

# UN environment programme

**Conduct and Discipline Annual Report**

**1<sup>st</sup> January- 31<sup>st</sup> December 2023**

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## I. Introduction

1. Since 2020 UNEP has reported on conduct and discipline issues and provided information on the number of reports of unsatisfactory conduct involving UNEP personnel, its implementing partners and vendors. Since then, UNEP has also reported on the results/outcome of these reports.
2. In 2023 UNEP prepared the annual Conduct and Discipline Report for 1 October 2021 to 31 December 2022. This is available [here](#). The current report covers the period from 1<sup>st</sup> January to 31<sup>st</sup> December 2023.
3. The purpose of the annual Conduct and Discipline report is to provide information on the UN policy and legal framework on conduct and discipline; an overview of the process which needs to be followed when reports of possible unsatisfactory conduct/prohibited conduct on possible unsatisfactory conduct are raised; actions taken by UNEP to prevent and address unsatisfactory conduct and to improve the work culture; information on the completion of mandatory trainings on Conduct and Discipline statistics on reports of unsatisfactory conduct against staff members and other personnel or entities, including implementing partners and vendors and; information on informal reports addressed by the Conduct and Discipline Focal Points.

## II. Glossary of terms

<b>Terms</b>	<b>Meaning</b>
Unsatisfactory conduct	Any conduct that is in violation of the obligations of staff members of the United Nations.
Prohibited conduct	Four conducts covered by ST/AI/2019/8 <sup>1</sup> i.e., harassment, including sexual harassment, discrimination, and abuse of authority.
Responsible official	In the case of UNEP, the Executive Director
Affected individual	Person in the workplace or in connection with work towards whom unsatisfactory conduct is directed.
Offender/alleged offender	Person who engages in unsatisfactory/prohibited conduct.
Preliminary assessment	The process of review and analysis by the responsible official or OIOS of information about unsatisfactory conduct to determine whether there is sufficient grounds to initiate an investigation.
Investigation	Process of gathering information to establish facts in order to allow for a determination as to whether a staff member engaged in suspected unsatisfactory conduct.
Disciplinary process	The process of review of the investigation report by the Assistant Secretary General, Office of Human Resources (ASG/OHR) to determine whether a disciplinary process should be initiated.
Conduct and Discipline Focal Point	Staff member designated by the Responsible official to provide advice and support on matters related to conduct and discipline.
Managerial action	Actions taken by management that are non-disciplinary in nature aimed at improving the work environment e.g., oral and written caution, warning or advisory communication, coaching, referral of staff member to the staff counsellor.
Administrative action	Actions taken by the responsible official that are non-disciplinary in nature e.g., oral or written reprimand, reassignment/or change of duties.

## III. Policy and legal framework on Conduct and Discipline

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<sup>1</sup> [Addressing discrimination, including sexual harassment and abuse of authority \(ST/SGB/2019/8\)](#).

**a. UN main policies**

4. The main UN policies that are applicable to Conduct and Discipline are as follows:

- [UN Staff Regulations and UN Staff Rules \(ST/SGB/2018/1 rev. 1\).](#)
- [Unsatisfactory conduct, investigation and the disciplinary process \(ST/AI/2017/1\).](#)
- [Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations \(ST/SGB/2017/2/Rev.1\).](#)
- [Addressing discrimination, including sexual harassment and abuse of authority \(ST/SGB/2019/8\).](#)
- [Special Measures for the protection from Sexual Exploitation and sexual abuse \(ST/SGB/2003/13\).](#)
- [Outside activities ST/AI/2000/13.](#)
- [Outside activities ST/IC/2006/13.](#)
- [ST/IC/2016/25 Anti-Fraud and Anti-Corruption Framework of the United Nations Secretariat](#)

**b. UNEP Internal Policies and documents**

- [Statement on the Protection from Sexual Exploitation and Abuse and Response to Sexual Harassment for UNEP Personnel](#)” and the [“Statement on the Protection from Sexual Exploitation and Abuse for implementing partners”](#).
- [Anti-Fraud and Anti-Corruption Guidelines](#) (“AFAC Guidelines”).

