

2023 ANNUAL REPORT ON ADMINISTRATION OF JUSTICE AND OTHER ACCOUNTABILITIES AT UNDP

1. The administration of justice plays a crucial role in upholding principles of fairness, accountability, and transparency within UNDP. These principles apply to all facets of the Organization including decisions made by management, as well as the conduct of UNDP staff members, UN Volunteers and vendors.
2. This report described UNDP's administration of justice framework for the year 1 January to 31 December 2023. Section I deals with the formal system of the administration of justice as it applies to staff members. Section II concerns accountability as applied to UN Volunteers, vendors, and possible criminal behavior.

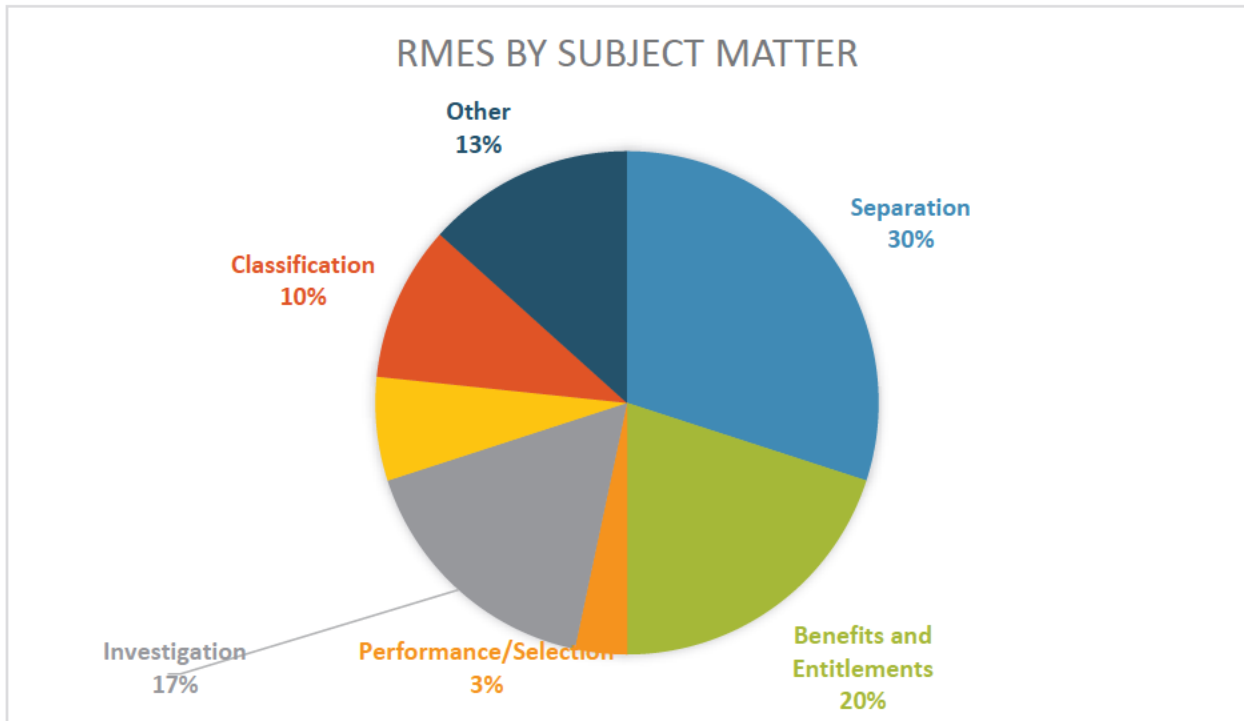
I. STAFF MEMBERS

3. The current system of administration of justice at the United Nations was established by the General Assembly in its resolutions 61/261, 62/228 and 63/253, which became operational on 1 July 2009. These resolutions highlight the importance of establishing clear mechanisms for addressing grievances and ensuring due process in employment-related matters. They underscore the UN's commitment to upholding the rule of law and ensuring that justice is available to all UNDP staff members.
