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Ethics

Activities of the UNDP Ethics Office in 2021

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 2021. 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 report has also been reviewed by the Ethics Panel of the United Nations.

This is the fourteenth 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. The present report is submitted in accordance with Executive Board decision 2008/37 and details the work of the UNDP Ethics Office in 2021 pursuant to its mandate under the Secretary-General's bulletin ST/SGB/2007/11, United Nations system-wide application of ethics: separately administered organs and programmes, 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".

2. With the continuation of the COVID-19 pandemic throughout 2021, the office remained focused on delivering timely and quality services to the UNDP global workforce stationed in over 170 countries and territories. This report summarizes the office's 2021 activities and achievements in its following mandated areas: (a) standard-setting and policy support; (b) ethics training, awareness-raising and outreach; (c) providing confidential advice and guidance to personnel and management on ethics issues and ethics-related policies; (d) administering the UNDP financial disclosure programme; and (e) administering the UNDP protection against retaliation policy. The report further addresses the office's engagement with the Ethics Panel of the United Nations, mandated to harmonize ethics policies and practices across the United Nations system, and the Ethics Network of Multilateral Organizations.

3. Established in 2007 and based in New York, the Ethics Office functions on the principles of independence, impartiality, and confidentiality. As adherence by all personnel to the highest ethical standards is essential for effective operations and to protect the reputation of UNDP, the office proactively promotes ethical conduct and decision-making across the organization. Dedicated to embedding and supporting ethics in UNDP business processes through its multiple services and pragmatic ethics advice and guidance, the office serves as a vital advocate of ethical standards and practices within UNDP.

4. Throughout the COVID-19 pandemic in 2020, the office ensured minimal disruption to the delivery of its services and the development of its ethics programme, having quickly transitioned to the use of at-home, online platforms for live ethics trainings, advice consultations, and policy discussions with UNDP management. This remained the case in 2021, when the office again processed a record number of ethics matters, and addressed more individuals in live ethics training and briefing sessions than in any previous year.

5. As previously reported, the office has experienced significant year-on-year caseload increases since 2015, when the office dealt with 643 matters. Having addressed a record 1,143 matters in 2020 despite most personnel not being physically located at their offices, the Ethics Office experienced further caseload growth in 2021 with 1,205 matters handled. This consistent annual increase is indicative of the reach and success of the office's ethics programme and attests to the confidence placed in the office by UNDP personnel as a source of reliable and actionable guidance. Figure 1 below provides a breakdown of total service requests received by the office in 2021.

6. Having transitioned to the use of on-line platforms for the delivery of live ethics trainings in 2020, the Ethics Office continued to utilize web-based applications to advance its live training programme throughout 2021. In 2021, the office provided live ethics-related trainings and briefings to 2,546 individuals (this compares to 1,667 individuals in 2020, and 2,131 individuals in 2019). Training requests were regularly received from UNDP country office locations around the globe, positively reflecting on the importance placed by country office management on providing ethics education to their personnel.

7. Concerning the 2021 UNDP financial disclosure programme, the office reviewed 1,569 individual financial disclosure statements and issued conflict-of-interest avoidance advice to 304 filers. After a one year hiatus due to the initial impact of the COVID-19 pandemic, the office resumed the financial disclosure programme verification exercise, pursuant to which forty filers were randomly selected and required to provide third-party documentation confirming the information contained in their financial disclosure programme statement

8. During 2021, the Ethics Office further revised UNDP policies on the financial disclosure programme and protection against retaliation and conducted multiple reviews of other policies and processes to support the incorporation of ethics considerations and best practices in the organization. The office also continued to provide tailored ethics briefings to senior management to promote ethical leadership and role model behaviour within UNDP.

9. Given the challenges to UNDP operations and work arrangements since the onset of the COVID-19 pandemic in 2020, the office has remained focused on ensuring its availability and responsiveness to all personnel and business units. By proactively communicating on, and advocating for, UNDP core values, and by providing pragmatic, actionable advice that promotes ethical business practices and decision-making, the office has maintained its critical role in supporting the integrity of UNDP programming and service delivery. UNDP personnel and management are also to be commended for consistently seeking out the guidance and assistance of the office throughout this challenging period, demonstrating a strong and ongoing commitment to upholding UNDP ethical culture.

Figure 1. Requests for advice and other services, by category, 2021



II. Administrative activities

10. In 2021, the Ethics Office operated with a small core staff consisting of the Director (D1), the Ethics Adviser (P5), the Ethics Specialist (P3), and the Administrative Associate (G6). As the sustained annual growth of the office's caseload over the last six years is expected to continue, the office's junior professional officer (JPO) placement request on the UNDP JPO online request system remains active for Member State consideration. The office's last JPO served for two years and departed in 2014.

11. The final year of service for the previous Director of the Ethics Office, who joined the office in 2012, was 2021. Pursuant to mandatory retirement, the Director's final day of service was 31 December 2021.

12. In response to the overall increase in demand for the office's services, which has been supported through the filling in late 2019 of the new P3 Ethics Specialist post, in 2021 the office's general operating budget additionally increased by \$60,000. The office's budget subsequently remains static for 2022.

13. Following a significant increase in COVID-19 vaccination rates in New York State, and the subsequent June 2021 notification from UNDP management that New York-based personnel would be expected to work on premises for the equivalent of one or more days a week as of July 2021, Ethics Office personnel periodically returned to the office over the remainder of 2021. Regardless of work location, the office continued to provide timely and quality ethics services to UNDP personnel and business units throughout the year.

