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Ethics

Activities of the UNOPS Ethics Office in 2023

Report of the Ethics Office

Summary

This report is submitted to the Executive Board in accordance with paragraph 9 of decision 2010/17 whereby the UNOPS Ethics Office is requested to submit its report to the Executive Board at the annual session.

In accordance with section 3(h) of the Secretary-General's Bulletin ST/SGB/2007/11, the UNOPS Ethics Office provides this report annually to the Executive Director. Additionally, pursuant to 'United Nations system-wide application of ethics: separately administered organs and programmes' (ST/SGB/2007/11/Amend.1, section 5.4), the Ethics Panel of the United Nations reviewed the draft report during its 164th meeting on 6 February 2024. The UNOPS Audit Advisory Committee reviewed a draft of the report in February 2024.

The present report covers the period from 1 January 2023 to 31 December 2023.

This is the 15th annual report presented by the Ethics Office since its establishment in 2009.

Elements of a decision

The Executive Board may wish to take note of the present report, including the implementation of the recommendations from the independent review of the UNOPS ethics function and the comprehensive response plan in relation to ethics, and comment on progress made by the UNOPS Ethics Office in continuing its efforts to promote a culture of ethics at UNOPS.



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I. Introduction

1. This report, submitted in accordance with decision 2010/17 of the Executive Board of UNDP, UNFPA and UNOPS, covers the activities of the UNOPS Ethics Office in 2023.
2. The Ethics Office was established in 2009 pursuant to the Secretary-General's Bulletin 'United Nations system-wide application of ethics: separately administered organs and programmes' (ST/SGB/2007/11) and operates on the principles of independence, impartiality and confidentiality. The office, based in Copenhagen, provides its services to about 5,220 UNOPS personnel (approximately 13 per cent staff and 87 per cent international and local contractors, as of 31 December 2023), serving in over 85 countries around the world.
3. The mandate of the Ethics Office is 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". Consistent with the mandate of the ethics offices of other separately administered organs and programmes, the Office is responsible for:
 - (a) developing standards, training and education on ethics issues;
 - (b) providing guidance to management to ensure that UNOPS policies and procedures promote the standards of integrity called for under the Charter of the United Nations;
 - (c) providing confidential advice and guidance to personnel on ethical issues;
 - (d) raising awareness on ethical standards and expected behaviour;
 - (e) receiving requests for the protection of personnel against retaliation, in accordance with the respective policy;
 - (f) administering the UNOPS financial disclosure programme; and
 - (g) providing to the executive head an annual report on the activities of the Ethics Office.
4. In addition to those responsibilities, the UNOPS Ethics Office is a member of and meets regularly with the Ethics Panel of the United Nations (presently nine members), consisting of the heads of ethics offices of the separately administered organs and programmes of the United Nations and the Ethics Office of the United Nations Secretariat.
5. Following the disruptions to UNOPS operations in 2022, 2023 was a year marked by a stabilization of Ethics Office operations, focused on strengthening the foundations of the Office and continuing to rebuild trust internally and externally while ensuring its availability and responsiveness in the delivery of its core mandate.
6. In 2023, the Ethics Office again saw increased demand for its services, by almost 12 per cent as compared to 2022, handling 1,294 ethics-related matters, approximately 57 per cent of which pertained to services rendered (including protection against retaliation), and approximately 43 per cent to providing ethics advice and guidance, including on outside activities and potential conflicts of interest. Activities of the Ethics Office in 2023 included:
 - (a) **Protection against retaliation.** The Ethics Office further implemented the updated UNOPS "whistle-blower" protection policy (Ref.OI.Ethics.2022.01, 'Protection against retaliation' policy), and handled 60 matters in 2023.
 - (b) **Training and awareness-raising.** Throughout 2023, the Ethics Office continued to roll out its global awareness-raising campaign ("Ethics in action") to foster a culture of ethics, integrity and accountability at UNOPS. Nine in-person and 38 virtual sessions were held in the Europe, Central Asia, Africa and Asia regions, with over 1,200 participants across all levels and contract types (approximately 20 per cent of personnel). The UNOPS Ethics Office collaborated with the ethics offices of UNDP and UNFPA on a global ethics awareness-raising campaign in May 2023.
 - (c) **Independence.** In March 2023, an independent review of the UNOPS ethics function was concluded by the ethics offices of the International Monetary Fund (IMF) and the United Nations Educational, Scientific and Cultural Organization (UNESCO). Their report was presented to the Audit Advisory Committee and the Executive Director, and the Executive Board at its annual session 2023. With the exception of two recommendations pending wider reviews, all

recommendations strengthening the independence of the Ethics Office have been responded to or implemented.

(d) **Comprehensive response plan.** With the exception of the completion of the review of the whistle-blowing system at UNOPS in cooperation with the Executive Director, the Ethics Office implemented all recommendations under its purview from the UNOPS comprehensive response plan (section F).

(e) **Advice and guidance.** The Ethics Office continued to provide ethics advice and guidance to individuals and management, as a critical part of its role, in 553 matters.

(f) **Coherence.** Throughout 2023, the Ethics Office collaborated with the Ethics Panel of the United Nations in the areas of outreach and communications and participated in two working groups on the standardization of ethics-related practices and policies.

(g) **Financial disclosure programme.** In 2023, the Ethics Office completed the 2022 financial disclosure programme with a review of 1,022 statements by UNOPS personnel. The Office signed a memorandum of understanding with the Ethics Office of the United Nations Secretariat to provide services to UNOPS in executing its programme from 2024 onwards, to further align with practices in the wider United Nations system and benefit from a coherent application of ethical standards.

(h) **Policy and standard-setting.** Pursuant to Executive Board decision 2022/24, in order to comprehensively review the entire “whistle-blowing and speak-up” process at UNOPS, the Office completed the requisite foundational work and led collaborations with relevant stakeholders throughout 2023 to drive the necessary reform and change processes (section A).

II. Composition and independence of the Ethics Office

Composition

7. Starting in the first quarter 2023, the Ethics Office operated with a structure consisting of a director (D-1), two ethics advisors at International Civil Service level 11, one ethics specialist at level 10, and an ethics associate at level 6.

8. As of the fourth quarter 2023, those individual contractor agreement positions were converted to staff positions at the P-4, P-3 and G-6 levels, with fixed-term appointments. One staff position at the P-3 level was added to the structure, bringing fixed-term positions in the Ethics Office to six.

9. The UNOPS Ethics Office requested and was granted an increase of approximately 22 per cent in its annual budget for 2023, which mainly represented the conversion of its personnel contracts to fixed-term appointments.

