

# **CORRECTIVE ADMINISTRATIVE ACTIONS, INCLUDING DISCIPLINARY MEASURES TAKEN IN 2023**

## **Update on strategic human resources management issues**

## Corrective administrative actions, including disciplinary measures taken in 2023

<b>INTRODUCTION AND PURPOSE</b>	<ol style="list-style-type: none"> <li>1. In order to ensure that people management in UNAIDS remains transparent, equitable, in line with the values of the Organization, and reflective of ethical and accountability standards, the Department of People Management (“DPM”) wishes to inform all staff members of corrective administrative actions, including disciplinary measures, imposed throughout 2023 to address cases of unacceptable behaviour or misconduct, which occurred in UNAIDS and were attributable to staff members.</li> <li>2. UNAIDS and all its staff members are accountable for the resources and funds entrusted to the Secretariat for the purpose of furthering the UNAIDS mandate.</li> <li>3. As international civil servants, UNAIDS staff members are at all times expected to observe the highest standards of conduct, integrity, competence, and performance.</li> <li>4. Abuse of authority, fraud, misrepresentation, acting for personal benefit, false certification, and other inappropriate behaviours, including verbal or physical abuse, harassment and sexual misconduct including sexual harassment, are examples of behaviours that are not accepted in UNAIDS.</li> </ol>
<b>SCOPE</b>	<ol style="list-style-type: none"> <li>5. This Information Note reports on corrective administrative actions, including disciplinary measures, taken in the Organization between 1 January and 31 December 2023.</li> <li>6. It is important to note that not every allegation of misconduct results in measures being taken against the staff member, and not every occurrence of unsatisfactory conduct or allegation of misconduct results in disciplinary or corrective administrative actions being taken. Where a staff member provides a satisfactory explanation in response to formal charges of misconduct, or where a review or investigation results in a finding that the allegations are not substantiated, the case may be closed with or without managerial action.</li> </ol>
<b>ADMINISTRATIVE PRINCIPLES AND RESTORATIVE MEASURES</b>	<ol style="list-style-type: none"> <li>7. Corrective administrative actions, including disciplinary measures, are proportionate to the nature and gravity of the behaviour at issue and are taken in accordance with the relevant regulatory framework.</li> <li>8. Aggravating and mitigating factors are taken into consideration in determining the appropriate disciplinary or other administrative action considering the specific facts and circumstances of each case.</li> <li>9. Staff members who separate from UNAIDS prior to the conclusion of an ongoing investigation or disciplinary process or those who are separated from UNAIDS further to a finding of misconduct are normally informed that they will not be considered by UNAIDS for any future employment or contract. In such cases, a note to that effect will be placed in the staff member’s personnel records and in the organizational recruitment management system. Moreover, where applicable, UNAIDS will include relevant records regarding established misconduct by former UNAIDS staff members in the ClearCheck<sup>1</sup> database.</li> <li>10. UNAIDS is fully committed to a victim-centred, zero tolerance approach in all cases of sexual misconduct, including but not limited to offering support to victims of sexual misconduct.</li> <li>11. Where misconduct resulted in financial loss to the Organization, UNAIDS pursues asset recovery and compensation of financial damage caused, in accordance with the applicable legal framework.</li> </ol>
<b>SUMMARY</b>	<ol style="list-style-type: none"> <li>12. UNAIDS experienced an increase in compliance-related matters in 2023, a number of which remained under review at year-end due to their complexity or pending investigation and/or resolution efforts in coordination with relevant in-house and external stakeholders at UNAIDS-WHO.</li> <li>13. For each case that led to corrective administrative action(s) during the period in question, the summary below indicates the context and nature of unsatisfactory conduct and/or misconduct, and the measure(s) applied.</li> </ol>

