



# General Assembly

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## Seventy-fourth session

Agenda item 140

### Human resources management

## Practice of the Secretary-General in disciplinary matters and cases of possible criminal behaviour

### Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report on the practice of the Secretary-General in disciplinary matters and cases of possible criminal behaviour, covering the period from 1 January to 31 December 2018 ([A/74/64](#)), which is the first such report to cover a 12-month calendar year (see [A/73/183](#), para. 3). During its consideration of the report, the Advisory Committee met with representatives of the Secretary-General who provided additional information and clarification, concluding with written responses received on 12 November 2019.

2. The report was submitted in response to General Assembly resolution [59/287](#), in which the Assembly requested the Secretary-General to ensure that Member States were informed on an annual basis about all actions taken in cases of proven misconduct and/or criminal behaviour and to ensure that the disciplinary action and, where appropriate, any legal action would be taken in accordance with the established procedures and regulations. The report of the Secretary-General provides an overview of the administrative framework with respect to disciplinary matters, a summary of cases in which one or more disciplinary measures were imposed and data on cases received and completed during the reporting period ([A/74/64](#), sects. II, III and IV).

#### *Caseload*

3. In his report, the Secretary-General indicates that 149 cases had been referred to the Office of Human Resources for possible disciplinary action in 2018 compared with 123 cases received during the previous annual period. In 2018, the 149 cases included 51 cases relating to misrepresentation and false certification; 32 cases of alleged abuse of authority/harassment/discrimination, including 16 cases of sexual harassment; and 20 cases of possible theft and misappropriation. With regard to the origin of the cases, he indicates that 91 cases (or 61 per cent) concerned field staff and 58 cases (or 39 per cent) concerned staff based at United Nations Headquarters and offices away from Headquarters (*ibid.*, tables 6, 7 and 8). Upon enquiry, the



Advisory Committee was informed that the main type of cases involving field staff concerned misrepresentation of false certification (43 cases), whereas allegations of abuse of authority/harassment/discrimination constituted the main type of alleged misconduct involving non-field staff (24 cases). The Committee was provided, upon request, with a table indicating the breakdown of alleged misconduct by categories of staff members. From the information provided, the Committee notes that 58.3 per cent of the cases received in 2018 concerned General Service staff, 35 per cent concerned Professional staff and 6.7 per cent concerned staff at the level of Director and above.

4. The Secretary-General indicates that 129 cases had been completed in 2018, compared with 136 cases completed during the previous annual period. In 2018, 60 disciplinary measures were imposed, compared with 55 during the previous annual period. He also indicates that the number of disciplinary measures imposed remains in line with the average number of disciplinary measures imposed in the previous four annual reporting periods. The disciplinary measures imposed in 2018 included 6 dismissals, 28 separations from service and 26 other disciplinary measures (*ibid.*, para. 77, and table 1). Upon enquiry, the Advisory Committee was informed that 49 measures had been imposed on field staff, 8 had been imposed on staff located at Headquarters and 3 had been imposed on staff serving in offices away from Headquarters.

5. The Secretary-General indicates in his report that the length of time to dispose of cases in 2018 varied from 3.3 months to 8.2 months, depending on the investigating entity (*ibid.*, table 2). Upon enquiry, the Advisory Committee was informed that the average time to complete a disciplinary case that had been referred to the Office of Human Resources for possible disciplinary action in the previous five-year period was 7.7 months from the date of receipt by the Office to the closure date of the case. **The Advisory Committee recommends that the General Assembly encourage the investigating entities to redouble their efforts to expedite the disposition of cases.**

6. Information on the appeals against disciplinary measures as at 31 December 2018 is also provided in the report (*ibid.*, paras. 80-81, and tables 4 and 5). Upon request, the Advisory Committee was provided with updated information indicating that from 1 July 2009 to 11 October 2019, a total of 70 disciplinary measures had been contested before the Dispute Tribunal or the Appeals Tribunal. In 58 of these cases, the respondents had either won or the cases had been withdrawn by the staff members.

