



Investigation Report

Global Fund Grant in **Zimbabwe**

Sexual exploitation of a beneficiary by a UNDP sub-recipient staff member

GF-OIG-23-010
19 May 2023
Geneva, Switzerland

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1. Executive Summary

1.1 Investigation at a Glance

The OIG investigation found that a member of staff in a government hospital in Zimbabwe abused his position of power and authority to sexually exploit at least one patient. The hospital staff member, who was not a United Nations Development Programme (UNDP) employee, received a salary that was funded by a Global Fund grant to the UNDP. The incident took place at a hospital managed by UNDP's sub-recipient, the Ministry of Health and Child Care (MoHCC), that serves as a referral center in a rural community. Referral center patients are especially vulnerable as most of them are women experiencing their first pregnancy and include teenagers from poor communities.

The MoHCC-managed hospital administration denied knowledge of the incident to the OIG investigation team and did not report any concerns to the MoHCC, UNDP, or the Global Fund. This denial was contradicted by evidence collected by the OIG that concerning conduct had been reported to members of the hospital administration.

Engagements with UNDP's Office of Audit and Investigations (OAI) as part of the investigation revealed limitations in the OAI mandate and misalignment between UNDP and the Global Fund regarding UNDP obligations as the Principal Recipient to address such allegations under the Framework Agreement between the Global Fund and UNDP. The UNDP view regarding its obligations vis-à-vis Global Fund activities in this context is also contrary to the published United Nations (UN) policies and statements regarding the expected UN agency approach and efforts to prevent and respond to credible sexual exploitation and abuse (SEA) allegations.

OAI informed the OIG that it did not have the mandate to investigate credible allegations of SEA made against employees of its non-UN implementing partners (i.e., UNDP sub-recipients). When OAI receives an allegation of SEA against a UNDP sub-recipient, UNDP has advised the Global Fund that the UNDP Country Office refers such allegations to the sub-recipient for investigation and/or resolution. UNDP's position on applicable Framework Agreement terms, and deference to sub-recipient policies and procedures in the context of such concerning allegations, is inconsistent with the Global Fund's expectations of UNDP under the Global Fund-UNDP Framework Agreement and risks inadequate safeguards, reporting, investigation and response to serious allegations of prohibited practices, including SEA.

The consultation and coordination on audits and investigations between the Global Fund and UNDP are agreed through working arrangements between the independent oversight offices of the two organizations, and the Global Fund retains access for such purposes to books and records of non-UN sub-recipients engaged by UNDP.¹

In the current case, the OIG decided to open its own investigation following notification from OAI on 30 November 2021 that UNDP had exhausted all means to obtain an official response to its requests concerning investigations conducted locally. The OIG subsequently decided to further pursue its

¹ Audits and investigations of UNDP are constrained by the 'single audit' principle, whereby OAI retains the exclusive right to carry out internal audits of UNDP and manage audits of its UN SRs. See <https://undphealthimplementation.org/functional-areas/audit-and-investigations/principal-recipient-audit/principal-recipient-audit-approach/>. The Global Fund has had a long-standing understanding with UN-System organizations acting as Global Fund PRs that the single audit principle does not apply to the management and oversight of Global Fund grant funds by their SRs who are not themselves part of the UN-System. See, e.g., Joint Investigations Protocol (JIP) Between the Office of Audit and Investigations, United Nations Development Programme and the Office of the Inspector General of the Global Fund to Fight AIDS, Tuberculosis and Malaria, dated 17 December 2015, para. 6.

investigation once it was ascertained that these sub-recipient-led investigations omitted fundamental investigative activities.

As of February 2023, the hospital staff member who is the subject of this report remained in his staff position due to a labor court ruling ordering the MoHCC to reinstate the staff member subject to formal investigative findings under local law. The MoHCC subsequently informed the OIG in March 2023 that it was seeking to ensure that the subject would not have access to vulnerable clients at its facilities. On 14 April 2023, the subject was notified by the Office of the Provincial Medical Director that his employment contract would be terminated, effective 13 May 2023.