**III. Summary of the process for addressing unsatisfactory conduct**

5. Reports of unsatisfactory conduct should be submitted to the Investigation Division of the Office of Internal Oversight Services (OIOS/ID) through their [hotline](#) or to the UNEP ED with a copy to OIOS. Reports can also be submitted to the line manager or the Conduct and Discipline Focal Point (CDFP). Such reports should be redirected to the UNEP ED as the Responsible official by the CDFP or the manager concerned.
6. OIOS/ID retains the ultimate authority to review all reports of possible unsatisfactory conduct/prohibited conduct. In view of this, UNEP is required to transfer all reports of possible unsatisfactory conduct/prohibited conduct received to OIOS/ID. OIOS/ID will review the report and determine whether to investigate the report or refer it to UNEP to take the appropriate action.
7. UNEP may take the following appropriate action upon receiving a referral from OIOS/ID, conduct a preliminary assessment, take interim administrative action, take managerial actions, request the assistance from the UN Ombudsman’s office to conduct a mediation or coaching, amongst others.

**a. Preliminary assessments and investigations by OIOS/ID**

8. OIOS/ID upon receipt of a report of unsatisfactory conduct logs the reports and assigns an OIOS/ID number. An initial assessment is conducted to determine whether the complaint should be investigated by OIOS/ID, or any other action taken.
9. If OIOS decides to investigate the report of possible unsatisfactory conduct and not refer it to UNEP, OIOS /ID conducts the investigation in accordance with the [OIOS Investigations Manual](#). OIOS/ID may transmit an investigation report to the Assistant Secretary-General (ASG/OHR) following an investigation conducted by OIOS, if the facts indicate that the alleged offender engaged in unsatisfactory conduct.

10. If OIOS/ID determines that the matter is better handled by the Responsible official, OIOS /ID will refer the matter to the Responsible official who would conduct a preliminary assessment to determine whether an investigation should be initiated.

**b. Preliminary assessments and investigations by UNEP**

11. Upon receipt of a referral from OIOS/ID UNEP conducts a preliminary assessment. The purpose of the preliminary assessment is to determine whether an investigation should be initiated.<sup>2</sup> A preliminary assessment is not a formal investigation process and does not require investigators. In UNEP, it is mainly undertaken by staff members requested by the UNEP Executive Director (Uthe Responsible Official), normally from Corporate Services Division (Legal Unit, HR Unit, Procurement Unit or other units as necessary). Following the preliminary assessment three recommendations can be made: (a) to close of the case, (b) take administrative or managerial actions or (c) the initiate an investigation. The decision to initiate an investigation is made by the UNEP ED, following the recommendations.
12. If a decision is made to investigate a report of possible unsatisfactory conduct, the UNEP ED will appoint a fact-finding panel. The fact-finding panel is composed of UN staff members who have been trained by OIOS/ID and also have prior investigation experience, or by retired UN staff members who have had experience in conducting investigations and have been trained by OIOS/ID. Under [ST/SGB/2019/8 Addressing discrimination, harassment, including sexual harassment and abuse of authority](#), there is a strict for the members of hte fact finding panel who investigate reports of possible prohibited conduct related to harassment, abuse of authority and discrimination to be trained investigators. For other reports for unsatisfactory conduct listed under [ST/AI/2017/1 Unsatisfactory, investigation and the disciplinary process](#), these can either be undertaken by trained investigators and/or current or retired UN staff members with prior investigation experience. Investigations conducted by fact-finding panels appointed by the UNEP ED should comply with the [Investigation toolkit](#).
13. Administrative Law Division/Department of Management Strategy Policy and Compliance (ALD/DMSPC) keeps a roster of investigators who have been trained jointly by ALD/DMSPC and OIOS/ID for UN Secretariat entities. Investigators on the roster can serve as investigators for any UN entity in the UN Secretariat that requires an investigator. Currently there are 13 trained investigators in UNEP on the roster of investigators. Investigators are appointed only for the purpose of a fact-finding investigation by the UNEP ED.
14. An investigation report shall be prepared by the fact-finding panel following an investigation to capture the findings, facts and evidence collected during the investigation. The investigation report is sent to the UNEP ED by the fact-finding panel at the end of the investigation.
15. The UNEP ED reviews the investigation report and decides whether the reported conduct is found to be substantiated, may amount to a misconduct, and should therefore be referred to the ASG/OHR for further review and disciplinary process as necessary. If the conduct is not substantiated by facts, the matter will be closed. The UNEP ED will also consider whether to take managerial or administrative action.

