

Annex 3

Report of the Executive Director of UN Women on disciplinary measures and other actions taken in response to misconduct by UN Women staff members, affiliate personnel or third parties and cases of possible criminal behaviour 1 January-31 December 2023

I. Introduction

1. In observance of the Charter of the United Nations and the UN Staff Regulations and Rules¹, 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 whether committed by UN Women staff members, affiliate personnel² or third parties such as vendors or implementing partners.
2. This report is issued under the Investigation and Disciplinary Process Policy³, 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 publish an annual report of cases of misconduct that have resulted in the imposition of disciplinary measures.
3. In summary, in 2023 there was four disciplinary cases against staff members. One of the disciplinary cases resulted in an administrative measure being imposed against a staff member and three of the disciplinary cases resulted in a disciplinary sanction being imposed against the staff member. There were no cases involving affiliate personnel or third parties.
4. In 2023, no cases were referred to national authorities pursuant to General Assembly resolution 62/63.
5. Cases of misconduct are reported to the Executive Board annually through its established reporting mechanisms, as set in Section III, Part C 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, affiliate personnel or third parties in 2023

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.

¹ 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.”

² Affiliate personnel means those personnel engaged by UN Women to perform services for UN Women whose contractual relationships are not governed by letters of appointments subject to the Staff Regulations and Rules of the United Nations, including independent contractors (which include service contract holders, personnel services agreement holders and consultants), personnel engaged on a Non-Reimbursable Loan Agreement, United Nations Volunteers, fellows, and interns.

³ Formerly the “Legal Policy for Addressing Non-compliance with UN Standards of Conduct”

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 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 Investigation and Disciplinary Process Policy. Appeals against the Executive Director’s or her delegate’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.

In 2023, three cases resulted in a disciplinary measure against a staff member:

Failure to observe standards of conduct

10. The staff member was found to have committed harassment. The staff member was issued the disciplinary measures of deferment of eligibility for salary increment for one-year, written censure and a deferment of consideration for promotion for one year was imposed.

Failure to observe the standards of conduct, sexual harassment, harassment

11. The staff member was found to have failed to observe the standards of conduct expected of a United Nations civil servant, including to have committed sexual harassment and harassment. The staff member was issued the disciplinary measures of written censure and loss of one step in grade.

Failure to observe standards of conduct, undertaking of unauthorized outside activities, misuse the property and assets of UN Women

12. The staff member was found to have failed to observe the standards of conduct expected of a United Nations civil servant, undertaken unauthorized outside activities and misused the property and assets of UN Women. The staff member was issued the disciplinary measures of written censure, loss of two steps in grade and deferment for two years of eligibility for salary increment.

13. In 2023, there was one disciplinary case that resulted in an administrative measure against a staff member.

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

14. Pursuant to paragraph 5.7.2 of the Investigation and Disciplinary Process Policy, if an investigation subject resigns or otherwise separates from the organisation and the report is finalised by the investigator and provided to UN Women 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 the former staff member’s comments will be placed in their official status file.

15. In 2023, there was one such case.

B. Cases involving other affiliate personnel

16. As affiliate personnel are not 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 misconduct may lead to the termination or non-renewal of their contract or assignment with UN Women.

17. In 2023, there were no cases involving affiliate personnel.

C. Cases involving third parties

18. 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.

19. In 2023, there were no cases involving third parties.

III. Possible criminal behaviour

20. 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 [...]".

21. 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.

22. In 2023, UN Women referred no cases to the Secretary-General.

A. Relevant policies

23. More specific information on the different types of misconduct 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>.

24. **Investigation and Disciplinary Process Policy** The Investigation and Disciplinary Process Policy, *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, corruption, child-related conduct, 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 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

25. 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

26. 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 Policy

27. In 2023, the [Protection Against Retaliation for Reporting Misconduct and for Cooperating with Duly Authorized Audits or Investigations Policy](#) continued to be 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 to the external investigation service provider or the personnel's supervisor 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

28. 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

29. Staff members have a responsibility to report allegations of misconduct to the external investigation service provider or to their immediate supervisors. Supervisors have a responsibility to promptly report allegations to the external investigation service provider.

30. There are several ways to report to the external investigation service provider:

(a) A confidential helpline managed by external investigation service provider 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 42nd Street (at 2nd Avenue), 7th Floor, New York, NY 10017;

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

31. In the event that UN Women personnel believe that retaliatory action has been recommended, threatened or take against them after reporting misconduct, or after cooperating with an audit or investigation they may request protection against retaliation from the Ethics Advisor by email at ethics@unwomen.org in accordance with the [Protection Against Retaliation Policy](#).⁴

C. Additional reporting

32. In accordance with the [UN Women Anti-Fraud Policy](#), cases of fraud and other types of misconduct investigated 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.

33. The external investigation service provider, 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.

34. Where the investigators 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.

35. 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 Office 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

36. 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.

37. 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. In 2023, OIOS was the sole office that carried a mandate to conduct internal investigations into allegations of misconduct for UN Women. Reports to OIOS should be made as described above in this report.

38. Ethics Function: The mandate of the Ethics Function at UN Women, via its Ethics Advisor, is to assist the Executive Director in ensuring that UN Women personnel observe and perform their functions with the highest standards of integrity by fostering a culture of ethics, transparency, accountability and mutual respect. The Ethics Advisor also provides advice and guidance to staff members, at their request and in confidence, on conflicts of interest and other ethics-related issues. More information is available at <https://www.unwomen.org/en/about-us/accountability#ethics>

39. 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. The 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. The 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/>.⁵

40. 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 via the Office of Legal Affairs to national authorities for criminal behaviour are also made by the Legal Office. The Legal Office also assists in relation to termination of contracts of affiliate personnel or third parties including vendors and implementing partners.

41. Independent Evaluation and Audit Service (IEAS): The Director, IEAS is the designated official responsible for coordinating investigation-related matters with an official investigation service provider. The Director, IEAS has the authority to assist investigation activities; coordinate information requests or referrals to management; provide the investigation service provider with data collection and records; follow up on investigation reports and referrals; prepare and follow up on lessons learned with management; perform proactive integrity reviews where applicable; and promote fraud awareness. It reports on its activities through the “Report on internal audit and investigation activities for the period from 1 January to 31 December 2023”.

⁵ 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)).