10. The Director of the Office serves in the UNOPS management team in an ex-officio advisory capacity.

Confirmation of independence

11. The Joint Inspection Unit issued the following ‘independence standards’ in its review of the ethics function in the United Nations system (JIU/REP/2021/5):

(a) *Head of the ethics function has a time-limited appointment of two four-year terms (...) with a cooling-off period and/or post-employment restrictions within the same organization [updated standard];*

(b) *Head of the ethics function reports directly to the executive head of the organization;*

(c) *Annual report of the head of the ethics function shall be submitted to but shall not be changed by the executive head;*

(d) *Annual report of the head of the ethics function, or summary thereof, goes to the governing body with any comments of the executive head thereon;*

(e) *Head of the ethics function has unrestricted (informal and formal) access to the governing body, and this is enshrined in writing [updated standard];*

(f) *The audit and oversight committees have a mandated responsibility for the ethics function, including the regular review of its work plan, its annual activity report, its performance, resource requirements and independence [new standard]; and*

(g) *The executive head consults the audit and oversight committee on the selection/appointment, performance and dismissal/removal of the head of the ethics function [new standard].*

12. Noting the definitions and standards enumerated by the Joint Inspection Unit, the Office confirms its compliance with the above and its operational independence during this reporting period.

13. The Director of the Ethics Office reports directly to the Executive Director and had regular *in-camera* sessions with the UNOPS Audit Advisory Committee in April and November 2023. Throughout 2023, the UNOPS Ethics Office had regular, unhindered access to the President of the Executive Board and to Board members.

14. The office was free from undue interference in performing its activities and has been free from undue interference in carrying out its mandate or identifying its work programme, budget and priorities. In 2023, the Executive Director and his management team responded positively to seven critical recommendations from the Ethics Office and to advice provided in the areas of conflict of interest, protection against retaliation, and systemic issues.

Independent review of the UNOPS ethics function

15. At its annual session 2022, the Executive Board reaffirmed the need for the full independence of the UNOPS ethics function (decision 2022/16) and requested an independent review of the ethics function to ensure the independence and impartiality of the work.

16. Two ethics offices of the Ethics Network of Multilateral Organizations – those of IMF and UNESCO – were identified to jointly conduct an independent external review.

17. The aim of the independent review was to advise the Office on best practices in respect of independence by comparison with ethics offices within the Ethics Network of Multilateral Organizations. In particular, the review took into account relevant reports by the Joint Inspection Unit, including the ethics review referred to above (JIU/REP/2021/5); a review of audit and oversight committees in the United Nations system (JIU/REP/2019/6); and a review of management and administration in UNOPS (JIU/REP/2018/3).

18. The independent review was completed on 31 March 2023 and its findings presented to the President of the Executive Board, the Executive Director, the Audit Advisory Committee and the Director of the Ethics Office in April 2023, and to the Ethics Panel of the United Nations and the Executive Board at the annual session 2023. The findings included:

(a) Recommendation 1. Adopt stand-alone terms of reference for the Ethics Office on the basis of ST/SGB/2007/11 to define and limit the scope of its mandate.

(b) Recommendation 2. Further strengthen the link to the Ethics Panel of the United Nations and consider, for an interim period of 12 months, the introduction of an additional substantive reporting line to the Director of the United Nations Ethics Office (as Chair of the Ethics Panel of the United Nations) on non-routine advice and guidance matters and advice and guidance involving UNOPS staff at the D-2 level or above.

(c) Recommendation 3. Discontinue any doubling of functions (in particular between ethics, legal, and human resources offices) and ensure adequate resourcing of the Ethics Office.

(d) Recommendation 4. Ensure that additional checks and balances are built into future recruitment processes for the head of the Ethics Office by way of involvement of the Audit Advisory Committee or the Executive Board.

(e) Recommendation 5. Ensure that there is a clear accountability mechanism for the head of the Ethics Office and a ‘dotted reporting line’ to the Executive Board and the Audit Advisory Committee.

(f) Recommendation 6. Ensure that requests for ethics advice and guidance are strictly confidential and not shared, unless with express prior consent of the person seeking advice and guidance. Reassess participation in the Navex system.

19. The Ethics Office welcomed the report and acknowledged its findings and the recommendations strengthening its independence. The Office appreciated the systemic and legacy issues identified by the independent review that had been part of the historic setup of the office.

20. During the annual session 2023, the findings and recommendations were presented to the Executive Board and the Office provided updates on its implementation of the recommendations. The Office provided briefings to the Board with respect to the implementation.

21. It was noted that the review of participation in the Navex system was under consideration as part of the wider review, under Executive Board decision 2022/24, of the whistle-blower process (recommendation 4); and that the assessment of whether the annual work plan of the Office shared with the Board would be dependent on an ongoing Joint Inspection Unit review of Board governance structures (recommendation 6).

22. The Ethics Office reported to the Executive Board that the Ethics Panel of the United Nations had opined that recommendations relating to it were sufficiently addressed by ST/SGB/2007/11, and that a functional leadership role of the Chair of the Ethics Panel was sufficiently outlined in ST/SGB/2007/11, section 2.3. Consistency with the Secretary General’s bulletin would preserve the independence of the Chair’s role pursuant to ST/SGB/2007/11, section 4.3, to remain consistent with the existing mechanism for review of advice and determinations of retaliation matters made by the Director of the United Nations Ethics Office. The Ethics Panel had further opined that section 3 of the bulletin (‘Terms of reference of the Ethics Office’) would suffice to define and limit the scope of all mandates of the Office and would allow for consistency. In that respect, ST/SGB/2005/22 and ST/SGB/2007/11 are under review and may undergo further revision (recommendations 1 and 2).

23. The Ethics Office confirms that at the time of writing there are no outstanding recommendations, and that all recommendations were implemented or responded to by the Office in 2023.

24. The Office continues to monitor the approaches of other organizations, and relevant oversight recommendations, to ensure it continues to strengthen its relevant practices.

III. Mandated activities

25. In 2023, the Ethics Office handled 1,294 matters (figure 1), an almost 12 per cent increase from the 1,156 matters handled in 2022 (figure 2). The Office welcomes the trend and sees it as linked to increased awareness of the services it provides and re-emerging trust in the function, and as a reflection of its increased training and awareness-raising activities, communications around conflicts of interest, and outside activities and engagement with external and internal stakeholders.

26. Of the 1,294 matters handled in 2023, 553 were related to ethics advice and guidance (paragraph 50), while 741 were related to other mandated services provided by the Ethics Office (paragraphs 48-49).

