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Ethics

Activities of the UNDP Ethics Office in 2023

Report of the Ethics Office

Summary

Pursuant to decision 2008/37 of the Executive Board, the UNDP Ethics Office submits the present report covering its activities in 2023. In accordance with the Secretary-General's bulletin on United Nations system-wide application of ethics: separately administered organs and programmes (ST/SGB/2007/11), the Ethics Panel of the United Nations reviewed the report electronically and at its 164th session on 6 February 2024.

This is the sixteenth annual report presented by the Ethics Office since its establishment in 2007.

Elements of a decision

The Executive Board may wish to take note of the present report and comment on progress made by the UNDP Ethics Office in strengthening the ethical culture of UNDP.



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I. Introduction

1. This report, submitted in accordance with Executive Board decision 2008/37, details the work of the UNDP Ethics Office in 2023 pursuant to its mandate to “cultivate and nurture a culture of ethics, integrity and accountability, and thereby enhance the trust in and credibility of the United Nations, both internally and externally.”¹ The Office’s activities are guided by the undertakings and principles reflected in Article 100 of the United Nations Charter, calling for an independent and impartial international civil service.
2. The organizations established to translate the ideals reflected in the Preamble of the Charter into reality face an increasingly challenging context. The continued commitment of UNDP to preserving and promoting its status as a values-based, trustworthy public institution is crucial to addressing these challenges.
3. By embedding and enhancing ethics in UNDP business processes and decision-making through proactive awareness-raising and actionable advice and guidance, the Office provides an essential risk management function for the organization and serves as an important, independent advocate for ethical standards within UNDP.
4. In its previous annual report, the Office explained that it would be:

*“[P]lacing further emphasis on influencing organizational culture through ethics awareness activities. These activities – which will involve close collaboration with internal stakeholders – will occur within the context of various steps being taken by UNDP to deliver on the key objective of phase 2 of its ‘People for 2030’ strategy of “transforming culture”.*²
5. In 2023, consistent with its stated objective, the Office built on a foundation of strong practices in providing ethics-related services with a series of new initiatives aimed at influencing the organizational culture of UNDP. These culture-focused efforts have produced significant results, including:
 - (a) **Further embedding ethics as a core element of serving at UNDP.** With the highest-ever level of engagement by UNDP personnel in live ethics sessions (6,411 participations), guided by its first Awareness and Communication Strategy, the Office drove discussions on the importance of ethical standards at a rate 78 per cent above the previous record set in 2022 (3,599 participations). This was almost four times the level reached in 2019;
 - (b) **Promoting harmonization, effectiveness, and efficiency, including by strengthening collaboration with other United Nations organizations,** as reflected by initiatives such as the first UNDP, UNFPA and UNOPS joint Ethics Awareness Month. The UNDP Ethics Office proposed and led the development of this campaign in response to the Executive Board’s request in decision 2022/16 (paragraph 3);
 - (c) **Enhancing support for field operations by piloting a Bureau-level Ethics Awareness Initiative in partnership with the Regional Bureau for Latin America and the Caribbean.** Through a tailored, culture-focused project, this innovative approach enables the Ethics Office to expand support provided directly to field operations while advancing the Regional Bureau’s strategic

¹ Secretary-General’s bulletin ST/SGB/2007/11, United Nations system-wide application of ethics: separately administered organs and programmes.

² DP/2023/13, paragraph 10

objective of strengthening “the position of UNDP as a trusted partner to deliver development results transparently and efficiently.”³

6. The initiatives were delivered while continuing to provide ethics-related services, including:

- (a) *Acting as a trusted resource for timely and practical ethics advice and guidance*, with an approximately 23 per cent increase in requests addressed (839 matters), also the highest level ever. Figure I below provides a breakdown of total service matters addressed by the office in 2023, also at a record level of 1,267 matters;
- (b) *Enhancing the organization’s ability to detect and address ethics-related risks by administering the UNDP financial disclosure programme*, which again achieved a 100 per cent filer compliance rate, with the highest-ever level of individual financial disclosure statements reviewed and conflict-of-interest avoidance advice for 294 filers;
- (c) *Upholding its protection mandate and sending a strong signal on commitment to an ethical culture*, as reflected by the three matters in which the Ethics Office determined that retaliation had taken place.

7. This report summarizes the work and achievements of the Office in 2023 across its mandate areas: (a) standard-setting and policy support; (b) ethics training, awareness-raising and outreach; (c) provision of confidential advice and guidance to personnel and management on ethics issues and ethics-related policies; (d) administration of the UNDP financial disclosure programme; and (e) administration of the UNDP policy for protection against retaliation. In performing these activities, the Office operates on the core principles of independence, impartiality and confidentiality. The report details the Office’s engagement in 2023 with the Ethics Panel of the United Nations and the Ethics Network of Multilateral Organizations.

8. The outcomes outlined above and described further in this report reflect the impact of efforts by an independent ethics function complemented by a strong commitment of UNDP leadership. Both elements are crucial in promoting an ethical culture.

9. The independence of the UNDP Ethics Office is fundamental. In 2023 (for the 2022 reporting period), the Office began providing specific assurance to the Executive Board on its independence. This was also informed by the definition and standards used by the United Nations Joint Inspection Unit.⁴ Noting the definition and standards provided by the Unit, the Ethics Office confirms that it was able to carry out its responsibilities during this reporting period with independence from parties within and outside of UNDP.

10. While maintaining its independence, the Office requires partnerships with functions within the organization and support from its leadership to achieve its objective of influencing UNDP organizational culture. It remains highly encouraged by the way UNDP has embraced ethics as a critical element of how it conducts business. Leadership at headquarter, regional and country office levels continues to fully support the integration of ethics into UNDP operations and routinely seeks ethics training support and advice on managerial practices, stakeholder interactions and programming and policy matters. Similarly, UNDP personnel regularly seek guidance from the Office to ensure that their personal and professional conduct meets the highest standards of ethics and integrity and remain aligned with the best interests of the organization. In 2023, records were set in the level of advisory support requested by UNDP personnel