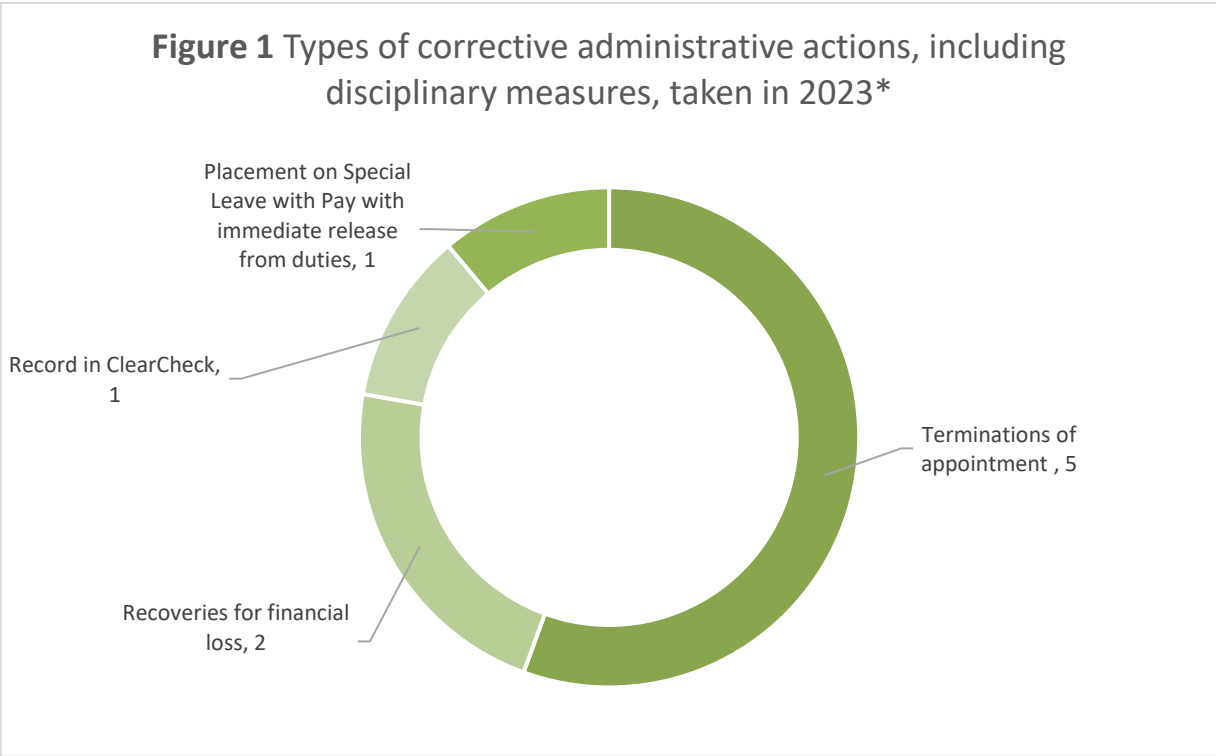
<sup>1</sup> ClearCheck is a secure online database, established to share information among United Nations entities on individuals (subjects) against whom allegations related to sexual harassment, sexual exploitation and sexual abuse have been established. The aim of the database is to prevent the re-employment of such individuals within the UN System. For further details on ClearCheck, please see Sections III.4.2.210 and III.11.2.360-380 of the WHO eManual.