27. The 741 matters related to services represent an increase from 667 in 2022. This area constitutes approximately 57 per cent of the workload of the Ethics Office. Such services include the annual financial and conflict-of-interest programme of UNOPS; contributing to coherence in internal and external practices relating to ethics; providing services related to policy and standard-setting, training and awareness-raising; and protection against retaliation. The main drivers for the increase were related to the strengthened engagement of UNOPS with the Ethics Panel of the

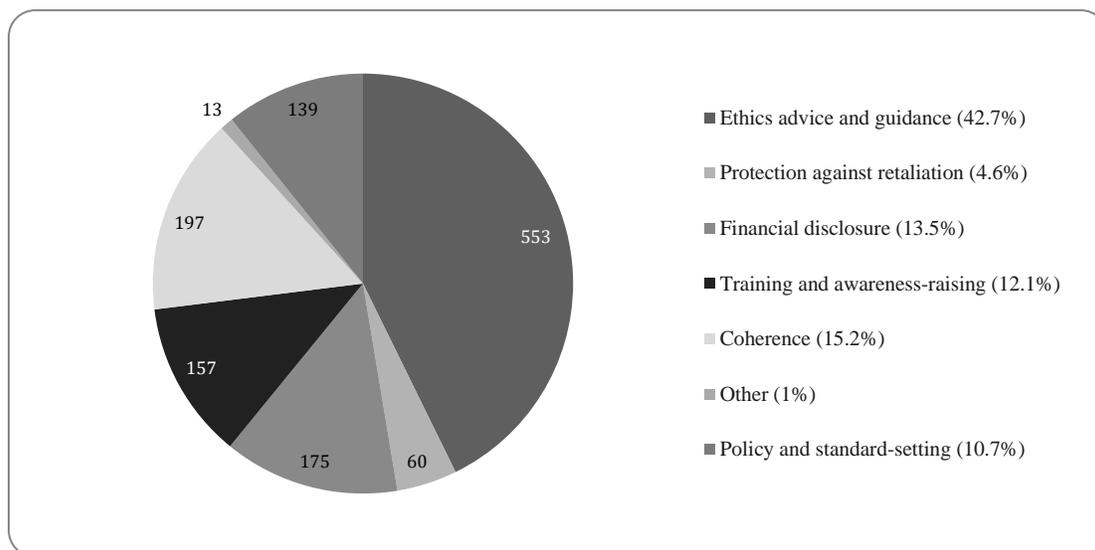
United Nations; its work in relation to the speak-up and whistle-blowing process; the global training campaign of the Office ('Ethics in action'); and the review of cases related to protection against retaliation.

28. Sixty of the 741 matters handled related to protection against retaliation, a 36 per cent increase compared to 2022 (44 matters). Of those, 73 per cent (44) were related to advice to individuals concerned about potential retaliation issues. Depending on the facts of the case, certain advice cases may evolve into formal cases for protection against retaliation. The Office reviewed 16 such cases in 2023, a 100 per cent increase from 2022, when the Office received eight cases.

29. Five hundred and fifty-three matters were related to ethics advice and guidance (figure 3), constituting approximately 43 per cent of the overall workload of the Office. The portfolio includes advice and guidance on outside activities; potential conflicts of interest; employment matters; queries on the financial disclosure programme; receiving gifts and honours; and potential misconduct. The main drivers of the increase were requests received with regard to advice on conflicts of interest (approximately a 6.5 per cent increase) and the receipt of gifts and honours (75 per cent increase).

30. The following is a detailed outline of the 1,294 matters handled depicted in figures 1 and 2 (see section A, 'Policy and standard setting') and figure 3 (section B, 'Confidential advice and guidance'). Dedicated sections outline activities related to 'Training and awareness-raising' (section C); 'Protection against retaliation' (section D, figures 4 and 5); and the 'Financial disclosure programme' (section E).

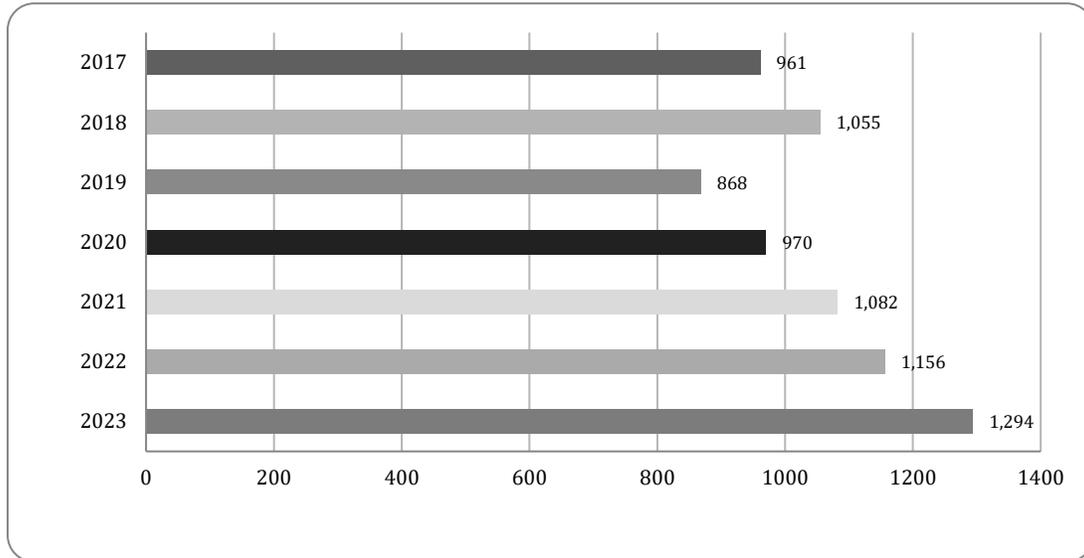
Figure 1. Breakdown of matters handled by category, 2023¹



¹ **Key to categories**

Coherence: Collaboration, coordination and information-sharing with the Ethics Panel of the United Nations, other multilateral organizations and other UNOPS units for efficiency gains and to align procedures and practices. **Policy and standard-setting:** Initiatives with respect to ethics policies, collaboration with other units on related policies, work carried out to meet Joint Inspection Unit recommendations. **Training and awareness-raising:** Creation and delivery of training and awareness-raising activities. **Protection against retaliation:** Formal requests for protection against retaliation, advice given in relation to protection against retaliation and appeal cases handled on behalf of the Ethics Panel of the United Nations. **Financial disclosure and conflict-of-interest programme:** Administration and follow-up reviews in the context of the annual financial disclosure and conflict-of-interest programme.

Figure 2. Matters handled, 2017-2023



A. Policy and standard-setting

31. A core responsibility of the Office is to develop standards, training and education on ethics issues and to provide guidance to management so that UNOPS rules, policies, procedures and practices reinforce and promote applicable standards of integrity.

Overhaul of speak-up, whistle-blowing process

32. Following Board decision 2022/24, the Ethics Office cooperated with the Executive Director to initiate the review and “overhaul [of] the speak-up, whistle-blowing process” at UNOPS.

33. Supported by the Strategy and Transformation Group, the Office started to undertake a holistic overhaul with a focus on rebuilding trust and addressing the issues identified in the relevant reviews and stakeholder discussions, taking into account best practices and standards for user-centricity, efficiency and transparency. The project aims to enhance aspects of de-escalation early in the process, drawing on insights from behavioural psychology to prevent further escalation.

34. In 2023 the Office completed the review phase of the foundational work required for the overhaul. Preparatory actions included a systematic review and identification of issues from ‘Assessment of UNOPS Reporting of Wrongdoing and Grievances Management’ (January 2022); ‘Third-party Review of the Internal Control Systems, Risk Management and overall Governance Structures’ (November 2022); and ‘Review of Organizational Culture’ (October 2023).