**c. The disciplinary process**

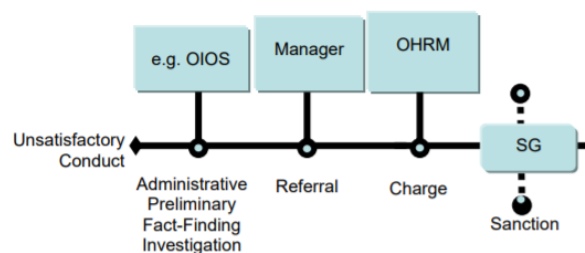
16. Upon referral of the investigation report to the ASG/OHR by OIOS or UNEP, the ASG/OHR reviews the investigation report to decide whether to initiate a disciplinary process. If the facts indicate that the conduct of the alleged offender may rise to a misconduct, then the ASG/OHR will initiate a disciplinary process. If a disciplinary process is initiated by the ASG/OHR, the alleged offender is provided with formal allegations of misconduct together with the investigation report

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<sup>2</sup> [Section 5.3 ST/AI/2017/1](#).

and supporting documentation. The alleged offender is entitled to seek legal advice and provide comments. Further investigation by the ASG/OHR may be necessary.

17. At the end of the disciplinary process, the ASG/OHR may (a) close the case, (b) refer the case to the UNEP ED for managerial or administrative action and/or (c) recommend to the Under-Secretary-General for Management (USG) to (a) decide that the facts are established to the requisite standard of proof, (b) impose disciplinary measures<sup>3</sup> if the facts have been established and the behavior amounts to misconduct, (c) take administrative or managerial action where necessary, and (d) decide on recovery of financial loss to the Organisation in full or part.
18. ASG/OHR informs the affected individual of the decision of the USG following the disciplinary process with a copy to the UNEP ED.
19. The Diagram No. 1 below from the OIOS Investigations Manual summarizes the process.



**Diagram No. 1**

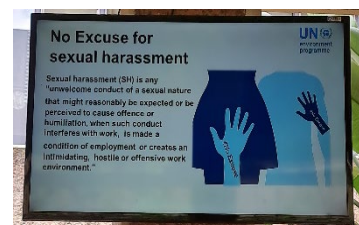
**Annex 2** presents a detailed overview of the formal report of possible unsatisfactory conduct process.

#### IV. Actions taken to preventing and address unsatisfactory conduct in UNEP and improve the work culture

##### a. UNEP prevention and response to SH

20. On 27 January 2023, UNEP Executive Director reported to UNEP Governing body on actions taken by the Organization in relation to or Sexual Harassment (SH) and Sexual Exploitation and Abuse (SEA). The ED also reported to the UN Secretary-General on these actions.
21. In September 2022, UNEP Senior Management Team adopted the SH Action plan to prevent and respond to SH. The SH Action plan identified six priority areas to focus on in 2023 to respond to address SH. Five out of six priority areas have been implemented as follows:

- i. Development of the [SH, No excuse card](#). The two page No excuse card defines SH, reflects UNEP’s zero tolerance for SH and provides information on how to report SH.
- ii. Sensitizing UNEP personnel by broadcasting messages on SH in English and French on TV screens throughout the United Nations Office at Nairobi Headquarter. The message focused



<sup>3</sup> Staff rule 10.2 (a) of [ST/SGB/2018/1/rev.1 Staff Regulations and Rules of the United Nations](#) provides that disciplinary measures may take one or more of the following forms (i.e., more than one measure may be imposed in each case): a) Written censure; b) Loss of one or more steps in grade; c) Deferment, for a specified period, of eligibility for salary increment; d) Suspension without pay for a specified period; e) Fine; f) Deferment, for a specified period, of eligibility for consideration for promotion; g) Demotion, with deferment, for a specified period, of eligibility for consideration for promotion; h) Separation from service, with notice or compensation in lieu of notice, and with or without termination indemnity; i) Dismissal.

on defining SH, how to report it, to whom it should be reported, victim centered approach to SH and the support provided by the Organisation in relation to SH.

- iii. Developing banners with the message “No excuse for sexual harassment” in English and French. The banners have been posted throughout the UNON Complex. The banners were also posted in some outpost UNEP Offices.