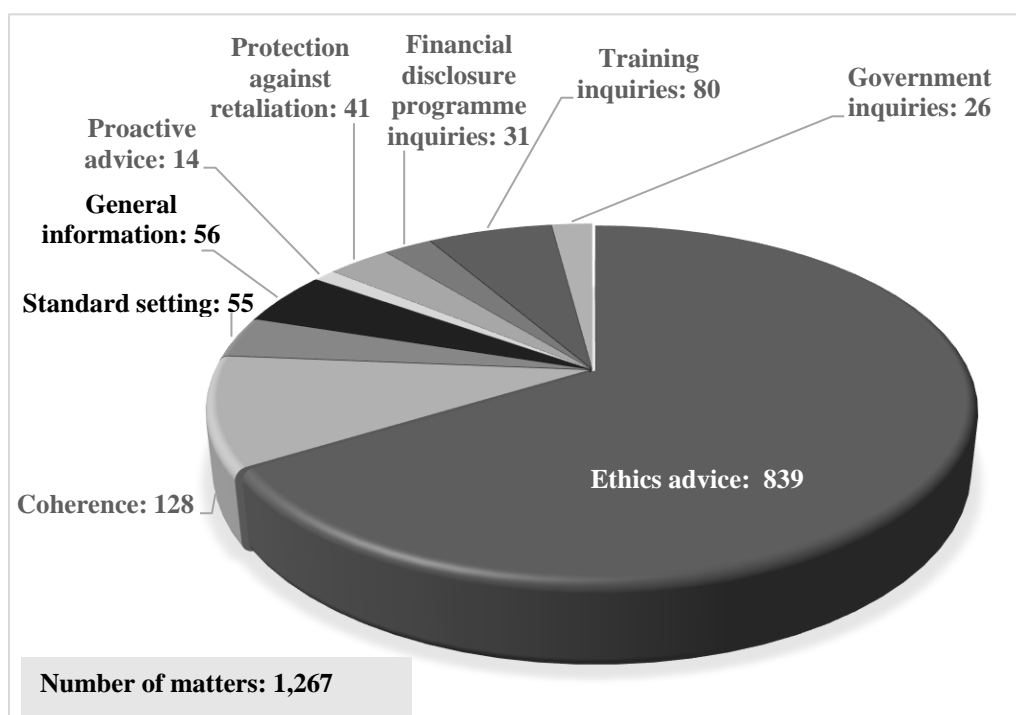
³ DP/RPD/RLA/4

⁴ JIU/REP/2021/5, paragraph 98 and framework in box 4.

and in their participation in ethics sessions, underscoring the role of the Office as a trusted, independent resource.

11. In 2024, the Office will stay the course charted in 2023, with initiatives aiming to influence organizational culture while continuing to deliver other ethics-related services. In so doing, the Office is mindful of the heightened tensions over ethical standards that are likely to arise because of contextual factors, including the many national elections taking place in countries where UNDP personnel serve, heightened scrutiny and questions regarding the trustworthiness of multilateral institutions and overall pressures caused by the budgetary environment. These elements have informed the 2024 Office workplan, which will include a focus on political activities and public expressions of UNDP personnel, as well as broader engagement with internal and external stakeholders.

Figure I. Total service matters by category, 2023



II. Administrative matters

12. The Office supports UNDP personnel serving in over 170 countries and territories as well as staff at the United Nations Capital Development Fund, the United Nations Office for South-South Cooperation and the United Nations Volunteers offices in Bonn and New York.

13. In 2023, the Office staff included a Director (D-1), an Ethics Adviser (P-5), two Ethics Specialists (P-3) and an Administrative Associate (G-6). One of the two Ethics Specialist positions was created by reallocating funds within the Office's existing budget allotment.

14. The Office plans to engage temporary support to implement the Bureau-level project discussed below in section III.B. This project will be funded through a cost-recovery arrangement with the Bureau.

15. The Office continues to target activities at a scale to influence organizational culture, which will entail a steady rise in demand for ethics services. While continuously exploring opportunities for greater efficiencies and broader impact through partnerships and digitalization, with the current staff of five it is unlikely that the Office will be in a position to accommodate significant increases in demand for its services. It will continue to engage with UNDP leadership - which has exhibited strong support for the ethics function - regarding the budgetary implications of a heightened level of ethics awareness at UNDP.

III. Mandated activities

16. Driven by its mandate to foster an ethical culture across UNDP, in 2023 the Office achieved noteworthy results. In conducting its activities, and to achieve maximum effectiveness, it works closely with UNDP partner offices, including the Office of Audit and Investigations (OAI), the Office of Human Resources and the Office of the Ombudsman for United Nations Funds and Programmes as well as with the ethics functions of other United Nations system entities. The Office regularly engages with the UNDP Audit and Evaluation Advisory Committee, whose mandate includes reviewing and advising the Administrator on its strategy and annual workplan, as well as on the appointment, performance evaluation, extension and dismissal of the Director. In 2023, the Office provided the Committee with regular updates on activities and received valuable feedback regarding its annual workplan and priorities.

A. Standard-setting and policy support

17. In 2023, the Ethics Office continued to support UNDP policy development through the Director's observer status and participation in the Organizational Performance Group, which monitors organizational performance and serves as a forum to identify potential future priorities, bringing them to the attention of the Executive Group. Examples of UNDP policies and other documents reviewed in the context of the Organizational Performance Group included the new employee listening architecture as well as updates to the due diligence policy and partnerships with the private sector and the performance management and development policy. The Office also engages in internal policy and process reviews upon requests from management and through interaction with business units.

18. In support of corporate policy and programming development, the Office served on multiple internal working groups, including the People Development Governance Group, the Digital Governance Group, the Data Governance Group and the Artificial Intelligence Working Group. In 2023, UNDP established a Diversity, Equity and Inclusion Committee to support the implementation of its 2023-2025 diversity, equity and inclusion strategy. The Office will serve as a member of the Committee and has supported management with governance advice.

19. The Office remained engaged as a member of the UNDP Task Force on the Prevention of Sexual Harassment and Sexual Exploitation and Abuse, contributing to the implementation of the 2023-2024 UNDP strategy and action plan. It participated in the roll-out of awareness-raising webinars, presenting on the topic of protection from retaliation for sexual harassment and sexual exploitation and abuse complaints and investigations and the Office's role as a source of confidential ethics advice and guidance.

20. During the reporting period, the Director continued to serve as representative for the Ethics Panel of the United Nations in the International Civil Service Commission Working Group on the Standards of Conduct for the International Civil Service, a system-wide effort to review and update ethical standards. The Director participated in

the working group's second and third sessions in 2023, contributing an independent perspective and subject matter expertise.