4. In addition to informal dispute resolution, staff members may pursue resolution of a dispute through a formal appeals process. The first step in the formal system of internal dispute resolution is a Request for Management Evaluation (RME) by which staff members request review of an administrative decision that they consider not to be in compliance with their employment contract or terms of appointment. In UNDP, most RMEs are considered by the Director, BMS, who has delegated authority from the Administrator to decide on the outcome of such requests.
5. An RME is a prerequisite for a staff member to appeal an administrative decision to the UN Dispute Tribunal (UNDT) in most cases. Staff members may appeal a decision to impose a disciplinary or an administrative measure following an investigation or following the decision of certain technical bodies directly to the UNDT. UNDT judgments may be appealed, either by the relevant staff member or by the Administration, to the UN Appeals Tribunal (UNAT). Tribunal decisions are binding on both parties.

A. Requests for Management Evaluation (RME)

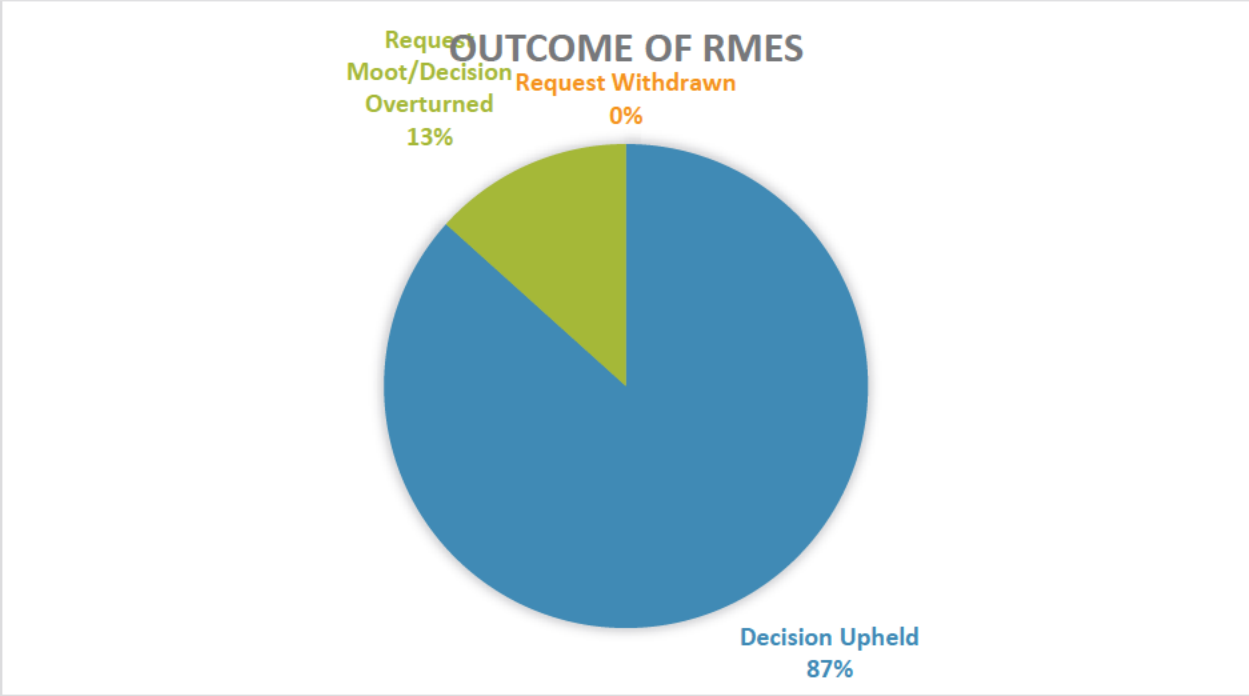
6. In 2023, UNDP received 33 RMEs, and issued 30 responses to RMEs.
7. The decisions contested by staff members through RMEs during 2023 covered a broad range of topics and specific circumstances. The subject-matter of the RMEs answered is categorized as follows:
 - a. Nine relating to separation.
 - b. Six relating to benefits and entitlements.
 - c. Two related to selection.
 - d. One relating to performance.
 - e. Three relating to classification.
 - f. Five relating to investigation.

g. Four relating to other matters.

