposes disciplinary and administrative measures under the UN Staff Regulations and Rules following a thorough process as defined in the Legal Policy. Appeals against the Executive Director's decision to impose a disciplinary or an administrative measure following an investigation, and/or a disciplinary process are heard by the United Nations Dispute Tribunal (UNDT). Decisions by the UNDT may be appealed, either by staff members or by the organization, to the United Nations Appeals Tribunal. The decisions of both tribunals are binding on UN-Women.

10. In 2021, one case resulted in a disciplinary measure against a staff member:

*Failure to observe standards of conduct*

The staff member was found to have failed to observe the standards expected of a United Nations civil servant and to uphold the highest standards of integrity, use the property and assets of UN Women only for official purposes, operate a vehicle in a safe and responsible manner and to obtain authorization for personal use of a UN Women vehicle. The staff member was dismissed.

11. In 2021, there were no cases that resulted in an administrative measure against staff members.

ii. Action taken where the subject of an investigation separated during an investigation

12. Pursuant to paragraph 5.2.2 of the Legal Policy, if an investigation subject resigns or otherwise separates from the organisation and the report is finalised by OIOS after their separation, a letter shall be placed on the former staff member's official status file. The former staff member shall be invited to comment on the letter, and the letter and his or her comments will be placed in his or her official status file.

13. In 2021, there were no such cases.

## **B. Cases involving other personnel**

14. As service contract holders and consultants are not UN-Women staff members, the disciplinary process does not apply. Their contract with UN-Women and the explicit terms and conditions provided therein constitute the legal framework governing their employment with UN-Women. Findings of wrongdoing may lead to the termination or non-renewal of their contract.

15. In 2021, there was evidence of unsatisfactory conduct by one other personnel:

*Fraud*

A consultant was found to have committed fraud by altering certificates of payments and to have subsequently attempted to defraud UN-Women to obtain an undue benefit. There was no reportable financial loss to UN-Women. The consultant had been separated when the allegation was substantiated.

## **C. Cases involving third parties**

16. The contract between a third party such as a vendor and UN-Women and the explicit terms and conditions provided therein constitute the legal framework governing the third party's relationship with UN-Women. Findings of wrongdoing by third parties or a third party's subcontractor, including the respective employees, may lead to the termination or non-renewal of their contract.

17. In 2021, one investigation report was received relating to an implementing partner.

*Misuse of Funds*

An employee of an implementing partner was found to have misused UN-Women funds relating to a project and to have falsified financial documents as proof of his attempt to reimburse the funds. The employee admitted the misconduct and was terminated by the implementing partner. No UN personnel was involved. The matter was referred to national authorities.

### III. Possible criminal behaviour

18. In its resolution 59/287, the General Assembly requested the Secretary-General to take action expeditiously in cases of “proven [...] criminal behaviour” and ensure that Member States are informed of the actions taken. Further, in its resolution 62/63, the General Assembly requested the Secretary-General “to bring credible allegations that reveal that a crime may have been committed by United Nations officials and experts on mission to the attention of the States against whose nationals such allegations are made, and to request from those States an indication of the status of their efforts to investigate and, as appropriate, prosecute crimes of a serious nature [...]”.

19. When an investigation reveals credible evidence that a violation of law has occurred to warrant referral to the law enforcement authorities of a Member State, UN-Women refers such matters to the Secretary-General through the UN Office of Legal Affairs (OLA) for its review and appropriate action.

In 2021, UN-Women referred one case regarding an implementing partner.

#### A. Relevant policies

20. More specific information on the different types of misconduct and wrongdoing and reporting as well as the investigation process can be found in the following UN-Women policy documents, all of which are included in the UN-Women Policy, Procedure and Guidance Framework (PPG) and are publicly available on the UN-Women Accountability page: <https://www.unwomen.org/en/about-us/accountability>.

##### **UN Women Legal Policy for Addressing Non-Compliance with UN Standards of Conduct**

21. The [UN Women Legal Policy for Addressing Non-Compliance with UN Standards of Conduct](#), *inter alia*, prohibits any form of misconduct which may include, but is not limited to, the following categories whether wilful, grossly negligent or reckless:

- (a) Acts or omissions in conflict with the general obligations of staff members set forth in Article I of the Staff Regulations, Chapter I of the Staff Rules and other administrative issuances as applicable; failure to comply with the standards of conduct expected from international civil servants;
- (b) Unlawful acts (e.g. theft, fraud, smuggling, possession or sale of illegal substances or objects, etc.) wherever it occurs, and whether or not the staff member was an official on duty at the time;
- (c) Assault, workplace harassment, including sexual harassment, or threats to other staff members or third parties (see the [Prevention of Harassment, Sexual Harassment, Discrimination and Abuse of Authority Policy](#));
- (d) Sexual exploitation and sexual abuse as defined in the [Secretary-General’s Bulletin “Special measures for protection from sexual exploitation and sexual abuse”, ST/SGB/2003/13](#);
- (e) Misrepresentation, forgery, or false certification, including, but not limited to, in connection with any official claim or benefit, the failure to disclose a fact material to that claim or benefit, or engaging in a knowing misrepresentation which has adverse consequences for the organization;
- (f) Misuse or mishandling of official property, assets, equipment or files, including electronic files or data;
- (g) Action or omission to avoid or deviate from Financial Regulations, Rules and Procedures, including inappropriate use of authorising, approving, committing or verifying authority;
- (h) Mishandling of contract obligations and relations with third parties leading to loss of property or assets, or generating liabilities for the organization;