B. Training, outreach and awareness-raising

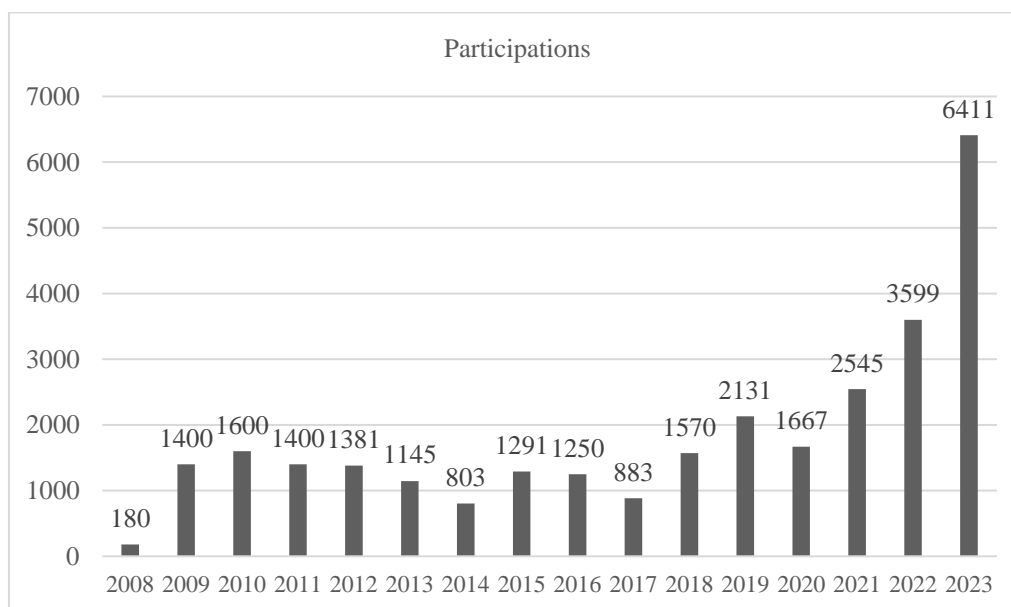
21. Training, outreach and awareness-raising on ethical standards is a critical element of the Ethics Office mandate to promote a culture of ethics within UNDP. In 2023, the office implemented a shift in its approach in this area by: (a) adopting a more strategic and data-driven methodology to the delivery of awareness-raising; and (b) amplifying ethics messages through digitalization and greater collaboration with partners and ethics offices of other United Nations system organizations. The Office also implemented practices to further measure the impact of its activities, as reflected by the enhanced use of the data indicators described below.

22. *In 2023, the Ethics Office developed its first ethics awareness and communication strategy*, which sets the direction for its internal and external engagements for 2023-2025. With the objective of enhancing organizational culture as well as public trust in UNDP, the strategy reflects the shift to a more proactive and prevention-based approach. Overall, the strategy aims to influence organizational culture by significantly scaling ethics awareness efforts.

Live sessions

23. *In 2023, the Office achieved the highest-ever level of participations in live (in-person and virtual) ethics sessions: 6,411, a 78 per cent increase from 2022* (see figure II for yearly participation numbers). Delivered in English, Spanish and French, these live sessions are an essential means of expanding awareness of ethical standards and the Office's services and engaging directly with personnel on ethics-related concerns. As described below, the Office delivered 85 dedicated, multilingual ethics sessions in 2023, half of which it proactively initiated.

Figure II. Number of ethics live session participations, 2008-2023



24. Live, online training sessions, including briefings on matters such as political activities and the use of social media, were provided to UNDP personnel at 30 country

offices, as well as to UNDP SURGE advisers, the Istanbul Regional Hub, United Nations City Common Services, and UNDP Global Shared Services Centres in Malaysia and Denmark. The Office delivered in-person sessions at headquarters for the Regional Bureau for Latin America and the Caribbean, the Regional Bureau for Africa, OAI, the Independent Evaluation Office and at the annual Regional Bureau for Latin America and the Caribbean Deputy Resident Representatives retreat in Panama.

25. Targeted outreach has been strengthened by the Office's enhanced, risk-informed approach, including through the development in 2023 of a Proactive Outreach Matrix and a pilot Ethics Risk Index.

26. As previously reported, in collaboration with the Office of Human Resources in 2022 the Office developed a new webinar series, "Getting Onboard with Ethics", as part of the UNDP onboarding programme for new hires. In 2023, the Ethics Director delivered six sessions, directly engaging with 1,341 new recruits. The Office will expand delivery of these onboarding sessions in Spanish and French in 2024.

27. To broaden the impact, the UNDP Ethics Office and the Office of Human Resources jointly designed and delivered four new, tailored ethics modules for the UNDP "Leaders for 2023" and "Rising Leaders Business Management Labs" initiatives. The Office delivered tailored sessions for resident representatives, deputy resident representatives, other senior leaders and the UNDP talent pool. In addition, it designed and delivered new sessions for junior professional officers, piloting a new format of ethics awareness-raising based on gamification.

28. In 2023, risk-informed in-person missions were conducted in three UNDP field locations. The Office participated in an interdisciplinary mission at the UNDP office in Colombia, where it delivered an in-language group session on the UNDP protection against retaliation framework that resulted in a high number of confidential consultations with individual country office personnel.

29. Ethics awareness missions were also conducted at the UNDP offices in South Africa and Zimbabwe. During the missions, the Office delivered group sessions on ethical standards, conflicts of interest and the importance of speak-up culture, including information on retaliation protection, and held confidential, individual consultations with personnel.

30. In 2023, the Office also piloted approaches for measuring the impact of awareness-raising sessions. While the number of participations in ethics sessions provides information on the reach of initiatives, the Office also surveyed perceived awareness of standards immediately before and after sessions. Employees participating in the sessions exhibited an average increase of 20 per cent in perceived understanding of ethical standards (from an average of approximately 69 per cent before the ethics session to approximately 90 per cent afterwards).

31. ***The Office implemented the first joint Ethics Awareness Month***, in response to Executive Board's request in its decision 2022/16 that the UNDP, UNFPA and UNOPS ethics offices "report on greater collaboration opportunities on field missions, on training and on outreach". The campaign featured virtual sessions jointly delivered by those offices and included messages from the Executive Board President and the Executive Heads of the three organisations, reinforcing tone-from-the-top and leadership commitment. It drove more participations from UNDP personnel in a single month (1,703) than in the entire year of 2020 (1,667), with UNDP colleagues connecting from 121 countries. Nearly 80 per cent of post-campaign UNDP survey respondents indicated that they utilized the ethical principles they learned during the campaign for their workplace decision-making.

The Bureau-level Ethics Awareness Plan

32. In 2023, the Office developed and began implementing a *new line of support for regional bureaux, jointly conceived and piloted with the Regional Bureau for Latin America and the Caribbean, with the objective of providing more direct, tailored support for field offices*. The pilot Ethics Awareness Initiative involves a series of activities aimed at advancing its strategic objective of strengthening the position of UNDP as a trusted partner in order to transparently and efficiently deliver development results. Every regional bureau country office will participate in dedicated ethics sessions delivered either in person or virtually. The Office will also develop a regional network of ethics focal points. The country-focused sessions are expected to stimulate demand for individual, confidential consultations—a key opportunity for the Office to provide more direct support to colleagues working in the field.

