

**2020 UNDP Annual Report of the Administrator on Disciplinary Measures and Other
Actions Taken in Response to Fraud, Corruption and Other Wrongdoing**

I. Introduction

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. In observance of the above principles, UNDP is committed to preventing, identifying, and addressing all breaches of the required standards of conduct whether committed by UNDP staff members, other personnel¹ or third parties such as vendors or implementing partners.
3. Since 2001, UNDP has been reporting on the results of cases concerning allegations of misconduct involving staff members of UNDP, including staff members of other agencies and entities serving under UNDP Letters of Appointment. Since 2011, UNDP has also been reporting on the results of cases of violations of standards of conduct by other personnel as well as vendors.
4. This report identifies cases involving allegations of wrongdoing against UNDP staff members and other personnel or entities, leading to disciplinary sanctions and other measures for the year 1 January to 31 December 2020.
5. In addition, this report identifies any recovery of money owed to the Organization associated with cases involving disciplinary sanctions and other measures. Cases involving referral to national authorities pursuant to General Assembly Resolution 62/63 are also indicated.

¹ Personnel include UN Volunteers and contractors such as Service Contract holders and Individual Contractors.

II. Cases involving allegations of misconduct against staff members

A. Overview

6. This section contains a summary of cases considered by the Legal Office, Bureau for Management Services (BMS/LO) involving staff members following the receipt of reports of investigations into allegations of misconduct.
7. The Administrator or the Associate Administrator imposes disciplinary measures following a thorough process as defined in the “UNDP Legal Framework for Addressing Non-Compliance with United Nations Standards of Conduct” (the “Legal Framework”).²
8. Appeals against the decision to impose a disciplinary or an administrative measure following an investigation and/or a disciplinary process are heard by the UN Dispute Tribunal. In accordance with the UN Staff Regulations and Rules, decisions by the UN Dispute Tribunal may be appealed, either by staff members or by the Organization, to the UN Appeals Tribunal. The decisions of both Tribunals are binding on UNDP.
9. Disciplinary proceedings within the UN system are administrative, not criminal, in nature. Proof beyond reasonable doubt is not a requirement. Where misconduct is alleged, UNDP will investigate and review the matter to determine whether the evidence identified supports that an intentional, grossly negligent or reckless violation of the UN Regulations and Rules, including the standards of conduct applicable to staff members, has occurred. Throughout such proceedings, staff members have the right to due process as detailed in the Legal Framework.
10. In UNDP, OAI is generally responsible for investigating all allegations of misconduct. Investigation reports relating to staff members are submitted to BMS/LO for review and further action.
11. To combat against sexual harassment and sexual exploitation and abuse, UNDP implemented the Clear Check Database (“Clear Check”) in 2020. Clear Check is an electronic database

² The Legal Framework may be found on the UNDP intranet website. It was updated and reissued by the Administrator in March 2018.

where UNDP includes 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 such individuals within 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.

B. Statistical breakdown

12. During the period covered by this report, 29³ investigation reports were issued, of which 28 were accepted by BMS/LO. During the same period, BMS/LO considered a total of 49 investigation reports, comprising the 28 reports accepted by BMS/LO in the period, and 21 open cases from previous years that continued to be dealt with during the period under review.
13. Of these 49 cases that were considered, 30 cases were concluded. Of the 30 cases:
 - a. 14 cases resulted in the imposition of a disciplinary sanction on a staff member. Of these 14 cases,
 - i. Six cases led to the staff member's dismissal or separation from service;
 - ii. Four cases led to a demotion with deferment;
 - iii. Three cases led to a written censure;
 - iv. One case led to a loss of steps;
 - b. The 16 remaining cases were concluded by other administrative action, whether through clearance of the allegations of misconduct, or because the staff member

³ This figure includes reports reissued by OAI following amendment or revision, and reports issued to LO/BMS from other investigation entities besides OAI.

separated prior to the completion of the investigation or disciplinary proceedings. Of these 16 cases,

- i. 14 cases were concluded with the placement of a note on the matter on the staff member's Official Status File pursuant to the Legal Framework, because the staff member had resigned or otherwise separated from the Organization during the investigation or prior to a decision on the case;
- ii. Two cases were closed with the clearance of the staff member from allegations of misconduct as it was found that the facts established by the investigation report did not rise to the level of misconduct or there was insufficient evidence to initiate disciplinary proceedings;

14. 19 cases were still under review at the end of 2020.