III. Mandated activities

14. Focused on the practical application and business value of ethics, in 2021 the Ethics Office achieved notable results across its areas of responsibility.

A. Standard-setting and policy support

15. During 2021, the Ethics Office Director continued to support UNDP policy development by participating in the Organizational Performance Group (OPG). The office further responded to multiple policy and process review requests received from UNDP management and business units. Examples of UNDP policies, guidelines, and other institutional documents evaluated by the office to incorporate ethics considerations and support effective business performance included: the UNDP Strategic Plan, 2022-2025; the internal control framework package, including its updated policy and operational guide; the updated anti-money laundering and countering the financing of terrorism policy; the changes to rank-in-post policy; the policy on risk management for partnerships with the private sector; the UNDP strategy on occupational safety, health and wellbeing; the strategy and action plan on prevention of sexual harassment and sexual exploitation and abuse, 2021-2022; the international and national personnel services agreement policies; the information classification and handling policy; the data protection policy; and the special leave policy. In support of corporate policy and programming development, the office additionally served on multiple, internal working groups, including the Digital Governance Group, the Data Governance Group, the People Development Governance Group, and the Programme and Operations Policies and procedures NextGen Group.

16. The Director remained a member of the UNDP Task Force on Prevention of Sexual Harassment and Sexual Exploitation and Abuse, as established by the UNDP Administrator in 2018 and chaired by the Executive Office. The Director also served as a Senior Adviser to the UNDP Team on Racism and Discrimination, created by the Administrator in 2020 to lead UNDP consultations on the issue of racism in the

workplace. This team produced a report for senior leadership in late 2020, including recommendations that were adopted in large part in early 2021.

17. As previously reported, in 2020 UNDP started the economic dividends for gender equality (EDGE) certification process as part of its commitment to being a gender-balanced and inclusive organization. EDGE is considered a leading global assessment and business certification for gender equality in the workplace, focused on indicators such as gender balance, equal pay, and effective policies and practices. In 2021, the Ethics Office continued to participate in EDGE focal point meetings and contributed to the development of the UNDP EDGE action plan. UNDP was subsequently awarded the EDGE Move certificate for gender equality in the workplace. UNDP is only one of two United Nations organizations to have received this certification-level award, which remains valid for two years.

18. In addition to supporting UNDP policy development throughout 2021, the office provided ethics expertise and input to United Nations system entities and review processes. Of note, while the office advised multiple United Nations system ethics offices on protection against retaliation procedures and provided guidance to a specific ethics office interested in adopting its financial disclosure programme methodology and online reporting platform, the Ethics Director also delivered a conflict-of-interest presentation during a seminar for Food and Agriculture Organization (FAO) personnel organized by the FAO Ethics Office.

19. The office further provided comments concerning: (a) the draft terms of reference for the Joint Inspection Unit (JIU) review of measures and mechanisms for preventing and addressing racism and racial discrimination in the institutions of the United Nations System; (b) its review of the current state of the ethics function in the United Nations; and (c) its review of the internal pre-tribunal stage appeal mechanisms available to staff members in United Nations system organizations.

B. Training, outreach and awareness-raising

20. Training and awareness-raising are critical components of the Ethics Office's mandate. In training UNDP personnel on applicable standards of conduct and reinforcing the United Nations core ethical values, while utilizing real-life, practical examples specific to the risks most pertinent to the audience involved, the office empowers personnel to make ethical decisions and to regulate their behaviour in the best interests of the organization. Given UNDP works in high-risk environments and consists of a multinational work force, the maintenance of the organization's good reputation and effective service delivery depends on all personnel understanding and adhering to the organization's unified set of ethical principles and expectations, which are the same for all UNDP contract holders, across all UNDP duty stations.

21. In addition to training personnel on their United Nations obligations, the office provides separate ethical leadership training for UNDP managers that promotes 'tone at the top' and 'mood in the middle' (mid-level managers who handle daily operations and are particularly well placed to display and implement role-model behaviour). Given an organization's ethical culture is significantly advanced through its leadership's visible adherence and commitment to ethical conduct, ethical leadership training encourages UNDP management to actively think about and promote exemplar workplace behaviour and business practices.

The "Ethics and integrity at UNDP" online course, and other ethics training modules

22. The Ethics Office's training programme includes an online course, Ethics and Integrity at UNDP, first introduced in 2015 and available in English, French, and Spanish. Following updates to course content undertaken in cooperation with the Talent Development Unit in the Office for Human Resources, the revised course was relaunched in 2021. Mandatory for all personnel upon entry into service, the course

uses authentic UNDP work scenarios to reinforce UNDP ethical standards, promote ethical decision-making, and support compliance with UNDP rules and policies. As of 31 December 2021, 16,617 UNDP personnel have completed the course.

23. In addition to the Ethics and Integrity at UNDP course, the office offers three voluntary, online ethics mini-courses on: (a) avoiding conflicts of interest; (b) the UNDP financial disclosure programme; and (c) protection against retaliation. Also available in English, French, and Spanish, there have been 2,107 total course completions as of the end of 2021. The office promotes its online training courses in its outreach materials and during face-to-face trainings.

Face-to-face webinars

24. In addition to its online courses, the Ethics Office regularly delivers in-person ethics training sessions to expand awareness of its services and ethics requirements and to directly engage with personnel on ethics-related concerns. UNDP country offices and business units also routinely request ethics trainings on specific thematic matters.