35. The preparatory work included a review of the relevant standard of the International Organization for Standardization, ‘Whistle-blowing management systems’ (ISO 37002:2021), the Joint Inspection Unit report ‘Review of whistle-blower policies and practices in the United Nations System organizations’ (JIU/REP/2018/4), and the benchmarking of relevant practices and procedures from selected international financial institutions, organizations within the wider United Nations system and public- and private-sector organizations.

36. A series of stakeholder discussions was conducted with the Office of the Ombudsman; diversity and inclusion focal points; focal points for the prevention of sexual abuse and exploitation and victim support; personnel and staff associations; and relevant personnel in the People and Culture Group, the Legal Group and the Internal Audit and Investigations Group.

37. To ensure a participatory approach, the project draws on views from a cross-cutting group of personnel, over 160 of whom have volunteered – with management support – to participate in a collaboration forum as a sounding-board for the project team.

38. To drive the change, a steering committee was established in September 2023, comprising the Executive Director, the Deputy Executive Director, the Chief of Staff, the Director of the Ethics Office, the Director of the Internal Audit and Investigations Group, the Director of the People and Culture Group and the General Counsel. As key decision-makers, the committee is tasked to guide the ‘solutioning’ process. In October 2023 the steering committee agreed on design principles that would underpin the process, such as user-centricity, robustness and fairness, efficiency and timeliness, confidentiality, and the possibility of continuous improvement.

39. As a kick-off to the comprehensive change process and the design phase, the Director of the Ethics Office delivered a presentation at the Annual Global Leadership Network meeting in October 2023 to over 100 senior leaders of UNOPS on the root causes of the issues encountered, the proposed way forward, and the necessity of a culture of ‘constructive dissent’, supported by leaders across UNOPS in order to prevent retaliation from occurring in the first place.

40. In October and December 2023, cross-functional technical experts from the substantive offices conducted two facilitated workshops to collaborate on the solution design and identify lessons learned.

41. The work, with an update planned for the annual session 2024, remains a priority for the Executive Director and the Ethics Office.

Development of a UNOPS code of conduct/ethics

42. Complementing the work on the review of the whistle-blower process and with a view to the Joint Inspection Unit observation (JIU/REP/2021/5, paragraph 52), whereas not all United Nations organizations have developed individual codes of conduct or ethics in addition to the universally applied International Civil Service Commission (ICSC) standards of conduct, the UNOPS Ethics Office initiated the development of such a code for UNOPS based on ‘Status, basic rights and duties of United Nations staff members’ (ST/SGB/2016/9) in 2023 and will apprise the Executive Board of its progress through regular reporting channels.

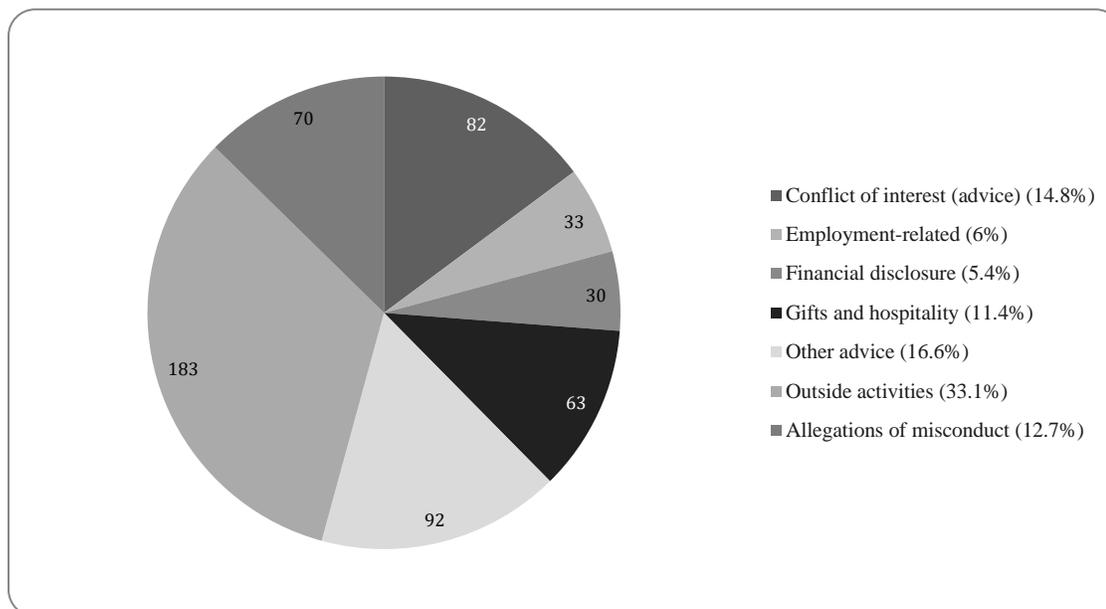
Piloting a large-language model to provide basic ethics-related advice

43. In collaboration with the UNOPS Information Technology Group, the Office is testing an internal artificial intelligence-based model on its intranet page to provide more timely feedback to personnel on basic ethics-related queries. The Ethics Office will continue to explore the feasibility and safety of such a system throughout 2024.

B. Confidential advice and guidance

44. The provision of ethics advice and guidance directly to individuals is a critical part of the role of the Office. Any member of UNOPS personnel may contact the Office directly for confidential, independent and impartial advice on ethics-related questions and dilemmas.

45. As outlined above, 553 matters related to ethics advice and guidance were handled in 2023 (figure 3), comprising advice and guidance with regard to outside activities, receiving gifts and honours, potential misconduct, and possible conflicts of interest.

Figure 3. Breakdown of matters related to ethics-related advice and guidance, 2023²

Outside activities

46. To maintain their independence and impartiality, UNOPS personnel have limited ability to engage in outside activities and are asked to avoid or mitigate potential, perceived or actual conflicts of interest. The conditions and restrictions under which personnel may engage in outside activities are outlined in ‘Outside activities’ (Ref.OI.Ethics.2018.04).

47. In 2023, the Ethics Office received 183 cases (33 per cent of total) which, for example, might include requests for advice or recommendations for approval on the writing and publication of scientific papers for advanced degrees, part-time teaching activities, or the use of social media.

48. Since 87 per cent of employees at UNOPS, as individual contractor agreement holders, are considered non-staff personnel – while at the same time, and under certain conditions, being bound by the applicable UNOPS policies when it comes to outside activities – the Office must review each case diligently in the light of individual circumstances and facts presented.

49. To drive further efficiencies, in December 2023 the Office created and launched a new approval form to help navigate requests in line with ‘Outside activities’ (Ref.OI.Ethics.2018.04).