Senior management briefings

33. Given the importance for leadership to act as role models for ethical behaviour, the Director continued to provide ethics briefings for new UNDP senior management team members and newly appointed officials at the D-1 level and above. The Director delivered a presentation at the Organizational Performance Group and Executive Group annual retreats.

The “Ethics and Integrity at UNDP” online course and other ethics e-learning modules

34. The Office’s training programme includes a mandatory online course, *Ethics and Integrity at UNDP*. As at 1 January 2024, 90 per cent of serving UNDP personnel had completed the course. Course completion has been aided by office outreach sessions, wherein measured sessions drove an average 15 per cent increase in compliance in individual country offices.

35. Through the UNDP online learning platform, the Office provides three voluntary mini-courses on avoiding conflicts of interest, the financial disclosure programme and protection against retaliation. As of late 2023, there were 2,534 total course completions, an increase of approximately 20 per cent from the previous year.

Other awareness-raising and communication activities

36. The regular distribution of ethics guidance materials, available in multiple languages, is an important element of an effective ethics programme. The Ethics Office developed regular educational resources to equip personnel with the tools and knowledge necessary for informed ethical decision-making, including: (a) the UNDP Code of Ethics; (b) “Where to Go When: A Resource Guide for UNDP Personnel”; (c) ethics guidance bulletins on outside activities, political activities, social media usage and publishing in a personal capacity; (d) information brochures on the Ethics Office, preventing conflicts of interest, protection against retaliation and financial disclosure; and (d) the Office’s annual holiday bulletin addressing gifts and personal conduct, which was redesigned in 2023 into a digital, interactive tool. In a recent report, the Joint Inspection Unit described the UNDP Code of Ethics as “the most comprehensive” document of its nature and the online version as “a model”.⁵

37. While shared in the course of its outreach and training sessions, ethics guidance materials are also available on the Office’s intranet and public-facing Internet sites. The Office updated its intranet pages in 2023 with a new design and architecture to improve accessibility.

38. To actively promote ethical standards, the Ethics Office expanded and diversified its use of social media. Over 130,000 cumulative views of office posts were attained in 2023. In addition, voluntary membership in the Office’s in-house social media group increased from 111 in January 2023 to 542 in late December 2023.

⁵ JIU/REP/2021/5, paragraphs 176, 180.

39. The Office piloted a new digital ethics awareness-raising format in 2023, with short-form artificial intelligence-powered videos hosted on its new YouTube channel.

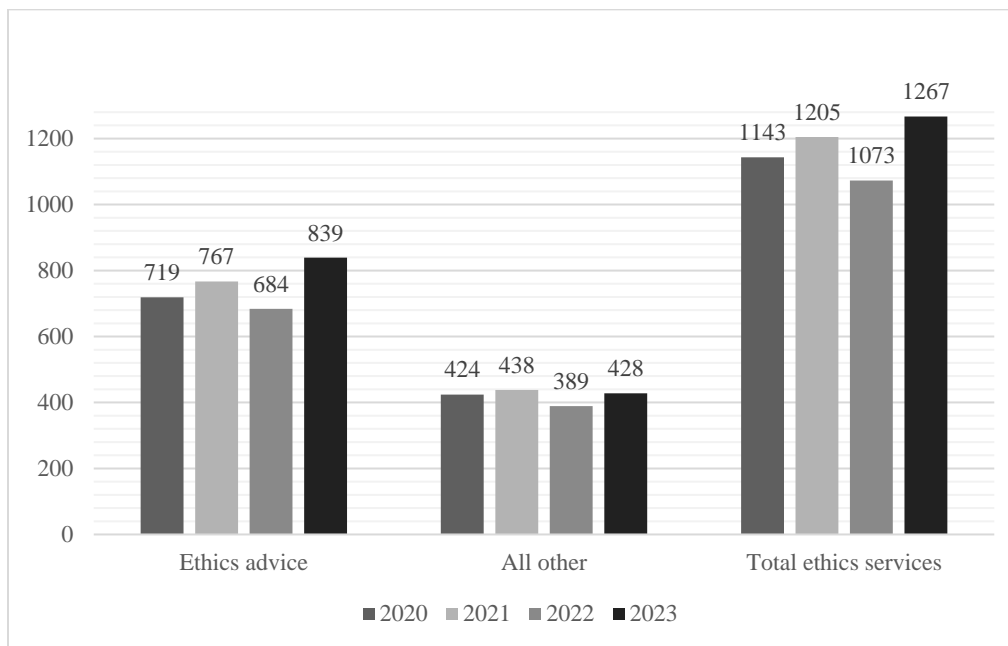
C. Confidential advice and guidance

40. Adherence by UNDP personnel to the highest ethical standards protects the organization’s reputation and supports the effectiveness of its business operations. By providing confidential and impartial ethics advice, the Ethics Office plays a key role in promoting UNDP ethical culture and values in specific matters. In addition, these services perform an important risk management function by assisting personnel with better identifying and resolving potential conflicts of interest and other complex workplace issues before they can develop into significant concerns or issues for UNDP.

41. The Office’s advisory function assists staff and management with making appropriate personal and professional decisions that are in the best interests of UNDP. Regardless of caseload increase over time, the Office has remained committed to providing timely and quality advice and maintaining its standard of providing requested guidance, typically within two business days of receiving all pertinent case information.

42. As shown in figure III below, the Office addressed a record 1,267 service matters in 2023, of which 839 were requests for ethics advice. This compares to 1,073 matters (684 advice requests) in 2022 and 1,205 matters (767 advice requests) in 2021. The lower number of matters in 2022 was a consequence of temporarily reduced office capacity in the first half of 2022.