	<p>14. Between 1 January and 31 December 2023, UNAIDS concluded eight processes related to allegations of misconduct attributable to UNAIDS staff members. Three of these matters were closed without any corrective action as the staff members in question were not determined to have engaged in misconduct. Specifically, in two of these cases, the actions attributed to the concerned staff members predated their respective tenures in the Organization and had either been previously sanctioned by the staff member's previous employer or were determined not to merit any corrective action by UNAIDS to address the associated allegations. The details of these three cases are not specified in the forthcoming parts of this document, which cover cases that involved the imposition of corrective administrative actions, whether disciplinary or not, over the course of 2023.</p> <p>15. All the remaining five cases concluded with the imposition of corrective actions; four of them led to the imposition of disciplinary actions and one concluded with the non-disciplinary termination of the staff member's appointment. The nature of the corrective administrative actions taken in each of the five cases is outlined in <i>Figure 1</i>.</p> <p>16. One of these five cases involved a female staff member, while the remaining four involved male staff members (<i>Figure 2</i>). Gender-related data for the period 2019-2023 pertaining to disciplinary and corrective administrative actions also exhibits a preponderance of male staff members among the staff members on whom the Organization has imposed disciplinary and other corrective actions.</p> <p>17. Three cases concerned misconduct committed by staff members based in offices in the Eastern and Southern Africa region, while the remaining two cases concerned staff members assigned to an office in the Western and Central Africa region and the Regional Support Team Middle East and North Africa, respectively (<i>Figure 3</i>).</p> <p>18. The five cases involved three staff members in the Professional category and two staff members in the General Service category (<i>Figure 4</i>).</p> <p>19. The following paragraphs provide summaries of the cases in which relevant corrective actions were taken during the course of the reporting period. In providing the information below, due regard has been given to the protection of privacy of the staff members concerned.</p>
<b>MEDICAL INSURANCE FRAUD</b>	<p>20. A former staff member was found to have engaged in fraudulent actions and misrepresentation, including deliberate falsification of medical records as well as related invoices and payment receipts. This falsified documentation was then used by the staff member to support fraudulent medical insurance claims on the basis of which a significant sum was reimbursed to them.</p> <p><i>Disciplinary and other corrective administrative action taken: Termination of appointment by way of dismissal; recovery of the full sums received by the staff member as a result of their spurious medical claims; and exclusion from participation of the staff member and any otherwise-eligible family members in the Staff Health Insurance scheme, as per the rules of the WHO/UNAIDS Staff Health Insurance.</i></p>
<b>FRAUDULENT ACTIONS (MISAPPROPRIATION OF UNAIDS SUPPLIES AND MISUSE OF UNAIDS RESOURCES)</b>	<p>21. A staff member was determined to have participated in the fraudulent purchase of an essential UNAIDS supply item to the detriment of the Organization and misused UNAIDS resources, even as this staff member remained on leave, to facilitate their commission of the above-noted fraud. The staff member's fraudulent actions resulted in financial loss and also caused reputational damage to UNAIDS.</p> <p><i>Disciplinary and other corrective action taken: Termination of appointment by way of summary dismissal and full compensation for the financial loss incurred by UNAIDS as a result of the staff member's fraudulent actions and misrepresentation.</i></p>
<b>SEXUAL HARASSMENT AND SEXUAL ASSAULT</b>	<p>22. A UNAIDS staff member was found to have indecently exposed themselves to another individual affiliated with a national ministry, with the intention of having a sexual encounter with the latter. The UNAIDS staff member also sexually assaulted this other individual by touching them inappropriately without their consent while also making inappropriate comments about their anatomy.</p> <p><i>Disciplinary and other corrective action taken: Termination of appointment by way of summary dismissal; cancellation of the previously agreed Separation by Mutual Agreement between the staff member and UNAIDS; and recording of the staff member's name in the ClearCheck database.</i></p>
<b>UNSUITABILITY FOR INTERNATIONAL SERVICE</b>	<p>23. A UNAIDS staff member was found to have admitted publicly to having engaged in criminal actions, including possessing and consuming child pornography, before their tenure in UNAIDS. The content of the staff member's social media accounts was also determined to be unbecoming for an international civil servant.</p> <p><i>Corrective administrative action: Termination of appointment</i></p>
<b>PURSUIT OF OUTSIDE ACTIVITIES WITHOUT PRIOR UNAIDS AUTHORIZATION; SIGNATURE FORGERY</b>	<p>24. A UNAIDS staff member was determined to have campaigned as a candidate for public office in their home country while they remained a UNAIDS staff member. They had not informed UNAIDS of these activities of a political nature. The applicable Staff Regulations require any staff member who becomes a candidate for a public office of a political character to resign from service. Separately, the same staff member was also found to have colluded with another UNAIDS staff member and committed forgery by appending an external signature to a contract between UNAIDS and a partner entity.</p> <p><i>Disciplinary action taken: Termination of appointment by way of dismissal.</i></p>