² Key to categories

Allegations of misconduct: Includes advice on duties and options in circumstances of possible misconduct and possible referrals. **Outside activities:** Includes advice and requests for approval of outside activities under the applicable policy. **Conflict of interest:** Includes advice on and the mitigation of possible conflicts of interest. **Employment-related:** Includes advice on ethics issues in relation to recruitment, employment and post-employment restrictions. **Financial disclosure:** Relates to advice and inquiries on obligations to file, not the annual financial disclosure and conflict-of-interest programme process itself. **Gifts and hospitality:** Includes advice on the receipt of gifts and hospitality under the applicable policy. **Other advice:** Includes advice provided to management and personnel on the application of policies (38 matters) as the largest subcategory.

Prohibition of accepting gifts, honours or benefits

50. The prohibition against accepting gifts, honours or benefits is laid out in Operational Instruction ‘Prohibition of accepting gifts, honours, decorations, favours or non-United Nations remuneration or benefits from governmental and non-governmental sources’ (Ref.OI.Ethics.2020.01). The policy strictly prohibits the receipt of gifts, honours, decorations, favours or any form of non-United Nations remuneration or benefits and outlines applicable exceptional circumstances. These prohibitions, including a reference to the above policy, are also codified in the newly promulgated UNOPS anti-bribery and anti-corruption policy (Ref.EOD.ED.2023.01).

51. There were 63 requests for advice under the category in 2023, representing a 75 per cent increase in queries on the topic. In the view of the Ethics Office, this was due to raised awareness driven by outreach activities of the Office, including a dedicated communication from the Executive Director and expanded knowledge of the applicable framework following the Ethics-in-action campaign.

Allegations of misconduct

52. While the Ethics Office is not mandated to receive or address formal reports of misconduct, colleagues may approach the Office to request advice on how to proceed with potential allegations. In such cases, the Office provides confidential advice on how to raise issues through the appropriate channels and information on the applicable confidentiality standards. In 2023, the Office advised 70 colleagues (approximately a 13 per cent increase from 2022) on potential allegations. Of those, approximately 20 per cent were linked to interpersonal issues – for example, allegations of harassment or discrimination. As outlined in previous reports, the Office does not turn away or simply refer personnel to the respective office mandated to deal with such complaints but seeks to provide a safe space to listen to concerns, consult with the person, and explore options for informed decision-making prior to a referral. Advice is given in strict confidentiality and referrals are made only with the consent of the person alleging misconduct. Providing such space continues to be an important component of rebuilding trust in the UNOPS ‘speak-up’ process.

Conflicts of interest

53. The Ethics Office provides advice to personnel and management to prevent perceived or actual conflicts of interest. In 2023, the Office issued guidance and recommendations in the form of mitigating measures in 82 cases – a slight increase from 2022, with 77 cases (an increase of approximately 6.5 per cent). In the view of the Office, this is due to awareness of the topic raised by the Ethics-in-action campaign. On the basis of queries received, the Office drafted a guidance document on conflicts of interest, planned to be circulated in 2024.

C. Training and awareness-raising

54. According to ST/SGB/2007/11, the Ethics Office is mandated to develop training and education on ethics issues.

Ethics in action

55. In November 2022, the Office launched a comprehensive global awareness-raising campaign (‘Ethics in action’) to foster a culture of ethics, integrity and accountability. Its roll-out continued throughout 2023. The programme initiates dialogue and seeks to raise awareness on ethics-related topics with UNOPS personnel on the management of ethical dilemmas, the availability and challenges of a healthy ‘speak-up’ culture, and channels to raise concerns about potential misconduct – including the updated policy on protection against retaliation.

56. The programme is conducted both virtually and in person. The roll-out per region is accompanied by a pre-brief with the regional leadership and a post-training evaluation upon conclusion of the sessions. The Office offers follow-up through in-depth sessions on topics such as ‘outside activities’, ‘conflicts of interest’ and ‘political activities and social media’. To

encourage a culture of dialogue and constructive dissent at country and team levels, the Office piloted and provided materials for a management-facilitated ‘Ethics-in-action’ team dialogue.

57. In 2023, nine in-person and 38 virtual ‘Ethics-in-action’ sessions were held in the Europe and Central Asia, Africa and Asia regions, with over 1,200 participants across all levels and contract types. While only two management-facilitated team dialogues were held in 2023, over 20 additional sessions are planned for 2024. The Ethics Office plans to continue its ‘Ethics-in-action’ campaign across the Middle East, Latin America and the Caribbean, and the New York service cluster throughout 2024.

58. To complement the ‘Ethics-in-action’ programme, 14 additional ‘deep-dive’ sessions were conducted in country and multi-country offices throughout the Europe and Central Asia, Africa and Asia regions to deepen colleagues’ understanding of ethical dilemmas relating to conflicts of interest, outside activities – including political activities and social media, speaking up, and protection against retaliation – using examples and anonymized case studies.

Senior leader induction briefings

59. In 2023, the Ethics Office placed an emphasis on newly-joining leaders. Throughout 2023, the Director of the Office conducted 20 orientation and induction sessions for new senior leaders – incoming country directors and country managers, heads of programme, heads of office and heads of support services in the Latin America and the Caribbean, Africa, Europe and Central Asia, and Middle East regions. Participants were briefed on the mandate and scope of the work of the Office and their responsibilities in relation to a culture of ethics at UNOPS.

Mandatory ethics and standards of conduct refresher

60. Implementing Joint Inspection Unit recommendation 3 (JIU/REP/2021/5), the Ethics and Standards of Conduct e-learning course, launched in 2021 for new joiners, is now a mandatory refresher for all personnel and has to be completed every two years. Between September and December 2023, over 2,500 members of personnel took the course and obtained recertification for completion of the programme.

Joint ethics campaign with the ethics offices of UNDP and UNFPA

61. Throughout May 2023 the Ethics Office partnered with the ethics offices of UNDP and UNFPA in a global ethics awareness-raising campaign around the themes of ‘calling, commitment and community’. The presentations of the respective directors covered topics such as independence and impartiality, the role of dialogue in ‘speak-up’ cultures, the importance of spaces for constructive dissent, and the role of psychological safety.

62. The campaign, introduced by a video statement from the President of the Executive Board and video messages from the executive head of each entity, was attended by over 340 participants from UNOPS. Positive feedback was received throughout the initiative, including from the Staff Council, which expressed appreciation for the campaign.

Other awareness-raising activities

63. The Ethics Office participated in multiple ad hoc awareness-raising activities, such as an induction meeting for new Executive Board members (January 2023); a briefing for the European Commission on the work of the UNOPS Ethics Office in relation to the comprehensive response plan (February 2023); a briefing for the Executive Board of Stop Tuberculosis on the activities of the UNOPS Ethics Office (March 2023); a briefing to procurement practitioners within UNOPS on the updated ‘Protection against retaliation’ policy (April 2023); a presentation to the People and Culture Group on the necessity for a commitment to dialogue and a culture of constructive dissent (August 2023); and an event against gender-based violence (December 2023).

64. The Office provided information directly to UNOPS personnel, or through messaging from the Executive Director, on the topics of adherence to ethical standards with regard to the receipt of gifts or participation in outside activities (April 2023); the refresher course on ethics and the review of the UNOPS whistle-blower mechanism (October 2023); participation in public activities,

including social media, and impartiality in public announcements (October and November 2023); and an annual update on the work of the Ethics Office and a reminder of its policy on receiving gifts during the holiday season and on political and outside activities (December 2023).