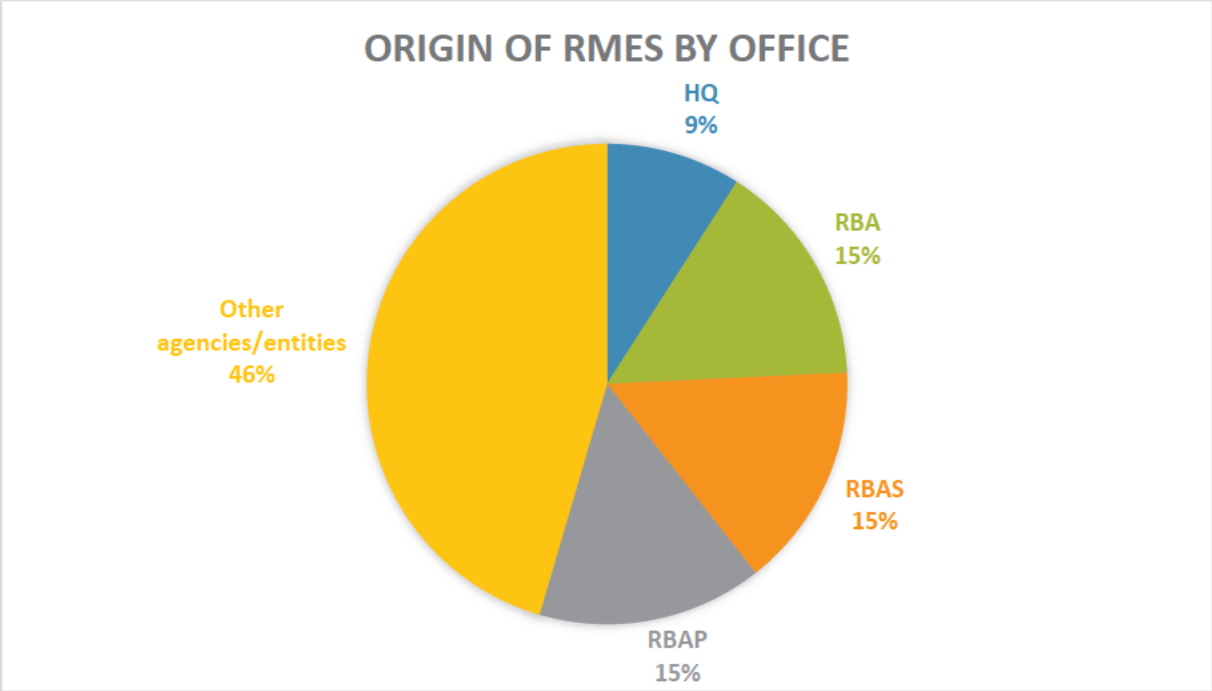


8. The outcomes of the 30 RMEs answered in 2023 were:

- a. 26 administrative decisions were upheld.
- b. Four requests were moot or the administrative decision was overturned.
- c. No requests were withdrawn.