1.2 Genesis and Scope

Global Fund-UNDP Framework Agreement

The Global Fund-UNDP Framework Agreement requires UNDP, as a Principal Recipient, to “maintain standards of conduct that govern the performance of its staff, sub-recipients and suppliers, including the prohibition of conflicts of interest and corrupt practices in connection with the award and administration of contracts, grants, or other benefits, as set forth in, *inter alia*, the ‘Staff Regulations and Rules of the United Nations,’ the relevant financial regulations and rules applicable to the Principal Recipient, the Principal Recipient’s anti-fraud policy, and the Principal Recipient’s procurement policies and procedures.” Moreover, the Global Fund-UNDP Framework Agreement includes binding UNDP acknowledgment that all programs financed by the Global Fund must be implemented consistent with fundamental Human Rights standards, including prohibitions against cruel, inhuman or degrading treatment, and the provision of non-discriminatory access to services. SEA often constitutes cruel, inhuman and/or degrading treatment, and may result in discriminatory access to healthcare funded by the Global Fund grant fund.²

The UN Secretary General’s Bulletin of 9 October 2003, entitled *Special Measures for Protection from Sexual Exploitation and Sexual Abuse*, defines sexual exploitation as “any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.” It further states that “[s]exual exploitation and sexual abuse violate universally recognized international legal norms and standards and have always been unacceptable behaviour and prohibited conduct for United Nations staff. Such conduct is prohibited by the United Nations Staff Regulations and Rules.”³ UNDP’s webpage regarding the prevention and response to sexual misconduct defines as a type of sexual exploitation and abuse the “[e]xchange of money, employment, goods or services for sex or sexual favors. This includes any exchange of money, food, employment, goods, assistance, or services for sex or sexual favors.”⁴

Additionally, the Global Fund-UNDP Framework Agreement requires UNDP, as a Principal Recipient, to “ensure that all agreements with Sub-recipients (“Sub-recipient Agreements”) include obligations that are generally equivalent to those of the Principal Recipient under the relevant Grant Agreement.”

OIG investigation activity

In early 2021, the OIG received information through its hotline that a staff member at an MoHCC

² See Annex C for full excerpt of relevant Global Fund-UNDP Framework Agreement provision (Article 27 and Article 29).

³ Secretary-General’s Bulletin Special measures for protection from sexual exploitation and sexual abuse, 9 October 2003, Document ST/SGB/2003/13. ⁴ <https://www.undp.org/accountability/prevention-and-response-sexual-misconduct>, retrieved 6 March 2023

⁴ <https://www.undp.org/accountability/prevention-and-response-sexual-misconduct>, retrieved 6 March 2023

hospital was sexually abusing at least one beneficiary receiving care at the hospital in question. The identity of the victim-survivor of the alleged sexual abuse was not known when the OIG received this allegation.

Taking into consideration COVID-19 travel restrictions and the availability of investigative and oversight resources in UNDP, the OIG referred the matter to UNDP as the Principal Recipient for appropriate action. Following further discussions with the OIG, the OAI referred the case to the MoHCC in April 2021. UNDP has informed the OIG that it asked the MoHCC at this time to ensure that adequate support was given to any victim-survivors and provided information on available support mechanisms, as well as asking the MoHCC to consider removing the subject of this allegation from his position pending an investigation. Two local investigations, one by the MoHCC auditors and one by a district authority at MoHCC's request, were conducted in 2021. Repeated requests from both the UNDP's Country Office and UNDP OAI for updates on these investigations received no response. The MoHCC failed to provide UNDP with an investigation report, information about the investigation or details of any victim-survivors identified (to the extent that on 30 November 2021 OAI told the OIG that UNDP had exhausted all means to obtain an official response to its requests concerning investigations conducted locally). The only relevant information given was that the hospital staff member had been suspended by the MoHCC, though it was not specified on what grounds. After the hospital staff member was reinstated following an appeal, the matter was investigated again by staff from a General Hospital appointed by the district Medical Director. This investigation found a lack of direct evidence, as well as procedural errors in his original suspension, and the subject was exonerated in November 2021 and continued in his original role at the hospital. A follow-up review of the matter was further conducted by three national commissions at UNDP's request.

In May 2022, following repeated requests, the OIG obtained the investigation reports from the MoHCC. The OIG was also provided with the national commissions' report. Upon review, the OIG found that in one of the initial investigations, the subject and witnesses had been interviewed, but not the victim-survivor, while in the other investigation nobody had been interviewed. As a result, the OIG decided to initiate its own full investigation of the matter.

Throughout its investigation, the OIG team worked closely with the Global Fund's Victim Advocate and In-Country Support Coordinator⁵ to ensure that the victim-survivor was offered support in the form of psycho-social, legal and medical assistance, which the victim-survivor declined. The OIG investigation followed a victim-centered and trauma-informed methodology, which is designed to mitigate the risk of re-traumatization of victims-survivors, is guided by their rights and wishes and includes a commitment to anonymity and victim-survivor support. The investigation was conducted by investigators trained in such techniques. See **Annex B** for more on Methodology.