- iv. UNEP contributed towards the UN wide policy enhancement by providing information on UNEP policies respond to and address SH for [UN System wide Knowledge Hub on Addressing SH](#), developed by UN Women, as part of the joint efforts of the CEB

Task Force on Addressing Sexual Harassment to enhance coordination among the United Nations system. The Hub brings together UN system-wide resources, tools and best practices on addressing sexual harassment. It will serve as a long-term solution to enhancing knowledge sharing on the UN’s efforts to eliminate sexual harassment and improving accessibility to the wealth of existing resources within the UN system and beyond. The Hub is publicly accessible to all UN personnel, Member States, civil society and the public, thereby enhancing transparency and accountability.

- v. Two UNEP Dialogues were undertaken on 30 and 31 May 2023 entitled: Improving the work culture: Addressing SH for United Nations Volunteers (UNVs). Several UNVs participated during the Dialogues. Presentations were made by the Office of International Oversight Services (OIOS), Office of the Ombudsman and Mediation Services, Staff Counsellor and Conduct and Discipline Focal Point.

**b. Sexual Exploitation and Abuse:**

22. The following actions were taken in relation to sexual exploitation and abuse (SEA):

- i. PSEA was included as a component in two trainings provided to Fund Management Officer and Programme Officers in several UNEP Offices.
- ii. UNEP circulated the annual survey to gather insights from UN personnel concerning challenges that remain and progress in our collective efforts to eliminate Sexual Exploitation and Abuse (PSEA Survey). The PSEA Survey is shared annually by the Office of the Special Coordinator on improving UN response to Sexual Exploitation and Abuse.
- iii. Six UNEP offices actively participated in the PSEA Networks for several UNEP country Offices in their engagement with the Resident Coordinators Office in relation to SEA. The PSEA Network is responsible for implanting coordinated activities between UN and non-UN organisations to minimize the risk of SEA, ensure that systems are put in place for effective response when incidents arise and to raise awareness of PSEA in the country operations. The UNEP Offices participated in the development of the joint PSEA Action plan at the country level. The PSEA Action plan identifies priority areas to address PSEA at the country level. Some of these offices have also signed commitments at the country level to prevent and respond to SEA.
- iv. UNEP has continued to actively participate in the UN SEA Working Group organized by the Office of the Special Coordinator. The SEA Working Group encourages coordination between UN entities to respond and address SEA throughout the UN system.

- v. UNEP organized a workshop for implementing partners for the UNEP Special Programmes project on the topic “Prevention of Fraud and Corruption and SEA”. The workshop was organized in response to the UNEP [Statement on Protection from Sexual Exploitation and Abuse for implementing partners](#). The aim was to sensitize implementing partners on fraud and corruption and SEA. The workshop was attended by 28 different implementing partners from the UNEP Special programme projects in UNEP’s Special Programmes Secretariat. The component on SEA focused on the obligations of implementing partners in preventing and responding to SEA, how to report SEA and provided information to implementing partners on trainings on to improve the PSEA capacity of implementing partners to respond and address SEA.
- vi. The UNEP ED accepted a visit from Mr. Christian Saunders, the newly appointed Special Coordinator to improving Sexual Exploitation and Abuse (SEA), Mr. Christian Saunders and discussed better coordination with UNEP in relation to actions to address SEA.