25. In 2021, the Ethics Office provided live ethics trainings and briefings to a record 2,546 individuals. Due to ongoing COVID-19 travel restrictions, all sessions were conducted via online platforms. Given that it addressed approximately 880 individuals in 2017, the office has experienced a sharp increase in training numbers, such as the number of total ethics matters addressed, over the last five years. The significant growth in these numbers over recent reporting cycles reflects the value that UNDP offices across the globe place in ethics trainings. UNDP offices are also to be commended for having continued to reach out with training requests throughout the COVID-19 pandemic while dealing with myriad other issues and demands. Regarding specific training requests received in 2021, the office has increasingly been asked to provide dedicated sessions on political activities and social media usage as a consequence of heightened political and social tensions across the globe.

26. Over the reporting year, the office delivered live ethics workshops and ethical leadership sessions at hours most convenient to UNDP personnel stationed in Belarus, Myanmar, Mongolia, Malaysia, Montenegro, Zimbabwe, Uzbekistan, Barbados, Mauritius, Seychelles, the Dominican Republic, the United Republic of Tanzania, Costa Rica, and Colombia. The office also provided ethics briefings to the Office of Audit and Investigations, the Independent Evaluation Office, the Office of the Ombudsman for United Nations Funds and Programmes, UNDP SURGE Advisors, UNDP Global Policy Network (GPN) managers, the 2021 JPO Induction Programme, the UNDP/UNFPA/UNOPS and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) Staff Council, the United Nations Secretariat's Office of Administration of Justice, and the Food and Agriculture Organization of the United Nations (FAO) personnel. To facilitate maximum participation, all trainings were scheduled during the working hours of the requesting duty station.

27. To ensure its training programme remains dynamic and provides maximum value, the office tailors its presentations to the needs of each UNDP office, taking into account country-specific political contexts, local UNDP programming, and pertinent audit and investigation matters. The office further incorporated into individual presentations relevant ethics-related findings from the 2020 general staff survey, the results of which were released in early 2021. This focus on the pragmatic application of ethics to local realities and office-specific concerns results in more engaged audiences and leads to increased demands for ethics advice and guidance from serviced locations.

Senior management briefings

28. Underscoring its standing as an integral business partner, senior UNDP leadership and heads of business units regularly approach the office for confidential consultations and guidance. In addition to responding to advice requests from senior leadership, the Ethics Director proactively provides ethics briefings, including conflict-of-interest

vetting, to incoming members of the UNDP executive team and all newly appointed officials at the D1 level and above. Integrated into senior leadership training, in 2021 the Director led a ‘learning lab for resident representatives on ethical leadership’ as part of an Executive Leadership Programme organized by the Talent Development Unit in the Office for Human Resources. The office’s participation in such training sessions remains essential for reinforcing the critical importance of ethics in all aspects of UNDP operations.

Awareness-raising and communication activities

29. The regular distribution of ethics information and guidance materials is an essential element of any effective ethics programme. To this end, the Ethics Office has developed a comprehensive array of ethics education materials for UNDP personnel. Throughout 2021, the office sustained its ethics awareness campaign through email, social media, and its accessible ethics information materials. Core educational materials include: (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; (c) 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.

30. Via consistent messaging, the office reinforces the importance of a strong ethical culture and personal accountability. The issuance and updating of ethics information ensures that personnel are equipped with the tools and knowledge necessary to take informed ethical decisions that are in the best interests of UNDP. In addition to directly providing ethics materials to personnel, the office is regularly approached by UNDP business units seeking to distribute ethics materials to their staff on specific issues, such as limits on participation in political activities. Links to produced educational materials are also embedded in Ethics Office training decks that are provided to personnel following face-to-face ethics training sessions. As a matter of practice, and to ensure enhanced accessibility, all awareness materials produced by the office are translated into multiple languages. In producing its materials, the office maintains its fundamental faith in personnel to engage in appropriate conduct and to make correct decisions when equipped with clear and practical information concerning their UNDP obligations.

31. Continuing its excellent cooperation with the the Office of the Ombudsman, in 2021 the Ethics Office collaborated with the Ombudsman on the production of Ombudsman awareness materials. The office specifically assisted the Ombudsman in drafting an article entitled “Reprisal for Seeking the Assistance of an Ombudsman” for its October 2021 Mediation Newsletter, and contributed an article on its own work.

32. During 2021, the office further joined a headquarters team composed of representatives from the Office of Human Resources, the Office of the Ombudsman, and the Regional Bureau for Latin America and the Caribbean (RBLAC) to conduct an assessment of a UNDP country office in the RBLAC region regarding interpersonal and workplace conflict concerns. The team, convened on the request of senior country office management, formulated recommendations to enhance office effectiveness and workplace relations following confidential consultations with country office personnel, who were very supportive of the mission. Once briefed on the services of the Ethics Office, many country office personnel subsequently reached out to the office for further ethics advice and guidance.

33. Driving ethics awareness through the use of social media, the office continued its use of Twitter and Yammer (an internal UNDP social network) to circulate ethics articles, surveys, and opinion pieces. As the circulation of such information encourages ongoing dialogue about ethics and keeps ethics front of mind, the Ethics Director issued a total of 622 tweets over the course of his service through to 31 December 2021, with a similar number of Yammer posts.

34. Throughout 2021, the Ethics Office ensured that UNDP ethics programme information and resources on its intranet and public-facing Internet pages remained current. Both sites contain links to all of the office's educational materials. While the office's intranet site had 7,738 page views by UNDP personnel in 2021, the public site had 5,782 visits.