Consistent with these principles, and the requirements of transparency and disclosure applicable to OIG activities, the factual descriptions of prohibited practices found through this investigation have been limited to preserve the confidentiality of the victim and witnesses.

1.3 Findings

The OIG's investigation found:

- There was sexual exploitation by a sub-recipient staff member in Global Fund-supported activities managed by UNDP.

⁵ This specialist is responsible for leading the facilitation of appropriately tailored SEAH victim/survivor support, particularly during OIG investigations.

- UNDP did not take appropriate action consistent with its obligations under Global Fund Grant Agreement terms to detect, investigate and respond to sexual exploitation and abuse in Global Fund-supported activities.

1.4 Impact of the Investigation

In a number of programs, the Global Fund provides funding for HIV testing to expectant mothers in hospitals. Often, expectant mothers come from rural areas and from poor backgrounds to the hospitals in search of medical care. This investigation has illustrated how certain circumstances, such as extreme poverty and high-risk pregnancy, increase a person's vulnerability to exploitation. Furthermore, the investigation has highlighted the need for the Global Fund to ensure that any instances of sexual exploitation and abuse can be appropriately investigated, either by the OIG or, where better situated and with the necessary capacity, by implementers themselves with OIG oversight.

This investigation revealed significant gaps in UNDP assurance mechanisms when it concerns investigations into allegations of sexual exploitation and abuse against the staff of sub-recipients. Specifically, the OIG found that even though UNDP OAI has the training and experience to investigate allegations of SEA, UNDP's view of its obligations to the Global Fund as Principal Recipient, and its corresponding investigative mandate, does not extend to SEA allegations in which the subject of the allegation is not a UNDP staff member. In this case, the allegation was against an employee of UNDP's sub-recipient, the MoHCC, and UNDP's protocol for handling the case was for the UNDP Country Office to refer it to the implementing partner (in this case the MoHCC). The MoHCC's investigation team conducted an investigation that did not include fundamental investigative activities, such as interviewing important witnesses and the victim-survivor. The subject of the allegation contested the initial decision to dismiss him and was reinstated to the same position. He has remained in this position to date, although the MoHCC issued a notice of termination to the subject on 14 April 2023 declaring that his employment would end on 13 May 2023. Additionally, as the victim-survivor of the SEA was not interviewed by the MoHCC investigation team, no safeguarding or psycho-social support was offered.

In 2021, the Global Fund Secretariat published [The Global Fund's Operational Framework on the Protection from Sexual Exploitation and Abuse, Sexual Harassment, and Related Abuse of Power](#). This Operational Framework communicated the Secretariat's commitment to embedding Protection from Sexual Exploitation and Abuse (PSEAH) practices across the grant lifecycle. It included integrating PSEAH in risk management, implementer capacity building and program design. As of the time of this report, implementation of the framework has commenced, and the Secretariat is increasing its resources to respond to SEAH.

In response to this investigation, the Secretariat has designed a comprehensive action plan to address the findings detailed in this report. This includes seeking that appropriate action is taken by the recipients against the individual implicated. See **Section 3**.

2. Findings

2.1 There was sexual exploitation by a sub-recipient staff member in Global Fund-supported activities managed by UNDP

The OIG found that a hospital staff member, whose actions form the basis of this finding of sexual exploitation, abused his position of differential power and trust granted by his role to exploit the vulnerability of a patient beneficiary for sexual purposes. The hospital staff member denied the allegations. However, the OIG found several inconsistencies in his account of events during interviews with the OIG. As of February 2023, the hospital staff member remained in his position.

Multiple and detailed statements from a variety of witnesses corroborated different aspects of the allegation against the hospital staff member. The victim-survivor of the sexual exploitation informed the OIG that the hospital staff member had propositioned her while carrying out his work at the hospital.

The OIG learned that during their hospital stay, beneficiaries rely on their families for food and necessary supplies since the hospital provides food inconsistently and only when resources are available. The OIG was informed that this situation was at times exploited by the hospital staff member who provided the women with food in exchange for sex.

The hospital administrators also failed to comply with their obligation under MoHCC internal policies and procedures to report within the MoHCC the suspected sexual exploitation and abuse after they were informed in early 2021 that the hospital staff member had been observed being intimate with a beneficiary.

