

# **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 2013 – 2018**

## **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. The Executive Director has not had cause to take any disciplinary decisions or impose disciplinary measures until 2018 and therefore has not previously published this Report. However, in the interests of transparency, and to make clear the activities of UN-Women in ensuring accountability, the Executive Director is reporting both on disciplinary decisions in 2018, as well as all action taken in non-disciplinary cases, namely, misconduct and wrongdoing which did not result in disciplinary measures. The Report will include those matters for the period from 1 January 2013 to 31 December 2018, as well as disciplinary measures taken in respect of staff members in 2018.
4. In summary, there were two disciplinary cases against UN-Women staff members in 2018. In relation to misconduct and wrongdoing which did not result in disciplinary measures, there were four cases in 2018, eight in 2017, eight in 2016, one in 2015, one in 2014 and one in 2012.
5. Cases involving referral to national authorities pursuant to General Assembly Resolution 62/63 are also indicated.
6. Cases of misconduct and wrongdoing are reported to the Executive Board annually through its established reporting mechanisms, as set in Part C of Section VI 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.

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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.

## **II. Cases involving staff members, other personnel or third parties in 2018**

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

7. 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.

8. 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.”

9. 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 action taken where the subject of an investigation was still a UN-Women staff member at the relevant time and the investigation was completed

10. The Executive Director imposes disciplinary 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.

11. In 2018, two cases resulted in disciplinary measures against staff members:

*Fraud*

(a) A staff member was found to have committed a procurement fraud, misrepresentation, forgery, false certification and failed to declare conflicts of interest. The staff member was dismissed.

*Sexual Exploitation and Abuse, Sexual Harassment and Misuse of ICT Resources*

(b) A staff member was found to have committed sexual exploitation and abuse, sexual harassment and misused UN Information Communication and Technology Resources. The staff member was dismissed.

ii. Action taken where the subject of an investigation separated as a staff member from UN-Women while under investigation and the investigation was completed

12. Pursuant to the Legal Policy, if an investigation subject resigns or otherwise separates prior to the completion of an investigation report, the investigation report may be finalised despite the investigation subject’s resignation or separation. In 2018, there was one such case resulting in a referral to another UN agency:

*Fraud*

A former staff member was found to have utilised, without authorisation, UN-Women’s business UPS account for personal purposes. As the staff member was transferred to another UN agency during the investigation, the matter was referred for action to that UN agency.

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

13. As service contract (SC) holders 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.

14. In 2018, there was evidence of wrongdoing by a SC holder:

*Theft and Embezzlement*

A SC holder was found to have taken organization funds without authorisation. UN-Women was unable to recover the funds. The SC holder's contract was terminated.

**C. Cases involving third parties**

15. The contract between a third party such as a vendor or implementing partner and UN-Women and the explicit terms and conditions provided therein constitutes the legal framework governing that third party's relationship with UN-Women. Findings of wrongdoing may lead *inter alia* to the termination or non-renewal of their contract.

16. In 2018, two investigation reports were received relating to vendors:

*Fraud*

(a) A vendor was found to have committed a procurement fraud and failed to comply with its other obligations as a UN-Women vendor. The vendor was referred to the UNDP vendor sanctions process.

*Misrepresentation, False Certification and Forgery*

(b) A vendor was found to have misrepresented that an individual was the administrator of the company in the bid documents when that individual was not. There was no indication that the procurement process was compromised. The vendor was referred to the UNDP vendor sanctions process.

**III. Cases involving staff members, other personnel or third parties in 2013-2017**

**A. Cases involving staff members**

Action taken where the subject of an investigation separated as a staff member from UN-Women while under investigation and the investigation was completed

17. Pursuant to the Legal Policy, where an investigation report is finalised despite the investigation subject's resignation or separation, following review of the investigation report, a letter is placed in the former staff member's Official Status File indicating, *inter alia*, whether, if he or she had remained employed: (i) a recommendation would have been made for charges of misconduct to be initiated against him or her, or (ii) the matter would have been dealt with from a work performance standpoint, and if so how (e.g. by a letter of reprimand). The letter also indicates whether the former staff member resigned while under investigation, or whether his or her contract expired while under investigation. The former staff member is invited to comment on the letter, and the letter, and his or her comments, are placed in his or her Official Status File.

18. During the period 2013-2017, four such cases resulted in letters being placed in the former staff member's Official Status File.

