



Interoffice memorandum

To: All UNV Programme Officers and Programme Managers

Date: 23 March 2016

From: Richard Dictus
Executive Coordinator

Subject: UN Volunteer Disciplinary Cases 2015 Annual Report of the Advisory Panel on Disciplinary Measures (APDM)

I am pleased to attach herewith for your information the 2015 Annual Report of United Nations Volunteers (UNV) programme's Advisory Panel on Disciplinary Measures (APDM), the eighth such report to be issued.

You will note from the report that UNV brought a total of 45 cases to closure covering backlog cases from previous years, of which six cases were received in 2015. In view of the total number of UN Volunteers last year (over 6,700), the number of disciplinary cases is very small, even if one case is one too many.

I kindly request you to share this report with all serving UN Volunteers and make reference to it in training or other events as appropriate, whenever issues of conduct and discipline are referred to.

The annual report will be made available to the general public in UNV's website. In addition, we will be sharing the report with UN Special Representatives of the Secretary General (SRSGs), UN Resident Coordinator/UNDP Resident Representatives and the main UN partners hosting UN Volunteers.

We endeavour to ensure that justice is done in all cases where misconduct is alleged to have taken place, by imposing disciplinary measures or exonerating as appropriate. In that way, by ensuring that justice is done, and is seen to be done in a transparent and fair manner, we can also minimize any negative impact on our overall reputation arising from these relatively few cases.

Best regards.

cc: All UNV HQ staff



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UNV Advisory Panel on Disciplinary Measures (APDM)

ANNUAL REPORT 2015

This document refers to cases closed in 2015 related to UN Volunteers



The United Nations Volunteers (UNV) programme is the UN organization that contributes to peace and development through volunteerism worldwide. Volunteerism is a powerful means of engaging people in tackling development challenges, and it can transform the pace and nature of development. Volunteerism benefits both society at large and the individual volunteer by strengthening trust, solidarity and reciprocity among citizens, and by purposefully creating opportunities for participation. UNV contributes to peace and development by advocating for recognition of volunteers, working with partners to integrate volunteerism into development programming, and mobilizing an increasing number and diversity of volunteers, including experienced UN Volunteers, throughout the world. UNV embraces volunteerism as universal and inclusive, and recognizes volunteerism in its diversity as well as the values that sustain it: free will, commitment, engagement and solidarity.



UNV is administered by the United Nations Development Programme

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OVERVIEW

This report provides a summary of the activities carried out by the UNV Advisory Panel on Disciplinary Measures (APDM) during 2015. The mandate of the APDM is to advise the Executive Coordinator (EC) on disciplinary matters involving UN Volunteers. The main functions are to provide an objective review of independently investigated allegations of misconduct involving UN Volunteers, and recommend to the EC appropriate disciplinary measures or exoneration of UN Volunteers from allegations of misconduct. The APDM further renders in-house advice, at the request of EC and senior managers, concerning practical or theoretical questions with potential disciplinary implications.

This report covers cases resulting in the imposition of disciplinary sanctions, and cases where UN Volunteers were exonerated.

UN Volunteers are not staff members of the United Nations, and are not subject to the disciplinary process provided in the UN Staff Regulations and Rules. Nevertheless, they are subject to disciplinary procedures under their own Conditions of Service.

Disciplinary proceedings within the UNV programme are strictly administrative in nature as part of the internal justice system for UN Volunteers. What is required is the identification of sufficient facts to permit a reasonable inference that a violation of the relevant Conditions of Service, including the Code of Conduct for UN Volunteers, has occurred. Throughout such proceedings, UN Volunteers have the right to due process. The disciplinary review is independent of managerial interference, and while UNV has no authority over host organizations/entities, they are expected to respect the nature and spirit of the UNV disciplinary process.

UNV does not conduct investigations on its own. Where the allegations concern UN Volunteers assigned to UNV or UNDP offices or projects, investigations are carried out by the UNDP Office of Audit and Investigations (OAI). For UN Volunteers assigned to other UN entities, investigations are conducted by the Office of Internal Oversight Services (OIOS) or the investigative arm of the relevant agency to whose project or programme the UN Volunteers in question are assigned. There have been cases where exoneration has been recommended by the APDM and decided by the UNV Executive Coordinator because they did not consider that sufficient facts were established for the alleged misconduct in spite of an investigation having been carried out.