**c. Other actions taken in relation to conduct and discipline**

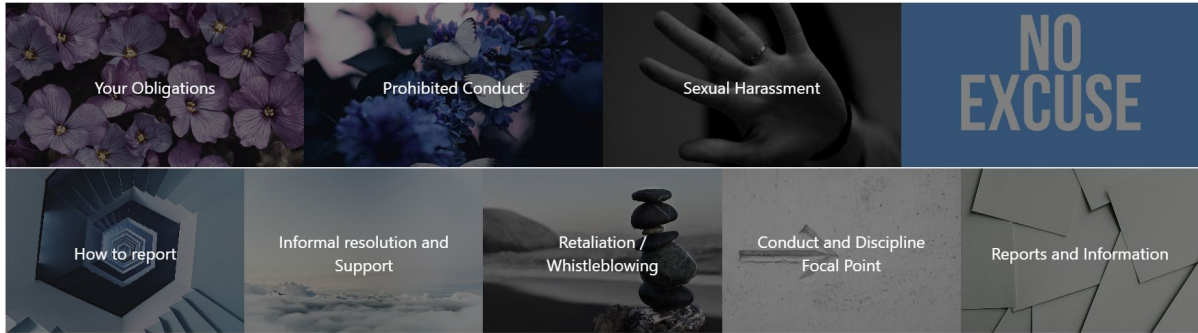
- 23. On 4 July 2023, a refresher was offered to one of UNEP’s divisions on “Promoting good conduct and discipline. The refresher focused on improving and ensuring a harmonious work environment in the Division.
- 24. The results of the 2022 Annual PSEA Survey were reviewed by the Office of the Special Coordinator, and several issues related to SH were identified in the comments in the Survey. These issues are currently being addressed in consultation with the United Nations Office at Nairobi.
- 25. Information was shared with UNEP Personnel regarding the [Compendium of disciplinary measures: Practice of the Secretary-General in disciplinary matters and cases of criminal behaviour from 1 July 2009 to 31 December 2021](#) and the [introduction to the Compendium](#). The Compendium, which contains more than 600 disciplinary cases, provides information on the most common examples of misconduct and/or criminal behaviour and their disciplinary consequences, including legal action.
- 26. On 12 September 2023 UNEP organized Civility Communication Community (C3 Workshop) for the senior managers in two UNEP divisions. The aim of the C3 workshop was to improve participants with tools to improve communication and interaction in the workplace and foster civility amongst colleagues. The three-hour interactive workshop was hosted as an in-person facilitated by the Office of the Ombudsman and Mediation Services and attended by 19 senior managers in both divisions. In 2024, further workshops will be rolled out to other teams.
- 27. On 18 May 2023 a Panel on racism and discrimination was organized for the personnel in one of UNEP’s divisions. The aim of the panel exercise was to sensitize the personnel in the Division regarding the support and resources for addressing discrimination which are available in the Organisation. The Panel was made up of the Office of the Ombudsman and Mediation Services, the Officer of Staff Legal Assistance (OSLA), Staff Counsellor and the Conduct and Discipline Focal Point. The Panel members provided information on their role in preventing and addressing discrimination in the Organisation and the support available from their functions in this regard.
- 28. UNEP actively followed up on reports of possible unsatisfactory conduct/prohibited conduct for SH with Investigation Division of OIOS (OIOS) and ASG/OHR to ensure that reports of possible unsatisfactory conduct/prohibited conduct of SH are addressed in a timely and efficient manner to prevent further issues in the workplace. CSD also continued to coordinate with OIOS regarding cases pending with them to identify administrative action or other action to be taken by UNEP, to





allow for prompt upload of cases in Case Management Tracking System (CMTS) and to obtain information to report to UNEP management on case trends. On a quarterly basis, UNEP obtained updates/information on the status of cases with OIOS to ensure that information can be provided to senior management and information can be updated on CMTS.

29. UNEP revamped its internal page on conduct and discipline making the information on conduct and discipline simpler and more user friendly.



30. UNEP also accepted a visit of the newly appointed Regional Ombudsman for the Africa from the Office of the Ombudsman and Mediation Services and discussed possible assistance from the Office of the Ombudsman in relation to improving civility and the work environment in UNEP.
31. Administrative and managerial actions were taken by UNEP in relation to reports of possible unsatisfactory conduct/prohibited conduct. Several recommendations from preliminary assessments conducted by UNEP were also implemented. The following actions were taken: one staff member was placed on administrative leave with pay for entitlement fraud, the onboarding of a selected candidate was suspended in relation to recruitment following a report of misrepresentation in HR records. In this case, the offer of appointment was withdrawn. A separation from service was recorded in a staff member’s official service file as a disciplinary measure.

**V. Completion of mandatory training on Conduct and Discipline**

32. All staff members are required to take the following mandatory trainings on conduct and discipline:
- a. Ethics and Integrity at the United Nations;
  - b. Preventing fraud and Corruption at the United Nations;
  - c. Prevention of Sexual Exploitation and Abuse 2.0 (New); and
  - d. United to Respect: Preventing Sexual Harassment and Other Prohibited conduct (NEW).
33. As of 31 December 2023, the completion rate for these mandatory training are as follows:

<b>Mandatory training</b>	<b>Completion rate</b>
Ethics and Integrity at the United Nations	97.24 %
Preventing Fraud and Corruption at the United Nations	97.44 %
Prevention of Sexual Exploitation and Abuse 2.0 (New) <sup>4</sup>	95.61 %

<sup>4</sup> A new mandatory course entitled “Prevention of Sexual Exploitation and Abuse by UN Personnel, Version 2.0” was introduced for all UN staff in the UN Secretariat effective 1 February 2023. The programme represents an update of the “Prevention of Sexual Exploitation and Abuse by UN Personnel” course, thereby replacing it and requiring all staff to complete the 2.0 update regardless of the completion status of the previous version. The programme contents inculcate the UN policies on standards of conduct concerning sexual exploitation and abuse, including what qualifies as prohibited behaviour and the consequences and impact of sexual misconduct on personnel, field operations, and host populations.

