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Criminal accountability of United Nations officials and experts on mission

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Report of the Secretary-General

Summary

The present report has been prepared pursuant to paragraphs 31 and 32 of General Assembly resolution [77/98](#). Section II contains information on the policies and procedures of the United Nations Secretariat, funds and programmes and other entities regarding credible allegations that reveal that a crime may have been committed by United Nations officials or experts on mission. Section III concerns the relevant policies and procedures of the specialized agencies and related organizations. Section IV contains a reiterated recommendation to help to ensure that such policies and procedures are coherent, systematic and coordinated throughout the United Nations system.

* [A/78/150](#).



I. Introduction

1. The present report has been prepared pursuant to General Assembly resolution [77/98](#), in which the Assembly requested the Secretary-General to report on any updates to policies and procedures relating to the reporting, investigation, referral and follow-up of credible allegations revealing that a crime may have been committed by United Nations officials or experts on mission and to develop recommendations to help to ensure that the relevant policies and procedures are coherent, systematic and coordinated throughout the United Nations system. The report is also to be read in conjunction with other relevant reports under the agenda item on the criminal accountability of United Nations officials and experts on mission.

2. The present report complements the previous reports of the Secretary-General submitted to the General Assembly pursuant to its resolutions [71/134 \(A/72/121\)](#), [72/112 \(A/73/155\)](#), [73/196 \(A/74/142\)](#), [74/181 \(A/75/228\)](#), [75/132 \(A/76/205\)](#) and [76/106 \(A/77/237\)](#). In its resolution [71/134](#), the Assembly requested the Secretary-General to submit a report setting out all relevant existing United Nations policies and procedures of the United Nations system regarding: (a) credible allegations that reveal that a crime may have been committed by United Nations officials or experts on mission that are brought to the attention of the States against whose nationals such allegations are made; and (b) information with respect to investigations or prosecutions of crimes allegedly committed by United Nations officials or experts on mission of which States notified the United Nations. In its subsequent resolutions [72/112](#), [73/196](#), [74/181](#), [75/132](#) and [76/106](#), the Assembly requested the Secretary-General to submit and keep updated the report setting out such policies and procedures and to develop recommendations to help to ensure that the policies and procedures were coherent, systematic and coordinated throughout the United Nations system.

3. By a letter dated 5 January 2023, the Secretary-General drew the attention of the relevant units of the United Nations Secretariat, funds and programmes, as well as specialized agencies and related organizations, to General Assembly resolution [77/98](#) and requested them to submit relevant information and recommendations.

4. The present report contains a summary of the information received regarding relevant policies and procedures, submitted pursuant to the request for information sent in 2023. The report also includes replies by specialized agencies and related organizations that have not previously submitted information regarding their relevant policies and procedures.

5. Section II of the present report contains information on relevant policies and procedures of the United Nations Secretariat, funds and programmes and other entities. Section III concerns the relevant policies and procedures of specialized agencies and related organizations. Section IV contains a recommendation.

II. Policies and procedures of the United Nations Secretariat, funds and programmes and other entities

6. The United Nations system is composed of the United Nations Secretariat, a number of affiliated funds and programmes, as well as specialized agencies and related organizations. The United Nations Secretariat, funds and programmes are subject to the authority of the Secretary-General and apply the Staff Regulations and Rules of the United Nations. At the level of the United Nations Secretariat, the Secretary-General supplemented the relevant rules and procedures (see [A/73/155](#), sect. II) by issuing a bulletin on addressing discrimination, harassment, including sexual harassment, and abuse of authority ([ST/SGB/2019/8](#)).

7. For the purposes of the present report, the following units and bodies of the United Nations Secretariat, funds and programmes and other entities reported that the information provided previously continued in force and had not been amended: the United Nations Office at Vienna (reporting for the United Nations Office on Drugs and Crime and the United Nations Office at Vienna) (see [A/77/237](#), para. 8), the United Nations Conference on Trade and Development (see [A/77/237](#), paras. 9–11), the United Nations Entity for Gender Equality and the Empowerment of Women (see [A/72/121](#), [A/74/142](#), paras. 10–14 and [A/77/237](#), para. 12), the United Nations Framework Convention on Climate Change (see [A/76/205](#), paras. 36 and 37 and [A/77/237](#), para. 17) and the World Food Programme (see [A/72/121](#), [A/73/155](#), paras. 20 and 34 and [A/77/237](#), paras. 18–21).