15. As at 31 December 2020, three cases that were finalized in 2020 were appealed by a staff member to the UN Dispute Tribunal.

C. Summary of cases resulting in disciplinary measures against staff members in 2020

Abuse of authority and office

16. A staff member at the G6-Level with security functions was found to have abused his authority by summoning an employee of a UNDP contractor to his office, admonishing her using disrespectful language and then, following that individual's consequent complaint against him, arranging for her to be removed from her role at the UNDP compound without cause. The sanction took into consideration this conduct, as well as finding that the staff member had engaged in workplace harassment on a later occasion towards other individuals as described below. The fact that the staff member expressed genuine remorse was recognized as a mitigating factor. There was no finding of direct financial loss in the case.

Sanction: Demotion by one grade with deferment of eligibility for promotion for two years

17. A staff member at the D1-Level was found to have abused her authority by repeatedly tasking several junior colleagues to perform personal favors for her and by creating a hostile work

environment by making threats to colleagues using ethnic slurs. There was no finding of direct financial loss in this case.

Sanction: Written censure.

18. A staff member at the G2-Level was found to have misused his office by wrongfully entering apartments in the UNDP residential compound. There was no finding of direct financial loss in this case.

Sanction: Written censure.

Failure to uphold standards of integrity

19. A staff member at the G4-Level who served as a leave monitor was found to have failed to uphold the standards of integrity by soliciting two falsified medical certificates, which were back-dated to appear contemporaneous to a previous period of illness, and submitting those falsified certificates to UNDP in support of her sick leave request. The fact that the staff member was legitimately ill, and would have otherwise been entitled to sick leave was recognized as a mitigating factor. There was no finding of direct financial loss in this case.

Sanction: Loss of two steps in grade.

20. A staff member at the NOC-Level was found to have failed to uphold the standards of integrity by altering an email so that the content appeared to have been addressed to someone else and sent on a different date before forwarding that email on to the Country Director and representing that the altered email was genuine. The fact that the staff member admitted full responsibility and did not act with malice or personal financial gain were recognized as mitigating factors. There was no finding of direct financial loss in this case.

Sanction: Written censure.

Fraud (procurement)

21. A staff member at the G7-Level with access to procurement processes was found to have committed procurement fraud by assisting a UNDP vendor to alter its original bid after the fact and backdate the bid so that the bid purported to have been submitted on time. The staff member was also found to have misused her office by accessing and sharing information about the procurement process with the vendor. The fact that the staff member's conduct interfered

with the integrity of the procurement process, and that she had not accepted any responsibility for their conduct were recognized as aggravating factors. There was no finding of direct financial loss in this case.

Sanction: Separation from service with compensation in lieu of notice and without termination indemnity

Fraud/Entitlements

22. A staff member at the G7-Level was found to have committed entitlement fraud by knowingly colluding with a medical provider to submit fraudulent medical claims to an insurance provider for reimbursement. The fact that the staff member recanted his earlier admission, and did not show any remorse or pay back the sum lost as a result of his wrongdoing were recognized as aggravating factors. As a result of this conduct, UNDP incurred a financial loss, which has been recovered from the staff member.