The OIG obtained evidence revealing that hospital administrators were made aware of the alleged sexual exploitation and that they specifically called a meeting in which beneficiaries were warned not to be “promiscuous”. Although the administrators denied any knowledge of the sexual exploitation, their assertions were inconsistent with evidence obtained by the OIG.

2.2 UNDP did not take appropriate action consistent with its obligations under Global Fund Grant Agreement terms to detect, investigate and respond to sexual exploitation and abuse in Global Fund-supported activities

When advised of the allegations of sexual misconduct received directly by the OIG, the UNDP OAI explained that it does not have the mandate to investigate allegations of sexual exploitation and abuse where UNDP staff are not the subject of the allegation. In instances where such an allegation is made against a sub-recipient staff member, the matter is referred to the UNDP Country Office to be addressed directly by the sub-recipient.

UNDP stated that its position was not restricted to OAI's mandate limitations and added its view that UNDP is not accountable to the Global Fund to investigate such abuses of power involving SEA because SEA is not explicitly mentioned as a prohibited practice in the Global Fund-UNDP Framework Agreement. The Global Fund has consistently challenged UNDP's interpretation of applicable Global Fund-UNDP Framework Agreement provisions. UNDP's view of its sub-recipient SEA safeguarding and redress obligations as a Global Fund Principal Recipient risks sub-recipient SEA allegations not being addressed by the sub-recipient, being addressed inadequately or in an untimely manner. It also risks failing to provide support to victim-survivors.

UNDP OAI further communicated that OIG's investigation would not normally be permitted under the UN 'single audit' principle, but that OAI was satisfied on this occasion since the sub-recipient (MoHCC) is also a Principal Recipient of the Global Fund under a separate grant.

When formally requested by the OIG, consistent with the administrative approach agreed with OAI, UNDP declined to share the OIG's findings with its sub-recipient, the MoHCC, to seek feedback on these findings after the investigation was concluded. OAI informed the OIG that the UNDP Zimbabwe senior management recommended that the OIG contact the MoHCC directly. Consequently, the OIG shared its findings directly with the MoHCC.

3. Global Fund Response

Action to be taken	Due date	Owner
<p>1. The Global Fund Secretariat will advance the implementation of the organization’s Operational Framework on the Protection from Sexual Exploitation and Abuse, Sexual Harassment, and Related Abuse of Power (the “PSEAH Operational Framework”) from development and trial commencement (Phase I – 2022-2023) to implementation and scaling (Phase II – 2024-2025) by:</p> <ol style="list-style-type: none"> 1. Agreeing metrics to annually measure the implementation of the PSEAH Operational Framework (to be completed by 30 June 2023); 2. Ensuring a risk-based and impact-driven approach determines Phase II selection of countries and Principal Recipients (to be completed by 30 June 2023); 3. Using lessons learned from the 2023 grant-level SEAH risk mitigation pilots to refine the grant-level risk mitigation approach (to be completed by 31 December 2023); 4. Defining an approach and developing an action plan to strengthen local SEAH reporting channels consistent with internationally recognized standards and leveraging community-level engagement (to be completed by 31 July 2024); and 5. Communicating, by 30 June 2023, to all CCMs and PRs to reiterate: <ol style="list-style-type: none"> a. the need for implementers to have strong reporting channels and quickly and effectively respond to allegations of wrongdoing; and b. their obligation to promptly report such allegations to the Global Fund Secretariat or OIG. 	31 July 2024	Chief Ethics Officer, Ethics Office

<p>2. The Global Fund Secretariat will advance the implementation of the PSEAH Operational Framework from Phase I to Phase II by:</p> <ol style="list-style-type: none"> 1. Continuous prioritization of high-risk, high-SEAH impact grants for PSEAH capacity building and SEAH risk mitigation (to be completed by 31 December 2023); and 2. Monitoring of prioritized capacity-building and risk mitigation activities throughout GC7, during grant implementation (to be completed by 31 July 2024). 	31 July 2024	Head, Grant Management Division
<p>3. The Global Fund Secretariat will work with the Principal Recipient (UNDP) to ensure that sexual exploitation, abuse and harassment are appropriately acknowledged and handled by UNDP as prohibited practices in the management of grant funds by UNDP.</p>	30 September 2023	General Counsel, Legal
<p>4. Based on the finding of this report, the Global Fund Secretariat will ensure that:</p> <ol style="list-style-type: none"> i. the Principal Recipients in Zimbabwe take appropriate measures regarding the individual responsible for the sexual exploitation described in this report, notably to ensure the individual is not involved in the implementation of Global Fund grants in Zimbabwe (to be completed by 30 September 2023); and ii. the Principal Recipient has engaged with sub-recipients to ensure they have effective policies and processes in place to ensure employees' awareness of, and compliance with, the requirement and means to report prohibited practices to the Global Fund (to be completed by 31 December 2023). 	31 December 2023	Head, Grant Management Division