D. Protection against retaliation

Introduction

65. Notably, fulfilling its responsibilities to protecting whistle-blowers from retaliation is a key part of the mandate of the Ethics Office. The Office does this by exercising its responsibilities under ‘Protection against retaliation’ (Ref.OI.Ethics.2022.01).

66. Elaborating on the ICSC provisions of the standards of conduct for the international civil service, UNOPS policies stipulate that “[a]ll UNOPS personnel have a duty to report suspected wrongdoing” (‘Personnel management framework’, Ref. OI.PCG.2023.01, section 8.9) and “[a]ny UNOPS personnel who reports suspected wrongdoing in good faith or who cooperates in good faith with an investigation or audit or other duly authorized fact-finding activity has the right to be protected against retaliation. Any UNOPS personnel facing retaliation in violation of that right may seek protection against retaliation through the Ethics Office”, ‘Human Resources, Ethics and Culture’ (Ref.OD.PCG.2017.01, section 4.8).

67. Speaking up by personnel continues to play a key role in identifying suspected misconduct or wrongdoing.

68. Reviewing, updating and publishing its policy in 2022, the UNOPS Ethics Office drew from good practice in the field as well as inputs from the Ethics Panel of the United Nations (for a summary of the update and an outline of the process, please refer to paragraph 60 of the previous report, DP/OPS/2023/4). The Ethics Office is continuously reviewing its practices in this respect and foresees an assessment of the ‘Protection against retaliation’ policy in the course of 2024, in the context of its review of the speak-up and whistle-blowing processes pursuant to decision 2022/24 (see section A, above).

69. Individual cases for protection against retaliation require an experienced Ethics Office team to review and evaluate the facts presented and gather additional information. Constellations where retaliation is claimed often involve complex, time-sensitive, protracted and evolving dynamics.

70. Namely, in this category, the Office differentiates between two types of cases: requests for advice (paragraph 71), where individuals seek advice and voice their concerns about retaliation; and requests for formal protection (paragraph 73), where individuals are in situations where they believe that they are the subject of possible retaliation and/or anticipate retaliation in the near future for having engaged in a protected activity.

Requests for advice

71. Managing 44 requests for advice in 2023 constituted a 25 per cent increase as compared to 2022 (35 cases). In previous years, the Office received 15 (2021) and 18 (2020) cases respectively (see figure 4). A noticeable spike was recorded from July 2022 onwards, following several leadership transitions at UNOPS. While these cases do not necessarily indicate an increase in actual retaliation, the Ethics Office sees this as an expression of increased awareness and trust on the part of personnel to come forward to the Ethics Office with possible concerns.

72. Encompassing approximately 40 per cent of the matters received in this category were issues linked to performance appraisals, allegations of harassment, or contract terminations.

Requests for protection against retaliation

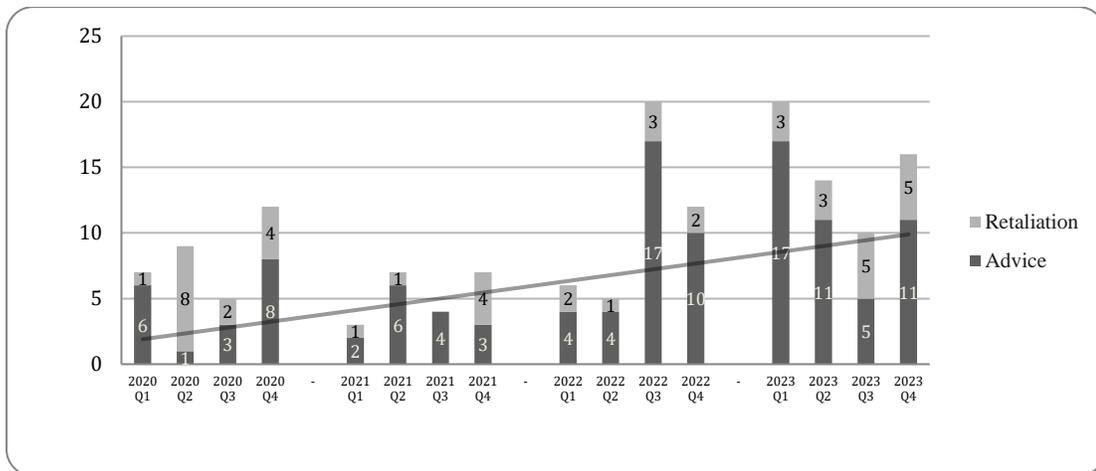
73. Handling cases of protection against retaliation, the Ethics Office will review whether a member of personnel has engaged in a “protected activity” and has been subjected to a “detrimental action” for the purpose of punishing, intimidating or injuring that individual because they engaged in that protected activity (“causality requirement”).

74. Most of the 16 cases relating to protection against retaliation were linked to harassment, abuse of authority or contract terminations. 2023 saw an increase in cases received as compared to 2022 (see figures 4 and 5). Four of the 16 cases are under review at the time of writing.

75. Ethics officers provided formal determinations in seven cases received in 2023.

76. Taking into consideration the conditions outlined above, five of the seven formal cases were closed at the preliminary review stage. In four of those cases, the requester had not engaged in a protected activity. In one case, while a protected activity had been engaged in, a causal connection between the protected activity and any detrimental action was not established. In two cases, however, the Ethics Office found that there was participation in a protected activity with ensuing detrimental acts and a causal connection – that is, in the opinion of the Office, participation in the protected activity had been a contributing factor to the detrimental action. Therefore, in 2023, the Ethics Office found two prima facie cases of retaliation which were consequently referred for an investigation.