Sanction: Dismissal

23. A staff member at the D2-Level was found to have committed entitlement fraud by knowingly misrepresenting his stay at a hotel in order to receive a higher Daily Subsistence Allowance. He also claimed a full Home Leave entitlement for his entire family although not all of them travelled to the home leave destination. The staff member was also found to have interfered with the investigation and to have engaged in a pattern of misrepresentation and dishonest behavior in violation of the UN standards of integrity. As a result of this conduct, UNDP incurred a financial loss, which will be recovered from the staff member.

Sanction: Separation from service with compensation in lieu of notice and without termination indemnities

24. A staff member at the NOB-Level was found to have committed entitlement fraud by misrepresenting his marital status on two separate claim forms and intentionally failing to notify UNDP of his divorce in order to satisfy his private legal obligation towards his ex-spouse. The fact that the staff member did not accept responsibility for his actions and considered it appropriate to make use of UNDP's resources to discharge his private legal obligation were recognized as aggravating factors. As a result of this conduct, UNDP incurred a financial loss, which has been recovered from the staff member.

Sanction: Dismissal.

Harassment/Sexual

25. A staff member at the NOC-Level with managerial responsibilities was found to have sexually harassed two different individuals by repeatedly and over several months sending them unsolicited text messages of a sexual nature. In doing so, the staff member failed to create a safe and harmonious working environment. There was no finding of direct financial loss in this case.

Sanction: Separation from service with compensation in lieu of notice and without termination indemnity

Workplace Harassment

26. A staff member with security functions at the G6-Level was found to have engaged in hostile and threatening behavior with his supervisor and his supervisor's deputy by making a threat that could be reasonably understood to threaten their physical safety. The sanction took into consideration this conduct, as well as finding that the staff member had previously engaged in abuse of authority towards another individual as described above. The fact that the staff member expressed genuine remorse was recognized as a mitigating factor. There was no finding of direct financial loss in this case.

Sanction: Demotion by one grade with deferment of eligibility for promotion for two years

Misappropriation of funds

27. A staff member at the G2-Level was found to have engaged in misappropriation of funds by repeatedly misusing official fuel cards issued by the Organization for refueling official vehicles to withdraw cash from the fuel station for his personal use. The fact that the staff member returned the funds in full to the Organization was recognized as a mitigating factor. As a result of this conduct, the Organization suffered a financial loss, which has been recovered from the staff member.

Sanction: Separation from service with compensation in lieu of notice and without termination indemnity.

Unauthorized disclosure of confidential information

28. A staff member at the NOC-Level was found to have intentionally disclosed confidential internal information to several Member States without authorization. In some instances, the staff member was found to have intentionally disregarded a prohibition on sharing the information. The fact that the staff member refused to acknowledge the impropriety of her conduct and failed to cooperate during the investigation were recognized as aggravating factors. There was no finding of direct financial loss in this case.

Sanction: Demotion by one grade with deferment, for one year, of eligibility for consideration for promotion

Unauthorized outside activity

29. A staff member at the G6-Level was found to have engaged in an unauthorized outside activity by working for a Non-Governmental Organization with which UNDP works on projects whilst employed at UNDP. The fact that the staff member admitted to the underlying conduct and worked in support of an NGO with a low risk of actual conflict with his work at UNDP were recognized as mitigating factors. There was no finding of direct financial loss in this case.

Sanction: Demotion by one grade with deferment for two years of eligibility for consideration for promotion

D. Action taken where a staff member who is the subject of an investigation separated from UNDP prior to the conclusion of the case

1) Actions taken pursuant to paragraphs 72 (a) and 73 of the Legal Framework

30. Pursuant to paragraph 72 (a) of the Legal Framework, 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, despite the investigation subject's resignation or separation. Notwithstanding a staff member's separation, if the investigation report is finalized, OAI sends the draft investigation report to the former staff member providing the former staff member with the opportunity to submit his or her comments on the factual findings and conclusions in the draft report. After consideration and amendment of the investigation report as appropriate, the final investigation report and comments are sent to BMS/LO for review.