9. Any staff member on a UNDP Letter of Appointment may submit an RME. Of the 33 RMEs received in 2023:
- Three were from Headquarters;
 - Five were from the Regional Bureau for Africa;
 - Five were from the Regional Bureau for Arab States;
 - Five were from the Regional Bureau for Asia and the Pacific;
 - Fifteen were from staff members with service limited to other agencies;



B. Disciplinary Action Pertaining to Staff Members

- 10. 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”.
- 11. In observance of the above principles, UNDP is committed to preventing, identifying, and addressing breaches of the required standards of conduct committed by UNDP staff members.
- 12. The Administrator or the Associate Administrator imposes disciplinary measures following a thorough process as described in the UNDP Legal Framework for Addressing Non-Compliance with United Nations Standards of Conduct (the “Legal Framework”).¹
- 13. Disciplinary proceedings within the UN system are administrative, not criminal, in nature. Proof beyond reasonable doubt is not a requirement. Where misconduct by a staff member is alleged, UNDP will investigate the matter to determine whether the evidence supports the allegation. Throughout such proceedings, staff members have the right to due process, as detailed in the Legal Framework.
- 14. In UNDP, the Office of Audit and Investigations (OAI) is generally responsible for investigating all allegations of misconduct. Investigation reports relating to staff members are submitted to the Office of Legal Services in the Bureau for Management Services, (BMS/OLS) for review and further action.

¹ The Legal Framework may be found on the UNDP intranet website.

Clear Check

15. UNDP participates in the use of the Clear Check Database (“Clear Check”) in place across the UN system. Clear Check was created in consultation with other UN entities pursuant to the Report of the Secretary-General on Special Measures for protection from sexual exploitation and sexual abuse, A/72/751. Clear Check is an electronic database containing the names of former UNDP personnel whose conduct resulted or would have resulted in their separation from service or dismissal for misconduct, or the termination of their contract with UNDP, due to the substantiated allegations of sexual exploitation and abuse or sexual harassment. Individuals can also be included if UNDP has come into possession of information confirming that an individual has a criminal record of a serious sexual offence. Clear Check is used by UNDP and other UN entities to prevent the hiring and re-hiring of such individuals within the UN system.
16. In 2023, UNDP added the names of two staff members to Clear Check.

Paragraphs 72(a) and 73 of the Legal Framework

17. Paragraph 72(a) of the Legal Framework provides that, if an investigation subject resigns or otherwise separates prior to the completion by OAI of an investigation report, the investigation report may be finalized at OAI’s discretion. Notwithstanding separation, if the investigation report is finalized, OAI sends the draft investigation report to the former staff member for comment. After consideration and amendment of the investigation report as appropriate, OAI sends the final investigation report and comments to BMS/OLS for review.
18. Following review, the Director, BMS/OLS issues a letter to the former staff member indicating whether, if they had remained on a staff appointment: (i) a recommendation would have been made to initiate charges of misconduct against them, or (ii) they would have been exonerated from the allegations of misconduct, or (iii) the matter would have been dealt as a work performance matter. The former staff member is invited to comment on the letter. The Director, BMS/OLS’s letter and the former staff member’s comments are placed on the former staff member’s Official Status File.
19. A similar procedure exists when the subject of an investigation resigns or otherwise separates from service after the investigation report is issued, but prior to the initiation of disciplinary proceedings. In that case, upon review of the investigation report and the comments of the subject thereon, pursuant to Paragraph 73 of the Legal Framework, the Director, BMS/OLS issues a letter to the former staff member as described above.

Paragraph 72(b) of the Legal Framework

20. When OAI decides that the investigation report concerning an already separated staff member cannot be finalized, the Director, BMS/OLS places a letter in the former staff member’s Official Status File indicating that they had resigned or their contract expired while under investigation. In both instances, the former staff member is given an opportunity to present comments, and the letter and the comments are placed in the former staff member’s Official Status File.