United to Respect: Preventing Sexual Harassment and Other Prohibited conduct (NEW)	96.63 %
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- 34. UNEP continues to aim for 100% completion of these trainings. In this context, broadcast emails have been sent to all staff, reminding them of their duty to complete their mandatory trainings, including the one on fraud and corruption. Managers have also been reminded that completion of mandatory trainings is part of the performance evaluation of staff members.
- 35. Other non-mandatory trainings that UNEP personnel are encouraged to take include the Ethics Office annual Leadership Dialogue, and Dialogues on Improving the work culture in UNEP.

**IV. Statistics of reports of possible unsatisfactory conduct**

**a. Reports of unsatisfactory conduct from 1 January to 31 December 2023**

- 36. UNEP maintains a record of all allegations of unsatisfactory conduct in the CMTS. CMTS is a confidential database used to record allegations of unsatisfactory by UN personnel. The database is managed by the Conduct and Discipline Service/DMSPC who maintains oversight over reports of possible unsatisfactory conduct/prohibited conduct received by the United Nations Secretariat.
- 37. The chart below provides information on the types of reports of unsatisfactory conduct/prohibited conduct received during the period 1 January to 31 December 2023. A detailed list of all unsatisfactory reports is attached to this report as **Annex 1**. The detailed list does not reflect reports of fraud and corruption, and this can be found in the Annual Fraud and Corruption Report.

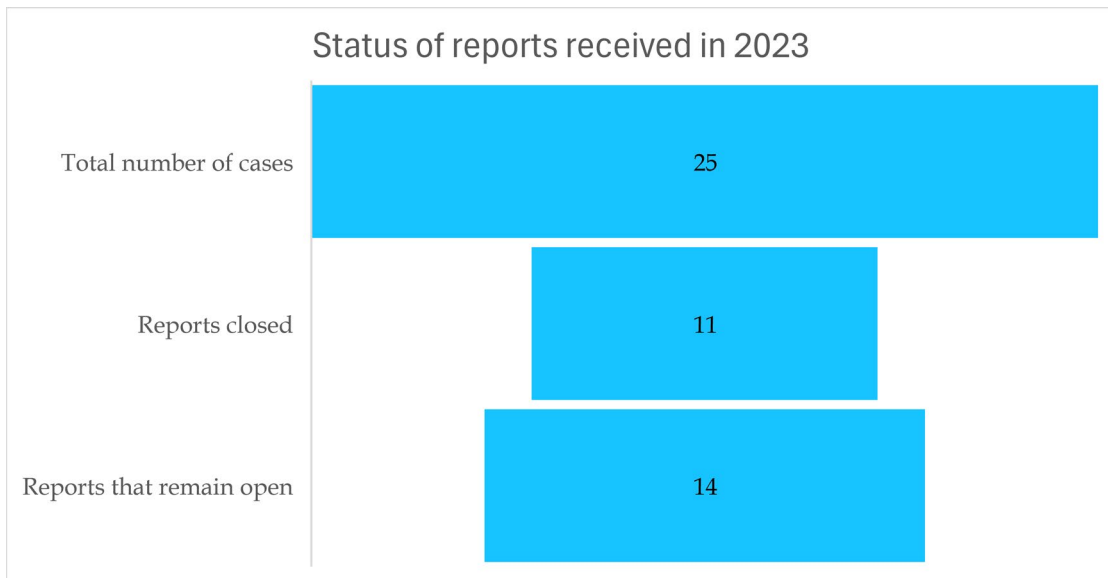


**Chart 1**

- 38. In 2023, **25 new reports** of unsatisfactory conduct were received, and **12 reports** were carried over from the previous reporting cycle making a total of **37 reports** handled in 2023.<sup>5</sup> It is to be noted that different offices in the UN system play different roles in reviewing and processing report of unsatisfactory conduct. Annex 1 provides the role of OIOS/ID, UNEP and the ASG/OHR in processing these reports.