31. Following review, the Director, BMS/LO issues a letter to the former staff member indicating whether, if he or she had remained on a staff appointment: (i) a recommendation would have been made to initiate charges of misconduct against him or her, or (ii) he or she would have been exonerated from the allegations of misconduct, or (iii) the matter would have been dealt with from a work performance standpoint, and if so how (e.g. by a letter of reprimand). The former staff member is invited to comment on the letter. The Director, BMS/LO's letter and the former staff member's comments thereon are placed on the former staff member's Official Status File.
32. A similar procedure exists when the subject of an investigation resigns or otherwise separates from service after the issuance of the investigation report but prior to the initiation of disciplinary proceedings through the issuance of a charge letter. 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/LO issues a letter to the former staff member as described above.
33. In the period under review, 10 such cases were closed under paragraphs 72 (a) and 73.

Summary of cases

Conflict of Interest

34. A former staff member at the NOC-Level was informed by letter that, had he remained in the employ of the Organization, a recommendation would have been made to charge him with misconduct for (i) engaging in instances of conflict of interest by collaborating with a UNDP vendor with whom he had a personal connection and professional interest, (ii) engaging in authorized outside activities by performing working related to different UNDP projects for the vendor, and (iii) obstructing the OAI investigation process by erasing emails from his UNDP computer. There was no finding of direct financial loss in this case.
35. A former staff member at the P5-Level with procurement functions was informed by letter that had he remained in the employ of the Organization, a recommendation would have been made to charge him with misconduct for failing to disclose pre-existing personal relationships with vendors and sharing confidential information with a vendor with whom he had a family

relationship, thereby according them an unfair advantage. There was no finding of direct financial loss in this case.

Forgery

36. A former staff member at the G5-Level was informed by letter that, had he remained in the employ of the Organization, a recommendation would have been made to charge him with misconduct for forging a letter using UNDP letterhead and the forged signature of a senior UNDP official to apply for a private loan with a bank. There was no finding of direct financial loss in this case.

Fraud/Entitlement

37. A former staff member at the G3-Level was informed by letter that, had he remained in the employ of the Organization, a recommendation would have been made to charge him with misconduct for committing entitlement fraud by submitting medical claims for reimbursement of costs which the staff member knew had not been incurred. In doing so, the staff member also altered medical documents and misused an official UNDP stamp by placing it on his medical claim. As a result of this conduct, UNDP incurred a financial loss, which has been recovered from the former staff member.

Harassment/Sexual

38. A former staff member at the D1-Level with managerial responsibilities was informed by letter that, had he remained in the employ of the Organization, a recommendation would have been made to charge him with misconduct for inviting a UN Volunteer under his overall supervision to his hotel room whom he knew to be intoxicated, and for sexual harassing the UN Volunteer by kissing and groping her without her consent. As a result of this conduct, the former staff member was also placed on the Clear Check database. There was no finding of direct financial loss in this case.
39. A former staff member at the P4-Level with managerial responsibilities was informed by letter that, had he remained in the employ of the Organization, a recommendation would have been made to charge him with misconduct for sexually harassing a colleague on numerous occasions by touching him inappropriately. In addition, the former staff member was informed that a

reprimand would have been recommended for sending inappropriate messages to junior colleagues and engaging in conduct that gave the impression of favoritism toward certain junior colleagues. There was no finding of direct financial loss in this case.

Harassment/Workplace

40. A former staff member at the D2-Level was informed by letter that, had she remained in the employ of the Organization, a recommendation would have been made to charge her with misconduct for engaging in workplace harassment by making a derogatory statement about the ethnicities of two colleagues. There was no finding of direct financial loss in this case.

Improper recruitment

41. A former staff member at the P5-Level in charge of operations was informed by letter that, had he remained in the employ of the Organization, a recommendation would have been made to charge him with misconduct for misusing his position and official UNDP email account to influence the shortlisting process and share confidential information with certain candidates in three recruitment processes for national UN Volunteers assignments, thereby according them an unfair advantage. There was no finding of direct financial loss in this case.