35. Having been recognized in 2019 by the Business Performance Improvement Resource, a New Zealand-based organization that identifies and showcases examples of business excellence and best practices, in 2021 a regional council of civil protection volunteers in Umbria, Italy requested to use the UNDP code of ethics as a model for its own code. Such recognitions demonstrate the merit placed in UNDP foundational ethics programme publications by private and public sectors entities and attests to the reach and value of the office's publicly accessible information.

36. Through the UNDP country office in Senegal and the Office of the Ombudsman, the office was requested in 2021 to participate on a Francophone panel organized by Orange-Sonatel Senegal, a UNDP vendor and telecommunications provider, for its annual ethics and compliance day. The office presented UNDP standards of conduct, code of ethics, and its overall work before an audience of 345 invitees.

C. Confidential advice and guidance

37. UNDP ethical culture drives how personnel regulate their conduct, how decisions are made, and how the organization is perceived by government partners, donors, civil society stakeholders, and the wider public that UNDP serves. From the perspective of effective business operations and its reputation, it is critical that UNDP demonstrates a positive ethical culture committed to fairness, accountability, and transparency, and holds itself and its personnel to the highest standards of integrity.

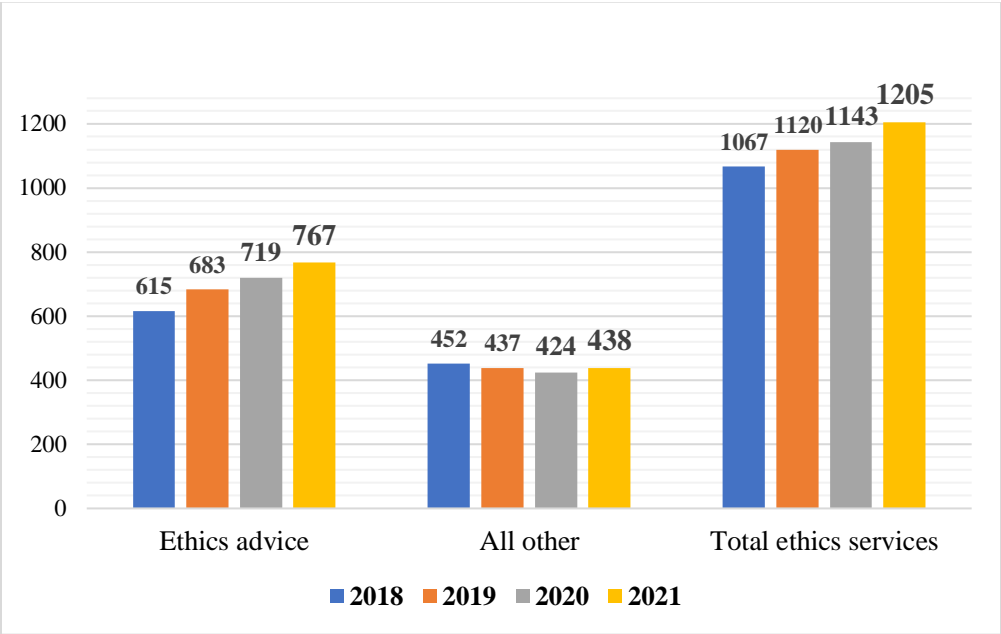
38. Through its provision of confidential ethics advice and guidance to all UNDP personnel and management, the Ethics Office plays a central role in sustaining UNDP ethical standards and culture. At its core, the office's advisory mandate assists personnel and management, including senior management, to make informed and appropriate decisions at both the personal and professional levels that are in the best interests of UNDP. This includes managing potential conflicts of interest and resolving complex workplace situations before they become problems for UNDP, thereby avoiding operational and reputational damage. The office thus plays a fundamental risk management role within the organization, promoting awareness of, and adherence to, applicable rules, policies, and standards of conduct.

39. Serving as a trusted, consultative resource for all UNDP personnel, the office provides a confidential space to raise concerns and seek impartial guidance. To maximize personnel engagement, over the last 10 years the office has devoted considerable time and effort in raising awareness of the office and its services across UNDP. Noting that the willingness of personnel to approach the office is dependent on receiving pragmatic and action-oriented guidance in a timely manner, the Ethics Office has made significant efforts to be one of the most responsive offices in UNDP. Pursuant to this commitment, the office endeavours to provide same day responses to all received inquiries and seeks to issue ethics advice within 24 hours (one business day) of receiving all required case information. The office furthermore conducts thorough assessments of each received request and issues clear and detailed guidance that can be acted on.

40. Demonstrating that the office's awareness-raising activities and commitment to providing timely and quality advice have proven effective, the number of UNDP personnel seeking ethics advice and guidance has significantly increased over the last six years. Having experienced consistent annual increases since 2015, in 2021 the office set yet another record for received advice requests. As shown in figure 2, in 2021 the office processed a record 1,205 service matters (an increase from 1,143 matters in 2020), of which 767 were requests for ethics advice (up from 719 requests in 2020). As previously reported, the fact that the number of advice requests has continued to