III. Policies and procedures of specialized agencies and related organizations

8. While being part of the United Nations system, the specialized agencies and related organizations are independent international organizations. For the purposes of the present report, information on policies and procedures relating to the criminal accountability of their officials and experts on mission was received from four specialized agencies and one related organizations: the Food and Agriculture Organization of the United Nations (FAO), the International Telecommunication Union (ITU), the World Intellectual Property Organization (WIPO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Atomic Energy Agency (IAEA).

Food and Agriculture Organization of the United Nations

9. In addition to the information provided previously (see [A/72/121](#), [A/73/155](#), paras. 47 and 48, [A/76/205](#), paras. 39 and 40 and [A/77/237](#), paras. 23 and 24), FAO reported that it had updated its administrative circular on privileges and immunities and private obligations of staff members (AC 2022/10). Among other things, staff were reminded in the circular that privileges and immunities were conferred in the interests of the Organization and not for the personal benefit of the individuals themselves. That meant that privileges and immunities conferred upon staff members, whatever their grade, did not exempt them from observing local laws and police regulations. The circular also indicated that it was the FAO Director-General alone who had the right and the duty to waive privileges and immunity of any staff member in cases where, in the opinion of the Director-General, they would impede the course of justice and could be waived without prejudice to the interest of FAO.

10. FAO had continued its work on the establishment of an internal policy for the referral of credible allegations that a crime may have been committed by its personnel. In so doing, it had sought input from the Secretariat's Office of Legal Affairs and other United Nations common system entities to ensure an approach that was unified with that of other organizations and adherence to international best practices in the final policy document.

International Telecommunication Union

11. ITU supplemented its previous submission (see [A/77/237](#), paras. 25–28) by reporting that the ITU declaration of interests policy (Service order 22/02) had been updated to apply to holders of a special services agreement with ITU.

12. In 2023, ITU had made training on the prevention of sexual harassment and on the ITU harassment policy available to all staff members and personnel. Mandatory online ethics training was planned to be introduced in 2023, including training on

anti-fraud, the prevention of sexual exploitation and abuse, and the prevention of sexual harassment and abuse of authority. To raise awareness about the reporting of misconduct, the ITU website home page and every ITU web page and intranet page contained a “report misconduct” link with contact details of the helpline, which was located on an external server and was available for external and individual persons to report misconduct anonymously.

World Intellectual Property Organization

13. WIPO reiterated information provided previously (see [A/73/155](#), paras. 73–77 and [A/77/237](#), paras. 31–34) and reported that some of the Office Instructions referred to in 2022 were currently located within the new WIPO human resources manual.

United Nations Educational, Scientific and Cultural Organization

14. UNESCO reported that the applicable policies and procedures with regard to the criminal accountability of officials and experts on mission included: the UNESCO Staff Regulations and Staff Rules (chap. I on duties, obligations and privileges and chap. X on disciplinary measures), the “Standards of conduct for the international civil service”, the investigation guidelines of the Division of Internal Oversight Services, the UNESCO anti-fraud and anti-corruption policy, the UNESCO Internal Control Policy Framework, the UNESCO anti-harassment policy, the UNESCO policy on sexual exploitation and abuse and the UNESCO whistle-blower protection policy.

15. With regard to privileges and immunities, the applicable legal instruments included: the Convention on the Privileges and Immunities of the Specialized Agencies, the Agreement between the Government of the French Republic and the United Nations Educational, Scientific and Cultural Organization regarding the Headquarters of UNESCO and the Privileges and Immunities of the Organization on French Territory, as well as other agreements between UNESCO and any other State containing provisions on the privileges and immunities of UNESCO officials and experts.