Theft

42. A former staff member at the G5-Level was informed by letter that, had he remained in the employ of the Organization, a recommendation would have been made to charge him with misconduct for attempting to steal toner cartridges from UN premises, colluding with another person to misrepresent to the guards on the premises that the removal of the cartridges was proper. The fact that these acts were conducted in breach of his fiduciary duties by mishandling equipment entrusted to him was also recognized. As a result of this conduct, UNDP incurred a financial loss, which will be recovered from the former staff member.

Unauthorized outside activity

43. A former staff member at the P4-Level was informed by letter that, had she remained in the employ of the Organization, a recommendation would have been made to charge her with misconduct for engaging in unauthorized outside activities by working for a Governmental entity while employed at UNDP, and for misusing her office by sharing confidential UNDP

information with that Governmental entity. There was no finding of direct financial loss in this case.

2) Actions taken pursuant to paragraph 72 (b) of the Legal Framework

44. When OAI decides that the investigation report cannot be finalized, the Director, BMS/LO places a letter in the former staff member's Official Status File, indicating that he or she: (i) resigned or, (ii) his or her contract expired, while under investigation. In both instances, the former staff member is given an opportunity to present comments, and the letter and his or her comments are placed in his or her Official Status File.
45. In the period under review, no cases were closed under paragraph 72 (b).

3) Actions taken pursuant to paragraph 81 (a) of the Legal Framework

46. 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/LO may nevertheless decide whether, if the subject of the investigation had remained a staff member, a recommendation would have been made to impose disciplinary sanctions on that individual. The Director, BMS/LO may place a letter to this effect, indicating the relevant sanction, on the former staff member's official status file. The former staff member will be invited to comment on the letter, and his or her comments will be attached to the letter from the Director, BMS/LO to be placed in the former staff member's Official Status File. The Director, BMS/LO 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 subject, or exonerate the subject and issue a reprimand.

Summary of cases

47. In the period under review, four cases proceeded under this process.

Conflict of interest

48. A former staff member at the G6-Level with procurement functions was informed by letter that, had she remained in the employ of the Organization, a recommendation would have been made to impose disciplinary sanction on her for engaging in a conflict of interest by not recusing herself from a procurement process involving a UNDP vendor with whom she had a longstanding personal relationship. The staff member was also found to have accepted bribes from a vendor involved in a procurement process. There was no finding of direct financial loss in this case.

Failure to comply with Financial Regulations and Rules

49. A former staff member at the D2-Level was informed that a recommendation had been made to the Administrator that he should conclude that misconduct had been established, and that a disciplinary measure should be imposed by reason that the former staff member (i) breached UNDP's Financial Regulations and Rules in connection with the initiation and implementation of a UNDP project and (ii) misrepresented to the Advisory Committee on Procurement (ACP) the amount of project funds available to UNDP for the commitments under review by the ACP. The staff member denied the charges. The staff member separated from UNDP prior to the Administrator deciding on whether misconduct had been established.

Harassment/Sexual

50. A former staff member at the G6-Level was informed by letter that, had he remained in the employ of the Organization, a recommendation would have been made to impose a disciplinary sanction on him for sexually harassing a colleague by repeatedly touching the colleague inappropriately and repeatedly making suggestive sexual comments about the colleague's anatomy and appearance. There was no finding of direct financial loss in this case.

Misappropriation of funds

51. A former staff member at the G6-Level with finance responsibilities was informed by letter that, had she remained in the employ of the Organization, a recommendation would have been made to impose disciplinary sanction on her for falsifying official records related to cash advances and petty cash and subsequently using those altered records to misappropriate funds.

As a result of this conduct, UNDP incurred a financial loss, which has been recovered from the staff member.