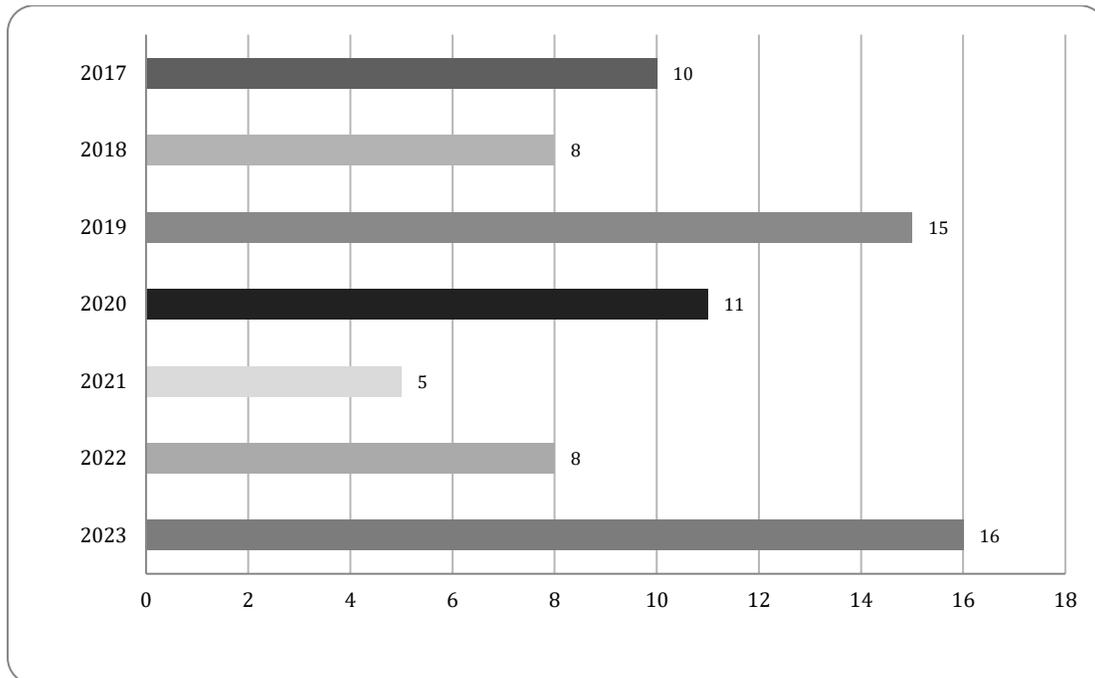
Figure 4. Advice requests and review of allegations of retaliation



Ethics Panel of the United Nations-related matters

77. Specifically, a party receiving an Ethics Office determination that there was no prima facie case of retaliation may seek recourse by requesting a second review of the decision by the Chair of the Ethics Panel of the United Nations.

78. Six such cases for secondary review of determinations from among the constituencies of the Ethics Panel of the United Nations were received by the Chair in 2023, five of which were upheld while one is ongoing at the time of writing. No determinations of the UNOPS Ethics Office were appealed in 2023. The Office reviewed two appeals on behalf of the alternate chair of the Ethics Panel of the United Nations in 2023.

Figure 5: Formal requests for protection against retaliation: 2017 - 2023

Prevention activities

79. Generally, the Ethics Office is able to take actions in line with its updated policy where there is an immediate risk to the safety and security of an individual (section 5.6); where interim measures need to be taken to safeguard the interests of an individual (section 5.8); or where retaliation may be prevented due to having engaged in a protected activity (section 9) with the aim of preventing escalation.

80. In one case where an individual was considered to be at risk of retaliation, the Ethics Office consulted with the individual on possible actions to prevent retaliation, and (with consent from the individual) the Office engaged with the Chief of Security and the People and Culture Group.

81. Another case example involved a situation where an individual was considered to be at risk of retaliation and the Ethics Office recommended certain preventative measures to the administration, which were swiftly acted upon. The Office subsequently made a further recommendation to the administration, which was again accepted by the administration and acted upon promptly.

Confidentiality

82. As a matter of policy, the Ethics Office will treat every interaction and all documentation received confidentially: every interaction remains between the reporting party and the Office. Only with the individual's express consent will the Office contact any other office or individual to obtain information and records related to a request for protection or provide information to another office in that respect. Exceptions are laid out in 'Protection against retaliation', paragraph 10, of the policy and apply, for example, in cases of a risk of danger to a person (or persons); a risk of environmental damage; a threat to public health; or where there is a requirement to cooperate with a United Nations oversight body or the United Nations tribunals.

83. All personnel joining the Ethics Office sign non-disclosure agreements in relation to confidential information received in the course of their duties.

E. Financial disclosure programme

84. In accordance with section 3(g) of ST/SGB/2007/11, the Ethics Office administers a financial disclosure programme.

2022 annual cycle

85. The office launched the 2022 annual filing cycle in September 2022, completed in September 2023. The programme included a review of 1,022 statements from all required filers with the engagement of an external reviewer. Required filers, according to the applicable UNOPS policy ('Financial Disclosure and Conflict of Interest Statements', Ref.OI.Ethics.2018.02), include all internationally recruited staff members at the P-5 to D-2 levels, all personnel on individual contractor agreements at the individual contractor agreement 4 level and above, and other personnel who hold critical roles, such as in ethics, procurement, finance or audit.

86. Of the total filer population, 84 per cent (855 filers) disclosed that they had no relevant information in response to the questions asked. Sixteen per cent (167 filers) provided disclosures which were individually reviewed by the Ethics Office. Such disclosures included relations with partners or vendors, current or previous outside activities, and gifts received or relatives employed in the wider United Nations system. Of those, 43 disclosures were closed after review by the Office with no further action needed. Nineteen filers received follow-up requests to provide more background information on their disclosures, which were then reviewed and closed following a review by the Office. Additional follow-up was required for 105 disclosures, and the Office provided advice and recommendations to the relevant personnel and/or their managers following an individual review of each of the filings. The advice related mostly to preventing and/or mitigating potential conflicts of interest, recommendations regarding outside activities, and reminders of previous advice given.

87. The review of the 2023 reporting period will commence in March 2024 and will be managed by and launched in cooperation with the United Nations Secretariat (see paragraph 89, below).

Recommendation of the Joint Inspection Unit

88. In its review of the ethics functions of the United Nations (JIU/REP/2021/5), the Joint Inspection Unit noted that a review of financial disclosure programmes would have to be considered. They consequently issued recommendation 4, requesting an evaluation of the effectiveness and efficiency of the financial disclosure and declaration of interest programme by 2025. In its report, the Joint Inspection Unit emphasized that the United Nations Secretariat is one of the most experienced entities regarding such programmes, as it has been administered by an independent external service provider since the launch of the programme. The programme was comprehensively assessed through a commissioned third-party study in 2010 and by the Office of Internal Oversight Services in 2023. It was determined that the programme was an effective tool with strong internal controls, contributing to detecting and managing conflicts of interest among participants.

89. The Ethics Office conducted a review of the effectiveness and efficiency of UNOPS financial disclosures and declarations of conflicts of interest. It did so on basis of lessons learned from the 2021 and 2022 exercises with an accelerated deadline of 2023, two years prior to the suggested deadline of 2025. Following the review, in November 2023, the Office recommended to the Executive Director that the UNOPS financial disclosure programme be contracted out to the United Nations Ethics Office for implementation, so as to: (a) streamline UNOPS practices with the United Nations Secretariat and other United Nations entities; (b) obtain a high standard of quality in the execution of the programme through in-depth reviews of disclosures and follow-ups by an experienced vendor; and (c) optimize practices and gain efficiencies in executing the programme for the Ethics Office.

90. With the approval of the Executive Director, the Ethics Office signed a memorandum of understanding with the United Nations Secretariat Ethics Office on 9 November 2023. The Secretariat will provide services to UNOPS following the same procedures and requirements as

those applied by the United Nations Ethics Office in implementing its financial disclosure and conflict-of-interest programme.