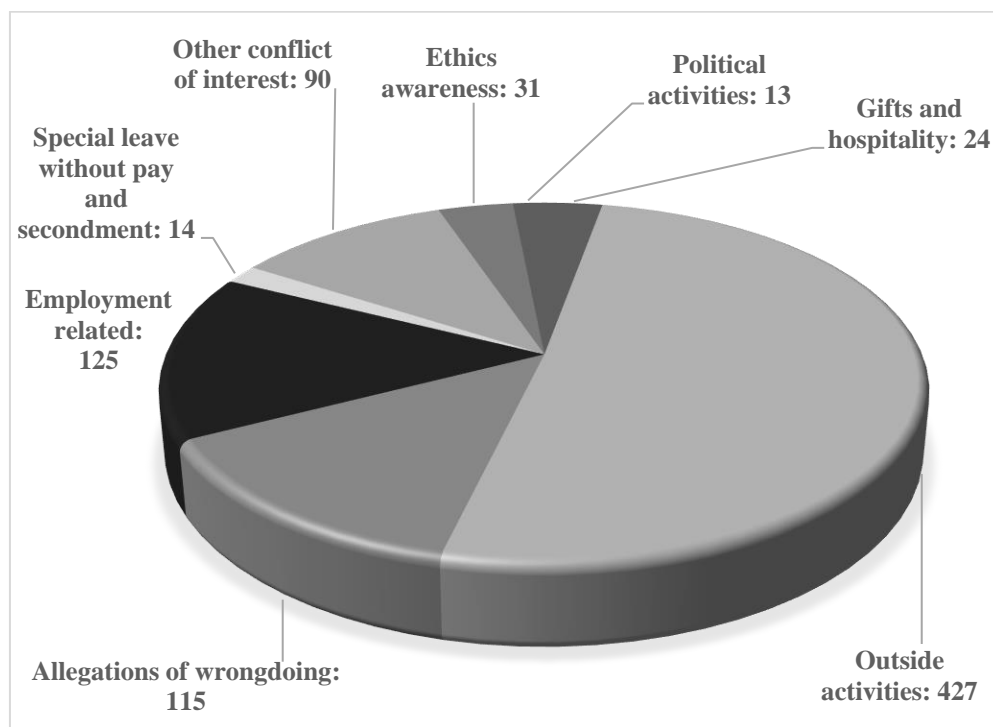
Figure III. Ethics advice as a component of total services, 2020-2023



43. In 2023, 66 per cent of Ethics Office service matters concerned requests for ethics advice and guidance. As per figure IV, the Office provided advice on a broad range of matters, including: (a) outside activities; (b) acceptance of awards, gifts and honours; (c) procedures for reporting alleged misconduct; (d) conflicts of interest; (e) political activities; and (f) ethics-related employment concerns. For matters not falling under the mandate of the Ethics Office, personnel are directed to appropriate offices for support, including the Office of the Ombudsman for United Nations Funds and Programmes,

OAI, Office of Human Resources, United Nations Office of Staff Legal Assistance and UNDP/UNFPA/UNOPS/UN-Women Staff Council. When issuing ethics advice, the Office also shares copies of the UNDP Code of Ethics, “Where to Go When” and other ethics awareness materials as appropriate.

Figure IV. Ethics advice breakdown, 2023



44. In line with prior reporting cycles, the majority of advice matters were requests to engage in outside activities, including part-time outside employment such as university teaching, family business ownership, external publishing in a private capacity and private non-profit organization board membership. The Office reviews proposed outside activities to ensure that they do not conflict with the requestor’s UNDP function or status (including their obligations of independence, impartiality and loyalty to the organization) and would not be contrary to the interests of UNDP. For cases where the Office advises UNDP management to approve an outside activity, it includes a list of conflict-of-interest avoidance measures to which the requestor must adhere as a condition of approval.

45. Regarding conflict-of-interest identification and avoidance, in 2023 the Ethics Office continued to advise UNDP procurement personnel on specific procurement exercises. As an example, a UNDP country office sought the Office’s advice on an exercise where the only project bid fulfilling tender requirements included a team member who had previously worked for the country office on the project’s preparatory work. Noting that the presence of the former UNDP contract holder in the bid proposal gave rise to a serious conflict of interest situation, and that the integrity of the procurement process could be called into question, thereby raising reputational risks for UNDP should the bid be selected, the Ethics Office advised the country office to rule the bid ineligible and re-advertise the tender. In another case, a UNDP country office sought advice from the Ethics Office concerning a UNDP-implemented project funded by the host government. As one of the project bids included a team leader who concurrently served as a senior official with the host government, the Ethics Office

informed the country office that inclusion of a serving government official in a bid proposal for a project funded by the same government would give rise to a clear conflict of interest situation and could lead to serious integrity concerns should the bid prove successful. To protect the reputation of UNDP as an implementing partner, and the integrity of the bidding process, the Ethics Office advised the country office to rule the bid ineligible for consideration.

46. Given that independence, impartiality and loyalty to the Organization are fundamental requirements of service with the United Nations, the Ethics Office advised numerous UNDP personnel seeking to take special leave without pay to pursue governmental employment that engaging in governmental service while maintaining their UNDP status would be incompatible with their United Nations/UNDP obligations (absent exceptional circumstances). Such individuals were advised that they would be required to either resign from UNDP to assume government employment or decline the governmental employment offer.

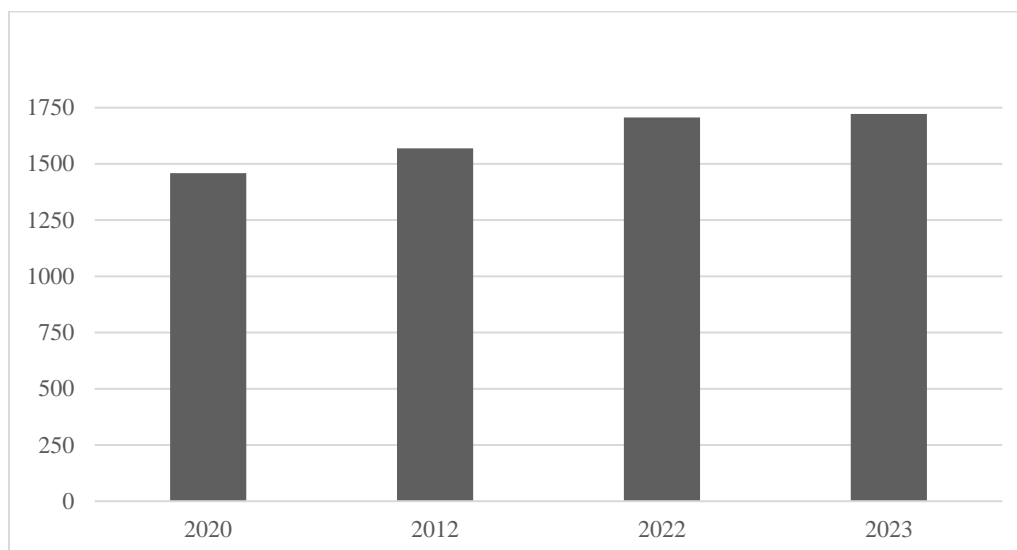
47. In 2023, the Ethics Office continued to advise personnel who wished to engage in outside activities directly related to their UNDP function or the work of UNDP, or where they could be perceived as a representative of the United Nations/UNDP, that the activity should only be considered within the context of their official UNDP capacity, with review and approval authority resting with their UNDP management. Maintaining a clear separation between activities conducted in a private capacity and matters pertaining to the work of UNDP is essential to avoid conflicts of interest as well as potential reputational risk to UNDP. By regularly advising on such matters, the office serves an important risk management function.