Paragraph 81(a) of the Legal Framework

21. Under Paragraph 81(a) of the Legal Framework, if a staff member resigns or otherwise separates from service after the initiation of disciplinary proceedings but prior to the imposition of a disciplinary sanction, the Director, BMS/OLS may nevertheless decide that a recommendation would have been made to impose disciplinary sanctions had the individual remained a staff member. The Director, BMS/OLS may place a letter to this effect, indicating the relevant recommended sanction, on the former staff member's Official Status File. The former staff member is invited to comment on the letter, and their comments will be attached to the Director, BMS/OLS's letter and placed in the former staff member's Official Status File. The Director, BMS/OLS may similarly recommend that the former staff member be exonerated of misconduct and/or that the matter should be treated as a performance issue. In such a case, such a recommendation will be made to the Assistant Administrator and Director, BMS who may formally and fully exonerate the former staff member or exonerate them and issue a reprimand.

Clearance or exoneration of the allegations

22. Where the allegations are not substantiated, or do not warrant a disciplinary measure, the staff member may be cleared or exonerated from the allegations.

C. Disciplinary Action

23. In 2023, BMS/OLS received 23 investigation reports, of which 21 were accepted. In addition, BMS/OLS considered 20 open cases from previous years. At the end of 2023, 10 open cases were carried over to 2024.
24. Of the 41 open disciplinary cases in 2023, 29 cases were concluded as follows:
- a. 14 cases resulted in the imposition of a disciplinary sanction on a staff member: 11 cases led to the staff member's dismissal or separation from service; One case led to deferment for one year of eligibility promotion and loss of one step in grade; One case led to written censure and loss of one step in grade; One case led to loss of four steps in grade and deferment for two years of eligibility for promotion. **Annex A** to this Report contains a summary of the cases resulting in disciplinary measures against staff members in 2023 and other administrative action.
 - b. Seven cases were concluded after the staff member separated. Four cases were concluded pursuant to Paragraph 72(a) of the Legal Framework. Two cases were concluded under Paragraph 81(a) of the Legal Framework. One case was closed under Paragraph 73. **Annex B** to this Report contains a summary of Actions taken pursuant to Paragraphs 72(a), 73 and 81(a) of the Legal Framework in 2023.
 - c. Eight cases were concluded with clearance or exoneration because the staff member provided evidence to support their lack of culpability, or the facts established by the investigation report did not rise to the level of misconduct.
 - d. No cases were transferred to other UN entities.
25. Staff members appealed two of the disciplinary cases finalized in 2023 to the UNDT².

² During the year one of the two staff members withdrew their application to the UNDT.

D. Appeals to the UN Dispute Tribunal (UNDT) and UN Appeals Tribunal (UNAT)

26. As noted above, the relevant staff member may appeal UNDP's response to an RME to the UNDT. The time limit for such an appeal is 90 days from receipt of the reply to the RME, or 90 days from the date on which the reply to the RME would be due. In 2023, three RMEs were appealed to the UNDT.³
27. During 2023, the UNDT issued four judgments (which included appeals filed in previous years) where UNDP was a party. The UNDT upheld UNDP's decision in all four cases.
28. During the same period, the UNAT issued three judgments pertaining to UNDP decisions. The UNAT upheld UNDP's decision (either upholding or overturning the UNDT's decision) in all three cases.

II. OTHER PERSONNEL

A. United Nations Volunteers

29. During 2023, UNV reviewed sixteen cases concerning allegations against UN Volunteers assigned across the United Nations system. Twelve of these cases resulted in the imposition of disciplinary sanctions. Of the twelve cases where a disciplinary sanction was imposed, two resulted in a letter of censure; four resulted in early separation; and six resulted in summary dismissal.