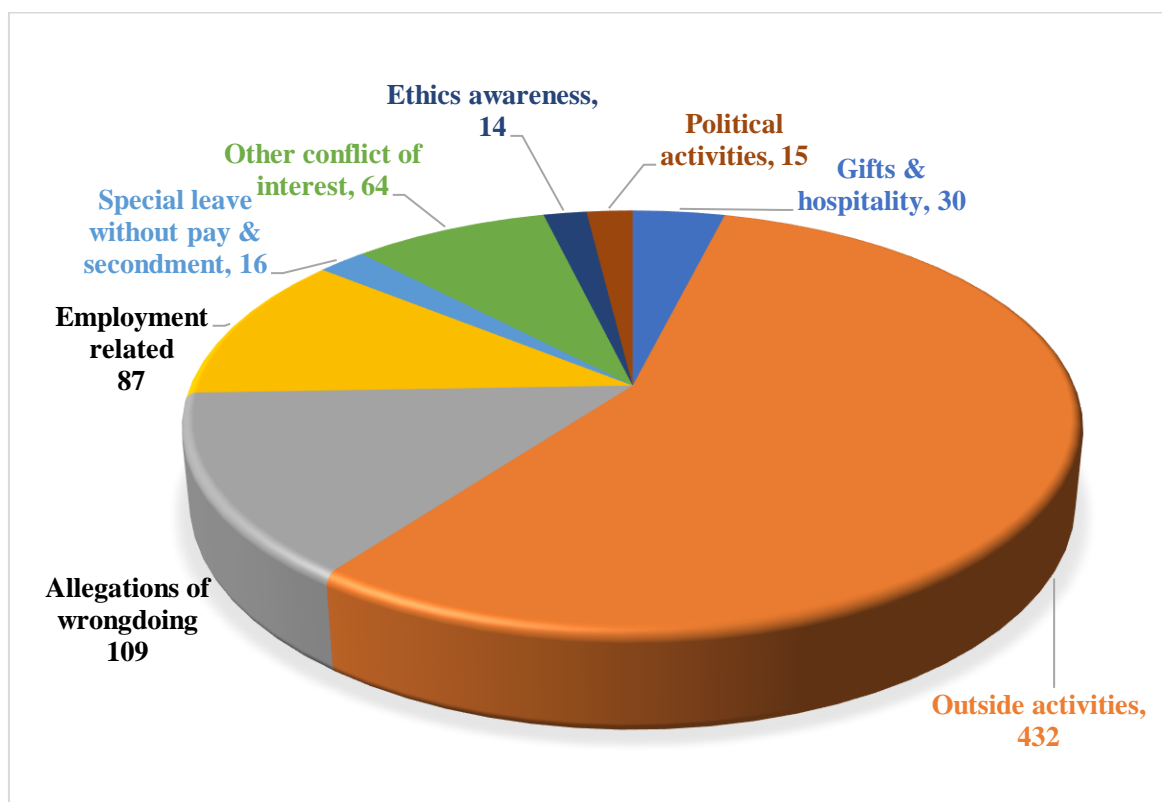
increase throughout the COVID-19 pandemic is indicative of the successful mainstreaming of ethics throughout UNDP, according to which personnel reflexively contact the office even when working remotely. While total ethics service matters dealt with by the office have increased by 87 per cent since 2015 (when the office dealt with a total of 643 service matters), the addition of the P3 Ethics Specialist to the office in 2019 has enabled the office to effectively manage its increased caseload. Should the office’s caseload continue to grow moving forward, however, the office will revisit and reassess its staffing needs.

Figure 2. Ethics advice as a component of total services, 2018-2021



41. In 2021, 64 per cent of all requests for Ethics Office services were for ethics advice and guidance (as compared to 63 per cent in 2020). As depicted in figure 3, the office issued advice on a broad spectrum of matters, including: outside activities; engagement in political activities; internal procedures for the reporting of alleged misconduct; conflicts of interest; acceptance of awards, gifts and honours; and ethics-related employment concerns. For matters not falling under the jurisdiction of the office, personnel were directed to other appropriate offices, including the Office of the Ombudsman, the Office of Human Resources, and the United Nations Office of Staff Legal Assistance.

Figure 3. Ethics advice breakdown, 2021



42. Consistent with prior reporting cycles, the highest number of advice matters involved requests to engage in outside activities, including family business ownership, non-profit organization board memberships, external publishing in a personal capacity, and part-time outside employment typically involving limited university teaching. Proposed outside activities are reviewed by the office to ensure the activity would not conflict with the requestor's UNDP function or status (including their core obligations of independence, impartiality, and loyalty to UNDP), nor would be against the interests of UNDP. For cases where the office recommends activity approval to UNDP management, the office provides a list of conditions to which the requestor must adhere so as to lessen the likelihood of any conflict-of-interest situation arising during the activity. The continuing high number of such requests received by the office in 2021 attests to the awareness of personnel to seek prior approval for outside activity and affiliations, even when working remotely and physically separated from their UNDP office.

43. In accordance with the office's regular review of ethics function policies and processes, in 2021 the office continued its collaboration with the UNDP Office of Information and Technology Management and external programmers on the development of an online outside activity request and approval system for UNDP staff members. To maximize technological efficiencies, the online system has been incorporated into the UNall Service Portal, a service management platform used by UNDP for human resources, finance, operations, and procurement services. Replacing the current paper-based request system, the new online system was launched in December 2021.

44. Having significantly raised awareness of its advisory services through face-to-face trainings and its outreach materials, pursuant to which the office regularly encourages personnel to reach out for advice, UNDP personnel are again to be praised for