- (i) Failure to disclose an interest or relationship with a third party who might benefit from a decision in which the staff member takes part; favouritism in the award of a contract to a third party;
- (j) Breach of fiduciary obligations vis-à-vis the organization;
- (k) Misuse of office, abuse of authority; breach of confidentiality; abuse of United Nations privileges and immunities, including misuse of the United Nations Laissez-Passer;
- (l) Exaction or acceptance of funds, services or benefits, from a colleague or third party in return for a favour or benefit;
- (m) Failure to disclose promptly the receipt of gifts, remuneration or other benefits received from an external source by the staff member in connection with his or her official duties;
- (n) Retaliatory action against a complainant or an investigation participant, or other action in violation of the [Protection Against Retaliation for Reporting Misconduct and for Cooperating with Duly Authorized Audits or Investigations Policy](#);
- (o) Making false accusations and disseminating false rumours;
- (p) Direct or indirect use of, or attempt to use official authority or influence of the staff member's position or office for the purpose of obstructing an individual from reporting allegations of wrongdoing, or cooperating with an audit or an investigation;
- (q) Abetting, concealing or conspiring in any of the above actions, including any act or omission bringing the organization into disrepute.

**Prevention of Harassment, Sexual Harassment, Discrimination and Abuse of Authority Policy**

22. The [Prevention of Harassment, Sexual Harassment, Discrimination and Abuse of Authority Policy](#) (i) reinforces UN-Women's commitment towards protecting all personnel from prohibited conduct; (ii) ensures that all personnel are aware of their roles and responsibilities in maintaining a workplace free of any form of prohibited conduct; (iii) outlines measures designed to prevent prohibited conduct; (iv) describes mechanisms for reporting prohibited conduct; (v) describes the consequences of committing prohibited conduct; and (vi) details the support provided to those who are affected by prohibited conduct.

**Secretary-General's Bulletin "Special measures for protection from sexual exploitation and sexual abuse", ST/SGB/2003/13**

23. The [Secretary-General's Bulletin "Special measures for protection from sexual exploitation and sexual abuse", ST/SGB/2003/13](#), which applies to UN-Women, establishes the UN system-wide framework for preventing and addressing cases of sexual exploitation and sexual abuse.

**Protection Against Retaliation for Reporting Misconduct and for Cooperating with Duly Authorized Audits or Investigations Policy**

24. The [Protection Against Retaliation for Reporting Misconduct and for Cooperating with Duly Authorized Audits or Investigations Policy](#) establishes the mechanism for the protection of UN-Women personnel against retaliation for reporting misconduct or for cooperating with duly authorized audits or investigations. UN-Women is committed to fostering and maintaining a culture in which all personnel are able to report acts of misconduct and/or wrongdoing to Office of Internal Oversight Services (OIOS) without fear of reprisal, reprimand or any form of retaliation, and to taking swift and appropriate action in cases in which retaliation has occurred.

**UN-Women Anti-Fraud Policy**

25. The [UN-Women Anti-Fraud Policy](#) outlines UN-Women's current approach to the prevention, detection and response to incidents of fraud.

**B. Reporting and investigation process**

26. All personnel have a responsibility to report allegations of misconduct and/or wrongdoing to the OIOS or to their immediate supervisors. Supervisors have a responsibility to promptly report allegations to OIOS.

27. There are several ways to report to OIOS:

(a) A confidential helpline managed by OIOS has been established, which any person may access directly on UN-Women's Internet site: (i) on <http://www.unwomen.org>, at the bottom of each page, click on "Report wrongdoing"; (ii) from the link on the dedicated "Accountability" page at <http://www.unwomen.org/en/about-us/accountability/investigations>;

(b) By mail marked "Private and Confidential" to the Director, Investigations Division, Office of Internal Oversight Services; 300 East 42<sup>nd</sup> Street (at 2<sup>nd</sup> Avenue), 7<sup>th</sup> Floor, New York, NY 10017;

(c) By telephone at +1 (212) 963-1111 (24 hours a day).

28. In the event that UN-Women personnel fear retribution or retaliation after reporting allegations of misconduct and/or wrongdoing, or cooperating with an audit or investigation, under the [Protection Against Retaliation for Reporting Misconduct and for Cooperating with Duly Authorized Audits or Investigations Policy](#), they may report the matter to the Director, UN Ethics Office in person, by telephone at +1 (917) 367-9858, or by email at [ethicsoffice@un.org](mailto:ethicsoffice@un.org).

### **C. Additional reporting**

29. In accordance with the [UN-Women Anti-Fraud Policy](#), cases of misconduct and/or wrongdoing investigated by OIOS on behalf of UN-Women will be reported to the Executive Board through its established reporting mechanisms, as follows:

(a) Cases of fraud and presumptive fraud are publicly reported to UN-Women's Executive Board by the United Nations Board of Auditors through the Report of the Board of Auditors.