Annex A: Summary of Responses

1. The OIG provided UNDP with a copy of its Letter of Findings, which represented the full record of relevant facts and findings as they relate to UNDP, as well as a draft copy of this report. UNDP was afforded multiple opportunities over several weeks to provide comments on the findings and conclusions both in writing and in meetings. UNDP has requested that its written responses dated 23 February 2023 and 22 March 2023 be included in full in this Annex. Pursuant to its standard practice, the OIG has duly considered and included herein a summary of all salient points raised by UNDP.

2. In its initial response to OIG dated 8 December 2022, the UNDP stated:

“UNDP recognizes the critical importance of protecting against sexual exploitation and abuse in line with the UN Secretary General’s Special Bulletin on Protection from Sexual Exploitation and Abuse (PSEA) and our commitments as an active member of the Interagency Standing Committee (IASC) on PSEA.

UNDP is committed to prevention, and PSEA across its operations. To date, UNDP has already undertaken a range of measures to ensure adherence with the UN Secretary General’s Special Bulletin and guidance from the IASC on PSEA, including:

- I. Providing mandatory PSEA training to all UNDP personnel.*
- II. Providing PSEA training to sub-recipients of Global Fund-financed programmes.*

Proactively ensuring its sub-recipient Agreements are amended to incorporate specific provisions on PSEA, even though this has not been mandated by the Global Fund and the Global Fund-UNDP Grant Regulations currently do not have any express or implied requirements relating to PSEA (a gap in the Global Fund’s legal framework).

- III. Revising UNDP’s sub-recipient Capacity Assessment Tool to include a module on PSEA, including examining the policies and procedures for responding to SEA allegations at the sub-recipient level.*
- IV. Revising UNDP’s Enterprise Risk Management Framework to include PSEA risk identification and response measures.*

Despite proactively taking these measures, UNDP takes the issues noted by the OIG seriously and is committed to finding ways to strengthen our framework for preventing and responding to SEA allegations at the sub-recipient level in line with UNDP’s commitments to implementing the Secretary General’s Special Bulletin on PSEA and the guidelines provided by the IASC on PSEA.

We welcome the opportunity to continue working collaboratively with the Global Fund to strengthen the governance framework and operational arrangements on PSEA, noting the importance of collective action in implementing the PSEA commitments in the Global Fund Strategy.”

3. UNDP reiterated these assertions in subsequent letters – dated 23 February, 22 March and 25 April 2023 – and maintains that it took appropriate action consistent with its obligations. Throughout its engagement with the Global Fund on this issue, UNDP has emphasized its view that its obligations to the Global Fund under the Global Fund-UNDP Framework Agreement do not extend to SEA because SEA is not explicitly cited as a sub-recipient prohibited practice. UNDP has asserted that its obligations to the Global Fund with respect to sub-recipient prohibited practices are limited to addressing conflicts of interest and corrupt practices (see Annex 3). This is contrary to the Global Fund’s legal interpretation of applicable provisions of the Global Fund-UNDP Framework Agreement and standard expectations of all Principal Recipients. UNDP maintains that its actions in response to this case nevertheless complied with UNDP and/or UN policies and procedures, and that it has applied such actions to other grants managed by UNDP (see report section 1.2 and paragraphs 7-8 of this Annex).