D. Financial disclosure programme for the 2022 transaction year, filed in 2023

48. The Ethics Office administers the UNDP annual financial disclosure programme, which aims to identify, manage and eliminate conflicts of interest between a participating filer's personal holdings, interests and affiliations - as well as those of their immediate family members - and their UNDP function and obligations. Applicable to senior management at the D-1 level and above; personnel whose principal duties involve procurement and investment; staff serving in the Ethics Office; and other personnel meeting specific criteria, the programme seeks to ensure that private interests do not interfere, nor are perceived to interfere, with official decision-making or actions. Upon completing its review of all submitted financial disclosure statements, the Office selects a subset of filers for a separate verification process to confirm statement accuracy and completeness. As a structured, yearly conflict-of-interest control mechanism based on risk exposure due to the functional duties of a group of UNDP personnel, the programme promotes transparency and trust in UNDP.

49. In 2023, the Ethics Office conducted its seventeenth annual financial disclosure exercise. Covering the 2022 transaction year, 1,722 filers participated in the programme (figure V). Following financial disclosure guidelines issued by the Office, participating filers are identified by programme focal points located within UNDP country offices, bureaux and other business units.

50. While many United Nations system ethics offices outsource the review of financial disclosure statements to external vendors, the UNDP Ethics Office does not. The review is conducted entirely in-house, which results in cost savings for UNDP and ensures that the process takes full advantage of the Office's specific conflict-of-interest expertise. As with prior financial disclosure filing cycles, in 2023 the programme achieved a 100 per cent filer compliance rate.

Figure V. Number of financial disclosure policy annual filers from 2020 to 2023

51. The Office initiates financial disclosure statement reviews upon submission, facilitating expedited filer follow-up and the prompt issuance of guidance on required actions to manage conflict-of-interest risk or remedy identified conflict-of-interest situations.

Review of data and provision of conflict-of-interest advice

52. The Office's review of financial disclosure statements is a three-step process. Statements are first vetted to ensure that the information is complete, following up where it is unclear or insufficient. Declared holdings, such as company shares or other investments, are then considered in view of any UNDP business engagement, or potential engagement, with the relevant entity. Lastly, declared outside activities and affiliations are assessed against applicable restrictions and obligations as contained in relevant organizational rules and policies. Taking the filer's official function and duty station into account, reviews are conducted to identify potential or actual conflicts of interest and to provide proactive or remedial advice where issues are identified. Consistent with United Nations Staff Rules and Regulations, any detected conflicts of interest are resolved in favour of the organization's interests.

53. Filers are required to disclose reportable assets with a value of \$10,000 or more for themselves, their spouses and their dependent children. As a robust conflict-of-interest identification mechanism, the programme requires them to report external affiliations and relationships that could potentially affect, or be perceived to influence the performance of, their duties. Noting that questions on external affiliations and relationships have been refined and developed over programme reporting cycles to fully capture relevant information, filers have been very transparent in providing full details for all questions, enabling the Office to issue comprehensive conflict-of-interest advice where required.

54. In 2023, the Ethics Office issued conflict-of-interest advice to 294 filers, or 17 per cent of the filer population. For four filers where potential or actual conflicts of interest were identified, advice was issued for immediate action to resolve the matters. Three of these cases involved low-risk, outside activities, where the filers were required to seek outside activity review and approval. The fourth case concerned a filer who declared in their statement that he or she served as an unremunerated board member with a non-governmental organization that

receives grants from their UNDP country office. While the filer confirmed that he or she was not involved in the UNDP grant process, nor in any interaction with the entity in his or her UNDP capacity, the Office nonetheless advised the filer to immediately resign from the organization's board on the basis that UNDP contract holders cannot serve in a personal capacity with any entity that receives UNDP funding or engages with UNDP. The filer resigned from the organization and notified the UNDP management.

55. The remaining 290 advice cases involved filers who submitted information raising a conflict-of-interest risk. The Office gave them proactive advice on avoiding actions and situations that could give rise to a conflict of interest. The majority of these cases involved filers with family members or other close personal affiliates employed by governmental bodies or non-governmental organizations engaged in UNDP work areas, and actual or potential UNDP vendors and partners. Typical proactive advice would include advising filers who report a familial or close personal connection to an actual or potential vendor or partner to disclose that relationship to their UNDP management and recuse themselves from any UNDP interactions with, or decision-making concerning, that vendor or partner should such a situation arise.

Verification of financial disclosure programme statements

56. The verification of selected filer statements for accuracy and completeness through filer provision of third-party documentation is a constituent element of the financial disclosure programme. Upon completing its review of all submitted filer statements, the Ethics Office selected 40 filers for the programme verification process, ensuring representation across filer location, grade and gender. Through the provision of individual guidance, all verification participants completed their required verification submissions in 2023, ensuring full compliance with the exercise.

E. Protection of staff against retaliation for reporting misconduct and/or cooperating with duly authorized audits or investigations

57. The Ethics Office also administers the UNDP policy for protection against retaliation, which applies to UNDP contract holders who allege that they have been subjected to, or threatened with, detrimental action as a consequence of reporting misconduct or cooperating with an official audit or investigation (referred to as "protected activities" under the policy). By providing an assurance of protection to individuals reporting misconduct and cooperating with audits and investigations, the policy seeks to strengthen the ability of UNDP to investigate and remedy conduct that, if left unreported or unaddressed, could cause significant harm to the organization's operations and reputation.

58. Under the policy, the Office receives protection against retaliation requests and conducts preliminary assessments to determine whether a complainant has engaged in a protected activity and, if so, whether the activity was a contributing factor in causing the alleged retaliation. If the Office determines a prima facie case of retaliation, the matter is referred to OAI. It may also advise management to take interim protection measures for the complainant pending the completion of the investigation and the Office's final review process. The Office makes a final retaliation determination after conducting an independent review of the OAI report and supporting materials. Should a retaliation complainant be dissatisfied with a determination by the Ethics Office, he or she may seek review by the Chair of the Ethics Panel of the United Nations.

59. In 2023, the Office addressed 41 matters relating to protection against retaliation. Of these matters, 36 concerned requests from UNDP personnel for policy information and advice and advising on retaliation determination reviews at the Ethics Panel.

60. In addition to providing advice on policy content and applicability, UNDP personnel who raise workplace reprisal concerns not covered by the policy are directed to other appropriate offices for support, including OAI, the Office for Human Resources, Office of the Ombudsman for United Nations Funds and Programmes and Office of Staff Legal Assistance. The Ethics Office advises all such personnel that they may return to the office at any time with case updates, or to seek additional, confidential advice.

61. Of the 41 protection against retaliation-related matters received in 2023, five were formal requests for protection falling under the scope of the policy.