B. UNDP Vendors

30. Effective governance and integrity are critical to enable UNDP to achieve its mandate. UNDP requires its vendors to comply with the highest ethical standards, and report to UNDP all suspected acts of fraud, corruption and all proscribed practices.
31. The Vendor Review Committee (VRC) is an internal administrative body tasked with making recommendations to UNDP's Chief Procurement Officer (CPO) concerning the imposition of sanctions on vendors who engage in proscribed practices. The VRC analyzes OAI Investigation Reports that substantiate actions and omissions by vendors. Sanctions against UNDP vendors are regulated by UNDP's Vendor Sanctions Policy and may range from a censure (letter of reprimand) to a debarment, depending on the type and severity of the proscribed practices. UNDP records the names of sanctioned vendors in an internal UNDP ineligibility list. This information is also shared with the UN Global Marketplace (UNGM) which hosts an ineligibility list that aggregates information disclosed by UNDP and other Agencies, Funds or Programmes of the UN System.
32. In 2023, the VRC received 27 investigation reports from OAI, three of which were closed in 2023 and three in 2024. The remaining 21 cases are under review.
33. The VRC reviewed and closed 24 cases in 2023. This resulted in 52 vendors (companies, NGOs and individuals) being sanctioned, resulting in 50 debarments and 2 censures.
34. In 2023, 28 vendors were placed on interim suspension pending the completion of OAI's investigation or the VRC proceedings. The VRC processed three requests for rehabilitation. It approved one request and denied two.

³ Because of the time limits for appeal, the RMEs may have occurred in the previous calendar year.

C. Possible Criminal Behavior

35. 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 [...]”. The UN Under-Secretary-General for Management reports on such cases in the yearly “Information Circular” entitled “Practice of the Secretary-General in disciplinary matters and possible criminal behaviour”.
36. When an OAI investigation reveals credible evidence that a violation of law has occurred warranting referral to the law enforcement authorities of a Member State, UNDP recommends referral of such matters to the UN Office of Legal Affairs (OLA) for its review and appropriate action. In 2023, UNDP referred to OLA six cases of possible criminal behaviour by staff members.

Annex A: Summary of cases resulting in disciplinary measures against staff members in 2023

	Sexual Exploitation and Threats
1	<p>A staff member at the G-5 level was found to have made death threats against a colleague on two separate occasions. The staff member was also found to have engaged in sexual exploitation and abuse by engaging in a sexual relationship with a minor. The absence of any prior record of misconduct was considered as a mitigating factor. The staff member’s lack of remorse and the repeated nature of the death threats were considered as aggravating factors. There was no finding of direct financial loss in this case.</p> <p><i>Sanction:</i> Dismissal</p>
	Misrepresentation
2	<p>A staff member at the G-7 level was found to have engaged in seven counts of misrepresentation and procurement fraud in connection with two UNDP vendors. The staff member misused their office and IT resources to send internal emails to UNDP vendors, accepted payment from the vendors and misappropriated UNDP IT equipment. The fact that the conduct was repeated, the staff member acted for personal gain and UNDP suffered an indirect economic loss were considered aggravating factors. However, there was no finding of direct financial loss in this case.</p> <p><i>Sanction:</i> Dismissal</p>
3	<p>A staff member at the G-2 level was found to have falsely certified an affidavit and engaged in misrepresentation before a national court, by giving a lower salary figure than their actual salary, claiming the salary was paid in cash and withholding pay slips. The junior level of the staff member, the absence of prior instances of misconduct and the expressions of remorse were considered as mitigating factors. The potential reputational damage caused by the staff member’s conduct and their failure to correct the record with the Court were considered as aggravating factors. There was no finding of direct financial loss in this case.</p> <p><i>Sanction:</i> Separation from service with compensation in lieu of notice and with termination indemnity</p>
	Misappropriation of Funds
4	<p>A staff member at the GS-3 level was found to have misappropriated funds deriving from office cash transfers on multiple occasions. The staff member was also found to have engaged in unauthorized outside activities by managing two commercial entities. Absence of prior instances of misconduct and length of service were recognized as mitigating factors. The multiple instances of the misconduct and the failure to show</p>