4. In response to this report, and in line with the Global Fund and UNDP's commitment to zero tolerance for these issues, UNDP is working with the Global Fund to amend the Global Fund-UNDP Framework Agreement so that UNDP SEA safeguarding and investigation obligations are explicit. Similarly, UNDP OAI will review the issue of engaging with implementing partners and sub-recipients on SEAH cases that do not involve UNDP personnel.
5. Regarding UNDP's view that OIG's investigation would not normally be permitted under the UN 'single audit' principle, and that in this case it did not object since sub-recipient MoHCC is also a Global Fund Principal Recipient under a separate grant, the OIG asserts that this view contradicts the Global Fund's long-standing understanding with UNDP, as memorialized in agreed protocol between the OIG and UNDP's OAI offices. Moreover, the OIG would not use access rights with respect to an entity for a purpose unrelated to the contract granting those rights.
6. UNDP had previously noted in February 2023 that the hospital staff member involved in the SEA was reinstated to his position by the MoHCC on 14 November 2022 and continued to work at the hospital under the Global Fund-financed program. UNDP acknowledged that his continued employment and presence on the hospital grounds may cause the risk of further harm to the survivor(s) and took a number of steps to mitigate these risks, as detailed in paragraph 7 of this Annex. On 14 April 2023, the Ministry issued a notice of termination of contract, which was signed by the hospital staff member at issue, stating that his employment would end as of 13 May 2023.
7. In its responses to the OIG,⁶ UNDP described the following specific measures that it took in relation to this case including:
 - i. Contacting the MoHCC in Zimbabwe at the time it received the allegation (April 2021) to request that it take steps to ensure, in accordance with the laws of Zimbabwe, that the perpetrator immediately discontinue working on any Global Fund-financed program activities in Zimbabwe; and offer appropriate support to the victim. UNDP also reportedly provided MoHCC with information on available support mechanisms.
 - ii. Engaging with the MoHCC to:
 - (a) Ensure relevant MoHCC staff and contractors working on Global Fund-financed programs in Zimbabwe (for which UNDP is the PR) must complete mandatory training on SEA.
 - (b) Ensure that personnel engaged on Global Fund-financed programs are informed of their obligation to report any potential or actual incidents of SEA to a dedicated focal point on SEA who has received training on how to respond to such matters in a victim-centered, sensitive manner.
 - (c) Establish an SEA reporting mechanism with suitably qualified individuals who can respond to allegations of SEA in a victim-centered manner.
 - iii. Committing its own resources to providing technical assistance to the MoHCC to develop and deliver the mandatory SEA training program for personnel engaged in Global Fund-financed program activities (Global Fund sub-recipients and sub-sub-recipients).
 - iv. Advocating to identify budget savings from the current HIV grant to be invested in providing a basic package of food and other supplies to program beneficiaries who are required to stay at the hospital to undergo treatment in Global Fund-financed programs to reduce their vulnerability to SEA, and to take into account lessons from this experience in the design of similar programs going forward, as well as to better inform risk frameworks and assessments.

⁶ Letters from UNDP to the Global Fund Inspector General, dated 23 February 2023, 22 March 2023 and 25 April 2023.

8. UNDP also detailed⁷ a range of actions undertaken to strengthen prevention, detection, and response to SEAH in the context of Global Fund-financed programs, and UNDP programs and operations more broadly, including:
- i. In March 2021, UNDP adopted its second Strategy and Action Plan on the Response to Sexual Harassment (SH) and Sexual Exploitation and Abuse (SEA) built on four pillars: prevention, reporting and response, victim/survivor support, and accountability.
 - ii. In 2021, UNDP amended its template Project Document to include detailed provisions on SH and SEA, and in 2022, UNDP amended its template Sub-Recipient Agreement to include an express cross reference to the provisions on SH and SEA in the Project Document.
 - iii. UNDP has provided SEA trainings to sub-recipients of Global Fund-financed programs, with the first training reportedly provided in March 2021.
 - iv. In 2021, UNDP revised its Partner Capacity Assessment Tool (PCAT), which is part of UNDP's Programme and Operations Policies and Procedures (POPP), which includes six specific SEAH questions for partners, including sub-recipients.
 - v. In 2021, UNDP also revised its Enterprise Risk Management Policy and Framework to include SEAH as a sub-risk category and response measures, which it uses across all its Global-Fund financed programs to review where these risks lie to adequately deal with them.
9. The Global Fund has not independently verified many of the actions cited by UNDP in paragraphs 7 and 8 of this Annex as prudently implemented in Zimbabwe or assessed the efficacy of these UNDP actions as responsive to the wrongdoing at issue in this report.

⁷ Id.

Annex B: Methodology

Why we investigate:

Wrongdoing, in all its forms, is a threat to the Global Fund's mission to end the AIDS, tuberculosis and malaria epidemics. It corrodes public health systems and facilitates human rights abuses, ultimately stunting the quality and quantity of interventions needed to save lives. It diverts funds, medicines and other resources away from countries and communities in need. It limits the Global Fund's impact and reduces the trust that is essential to the Global Fund's multi-stakeholder partnership model.⁸

The OIG is mandated⁹ to investigate any use of Global Fund funds, whether by the Global Fund Secretariat or grant recipients, or by their suppliers, and report its findings in a transparent and accountable manner.¹⁰ The Global Fund Secretariat ensures this oversight is included in related agreements.