62. In two of the five new cases, the Office determined prima facie cases of retaliation and referred the matters for investigation. The first of these cases involved a complainant who alleged that, in retaliation for filing misconduct allegations against their two supervisors, the supervisors shortened their contract with limited notice. As the complainant had separated from the organization at the time of their protection against retaliation request, in addition to referring the matter to OAI, the Ethics Office issued an interim protection measure recommendation to UNDP management that the complainant be given priority consideration in any recruitment at the duty station for which they were qualified. As per the Office's recommendation, the relevant UNDP office subsequently rehired the complainant. Following receipt of the OAI investigation reports and materials, the Office determined that retaliation by both supervisors had occurred. UNDP management subsequently terminated the contracts of the two alleged retaliators.

63. The second case referred for investigation concerned a complainant working for a United Nations Secretariat office on a UNDP-administered service contract. Following their reporting of alleged recruitment irregularities to UNDP management at their duty station, the complainant alleged that their non-UNDP office managers retaliated by seeking to first shorten, and then to not renew their contract. Based on a prima facie retaliation determination, the Office worked in collaboration with the United Nations Ethics Office to refer the matter to the United Nations Office of Internal Oversight Services (OIOS) for investigation and issued an interim protection measure recommendation. As a result, the complainant's contract has been renewed while the OIOS investigation remains pending.

64. Regarding the three cases where a prima facie case of retaliation was not established, the first involved a complainant working on a temporary appointment at a UNDP country office. The complainant alleged that their supervisor had decided not to renew their contract in retaliation for their prior cooperation with an OAI investigation. Upon its comprehensive review of case materials, the Office determined that the information did not indicate any causal connection between the complainant's protected activity and the non-renewal of their contract.

65. The second case concerned a UNDP staff member who initially alleged that they had received a negative performance evaluation following their cooperation with an OAI investigation. Thereafter, the complainant decided to leave the organization and to submit their concerns regarding their management directly to OAI as abuse of authority allegations rather than retaliation allegations.

66. The third matter where a prima facie case was not established concerned a complainant working for a United Nations Secretariat office on a UNDP-administered contract. The complainant claimed that their contract was not being renewed in retaliation for reporting their managers to OIOS for alleged harassment and abuse of authority. Upon review, the Office determined that the evidence showed that the non-renewal decision had been taken by a senior official at the complainant's office other than the alleged retaliator, and was attributable to a lack of project funding. The complainant asked the Chair of the Ethics Panel of the United Nations to review the

Office's determination that the matter did not raise a prima facie case of retaliation. The Chair concurred with the finding of the UNDP Ethics Office.

67. In addition to the five new requests for protection received and reviewed in 2023, the Office reviewed a matter received in 2022 that had been referred for investigation in late 2022, with the OAI completing the investigation in 2023. Upon receipt of the OAI report in 2023, following a comprehensive review the Office determined that retaliation had been established and referred the matter to management for a determination on whether disciplinary proceedings should be initiated against the retaliator.

68. For another 2022 case where the Office had determined that a prima facie case of retaliation had not been established, the complainant subsequently sought review of the determination from the Chair of the Ethics Panel of the United Nations in 2023. This case concerned a staff member who claimed a retaliatory reprimand from their supervisor after reporting to OAI alleged abuse of authority by their supervisor. The Chair upheld the Office's determination that the contested reprimand was attributable to considerations that existed independently of the complainant's protected activity.

69. While the UNDP policy for protection against retaliation allows for the informal resolution of retaliation complaints with the complainant's consent, the UNDP Legal Framework for Addressing Non-Compliance with United Nations Standards of Conduct (UNDP Legal Framework) also empowers UNDP managers to ensure that no staff member is retaliated against, and to take actions to prevent such retaliation. Concerning this authority, in 2023 the Ethics Office continued to work with senior management at a UNDP country office where an individual who had reported alleged harassment and abuse of authority by their supervisor to OAI, and who feared retaliation, had been temporarily reassigned pending the completion of the OAI investigation. While the OAI investigation was subsequently closed having not obtained evidence of misconduct, country office management, in consultation with the Office, decided to allow the complainant to remain in their reassigned section, demonstrating a continuing duty of care to the complainant and warding off future retaliation concerns and allegations.

70. The Office notes that of the five complaints received in 2023, two came from individuals working for other United Nations offices on UNDP-issued contracts. In 2021, UNDP management issued an updated Service Level Agreement template stipulating that staff members working for other agencies on a UNDP Letter of Appointment would fall under the authority of their agency's respective ethics office. Similarly, the UNDP Partner Personnel Services Agreement, also issued in 2021, provides that, under new Service Level Agreements or Partner Personnel Services Agreements, non-staff personnel would fall under the responsibility of their host agency in regard to, inter alia, protection against retaliation matters. The Office remains engaged with UNDP management on the implementation of these updated versions of agreements.

IV. The Ethics Panel of the United Nations and the Ethics Network of Multilateral Organizations

71. Collaboration with other United Nations system ethics functions, including the sharing of best practices, coordinating initiatives and activities and promoting coherence in ethical standards across the United Nations system, is an essential aspect of the work of the Ethics Office. The Ethics Panel of the United Nations and the Ethics Network of Multilateral Organizations are two key forums for such efforts.

72. In 2023, the Ethics Director continued to participate in monthly Ethics Panel meetings. The Director of the United Nations Ethics Office chairs the Panel, which is made up of the heads of the United Nations Secretariat ethics office and the ethics

offices of separately administered organs and programmes. It is mandated to establish a unified set of ethics standards and policies and consult on complex ethics matters having system-wide implications. As stated above, the Chair is also mandated to review, upon complainant request and in consultation with other Panel members, contested retaliation determinations issued by other ethics offices.

73. During this reporting period, in addition to its existing activities the Ethics Panel took steps to strengthen collaboration on training, awareness-raising and outreach by establishing a standing agenda item during monthly meetings to share information on planned missions. In 2023, the Panel piloted a subgroup on communications for the purpose of exchanging knowledge and sharing best practices.

74. In addition to engaging with the ethics functions of the United Nations Secretariat and the separately administered organs and programmes through the Ethics Panel, the Office is an active member of the Ethics Network of Multilateral Organizations, which includes over 100 senior ethics officials from more than 40 multilateral institutions. It includes the organizations belonging to the Chief Executives Board, which have established a dedicated group within the Network. The Director serves as the group's Co-Chair.