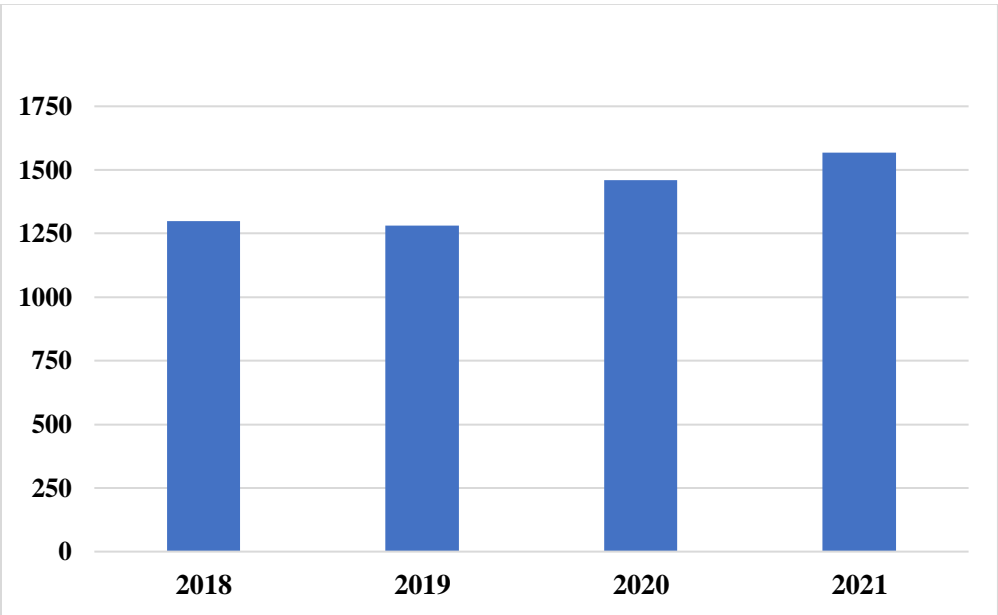
increasingly availing themselves of the office’s guidance to ensure that their actions and decisions are fully aligned with the values and interests of UNDP. Proactive recourse to the Ethics Office is indicative of a strong ethical culture, where personnel contemplate the consequences of their actions and decision-making on the organization and seek support and guidance prior to acting. By seeking prior consultations with the office, personnel ultimately place the interests of the organization above their own and ensure the avoidance of conduct that could be contrary to the effective business operations and good public standing of UNDP.

D. Financial disclosure programme for the 2020 transaction year (filed in 2021)

45. The UNDP annual financial disclosure programme, as administered by the Ethics Office, is designed to identify, manage, and eliminate conflicts of interest between a filer’s personal holdings, interests, and affiliations and their UNDP duties and obligations. Applicable to management at the D1 level and above and to personnel whose principal duties involve procurement and investment, the financial disclosure programme seeks to ensure that private interests do not interfere, nor are perceived to interfere, with official decision-making, thereby promoting organizational transparency and public trust. At the conclusion of the financial disclosure programme statement review process, a subset of filers are selected to participate in a separate verification exercise to authenticate the accuracy and completeness of their statements.

46. In 2021, the office conducted its 15th annual financial disclosure exercise, covering the 2020 transaction year. Having experienced a modest increase in filer numbers over recent filing cycles, 1,569 filers participated in the programme (figure 4). While a number of United Nations system ethics offices outsource the review of financial disclosure programme filer statements to external vendors, since the inception of the UNDP programme the office has directly reviewed all statements submitted by participating UNDP personnel. This methodology results in cost savings for the organization and ensures that the review process leverages the office’s full conflict of interest expertise as applicable to UNDP. As with prior filing cycles, the programme achieved a 100 per cent compliance rate in 2021.

Figure 4. Number of financial disclosure policy annual filers from 2018 to 2021



47. With regard to the review process, the office initiated reviews of financial disclosure programme statements following submission, allowing for expedited follow-up with filers and facilitating the prompt issuance of guidance to filers on required actions to mitigate identified conflict-of-interest risk, or to remedy actual conflict-of-interest situations.

Review of data and provision of conflict of interest advice

48. The review of financial disclosure programme statements follows a three-step approach. Statements are first vetted to ensure completeness of information, with follow-up conducted where information is unclear or insufficient. Declared holdings, such as company shares, 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 staff rules and policies. Considering the filer's UNDP work functions and duty station, all reviews are conducted to identify actual or potential conflicts of interest and, where conflicts are detected, to provide remedial or proactive advice. As provided for under the staff regulations and rules of the United Nations, any identified conflict is to be resolved in favour of the interests of the organization.

49. Under the financial disclosure programme, participating filers are required to report, inter alia, relevant assets with a value of \$10,000 and above for themselves, their spouses/partners, and their dependent children. To strengthen the financial disclosure programme as a more robust and comprehensive conflict-of-interest identification mechanism, in 2018 – and again in 2020 – the office developed and refined additional disclosure questions focused on external affiliations and relationships that could affect, or be perceived to influence, official decision-making.

50. Subsequent to the inclusion of additional financial disclosure programme questions concerning external affiliations and relationships, in 2021 the Ethics Office issued financial disclosure programme advice to a record high 304 filers, or 19 per cent of the filer population (as compared to 281 filers in 2020). Having issued advice to an average of 59 filers over the 2014-2017 period, the additional filer information now being obtained under the financial disclosure programme is significantly enhancing the ability of the office to address previously unidentified conflict-of-interest risk areas on the part of financial disclosure programme participants and to advise on appropriate conflict-of-interest avoidance measures.

51. In 2021, the office issued advice to five filers in cases where a potential conflict of interest was detected. The majority of these cases involved low risk, undeclared outside activities, where the relevant filers were required to immediately seek outside activity review and approval. With regard to the remaining 299 financial disclosure programme advice cases, proactive advice was provided focusing on the avoidance of actions or 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 who worked for: (a) government entities; (b) non-governmental organizations partnering with UNDP, or engaged in UNDP work areas; and (c) actual or potential UNDP vendors.