What we investigate:

The scope of OIG investigations covers operations and activities within the Global Fund and the programs it funds (including those of its program recipients, suppliers, and service providers).

Investigations aim to identify instances of wrongdoing, such as fraudulent and corrupt practices, but also failure to uphold the applicable human rights standards and instances of sexual exploitation and abuse. Investigations are predicated by whistle-blower allegations¹¹, routine escalation of business information, risk analysis or referrals from other entities.

The OIG bases its investigations on the contractual commitments undertaken by grant recipients and suppliers. Requirements with respect to the management of funds and performance of activities are notably defined in the Global Fund's Code of Conduct for Suppliers and Code of Conduct for Recipients.¹²

OIG investigations aim to:

- identify the nature and extent of wrongdoing affecting Global Fund grants and the entities accountable and, if applicable, determine the amount of grant funds that may have been compromised by wrongdoing; and
- place the Global Fund in a position to understand the root causes for the wrongdoing, to recover funds, and to take remedial action and preventative measures by identifying where and how the misused funds have been spent.

Who we investigate:

The OIG investigates wrongdoing by the entities accountable for performance and execution of activities funded by the Global Fund. These are Principal Recipients and their sub-recipients, Country Coordinating Mechanisms or Board Constituencies receiving financial support from the Global Fund, Local Fund Agents, recipients of Catalytic Funding, and other suppliers and service providers to the

⁸ Introductory paragraph of the [Global Fund Policy to Combat Fraud and Corruption](#)

⁹ [Charter of the Office of the Inspector General](#), as amended from time to time.

¹⁰ [Policy for the Disclosure of Reports Issued by the Office of the Inspector General](#), as amended from time to time.

¹¹ [Whistle-blowing Policy and Procedures for the Global Fund to Fight AIDS, Tuberculosis and Malaria](#), as amended from time to time.

¹² [Global Fund Code of Conduct for Suppliers](#), and the [Code of Conduct for Recipients of Global Fund Resources](#), as amended from time to time. Grants are typically subject to the [Grant Regulations \(2014\)](#), which incorporate the Code of Conduct for Recipients and mandate communication of the Code of Conduct for Suppliers. Terms may vary, however, in certain agreements.

Global Fund or to recipients. Secretariat activities linked to the use of funds are also within the scope of the OIG's work.

Principal Recipients are accountable to the Global Fund for their compliance in the use of all grant funds, including those disbursed to sub-recipients and paid to suppliers.¹³ They ensure the appropriate requirements are made applicable to those entities.

How we investigate:

The OIG conducts administrative, not criminal, investigations. It is not a law enforcement or judicial authority. It is the recipients' and suppliers' responsibility to demonstrate that their actions and that of their agents and employees comply with applicable agreements. OIG findings are based on facts and related analysis, which may include drawing reasonable inferences. Findings are established by a preponderance of evidence. All available information, inculpatory or exculpatory, is considered by the OIG.¹⁴

Investigations into allegations of human rights violations and sexual exploitation and abuse are conducted with a victim-centred, trauma-informed methodology, following a case-specific risk assessment. This work is guided by the Global Fund's Operational Framework on the Protection from Sexual Exploitation and Abuse, Sexual Harassment, and Related Abuse of Power.¹⁵

The investigation will attempt to quantify the extent of any non-compliant expenditures, including an amount proposed to the Secretariat as recoverable.

The OIG may also discharge its mandate by overseeing the activities of recipients or other parties having the appropriate capacity and mandate to perform investigative tasks. It may also share allegations and evidence with third parties where it is relevant to their work, in particular where a matter would be outside of its mission.

What happens after an investigation?

The OIG ensures the relevant entities have the opportunity to review and provide evidence or comments on the findings and on the draft report.¹⁶

The OIG has a fact-finding role and does not determine what remedial and preventative measures the Global Fund may take as a result of its findings.

Following an investigation, the OIG and the Secretariat agree on management actions that will mitigate the risks that wrongdoing poses to the Global Fund and its recipients' or suppliers' activities. These may include specific managerial decisions, financial recoveries, instructions applicable to implementers and suppliers, internal process changes, or other contractually available remedies. With respect to suppliers, this can include seeking advice from the Sanction Panel.¹⁷

OIG may make referrals to other organization which have an interest in the investigation outcome, or to national authorities for criminal prosecutions or other regulatory and administrative actions and support such processes as appropriate.