75. In addition to the joint UNDP, UNFPA and UNOPS Ethics Awareness Campaign, in 2023 the Office continued its collaboration with other United Nations ethics functions in the area of awareness and education. For example, the UNICEF Ethics Office supported its UNDP counterpart by facilitating a Portuguese-language ethics awareness session for UNDP personnel in Brazil. The UNDP Ethics Office similarly provided Spanish-language ethics sessions to UN-Women offices in Guatemala and Panama in support of the newly established UN-Women ethics function, and delivered an "Active Bystander Intervention" session for Food and Agriculture Organization (FAO) personnel in cooperation with the FAO Ethics Office.

76. In coordination with the United Nations Ethics Office, the Office also provided support to the International Trade Centre (ITC) as part of the latter's action plan to improve organizational efficiency and effectiveness. In particular, it engaged in an independent review of the ITC internal framework on prohibited conduct, providing specific findings and recommendations aimed at further enhancing the ethical culture at the organization.

V. Recommendations to management to strengthen the UNDP culture of integrity and compliance

77. In its decision 2011/24, the Executive Board called on the Ethics Office to make recommendations to management that will strengthen the organizational culture of integrity and compliance.

78. The Ethics Office engages in ongoing dialogue with management regarding opportunities in this regard, with the outcomes from this engagement reflected in the results described in this report.

79. Mindful of the Executive Board's request in decision 2023/8 for the Ethics Office to continue to strengthen whistle-blower protection procedures, the Office has invited UNDP management to consider the following recommendation:

(a) Retaliation may occur because an investigation subject becomes aware that an individual has reported misconduct or cooperated with an audit or investigation. One way to mitigate the risk of retaliation is to limit an investigation subject's access to this information. Steps to protect whistle-blowers must also preserve the due process rights of an investigation subject and allow for an effective investigation and disciplinary process. To strike an appropriate balance, an organization must decide when an investigation

subject should have access to certain investigation materials. The Ethics Office believes that UNDP should align its framework with the United Nations Secretariat best practices in this regard.

(b) Under the current UNDP framework, OAI provides the investigation subject with a draft report, along with exhibits including witness statements, so that the subject may add comments and submit any countervailing evidence before it transmits the final investigation report to the Director of the Office of Legal Services for misconduct-charging consideration. (This is in addition to the investigation subject engaging with OAI during the investigation through a subject interview.) After incorporating any necessary revisions, OAI submits its final investigation report, together with any feedback from the subject, to the Director of the Office of Legal Services for charging/disciplinary consideration. Upon further review, the Director may recommend to the Assistant Administrator and Director of the Bureau for Management Services that the investigation subject be formally charged with misconduct or that the matter be closed on the grounds that the allegations are unsubstantiated or the facts do not warrant disciplinary action. If the investigation subject is formally charged with misconduct, they will receive a copy of the investigation report (this time as a final version) and the exhibits, including witness statements, to prepare a response to the charge/s. While there are provisions for witnesses to seek confidentiality protections during the investigation phase, to which the Ethics Office will be drawing greater attention in its awareness-raising efforts, these are exceptional rather than standard protections.

(c) Under the current UNDP approach, an investigation subject typically becomes aware of investigation details and witness testimony *before* the investigation has been concluded and *before* management has considered whether it intends to proceed with a charge against the subject. An investigation subject then receives the final investigation report and evidence, including witness statements, for a second time should disciplinary proceedings subsequently be pursued. This overall process exposes whistle-blowers to retaliation risk at a stage of proceedings before key determinations have been reached by OAI and management. It also means that whistle-blowers and personnel who cooperate with OAI investigations are exposed to this risk even if management decides not to proceed with the disciplinary stage.

(d) The United Nations Secretariat has adopted a different approach, which defers sharing these materials with the investigation subject to a later stage, *after* an investigation has been completed and *after* management has considered whether it intends to proceed with a charge against the subject. The investigation materials are not shared with the investigation subject unless the Assistant Secretary-General for Human Resources decides to initiate a disciplinary process against them. Pursuant to Administrative Instruction ST/AI/2017/1, *Unsatisfactory conduct, investigations and the disciplinary process*, and in cases where an OIOS investigation finds a factual basis that a Secretariat staff member has engaged in unsatisfactory conduct, OIOS shall transmit a copy of the investigation report and evidential materials directly to the Assistant Secretary-General without sharing it with them. If the Assistant Secretary-General decides to initiate a disciplinary process against the subject, they will then provide the subject with a copy of the investigation report and supporting materials to allow the subject to respond to the misconduct allegations against them. As expressly provided for in ST/AI/2017/1, shared supporting materials may furthermore be subjected to measures, including redaction, “to ensure that the interests of the Organization or its staff members, including privileged information and safety and security concerns, are not adversely affected by the disclosure of particular information.” The Ethics Office believes that these specific Secretariat provisions reduce retaliation risk for Secretariat personnel who report misconduct and cooperate with Secretariat investigations while maintaining due process for the investigation subject.

(e) The Ethics Office recommends that UNDP follow the best practice reflected in the approach of the United Nations Secretariat, whereby investigation reports and the full

set of supporting evidentiary materials are only shared with investigation subjects after the investigation has been completed and following a decision to initiate disciplinary proceedings.

(f) The Ethics Office has consulted with OAI, which supports this revision, consistent with a recommendation issued in 2022 to reduce the timeline for investigations. OAI have noted that adopting the United Nations Secretariat approach would avoid the arguably duplicative step of sharing investigation materials twice with the investigation subject, during the investigation stage and in any subsequent disciplinary proceeding. Based on a review of investigations concluded in 2022 and 2023, they have noted that none required substantial changes after they were shared with investigation subjects at the investigation stage, and overall OAI judgments (“substantiated” or not) were in no case changed as a result of additional material supplied by the subject during this step in the process.

(g) The Ethics Office considers that implementation of this recommendation would be consistent with the Executive Board’s request that UNDP strengthen whistle-blower protections by further aligning with best practices. The Ethics Office notes that the recommended process revision, while eliminating a step in the investigation process, may place an additional burden on the Office of Legal Services in handling - in consultation with OAI, as appropriate - responses provided by the subject in those cases where disciplinary proceedings are pursued.

80. Recommendation. The Ethics Office recommends that management revise relevant provisions in the UNDP Legal Framework so that the draft investigation report and exhibit disclosure requirements are aligned with the best practice applied by the United Nations Secretariat.

VI. Conclusion

81. In 2023, the UNDP Ethics Office achieved significant results with record levels of activities, enhanced measurement of the impact of its activities and new approaches to promoting an ethical culture in the organization. These results demonstrate that there is a strong appetite for the support and expertise provided by the ethics function. The Office has shifted from addressing specific risks by providing services on individual matters and administering certain policies to a broader aim of also influencing the overall culture of the organization. Pursuing this objective will require innovative approaches to scale the initiatives of a relatively small function, as well as continued support from UNDP leadership and Member States.