Verification of financial disclosure programme statements

52. 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. While the financial disclosure programme verification exercise was dispensed with in 2020 as a direct consequence of national jurisdictions instituting COVID-19 lockdowns and movement restrictions at the planned time of the exercise, financial disclosure programme verification recommenced in 2021. For the 2021 cycle, 40 filers were randomly selected by the office for verification, taking into consideration filer location, grade, and gender. With the support of the office, all

participants completed their required verification submissions in a timely manner, ensuring full compliance with the exercise.

Revision of the UNDP policy on the financial disclosure programme

53. Having been last updated in 2012, and following a comprehensive review of the policy by the Ethics Office, a revised policy on the financial disclosure programme was adopted in December 2021. The relevant revisions, inter alia, clarify policy definitions and requirements and enhance filer privacy protections.

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

54. The Ethics Office administers the UNDP policy for protection against retaliation, which applies to UNDP personnel who allege they have been subjected to, or threatened with, harmful action as a consequence of reporting alleged misconduct for the purpose of investigation, or for cooperating with an official investigation or audit (referred to under the policy as “protected activities”). In encouraging the reporting of misconduct, as well as investigation/audit cooperation, through the provision of protection measures, the policy seeks to strengthen the ability of UNDP to investigate and remedy conduct that, if left unreported and unaddressed, could cause significant damage to the operations and reputation of UNDP.

55. Under the policy, the office receives complaints of retaliation and conducts preliminary assessments to determine whether a complainant has engaged in a protected activity and, if so, whether the protected activity was a contributing factor in causing the alleged retaliation. If the office determines that a prima facie case of retaliation has been established, the matter is referred to the Office of Audit and Investigations for investigation. For such referred cases, the office makes a final retaliation determination subsequent to its receipt and independent review of the the Office of Audit and Investigations investigation report and evidentiary materials.

56. In 2021, the Ethics Office addressed 47 matters relating to protection against retaliation (the office addressed 45 matters in 2020). Of these matters, 45 concerned: (a) requests from UNDP personnel and United Nations and non-United Nations affiliated sources for policy information and advice; (b) reviews of retaliation appeals before the Ethics Panel of the United Nations; and (c) requests from other United Nations system ethics offices for advice on specific protection against retaliation cases. The latter requests continue to be made in light of the office’s recognized expertise in protection against retaliation issues.

57. In addition to providing general advice on policy content and applicability, the office regularly referred UNDP personnel who raised workplace reprisal concerns not covered by the policy to other appropriate offices, including the the Office of Audit and Investigations, the Office of Human Resources, the Office of the Ombudsman, and the United Nations Office of Staff Legal Assistance. Maintaining an open door policy, the office advises all such personnel that they may return to the office at any time with cases updates, or to seek additional guidance.

58. Of the addressed 47 protection against retaliation matters, two were formal allegations of retaliation from UNDP personnel (the office received four formal complaints in 2020). The first of these cases involved an individual on secondment to UNDP from another United Nations entity who, having reported misconduct to, and cooperated with, the Office of Audit and Investigations earlier in the year, was later informed that their secondment would not be extended. While the office provided the complainant with a detailed explanation of the UNDP protection against retaliation policy and requested further case information to facilitate its preliminary assessment,

the complainant subsequently did not pursue the matter further and did not provide the office with any of its requested information. In the course of its correspondence with the complainant, the office informed the complainant of their additional right to formally contest the stated non-extension decision through a request for management evaluation, and also provided information on applicable procedures.

59. The second case concerned a complainant who alleged that recommended changes to their terms of reference and removal of work functions by their supervisor was a consequence of their prior reporting of alleged UNDP rule violations to their senior management. Having initially raised their retaliation concerns vis-à-vis their terms of reference with their senior management prior to contacting the Ethics Office, the complainant's senior management immediately intervened by: (a) freezing proposed changes to the complainant's terms of reference; (b) initiating an independent review of those proposed changes; and (c) temporarily assigning the complainant to another unit and a different supervisor. The complainant consented to all of the noted managerial actions.

60. While UNDP protection against retaliation policy allows for the informal resolution of retaliation complaints upon the consent and agreement of the complainant, the UNDP legal framework for addressing non-compliance with United Nations standards of conduct further stipulates that UNDP managers have an obligation to ensure that no staff member is retaliated against. UNDP managers are accordingly empowered to directly take appropriate actions regarding retaliation concerns that are raised with them. If a manager considers that a raised retaliation concern can be resolved or mitigated informally through management actions or decisions upon consultation with, and the consent of, the relevant staff member, they have the authority to act. Such managerial action would additionally be in accordance with the United Nations promotion of the informal resolution of disputes and serves to avoid contentious and costly litigation.

61. While the complainant's senior management are to be commended for their swift actions in this case, the Ethics Office has held numerous consultations with the complainant, as well as with the complainant's senior management and other interested offices upon the complainant's consent. As the complainant's alleged retaliatory actions have been suspended and appropriate interim protection measures provided by their senior management, the complainant concurred with the Ethics Office's proposal to await the final results of the independent review process prior to further actions being decided. Focused entirely on the best interests of the complainant, the office continues to monitor case developments and to advise the complainant's senior management.