	<p>remorse were considered as aggravating factors. As a result of the conduct, UNDP incurred in financial loss. The amount was recovered from the staff member's final entitlement.</p> <p><i>Sanction:</i> Dismissal</p>
	<p>Conflict of Interest</p>
5	<p>A staff member at the D-1 level was found to have engaged in conflict of interest by procuring services from an NGO headed by the staff member's former partner. The staff member also misused their position by sharing confidential information with that NGO head. The absence of any prior misconduct, the expression of remorse and admission of the underlying facts were considered as mitigating factors. The fact that the staff member failed to recognize the gravity of the misconduct and downplayed their role in the conflict of interest were considered as aggravating factors. There was no finding of direct financial loss in this case.</p> <p><i>Sanction:</i> Separation from service with compensation in lieu of notice and without termination indemnity</p>
6	<p>A staff member at the D-1 level was found to have engaged in a conflict of interest by directly hiring a personal acquaintance for a consultancy without a competitive process and awarding a UNDP grant to an organization in which a family member held a leadership position. The staff member also abused their authority by threatening to terminate another staff member's appointment and subsequently unlawfully terminating that staff member's appointment. The staff member further misused their office by using a document on official UNDP letterhead for personal purposes. Their longevity of service, the seniority, the multiple separate counts of misconduct and failure to show remorse or take accountability for the conduct were considered as aggravating factors. There was no finding of direct financial loss in this case.</p> <p><i>Sanction:</i> Separation from service with compensation in lieu of notice and without termination indemnity</p>
7	<p>A staff member at the NO-B level was found to have engaged in a conflict of interest and misrepresentation in contracting and supervising their spouse as a contractor. The absence of any prior misconduct and expression of remorse were considered as mitigating factors. The staff member's purposeful misrepresentation of the marital relationship and disregard for the potential reputational damage to the Organization were considered as aggravating factors. There was no finding of direct financial loss in this case.</p> <p><i>Sanction:</i> Separation from service with compensation in lieu of notice and without termination indemnity</p>
	<p>Theft and Embezzlement</p>
8	<p>A staff member at the G-4 level was found to have committed theft of two cans of fuel on two different occasions. The absence of prior misconduct, the full admission to the conduct, the expression of remorse and the fact that the staff member returned the fuel constituted</p>

	<p>mitigating factors. The fact that the staff member's functions involved responsibility for monitoring the consumption of fuel and overseeing the purchase of fuel were recognized as aggravating factors. There was no finding of direct financial loss in this case.</p> <p><i>Sanction:</i> Separation from service with compensation in lieu of notice and with termination indemnity</p>
9	<p>A staff member at the G-2 level was found to have engaged in misconduct by knowingly assisting another staff member in the theft of fuel. The staff member's junior position, the absence of prior instances of misconduct and otherwise satisfactory performance were considered as mitigating factors. The staff member's failure to acknowledge wrongdoing or express remorse were considered as aggravating factors. There was no finding of direct financial loss in this case.</p> <p><i>Sanction:</i> Separation from service with compensation in lieu of notice and without termination indemnity</p>
	<p>Unauthorized Outside Activities</p>
10	<p>A staff member at the P-4 level was found to have engaged in unauthorized outside activities and conflict of interest through involvement in investment activities, facilitation of purchases for a government, and maintaining the role of president and trustee for an organization that was attempting to obtain funds from UNDP. The staff member was also found to have misused their official email account. The absence of any prior misconduct was recognized as a mitigating factor. The seniority of the staff member, their longevity of service, the repeated acts of misconduct and the lack of remorse were considered as aggravating factors. There was no finding of direct financial loss in this case.</p> <p><i>Sanction:</i> Separation from service with compensation in lieu of notice and without termination indemnity</p>
11	<p>A staff member at the G-5 level was found to have engaged in unauthorized outside activities by co-founding and managing an NGO. The absence of any prior misconduct, and the relatively junior level of the staff member were mitigating factors. The fact that the conduct was repeated was recognized as an aggravating factor. There was no finding of direct financial loss in this case.</p> <p><i>Sanction:</i> Separation from service with notice of termination and without termination indemnity.</p>
12	<p>A staff member at the P-5 level was found to have engaged in outside activities by continuing to act as part of the management team of the entity with which the staff member had been previously associated, after being appointed as a staff member. The outside activities also constituted a conflict of interest with respect to the staff member's official functions. The senior position of the staff member, and the lack of remorse or accountability were considered as aggravating factors. The fact that staff member did not receive any remuneration and that their involvement with the outside activity was not protracted were considered mitigating factors. There was no finding of direct financial loss in this case.</p>