*Fraud*

(a) A former staff member was found to have submitted fraudulent claims for reimbursement of medical expenses. UN-Women did not incur any financial loss. The staff member resigned during the investigation and a letter was placed in their Official Status File. (2017)

(b) A former staff member was found to have misrepresented information in order to fraudulently obtain benefits from rental subsidies. The staff member resigned during the investigation and a letter was placed in their Official Status File. The loss was recovered from the former staff member by UN-Women. (2016)

*Misrepresentation, False Certification and Forgery*

(c) In separate cases, two former staff members were found to have misrepresented education qualifications on their CV and P-11 application form. Both staff members resigned during the investigations and a letter was placed in their respective Official Status Files. (2017 and 2014 respectively)

**B. Cases involving other personnel**

19. During the period 2013-2017, there was evidence of wrongdoing involving fourteen SC holders. The results are described below.

*Sexual Harassment*

(a) A SC holder was found to have sexually harassed a supervisee. The SC holder's contract was terminated. (2017)

*Harassment*

(b) A SC holder was found to have engaged in threatening behaviour towards a staff member. The SC holder's contract was terminated. (2016)

*Fraud*

(c) Three SC holders were found to have submitted fraudulent claims for reimbursement of medical expenses. UN-Women did not incur a financial loss. The SC holders' contracts were terminated. (Two in 2017 and one in 2016)

(d) A SC holder was found to have fraudulently completed a technical test administered for a position within the organization. The SC holder's contract was terminated. (2016)

*Misrepresentation, False Certification and Forgery*

(e) A former SC holder was found to have forged the signature of an individual contractor on an employment contract. The SC holder's contract expired and the SC holder was informed that they will no longer be considered for a position with UN-Women. (2017)

(f) A SC holder was found to have misrepresented their education qualifications on their P-11 application form. The SC holder's contract was terminated. (2016)

*Conflict of Interest*

(g) A SC holder was found to have failed to disclose conflicts of interest whilst repeatedly awarding contracts to a relative. The SC holder's contract was terminated. (2017)

(h) A SC holder was found to have failed to disclose conflicts of interest and engaged in financial mismanagement. The SC holder was informed that his contract would not be renewed. (2012)

*Theft and Embezzlement*

(i) A SC holder was found to have used organization funds for personal use. The funds were recovered by UN-Women. The SC holder's contract was terminated. (2016)

(j) A SC holder was found to have taken personal property from an individual without the knowledge or consent of the individual. The SC holder's contract was terminated. (2016)

(k) A SC holder was found to have retained organization funds without authorisation. The funds were recovered by UN-Women. The SC holder's contract was terminated. (2016)

*Other Failure to Comply with Obligations*

(l) A SC holder was found to have failed to exercise the levels of integrity, accountability and professional ethics expected. The SC holder's contract was terminated. (2017)

## C. Cases involving third parties

20. During the period 2013-2017, investigation reports were received relating to one implementing partner.

### *Fraud*

An implementing partner was found to have committed fraud by receiving funds from UN-Women which were not supported by a deliverable. (2015)

## IV. Possible criminal behaviour

21. 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 [...]”.

22. 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.

23. During the reporting period covered by this report, UN-Women referred four cases relating to staff members, four cases relating to service contract holders and one case regarding a vendor.

## V. Policy-related information

### A. Relevant policies

24. 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).

25. 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 [UN-Women 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 [UN-Women Policy for Protection Against Retaliation for Reporting Misconduct and for Cooperating with Duly Authorised 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.

26. 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**

27. All personnel have a responsibility to report allegations of misconduct and/or wrongdoing to the Office of Internal Oversight Services (OIOS) or to their immediate supervisors. Supervisors have a responsibility to promptly report allegations to OIOS.

28. There are several ways to report to OIOS:

- (a) A confidential helpline managed by OIOS has been established, which any person may access directly at <https://unvoiosctxwi.unvienna.org/OIOSIDWDR/> or 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).

29. 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 [UN-Women Policy for Protection Against Retaliation for Reporting Misconduct and for Cooperating with Duly Authorised 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

30. In accordance with the 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.

31. 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.

32. 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.

33. 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

34. 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.

35. 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.

36. 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/>.

37. In addition, the UN Ethics Office administers the [UN-Women Policy for Protection Against Retaliation for Reporting Misconduct and for Cooperating with Duly Authorised Audits or Investigations Policy](#). 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 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.

38. 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 <http://www.un.org/en/oaj/legalassist/>.<sup>3</sup>

39. 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.

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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)).