<sup>5</sup> This number includes all reports including those on fraud and corruption. The previous reporting cycle for the Annual Conduct and Discipline Report was 1 October 2021 to 3 December 2022. That previous reporting period for the fraud and corruption report was 1 January to 31 December 2022.

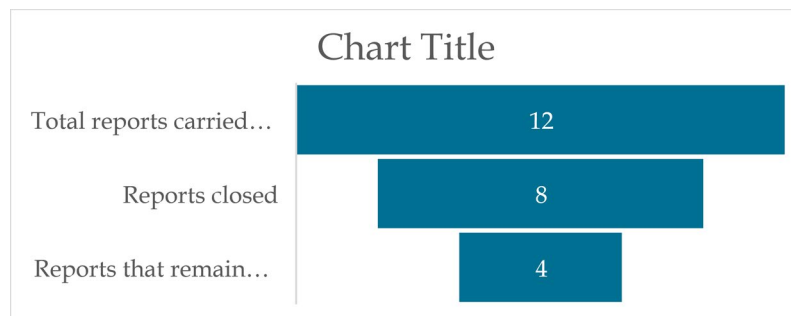
39. Of the 25 reports received in 2023, **11 reports** were closed, and **14 reports** are open. Out of the 25 reports, **12 reports** were submitted directly to UNEP and **13 reports** directly to OIOS/ID. All 12 reports received by UNEP were transmitted to OIOS/ID as OIOS/ID retains overall oversight of all reports submitted to UNEP. OIOS/ID conducts an initial assessment to determine if the reports should be referred to UNEP or OIOS/ID will investigate or close the reports. OIOS/ID referred **14 reports** to UNEP. UNEP conducted a preliminary assessment for these reports. OIOS investigated **9 reports**. Some of the reports investigated by OIOS/ID were received directly by them and were not those referred from UNEP to OIOS/ID.



**Chart 2**

**a. Reports of unsatisfactory conduct carried over from 1 October 2021 to 31 December 2022**

40. Of the **12 reports** carried over from the previous reporting cycle, **8 reports** have been closed, and **4 reports** remain open. These reports have been carried over to 2024. 3 of these reports that are open are being investigated by OIOS/ID and 1 is pending closure of the preliminary assessment by UNEP.



**Chart 3**

41. Out of the 37 reports received in 2023 and those carried over from the previous reporting cycle, 19 reports were closed in 2023 and 18 remain open.

42. The statistics in this report should be read together with that in the annual Fraud and Corruption Report.

## V. Informal reports of unsatisfactory conduct

43. The role of the Conduct and Discipline focal points (CDFPs)<sup>6</sup> have been further strengthened during the reporting period. The CDFPs have continued to provide advice to the ED on addressing informal reports of unsatisfactory conduct. Informal reports of unsatisfactory conduct are distinct from formal reports of possible unsatisfactory conduct as they are matters brought to the attention of a manager or supervisor where informal resolution is envisioned as a first measure or main measure to address them. Such reports do not constitute a complaint but may evolve into a complaint should the informal measures not be successful in resolving the grievances.
44. During the reporting period, the CDFPs provided guidance and advice on nine requests regarding work related issues and work reports of possible unsatisfactory conduct/prohibited conduct and guidance related to prohibited conduct. In doing this, guidance was provided by the CDFPs on the process of addressing unsatisfactory conduct formally and informally.

## VI. Conclusion

45. UNEP is pleased that the reporting of unsatisfactory conduct has been steady. This is an indication that UNEP personnel's confidence is increasing in reporting. UNEP remains with the challenge of finding ways to share the outcome of several actions taken in relation to unsatisfactory conduct given the confidential nature of such reports.
46. The initiatives captured in this report which UNEP has taken to improve on the work culture have been geared towards building the trust of UNEP personnel in the conduct and discipline mechanisms that are in place.

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<sup>6</sup> The CDFPs were designated by the Executive Director in 2019 pursuant to Section 1.16 of ST/SGB/2019/8 to provide advice and support on matters relating to conduct and discipline. The CDFPs advise the ED regarding the ED's obligations under the Secretary General Bulletin (Section 3.4).

Annex 2- Reports of unsatisfactory conduct from 1 January to 31 December 2023

Annex 3- The formal report of possible unsatisfactory conduct process