	<i>Sanction:</i> Written Censure and Loss of one step in grade
	Misuse of Official Resources
13.	<p>A staff member at the NO-B-level was found to have used UNDP financial resources to pay for a colleague’s personal rent. The amount was repaid in full by the colleague`. The junior level of the staff member and the length of service with no prior instances of misconduct constituted mitigating factors. There was no finding of direct financial loss in this case.</p> <p><i>Sanction:</i> Loss of one step in grade and deferment for one year of eligibility for salary increment</p>
	Solicitation and Acceptance of Gifts
14.	<p>A staff member at the P-5 level was found to have solicited and accepted gifts from a UNDP vendor which was under the staff member’s oversight. The admission of the conduct, and the expression of regret and apology were considered as mitigating circumstances. The senior level of the staff member and the reputational impact of the staff member’s actions on the Organization were considered aggravating factors. There was no finding of direct financial loss in this case.</p> <p><i>Sanction:</i> Loss of four steps in grade and deferment for two years of eligibility for consideration for promotion</p>

Annex B: Actions taken pursuant to Paragraphs 72(a), 73 and 81(a) of the Legal Framework in 2023

Actions taken pursuant to Paragraph 72(a) of the Legal Framework	
	Unauthorized Outside Activities
1.	<p>A recommendation would have been made to charge a P-4 level staff member, who had already separated, for engaging in unauthorized outside activities by working on a political campaign. The staff member would have also been charged with abuse of authority by repeatedly tasking direct reports to perform personal tasks. There was no finding of direct financial loss in this case.</p>
	Sexual Harassment

2.	A recommendation would have been made to charge a P-4 level staff member, who had already separated, for sexual harassment for inviting a colleague to take a shower at a hotel room. The staff member would have also been charged for making inappropriate sexual comments and comments about the other colleague's appearance and clothing. There was no finding of direct financial loss in this case.
	Fraud
3.	A recommendation would have been made to charge a staff member at the NO-C level, who had already separated, for engaging in attempted procurement fraud and failing to disclose potential conflict of interest in two procurement processes. The staff member would have also been charged with engaging in unauthorized activities by being a member of a national council and making policy recommendations to the Government. There was no finding of direct financial loss in this case.
4.	A recommendation would have been made to charge a staff member at the G-4 level, who had already separated, for misrepresentation and false certification by having fabricated a letter, which purported to be a UNDP employment verification letter, in support of the staff member's application for a bank loan. There was no finding of direct financial loss in this case.
Actions taken pursuant to Paragraph 73 of the Legal Framework	
	Assault
1.	A recommendation would have been made to charge a staff member at the NO-A level, who had already separated, for physical assault. There was no finding of direct financial loss in this case.
Actions taken pursuant to Paragraph 81(a) of the Legal Framework	
	Abuse of Authority
1.	A recommendation would have been made to impose disciplinary sanctions for serious misconduct on a staff member at the P-4 level, who had already separated, for engaging in abuse of authority in a competitive selection process by instructing two subordinates to change their written test and interview scores in favor of a specific candidate. There was no finding of direct financial loss in this case.
	Misrepresentation

2.	A recommendation would have been made to impose disciplinary sanctions for serious misconduct on a staff member at the NO-B level, who had already separated, for a) cheating during an online interview by having another person answer questions that tested the staff member language skills and b) for engaging in repeated misrepresentation of education and work experience in application forms submitted to apply for positions within the UN. There was no finding of direct financial loss in this case.
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