E. Cases of clearance of the allegations

52. Where it is considered that the allegations are not substantiated, or the facts do not warrant disciplinary measure because the staff member's conduct was not found to rise to the level of misconduct, or where there is insufficient evidence to proceed with a disciplinary proceeding, the staff member may be cleared from the allegations.

53. As noted, during the period under review, two cases resulted in such clearances.

III. Cases involving other personnel

A. Overview

54. UNDP has zero tolerance for fraud, corruption and other wrongdoing by any personnel. During the period covered by this report, OAI submitted investigation reports directly to the concerned Offices in a number of cases where the investigation revealed evidence of wrongdoing by personnel other than staff members and UN Volunteers. As these individuals are not UNDP staff members, their contract with UNDP constitutes the legal framework governing their employment with UNDP, and subscribers are only subject to the explicit terms and conditions provided therein. The violation of the standards of expected conduct may lead to the termination or non-renewal of their contracts. Such decisions are within the competence and authority of the Offices for which the non-staff personnel is working, further to the Offices' accountability for such non-staff personnel.

55. BMS/LO is aware that OAI sent 12 investigation reports involving 11 Service Contract (SC) holders, two of which are contracts on behalf of another UN Agency, and one Individual Contract (IC) holder directly to Country Offices which resulted in action taken in the current reporting period. LO/BMS was contacted directly by a Country Office regarding an issue involving one SC holder. In preparing this report, LO/BMS followed up on the outcome of all 13 cases. The results are as described below.

B. Description of cases

Fraud

56. Two SC holders, one of which was contracted on behalf of another UN Agency, were found to have engaged in medical insurance fraud. one SC resigned and one contract was not renewed.
57. Five SC holders were found to have engaged in procurement fraud. Three contracts were terminated, one contract was not renewed and one SC resigned.
58. One SC holder was found to have engaged in entitlements fraud. The contract was not renewed.

Misuse of Official Resources

59. Two SC holders, one of which was contracted on behalf of another UN Agency, were found to have engaged in misuse of official resources. Both contracts were terminated.

Misrepresentation, Forgery and False Certification

60. One SC and one IC were found to have engaged in forgery. Both contracts were terminated.

Failure to Comply with Obligations

61. One SC holder was found to have failed to comply with obligations. The contract was terminated.

IV. Possible criminal behavior

62. 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”.

63. When OAI findings reveal credible evidence that a violation of national law has occurred to warrant 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.

64. During the reporting period covered by this report, UNDP referred five cases to OLA related to the conduct of staff members. At the conclusion of the reporting period, OLA had referred one of the five cases to the competent national authorities.⁴

65. During the reporting period covered by this report, UNDP did not refer any cases of non-staff personnel to OLA.

V. Cases involving United Nations Volunteers

66. During 2020, 17 cases were reviewed by UNV concerning allegations against UN Volunteers assigned across the United Nations system. 10 of these cases resulted in the imposition of disciplinary sanctions. Of these 10 cases, three resulted in non-extension of the UN Volunteer's current contract, two resulted in exclusion of the UN Volunteer from the UNV Talent Pool for a period of five years after the end of their current contract, two resulted in early separation, one resulted in summary dismissal, one resulted in non-extension of the UN Volunteer's current contract and exclusion of the UN Volunteer from the UNV Talent Pool for a period of five years, one resulted in a letter of censure.

VI. Vendor sanctions

67. The VRC reviewed and closed 25 cases in 2020 (2 from 2018, 20 from 2019, and 3 from 2020). Consequently, 56 vendors and individuals were sanctioned, resulting in 43 debarments and 13 censures.

⁴ This figure does not include referrals made by OLA in prior years.

68. In the 2020 period, the VRC received 25 investigation reports from OAI. As mentioned above, 3 of them were closed. The remaining 22 VRC cases are under review by the VRC Secretariat.

69. In 2020, 23 vendors/prospective vendors/individuals were placed on interim suspension pending the completion of OAI's investigation or the VRC proceedings.