The number of cases leading to disciplinary measures or to exonerations is reflected in the table below which also includes the percentage of serving UN Volunteers receiving disciplinary sanctions.



Table 1: Number of disciplinary sanctions, exonerations and percentage of serving volunteers by year

Year	No. of disciplinary sanctions	No. of exonerations	Percentage of serving volunteers found guilty of misconduct
2009	7	6	0.09
2010	10	4	0.12
2011	10	1	0.14
2012	10	5	0.15
2013	7	3	0.11
2014	15	3	0.24
2015	41	1	0.6

In 2015, 46 cases were reviewed out of which 45 were brought to closure by the APDM covering backlog cases from previous years. Six cases were received in 2015.

The 45 cases that were brought to closure are:

- one (1) case of exoneration
- three (3) cases were closed due to the absence of evidence and incomplete investigation report
- three (3) cases of letter of censure
- four (4) cases of early separation
- two (2) cases received the sanction of 5 years exclusion from the UNV Roster after the end of the current contract,
- Thirty two (32) cases of summary dismissal due to serious misconduct.

The summary dismissal cases concerned behaviour unbecoming of UN Volunteers: Sexual Exploitation and Abuse (SEA), failure to report for duty and inform supervisor, falsification of documents, road traffic accidents due to the influence of alcohol, physical assaults, misuse of ICT resources, failure to comply with obligations of safety & security, theft and misappropriation of funds, fraud cases involving the medical insurance scheme for UN Volunteers. The cases were addressed to the APDM for its review and recommendation to the UNV Executive Coordinator, who makes the decision regarding any imposition of disciplinary sanctions. More details on the cases can be found in the next section "Description of cases". The number of cases should be seen in the light of a total number of 6796 serving UN Volunteers who during 2015 carried out 7053 assignments.

The 41 disciplinary cases resulting in disciplinary sanctions involved 39 individuals out of which 36 male and 3 female UN Volunteers. The statistics section of this report includes a description of the cases for 2015 by type of misconduct, sanction and gender. Four UN Volunteers appealed the Executive Coordinator's decision to the UNDP Administrator who decided to uphold the Executive Coordinator's decision.

The APDM met 19 times in 2015 to review the above mentioned cases.



In line with the process instituted in 2011, the disciplinary process continued to benefit from an initial quality-oriented review of all incoming investigation reports by the UNDP Legal Support Office (LSO).

Finally, the APDM continued to conduct sessions on the management of disciplinary cases at the UNV Field Unit Induction Workshops, to brief participants on the management of disciplinary cases and clarify their own role in the process. In further efforts to increase awareness of serving volunteers on conduct issues, UNV Field Units conducted training sessions with UN Volunteers in the course of 2015.

In line with UNV's emphasis on ensuring all UN Volunteers are adequately briefed on conduct and discipline issues, the Panel continuously provides the necessary support to field units, including appropriate guidance and training material/power point presentations aiming to ensure that all concerned are better aware of conduct issues as well as management of disciplinary cases.



DESCRIPTION OF CASES

1. CASES THAT RESULTED IN THE IMPOSITION OF A DISCIPLINARY MEASURE

1.1 Failure to report for duty (2)

Detail case: An international UN Volunteer serving with a UN Mission was absent from duty, left the area without prior approval and submitted a faked medical certificate to cover for the days of absence. Another one failed to report for duty and failed to inform his supervisors of his whereabouts and was uncooperative during the investigation.

Sanction: Early separation for misconduct

1.2 Allegation of assault

Detail case: An international UN Volunteer serving with a UN Mission was alleged to have physical assault a local woman. During the review, the allegation of assault was not substantiated as such; however the panel felt that the UN Volunteer should not have responded to the provocation of the complainant.