(b) An annual report on internal investigation activities is also provided annually to the Executive Board. As requested by the Executive Board in its decision UNW/2015/4, this report includes complaints received broken down by category including fraud, disposition of cases, and any financial loss as well as information on the actions taken and UN-Women management's response to substantiated allegations of misconduct including fraud.

30. OIOS on behalf of UN-Women will inform of any allegations of sexual exploitation and abuse through quarterly reports provided by the Secretary-General's spokesperson and through the mandatory annual reporting on allegations of sexual exploitation and abuse provided by the Secretary-General.

31. Where OIOS informs UN-Women of an investigation into allegations of fraud that are identifiable as allegations relating to any activities funded in whole or in part with specific financial contribution or to specific activities, UN-Women may give consideration to the disclosure of information regarding the allegations to third parties, including to the funding source, with due regard to the principles.

32. The report of the outcome of an investigation of any allegations of fraud and other misconduct is a confidential document which forms part of the United Nations archives; neither the report of the investigation, nor any summary of the report, will be disclosed unless it is in the context of a request for judicial cooperation and referral to national authorities. Any such requests for judicial cooperation shall be directed through the UN-Women Legal Adviser at Headquarters, in consultation with the Office of Legal Affairs of the Secretariat, which has sole authority on behalf of the Secretary-General for determining such matters.

### **D. Relevant offices**

33. [Funds and Programmes Ombudsman](#): The office of the United Nations Ombudsman, which services UN-Women through the dedicated Funds and Programmes Ombudsman, is a suitable option for informal, confidential and impartial assistance towards the resolution of concerns and conflicts that are related to employment and the workplace. An ombudsman can assist staff members in looking at the issue from all perspectives, helping concerned staff members to identify options and to assess them with a view to determining the best option for a resolution. More information and contact details are available on the Internet

website of the Office of the Ombudsman for the Funds and Programmes, <http://www.fpombudsman.org/>, including the reports issued by the Office.

34. Office of Internal Oversight Services: OIOS was established under General Assembly resolution 48/218 B, to enhance the oversight functions within the United Nations. OIOS aims to promote responsible administration of resources, a culture of accountability and transparency, and improved programme performance. OIOS is the sole office that carries a mandate to conduct internal investigations into allegations of misconduct and/or wrongdoing for UN-Women. Reports to OIOS should be made as described above in this report.

35. UN Ethics Office: The UN Ethics Office promotes an ethical organizational culture based on shared values of integrity, accountability, transparency and respect. The objective of the UN Ethics Office is to assist the Secretary-General in ensuring that all staff members observe and perform their functions consistent with the highest standards of integrity required by the Charter. The UN Ethics Office also provides advice and guidance to staff members, at their request and in confidence, on conflicts of interest and other ethics-related issues. Detailed information and contact details of the UN Ethics Office are available on the UN Ethics Office website at <http://www.un.org/en/ethics/>.

36. In addition, the UN Ethics Office plays a critical role within the Protection Against Retaliation for Reporting Misconduct and for Cooperating with Duly Authorized Audits or Investigations Policy.

37. UN Office of Staff Legal Assistance: The General Assembly established the Office of Staff Legal Assistance (OSLA), staffed by full-time legal officers at United Nations Headquarters in New York, and in Addis Ababa, Beirut, Geneva and Nairobi. OSLA may provide legal advice and representation to staff members (including former staff members or affected dependents of staff members) who wish to appeal an administrative decision, or who are subject to disciplinary action. At any stage of a dispute, or even in anticipation of a dispute, a staff member may seek advice from OSLA. OSLA legal officers and volunteers can advise on the legal merits of a case and what options the staff member might have. Detailed information and contact details of OSLA are available on the OSLA website at <https://www.un.org/en/internaljustice/osla/>.<sup>3</sup>

38. UN-Women Legal Office: The UN-Women Legal Office provides legal advice and support to UN-Women management on a range of legal issues, including employment law. The Legal Office is responsible for reviewing reports prepared by OIOS and recommending the initiation of disciplinary proceedings as well as disciplinary action. The Legal Office also represents the Secretary-General before the UNDT in employment disputes involving UN-Women staff members. Referrals to national authorities for criminal behaviour are also made through the Legal Office. The Legal Office also assists in relation to termination of contracts with non-staff personnel or third parties including vendors and implementing partners.

39. The Independent Evaluation and Audit Service (IEAS): IEAS carries out the role of Responsible Official for receiving and transmitting investigation reports; coordinating and monitoring implementation of other reports; and for directing referrals and recommendations from the investigation function. It reports on its activities through the “Report on internal audit and investigation activities for the period from 1 January to 31 December 2020”.

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<sup>3</sup> Staff members may also arrange legal advice from non-OSLA counsel, including serving or former staff members, or from outside legal counsel of their choice at their own expense, or may choose to represent themselves (*pro se*) in proceedings within the UN system of administrative justice (see Staff Rules 10.3(a) and 11.4(d)).