91. The review cycle 2023, managed by the United Nations Secretariat, is expected to commence in March 2024.

F. Other activities

Completion of the UNOPS comprehensive response plan

92. In August 2022, UNOPS commissioned two independent external advisory reviews at the request of the Executive Board on basis of concerns linked to the ‘S3i’ investments. While the first review identified root causes and institutional vulnerabilities within UNOPS, the second focused on UNOPS governance and internal control systems. The reports made 43 recommendations with 82 actions to be implemented.

93. In November 2022 UNOPS developed a comprehensive response plan to track implementation. Throughout 2023 it provided regular status reports to the Executive Board.

94. For seven of the recommendations, the action owner was identified as the Ethics Office. Six have been completed, while one will continue for completion in 2024.

95. *Status complete: Report findings of the independent review of the Ethics Office by external parties from the Ethics Network of Multilateral Organizations.* The review of Ethics Office independence was completed (see chapter II, above).

96. *Status complete: Review of improvements in ethics case reporting systems.* The Ethics Office reviewed its ethics case capturing system and introduced a new tool in July 2023.

97. *Status complete: Update whistle-blower policy with inputs from the Ethics Panel of the United Nations.* The Ethics Office reviewed, updated and launched its policy in 2022 (see section D, above).

98. *Status complete: Ensure a fully-staffed Ethics Office by hiring two ethics advisors to deal with complaints of whistle-blowers* (see chapter II, above).

99. *Status complete: Strengthen collaboration with members of the Ethics Panel of the United Nations in the areas of whistle-blower protection against retaliation, field missions, outreach and training efforts and ethics-related guidance.* The Ethics Office continued to strengthen its collaboration with the Ethics Panel of the United Nations (see chapter IV, below).

100. *Status complete: Roll-out of global ethics training based on United Nations values, including training and communication to enhance trust of personnel in reporting concerns.* In 2022, the Ethics Office rolled out – and continued throughout 2023 – a comprehensive awareness-raising campaign called ‘Ethics in action’ (see section C, above).

101. *Continues in 2024: Overhaul the speak-up/whistle-blowing process completely and establish clear protocols and rules for confidentiality.* Activities regarding the overhaul are ongoing (see section A, above).

Joint Inspection Unit

102. In June 2020 the Joint Inspection Unit launched a system-wide review of the status of the ethics function and issued a report (JIU/REP/2021/5) with its recommendations.

103. The Joint Inspection Unit recommended (recommendation 3) that ethics offices should ensure that periodic refresher courses in ethics for all personnel be introduced as mandatory, every three years, from 2023 onwards. The Ethics Office therefore requires all personnel to complete an ‘Ethics and standards of conduct’ e-learning course as an induction upon joining and as a mandatory refresher every two years (see section C, above). The recommendation was closed by the auditor in October 2022.

104. The Joint Inspection Unit further recommended (recommendation 4) that ethics offices evaluate, by 2025 at the latest, the effectiveness and efficiency of their financial disclosure and declaration-of-interest programmes. The Ethics Office conducted a review of the effectiveness and efficiency of the current UNOPS financial disclosure programme and recommended that the programme be contracted out to the United Nations Ethics Office for implementation (see section E, above). The recommendation was closed by the auditor in December 2023.

Audit Advisory Committee

105. The Director of the Ethics Office presented the 2023 work plan of the Ethics Office to the Audit Advisory Committee in January 2023 and the annual report, 2022, in March 2023. The Director participated in two *in-camera* sessions with the Audit Advisory Committee in April and November 2023.

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

Ethics Panel of the United Nations

106. In 2023, the UNOPS Ethics Office continued its participation in monthly meetings and ad-hoc informal sessions of the Ethics Panel of the United Nations.

107. The Ethics Panel of the United Nations, established through ST/SGB/2007/11, consists of the heads of the ethics offices of the separately administered organs and programmes of the United Nations and the Ethics Office of the United Nations Secretariat. The Ethics Panel of the United Nations has nine members (United Nations Secretariat (Chair), UNDP, UNFPA, the Office of the United Nations High Commissioner for Refugees, the United Nations Children’s Fund, UNOPS, the United Nations Relief and Works Agency for Palestine Refugees in the Near East, UN-Women and the World Food Programme). The Ethics Panel is mandated to establish a unified set of standards and policies for the United Nations Secretariat and the separately administered organs and programmes and to consult on particularly complex cases and issues having system-wide implications.

108. Collaboration with the Ethics Panel of the United Nations is a cornerstone of UNOPS cohesion with the wider community of ethics offices in the United Nations system and serves to align common ethics-related practices. Access to the Panel cements the independence of the UNOPS Ethics Office. The collaboration was strengthened by the Ethics Office throughout 2023.

109. For example, the UNOPS Ethics Office partnered with the ethics offices of UNDP and UNFPA on a global ethics awareness-raising campaign in May 2023 (see section C, above). The Office also participated in three Ethics Panel working groups in relation to guidance on “honours, decorations, favours, gifts or remuneration ... outside activities, personal communications and political activities”, and aligned further on communications and outreach activities.

110. In November 2023, the Director of the UNOPS Ethics Office was elected Alternate Chair of the Panel for a one-year term commencing in January 2024. Pursuant to ‘Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations’ (ST/SGB/2017/2.Rev.1, section 9.), the Alternate Chair is tasked with conducting a secondary review of determinations in cases of protection against retaliation by the United Nations Secretariat where no *prima facie* case of retaliation was found.

Ethics Network of Multilateral Organizations

131. The UNOPS Ethics Office is a member of the Ethics Network of Multilateral Organizations, which comprises the ethics offices of over 40 multilateral organizations. According to its “standards of practice and core responsibilities for the ethics function” (September 2023), the Network brings together senior professionals responsible for the ethics functions in multilateral intergovernmental organizations subject to international public law, in their official capacity. Its

mission is to achieve the highest standards of integrity in its member organizations by promoting best practices to foster a culture of ethics, transparency and accountability. It also aims to establish uniform guidelines for the work and operations of the ethics offices of the Ethics Network of Multilateral Organizations members by leveraging the experience of its members to collaborate on issues of common interest, enhancing the respective capacity of its member organizations.

111. As outlined in chapter II, above, an independent review of the UNOPS Ethics function was conducted by two ethics offices of the Ethics Network of Multilateral Organizations (IMF and UNESCO).

V. Conclusion

112. Following the disruptions to UNOPS operations in 2022, the Ethics Office focused its work in 2023 on building trust and consolidating its role as a trusted and independent resource to promote ethical standards within its remit. The Office sought to do this by emphasizing the delivery of day-to-day operations; rolling out global awareness-raising campaigns; and continuing to contribute to reform processes, in particular through the review of the whistle-blower and speak-up processes and implementation of the comprehensive response plan.

113. The Ethics Office also considered the findings of the review of its independence and implemented enhancements to strengthen its operational independence.

114. The Ethics Office is committed to sustaining reform processes and driving initiatives to restore trust. Throughout 2024, the Ethics Office will remain engaged with all relevant internal stakeholders to continue to build and strengthen a culture of ethics at UNOPS.