7. The Advisory Committee was informed, upon enquiry, that the number of cases referred for disciplinary action and the number of appeals cases has remained steady since 2015 with an average number of 262.5 cases per year. Nevertheless, the backlog of appeals against disciplinary sanctions pending before the Dispute Tribunal has been increasing steadily from 16 in 2015 to 32 as at 30 September 2019. **The Advisory Committee notes with concern a doubling in the backlog of appeals cases against disciplinary sanctions since 2015. The Committee trusts that all efforts will be undertaken to reduce this backlog and recommends that the General Assembly request the Secretary-General to report thereon in his next report (see also [A/74/7/Add.10](#), para. 12).**

#### *Other comments*

8. As regards the policy framework concerning harassment and discrimination, the Advisory Committee was provided, upon enquiry, with information on the revised policy regarding the prohibition of discrimination and harassment. The revised policy includes provisions on the protection of staff members in situations of possible vulnerability such as appearing as a witness before the Dispute Tribunal, filing a management evaluation request or acting as a staff representative ([ST/SGB/2019/8](#)).

These provisions complement the existing policy on protection against retaliation (ST/SGB/2017/2/Rev.1). The Committee was also informed, upon enquiry, that the Office of Human Resources had developed and delivered, together with the Office of Internal Oversight Services (OIOS), five week-long trainings on the conduct of investigations into allegations of harassment and abuse of authority. Furthermore, as part of the effort to increase accountability for misconduct and especially sexual misconduct, six new OIOS investigator posts had been authorized in July 2018 and additional OIOS investigators had joined in 2019. The Committee was informed that, as evidence of the impact of the commitment of the Secretary-General to increased accountability, the number of sexual harassment cases referred for disciplinary action had increased from 4 cases in 2017 to 16 cases in 2018 and to 17 cases as at 30 September 2019. **The Advisory Committee notes the efforts undertaken to strengthen accountability on different conduct-related matters, including through the update of policy guidance and ongoing enhancements to investigation capacities. The Committee trusts that efforts will continue to improve awareness and to promptly investigate and address allegations so that accountability is ensured in cases of substantiated misconduct.**

9. As regards cases relating to instances of proven sexual exploitation and abuse, summary details concerning five cases disposed of during the period are contained in paragraphs 61 to 65 of the report of the Secretary-General, including a case involving a minor. Upon enquiry, the Advisory Committee was informed that the case had been referred to the respective national authority in 2017, in accordance with applicable General Assembly resolutions on the criminal accountability of United Nations officials and experts on mission. The Committee was also informed that of the 23 cases of alleged sexual exploitation and abuse that had been referred for disciplinary measures since 1 January 2014, 14 had been closed by imposing a disciplinary or administrative measure, 3 had been closed with a note to the official status file of the former staff member and 6 had been closed owing to insufficient evidence. Of the 17 cases that had been closed with some action, 10 had been referred to national authorities. The Secretary-General indicates that in 2018, a total of 11 cases involving credible allegations of criminal conduct had been referred to Member States (A/74/64, para. 86, and table 9).

10. On a related matter concerning the legal framework applying to breaches of confidentiality, the Advisory Committee was informed, upon enquiry, that staff regulation 1.2 (i) provides that staff members cannot disclose confidential information or official documentation except in the normal course of their duties or by prior authorization. Furthermore, Staff Regulation 1.2 (d) requires that information gained through undertaking official business or the duties of a staff member should neither be disclosed without authorization, nor should the views of a Member State be sought on the matter. The Committee was further advised that a breach of this obligation would constitute unsatisfactory conduct, but whether a disclosure amounted to misconduct would depend on the context.

11. In paragraph 87 of his report, the Secretary-General invites the General Assembly to take note of the report. **Subject to its observations and recommendations, the Advisory Committee recommends that the General Assembly take note of the report.**