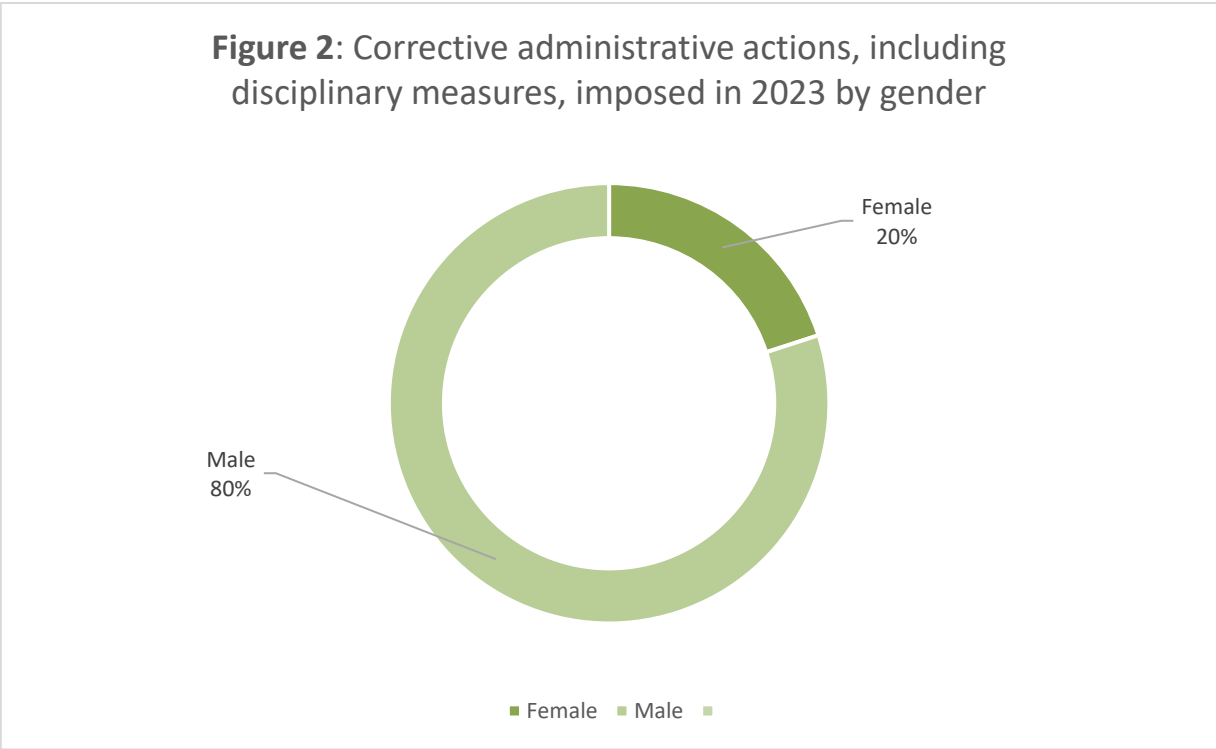
<b>UNAIDS LEGAL FRAMEWORK, GUIDANCE AND PROCESSES</b>	<p>25. The relevant legal framework outlining duties and obligations of staff members in UNAIDS is comprised of <i>inter alia</i> the following rules and policies:</p> <ul style="list-style-type: none"> <li>– Standards of Conduct for the International Civil Service</li> <li>– WHO Staff Regulations and Staff Rules, as adapted for the operational needs of UNAIDS</li> <li>– Policy on Preventing and Addressing Sexual Misconduct, 2023</li> <li>– Policy on Preventing and Addressing Abusive Conduct, 2023</li> <li>– WHO eManual</li> <li>– UNAIDS Secretariat Ethics Guide</li> </ul>
<b>AGGRAVATING FACTORS IN UNAIDS' REVIEW OF CASES OF MISCONDUCT</b>	<p>26. The World Health Organization's Office of Internal Oversight Services (IOS) provides investigation services in respect of UNAIDS, undertaking preliminary reviews and investigations, as appropriate, into allegations of misconduct and other irregularities related to UNAIDS operations. Reference is also made in this regard to the Report of the work of IOS for 2023<sup>2</sup>, in which IOS reports <i>inter alia</i> a significant (59%) increase in UNAIDS-related allegations received in 2023, compared to the previous year. Concerted efforts are undertaken by IOS and UNAIDS jointly to continue to ensure that IOS remains adequately resourced, and it is hoped that enhanced staffing capacity and dedicated resources will contribute to ensuring quality and timeliness in the conclusion of investigations going forward. This, in turn, will help UNAIDS take pertinent and prompt action with respect to findings of misconduct.</p>
<b>VISUAL DATA</b>	<p>27. Annex A contains statistical indicators and data in the context of corrective administrative actions, including disciplinary measures, imposed by the Executive Director on the UNAIDS staff members who were involved in the above-noted five cases between 1 January and 31 December 2023.</p>