Sanction: Exclusion for a period of 5 years after the end of the current contract from the UNV Roster

1.3 Failure to comply with obligations of neutrality

Detail case: A national UN Volunteer serving with a UN partner was actively involved in a political demonstration.

Sanction: Exclusion for a period of 5 years after the end of the current contract from the UNV Roster

1.4 Fraud for submission of false medical bills (21)

Detail case: Twenty one international UN Volunteers submitted false medical claims to health insurer, CIGNA, for reimbursement. CIGNA investigated the submissions and found out them not to be genuine.

Sanction: Summary dismissal

1.5 Fraud and misappropriation of funds

Detail case: An international UN Volunteer serving with a UN Mission was found to be involved in misappropriation of fuel deliveries for payments.

Sanction: Summary dismissal

1.6 Misuse of IT resources (2)

Detail case: An international UN Volunteer serving with a UN Mission misused the UN Mission's email account to distribute pornographic materials. The UN Volunteer also used the hard drive of his assigned computers to store these materials. Another international UN



Volunteer serving with a UN Agency misused the agency's computer by storing children's pornographic videos. The cases were referred to their national authorities for further actions.

Sanction: Summary dismissal

1.7 Physical assault (2)

Detail case: An international UN Volunteer serving with a UN Mission physically assaulted a civilian which resulted into injuries. Another international UN Volunteer serving with a UN Mission physically assaulted and verbally abused a UN staff and a UN Mission's Security officer while intoxicated.

Sanction: Summary dismissal

1.8 Road traffic accident/offence (2)

Detail case: An international UN Volunteer serving with a UN Mission caused a road traffic accident while driving under the influence of alcohol. Another international UN Volunteer serving with a UN Mission committed several traffic offences while under the influence of alcohol.

Sanction: Summary dismissal

1.9 Sexual Exploitation and Abuse (3)

Detail case: An international UN Volunteer serving with a UN Mission committed acts of sexual exploitation against seventeen (17) local women including a minor. The case was referred to the national authorities. Two other international UN Volunteers with UN Missions sexually exploited local women.

Sanction: Summary dismissal

1.10 Non-compliance with security advisories

Detail case: An international UN Volunteer serving with a UN Mission did not observe curfew hours and transported non UN personnel in a UN vehicle .

Sanction: Early separation

1.11 Theft (2)

Detail cases: An international UN Volunteer serving with a UN Mission was found to have stolen several items from a Post Exchange (PX). Another international UN Volunteer serving with a UN Mission stole fuel from the UN Mission for his personal gain.

Sanction: Summary dismissal

1.12 Unauthorised use of a pin code

Detail case: An international UN Volunteer serving with a UN Mission made international calls using the pin code of his colleague without consent.

Sanction: Letter of Censure



1.13 Falsification of documents

Detail case: A national UN Volunteer serving with a UNDP project falsified documents to justify a prolonged absence from the office.

Sanction: Summary Dismissal

2. Cases that did not result in the imposition of a disciplinary measure

- One case of allegation of Sexual exploitation with consensual relationship was not substantiated and resulted in exoneration based on insufficient evidence.

3. Cases that were closed due to lack of evidence, absence of a complete investigation report.

Three cases presented to the APDM were closed for insufficient evidence:

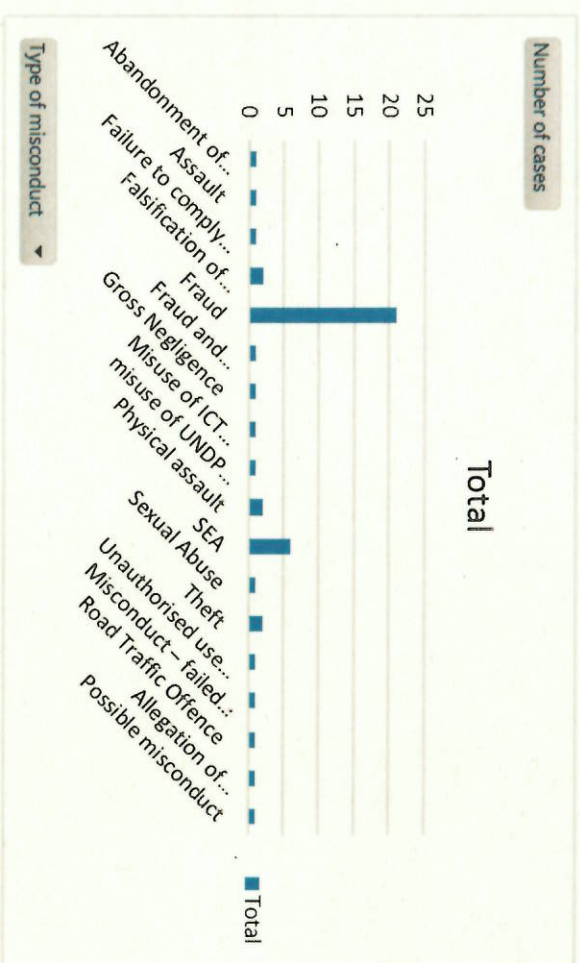
- Allegation of sexual abuse and work harassment
- Allegation of pretext for Child Support through extortion of money
- Allegation of causing injury to a patient



STATISTICS

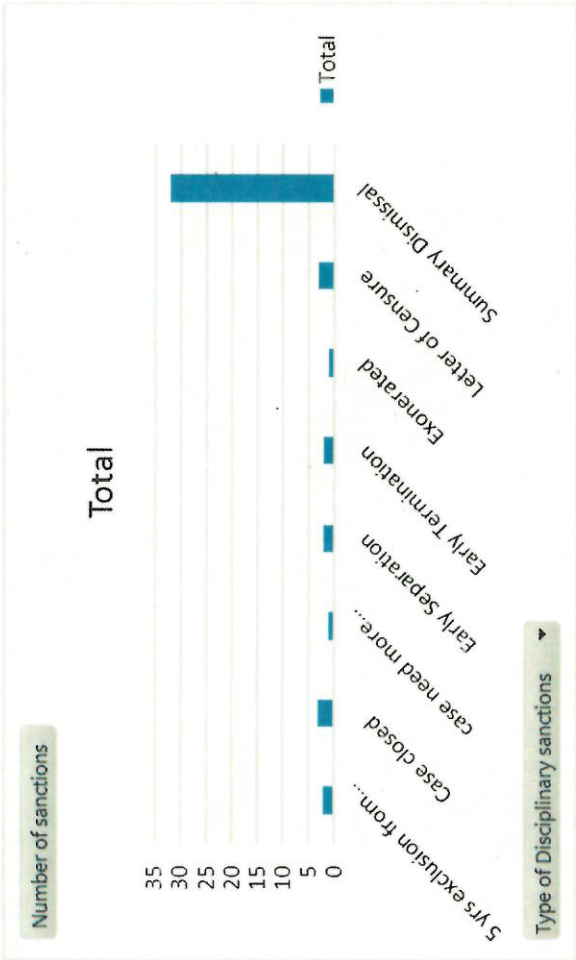
1. Disciplinary cases by type of misconduct (2015):

Disciplinary Cases	Number of cases
Abandonment of post	1
Assault	1
Failure to comply with obligations	1
Falsification of documents	2
Fraud on medical insurance claims	21
Fraud and misappropriation of funds	1
Gross Negligence	1
Misuse of ICT resources	1
misuse of UNDP property and vision of local laws	1
Physical assault	2
SEA	6
Sexual Abuse	1
Theft	2
Unauthorised use of PIN	1
Misconduct – failed to report for duty and failed to inform supervisors of his whereabouts	1
Road Traffic Offence	1
Allegation of pretext for Child Support through extortion of money	1
Possible misconduct	1
Grand Total	46



2. Disciplinary cases by sanction:

Type of Disciplinary sanctions	Number of sanctions
5 years exclusion from UNV Roster after current contract	2
Case closed	3
case need more information	1
Early Separation	4
Exonerated	1
Letter of Censure	3
Summary Dismissal	32
Grand Total	46





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3. Disciplinary cases by gender:

Gender	Number of cases
F	3
M	43
Grand Total	46