¹³ Compliant expenditures are defined in the [Global Fund Guidelines for Grant Budgeting](#), as amended from time to time.

¹⁴ These principles comply with [the Uniform Guidelines for Investigations, 2nd edition, Conference of International Investigators](#)

¹⁵ See [The Global Fund's Operational Framework on the Protection from Sexual Exploitation and Abuse, Sexual Harassment, and Related Abuse of Power](#), in particular sections IV. 2. *Investigations* and IV. 3. *Support to survivors & victims*, as amended from time to time.¹⁶ See the [OIG Investigations Stakeholder Engagement Model](#), as amended from time to time.

¹⁶ See the [OIG Investigations Stakeholder Engagement Model](#), as amended from time to time.

¹⁷ See the [Sanctions Panel Procedures Relating to the Code of Conduct for Suppliers](#), as amended from time to time.

Annex C: Applicable Clauses from Global Fund-UNDP Framework Agreement

Article 27. CONFLICTS OF INTEREST; ANTI-CORRUPTION

a. For each Program, the Global Fund and the Principal Recipient agree that it is important to take all necessary precautions to avoid conflicts of interest and corrupt practices. To this end, the Principal Recipient shall maintain standards of conduct that govern the performance of its staff, Sub-recipients and suppliers, including the prohibition of conflicts of interest and corrupt practices in connection with the award and administration of contracts, grants, or other benefits, as set forth in, inter alia, the "Staff Regulations and Rules of the United Nations," the relevant financial regulations and rules applicable to the Principal Recipient, the Principal Recipient's anti-fraud policy, and the Principal Recipient's procurement policies and procedures.

b. No person affiliated with the Principal Recipient (staff, individual contractors, counterpart government officials) shall participate in the selection, award or administration of a contract, grant or other benefit or transaction funded by the Grant, in which the person, members of the person's immediate family or his or her business partners, or organizations controlled by or substantially involving such person, has or have a financial interest. No person affiliated with the Principal Recipient (staff, individual contractors, counterpart government officials) shall participate in such transactions involving organizations or entities with which or whom that person is negotiating or has any arrangement concerning prospective employment. Persons affiliated with the Principal Recipient (staff, individual contractors, counterpart government officials) shall not solicit gratuities, favors or gifts from contractors or potential contractors.

c. If the Principal Recipient has knowledge or becomes aware of any actual, apparent or potential conflict between the financial interests of any person affiliated with the Principal Recipient, the CCM or, as the case may be, the RCM or RO, the LFA, or the Global Fund and that person's duties with respect to the implementation of the Program, the Principal Recipient shall immediately disclose the actual, apparent or potential conflict of interest directly to the Global Fund.

d. The Global Fund and the Principal Recipient shall neither offer a third person nor seek, accept or be promised directly or indirectly for themselves or for another person or entity any gift or benefit that would or could be construed as an illegal or corrupt practice.

Article 29. RESPECT FOR HUMAN RIGHTS

a. The Principal Recipient acknowledges that all Programs financed by the Global Fund are expected to:

- (i) grant non-discriminatory access to services for all, including people in detention;
- (ii) employ only scientifically sound and approved medicines or medical practices;
- (iii) not employ methods that constitute torture or that are cruel, inhuman or degrading;
- (iv) respect and protect informed consent, confidentiality and the right to privacy concerning medical testing, treatment or health services rendered; and
- (v) avoid medical detention and involuntary isolation, which, consistent with the relevant guidance published by the World Health Organization, are to be used only as a last resort.

b. The Principal Recipient shall ensure that the standards listed above are duly reflected in the Principal Recipient's agreement with, or communicated in writing to, each of its Sub-recipients and Suppliers.

c. In implementing each Program, the Principal Recipient shall take all necessary actions to ensure that it, in a timely manner, discloses to the Global Fund any actual or potential non-compliance of the standards listed in paragraph (a) of this Article. If so requested by the Global Fund, the Principal Recipient shall cooperate with the Global Fund and any of its agents or representatives to ascertain the facts of any non-compliance so disclosed.

d. In the event that the Global Fund, based on information received or otherwise available, determines in its sole discretion that a Program has substantially failed to comply with the standards listed in paragraph (a) of this Article, it may require the Principal Recipient to establish a work plan to be approved by the Global Fund to address such non-compliance.