<sup>2</sup> Report of the work of the Office of Internal Oversight Services, 2023

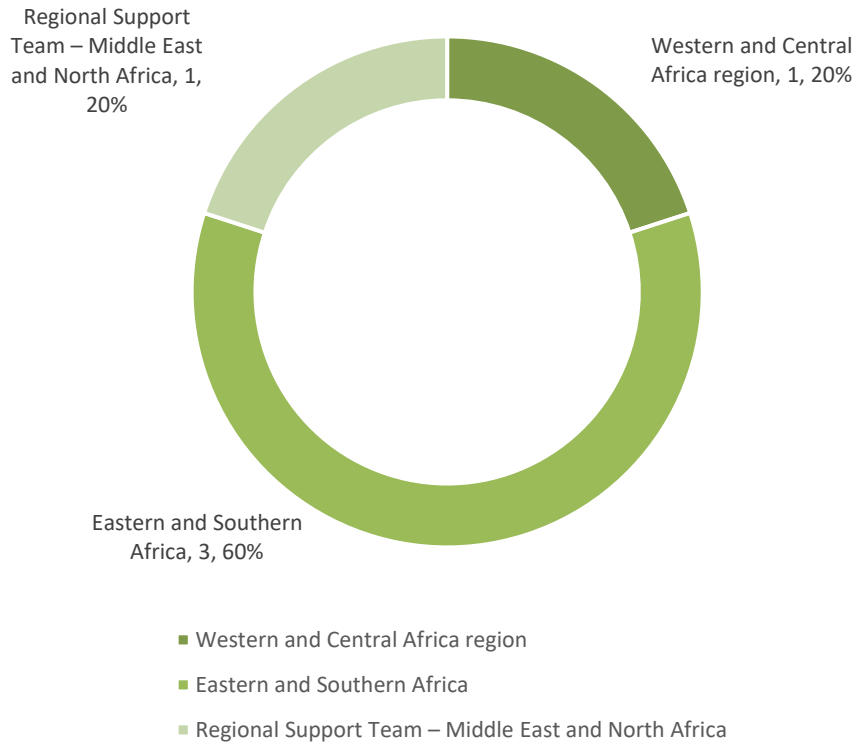
**ANNEX A**



*\*It is important to note that some cases involved the imposition of more than one corrective action on the same staff member.*



**Figure 3:** Corrective administrative actions taken, disciplinary measures imposed in 2023 by region



**Figure 4:** Corrective administrative actions taken, disciplinary measures imposed in 2023 by staff category