62. Throughout 2021, the Ethics Office was additionally involved in multiple Global Environment Facility (GEF) and Green Climate Fund (GCF) related reviews and inquiries; at least eight took place during the year. As an outcome of a GEF-related Management Accountability Review Panel, which considered possible improvements to various UNDP processes, the office spearheaded updates to a revised UNDP protection against retaliation policy, which was approved by the Organizational Performance Group and Executive Group in late 2021. The updates to the protection against retaliation policy include, inter alia, introducing a prevention mandate mirroring the United Nations Secretariat's protection against retaliation policy. Under the mandate, the Office of Audit and Investigations will inform the Ethics Office where it identifies a retaliation risk against UNDP personnel who report allegations of misconduct that, if established, would be harmful to the interests, operations, or governance of UNDP. While the Office of Audit and Investigations will only provide this information to the office upon the consent of the individual making the report, the office would then consult with the individual on any appropriate retaliation prevention measures, without the need for the complainant to commence the formal filing process to seek protection. Upon the individual's consent, such actions may include Ethics

Office engagement with the individual's senior management to ensure monitoring of the individual's workplace situation with a view to preventing any retaliatory action against the individual as a consequence of their report of misconduct.

63. To support accountability and institutional integrity, the office consistently emphasizes with UNDP business units and managers the importance of fostering a speak-up culture and workplace environment free of retaliation. The engendering of an open, speak-up culture ultimately assists in identifying, managing, and remedying operational and reputational risk and strengthens an organization's capacity for institutional redress.

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

64. The Ethics Director continued to participate in monthly online meetings of the Ethics Panel of the United Nations (EPUN). Composed of the heads of ethics offices of the United Nations Secretariat and separately administered organs and programmes, and chaired by the Director of the Secretariat Ethics Office, EPUN is mandated to establish a unified set of ethics standards and policies and to consult on complex ethics matters having system-wide implications.

65. The Director additionally remained an active member of the Ethics Network of Multilateral Organizations (ENMO), comprised of ethics officers from United Nations system entities, affiliated international organizations, and international financial institutions. While the Director again served on the planning committee for the ENMO 2021 annual meetings (again held online), the office also continued to respond to requests for ethics advice and expertise from individual EPUN and ENMO members throughout the year.

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

66. In its decision 2011/24, the Executive Board called on the Ethics Office to make recommendations to management for the strengthening of the UNDP culture of ethics, integrity and accountability. UNDP management is accordingly requested to consider the following Ethics Office recommendations:

(a) Incorporate appropriate provisions into the International Personnel Service Agreement (IPSA) and the National Personnel Service Agreement (NPSA) that address requirements for IPSA and NPSA personnel recruited from government service who wish to maintain their governmental employee status while working for UNDP. Noting that independence from governmental authorities is a fundamental condition of United Nations service, UNDP staff members recruited from government service are expected to formally resign from their governments prior to joining UNDP. The UNDP recruitment and selection framework policy does, however, contain a "Recruitment of Government Personnel" provision that allows for the maintenance of governmental employee status for UNDP staff members coming from government employment for very limited, exceptional circumstances, such as maintaining pension rights. While such cases are reviewed on a case-by-case basis, for approved cases governmental employee status may only be retained for a maximum length of four (4) years, after which the staff member must either resign from their government or from UNDP. Such incoming staff members must also sign a conflict-of-interest avoidance letter, which details required conflict-of-interest avoidance measures vis-à-vis any potential UNDP-capacity interactions with their government. As independence from government authorities is a fundamental obligation for all UNDP personnel, and highlighting again

that neither the new IPSA nor the NPSA contain a provision addressing recruitment of government personnel, such a provision is needed stipulating applicable requirements. With regard to this issue, the Ethics Office further notes that both IPSA and the NPSA allow for the possibility of long-term UNDP service for personnel recruited under those modalities.

Recommendation 1. *It is recommended that management review both IPSA and NPSA and incorporate provisions that address requirements for IPSA and NPSA personnel recruited from government service who wish to maintain their government employee status while working for UNDP. In the interests of United Nations system-wide coherence, it may be of benefit for the Office of Human Resources to consult with human resource departments at the United Nations Secretariat and other United Nations entities on organizational best practices concerning the recruitment of non-staff member personnel from government service.*

(b) *Incorporate, to the greatest extent possible, conflict-of-interest declaration questions currently contained in all online UNDP staff member position application forms into the online application forms for all other contractual modalities.* In 2013, the Ethics Office developed a paper-based conflict-of-interest declaration form for short-listed employment candidates to identify and resolve potential conflicts of interest prior to the actual hire of the successful candidate. While the relevant conflict-of-interest questions were subsequently incorporated into UNDP online applications forms for staff member positions, the questions generally do not appear in online application forms for non-staff member personnel. Given all UNDP personnel must adhere to the same general standards of conduct and conflict-of-interest disclosure obligations, the incorporation of UNDP existing staff member job application conflict-of-interest declaration questions into all online UNDP application forms regardless of contractual modality would serve as a crucial conflict-of-interest identification, prevention, and mitigation tool for all personnel at the time of recruitment.

Recommendation 2. *It is recommended that management ensure the incorporation, to the greatest extent possible, of the conflict-of-interest declaration questions currently contained in all online UNDP staff member position application forms into the online application forms for all other contractual modalities, including individual contracts, IPSAs, NPSAs, and internships.*

VI. Conclusion

67. While focused on ensuring the effective delivery of its ethics services through the continuing COVID-19 pandemic, the Ethics Office also saw the end of its Director's tenure in 2021. Having first joined the office in 2012, the Director has significantly raised the office's profile across UNDP and led its development into a highly proactive and trusted business partner within the organization. As a direct consequence of the office's extensive outreach and awareness raising work over the last 10 years, its reliability and responsiveness, and its provision of quality advisory support, the office's counsel is now regularly sought by UNDP global personnel and senior leadership alike. Committed to embedding ethics into the daily operations and practices of the organization, the Ethics Office will continue to serve as a leading advocate for institutional integrity and principled business performance moving forward.