16. UNESCO reported that allegations of misconduct should be reported to and investigated by its Division of Internal Oversight Services. If the Director-General deemed that the evidence gathered by the Division during its investigation established misconduct, the Director-General would impose a disciplinary measure, which could lead to termination of appointment or summary dismissal. In addition, the Organization had the duty to waive any applicable immunity if such immunity would impede the course of justice and could be waived without prejudice to the interests of the Organization. The responsibility to waive privileges and immunities lay with the Director-General. The Office of International Standards and Legal Affairs provided legal advice and assistance regarding cases of referral to national authorities for criminal accountability throughout the entire investigative and judicial proceedings, as necessary.

17. The general framework of referral for criminal accountability was set out in the UNESCO disciplinary policy, which provided that the decision of the Director-General on whether to impose disciplinary measures was without prejudice to his or her authority to refer the case to national authorities for the criminal accountability or civil liability of the staff member or former staff member concerned. In addition to the general framework, the possibility of referral to national authorities was also foreseen in other policies.

18. Concerning fraud and corruption, UNESCO had issued its anti-fraud and corruption policy in 2021, which replaced earlier policies on the prevention of fraud and corrupt practices. The policy applied to allegations of fraud or corrupt practices involving UNESCO staff members and to non-staff categories, such as vendors and contractors, whether committed individually or in collusion with any other party in a business relationship with UNESCO. The policy specifically provided that the

allegations of fraud and corruption might be referred to national authorities for the criminal accountability or civil liability of the staff member or former staff member concerned.

19. For cases involving harassment, in its anti-harassment policy UNESCO had established mechanisms for the prevention of all forms of harassment and for the resolution of harassment complaints through formal and informal means. That policy specifically referred to the Organization's right to refer any credible allegations of criminal conduct to national authorities. The Ethics Advisor reported annually to the Director-General on anti-harassment issues, and a summary report of the cases was provided annually to the Executive Board.

20. The UNESCO policy on sexual exploitation and abuse had entered into force on 19 November 2020, reflecting the Organization's zero tolerance of any form of sexual exploitation or abuse. In accordance with the policy, UNESCO staff members had an obligation to report any concerns or suspicions regarding sexual exploitation or abuse, whether by a UNESCO employee, implementing partner or vendor. Under the policy, the Organization reserved the right to refer any credible allegations of criminal conduct to national authorities. The Ethics Office reported annually on the implementation of the policy to the Director-General and to the Executive Board.

21. Furthermore, mandatory training courses were provided to all UNESCO staff members on how to prevent and address cases of sexual exploitation and abuse. A screening of external candidates and due diligence reference checks were conducted during recruitment processes to ensure that candidates had no documented history of sexual exploitation or abuse. UNESCO published an annual report accessible to all staff members on the disciplinary measures taken during the year.

22. With regard to protection against retaliation, in its whistle-blower protection policy UNESCO set out the applicable procedure to ensure protection from retaliation against any person contractually bound to UNESCO who reported unlawful, unethical or wasteful conduct or cooperated with an authorized investigation or other administrative process or inquiry. The Ethics Office received all complaints of retaliatory action and was responsible, through an independent review, for establishing whether there was a credible case or threat of retaliation.

International Atomic Energy Agency

23. In addition to information provided previously (see [A/73/155](#), paras. 81–84, [A/74/142](#), paras. 22 and 23, [A/75/228](#), paras. 18–22, [A/76/205](#), paras. 41–44 and [A/77/237](#), paras. 35–37), IAEA reported that it had appointed a new Chief of Ethics, who would report to the Director-General and would assume duties on 5 June 2023.

IV. Recommendation

24. **It is recommended that Member States continue to encourage the distinct legislative bodies of the United Nations system and related organizations to help to ensure the coherence and coordination of policies and procedures relating to the reporting, investigation, referral and follow-up of credible allegations revealing that a crime may have been committed by personnel of such agencies and organizations who fall outside the scope of General Assembly resolutions, with policies and procedures related to United Nations officials and experts on mission. In the meantime, the United Nations system entities will continue to utilize their internal networks to measure the adequacy of their existing policies and procedures and to identify potential disparities, as well as to promote enhanced cooperation on cross-cutting issues, such as financial recovery.**