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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 paragraph 30 of General Assembly resolution [75/132](#). 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.

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\* [A/76/150](#).



## I. Introduction

1. The present report has been prepared pursuant to resolution [75/132](#), in which the General 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 this agenda item.

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 \(A/74/142\)](#) and [74/181 \(A/75/228\)](#). 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](#) and [74/181](#), 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 are coherent, systematic and coordinated throughout the United Nations system.

3. By a letter dated 18 December 2021, 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 [75/132](#) 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 2021. The report also contains 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 and 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](#)). As a result, a number of Secretariat units and other entities reported that they had appointed a Conduct and

Discipline Focal Point, in accordance with that bulletin, to provide advice and support on matters relating to conduct and discipline, including those under the bulletin.

7. Several units, funds and programmes, as well as other entities, provided information regarding their relevant policies and procedures, which is summarized below.

#### **United Nations Office in Geneva**

8. As an office away from Headquarters, the United Nations Office at Geneva is subject to the authority of the Secretary-General and applies the Staff Regulations and Rules of the United Nations. The Office has limited authority in disciplinary measures. It carries out preliminary assessments of allegations of misconduct and reports complaints to the Office of Internal Oversight Services (OIOS) for investigation, as appropriate. The United Nations Office at Geneva also reviews investigations reports and refers cases to the Department of Management Strategy, Policy and Compliance for the initiation of disciplinary proceedings. If there are credible allegations that a crime may have been committed by a United Nations official, the Office will liaise with the Office of Legal Affairs for referral to national authorities.

#### **United Nations Office at Nairobi**

9. In relation to standards of conduct, all United Nations staff and personnel are bound by the Staff Regulations and Rules of the United Nations ([ST/SGB/2018/1](#)) and other administrative issuances, including the information circular on the Anti-Fraud and Anti-Corruption Framework of the United Nations Secretariat ([ST/IC/2016/25](#)), the administrative instruction on unsatisfactory conduct, investigations and the disciplinary process ([ST/AI/2017/1](#)), the Secretary-General's bulletin on the prohibition of discrimination, harassment, including sexual harassment, and abuse of authority ([ST/SGB/2008/5](#)), the Secretary-General's bulletin on special measures for protection from sexual exploitation and sexual abuse ([ST/SGB/2003/13](#)) and the Secretary-General's bulletin on protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations ([ST/SGB/2017/2/Rev.1](#)). For the United Nations Office at Nairobi, the Director-General is the "responsible official" referred to in these administrative issuances, which are promulgated by the United Nations Secretariat.

10. The United Nations Office at Nairobi adheres to the current practice within the United Nations Secretariat concerning credible allegations that reveal that a crime may have been committed by a United Nations official or expert on mission, and information with respect to investigations or prosecutions of crimes allegedly committed by United Nations officials or experts on mission. Reports that contain credible allegations that a crime may have been committed by United Nations officials or experts on mission are referred to the Member State against whose nationals the allegations are made through that State's permanent mission to the United Nations.

11. Unsatisfactory conduct and misconduct are defined in [ST/AI/2017/1](#) (sect. 3) and can be reported to the responsible official, with a copy submitted to OIOS. The Special Investigations Unit of the Department of Safety and Security may also receive complaints of misconduct and referrals of cases from OIOS, which it follows up and investigates.

12. Investigation reports received by the Office of the Director-General from OIOS and the Special Investigations Unit are reviewed by the Legal Officer and forwarded to the Office of Legal Affairs for its review and appropriate action. The United Nations Office at Nairobi also indicates whether, in its view, any redactions to the report are warranted prior to its being sent to the national authorities.

13. The United Nations Office at Nairobi reports annually to the Office of Legal Affairs in connection with the Organization's obligation to inform the General Assembly of instances where the Organization has been notified by a Member State of investigations or prosecutions of crimes allegedly committed by United Nations officials and experts on mission.

14. With regard to national criminal investigations and prosecutions, the Office of the Director-General also reviews and processes requests from the host country for the waiver of privileges and immunities of United Nations officials when its officials are asked to give evidence, including in criminal cases, which may concern acts performed or words spoken or written in an official capacity.

15. In addition, with regard to internal measures, the above-mentioned investigation reports are forwarded by the Office of the Director-General to the Office of Human Resources Management for appropriate action, including disciplinary measures, pursuant to the Staff Rules and related administrative issuances.

16. Furthermore, the United Nations Office at Nairobi reports annually to the Assistant Secretary-General for Human Resources regarding complaints raised under [ST/SGB/2008/5](#). Should investigation panels set up pursuant to [ST/SGB/2008/5](#) or [ST/AI/2017/1](#) (which are composed of staff members) reveal credible allegations that a crime may have been committed by United Nations officials and experts on mission, these investigation reports would similarly be forwarded to the Office of Legal Affairs and the Office of Human Resources Management, respectively.

#### **United Nations Human Settlements Programme**

17. As part of the United Nations Secretariat, the United Nations Human Settlements Programme (UN-Habitat) follows and implements the rules, policies and procedures of the United Nations Secretariat relating to cases of alleged misconduct, including alleged criminal behaviour of United Nations staff members or experts on mission. UN-Habitat has a limited presence in only a few countries but is hoping to enhance its field presence on the completion of its regional restructuring programme. Efforts are under way to finalize hosting arrangements with several countries.

18. The 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 have not undergone any further update by UN-Habitat and, to its knowledge, there have not been any such incidents affecting its staff, agents or experts on mission to put the policies and procedures to the test.

19. UN-Habitat reiterates its commitment to comply with resolution [75/123](#) and the relevant rules and regulations and to cooperate with the relevant national authorities and stakeholders in reporting crimes committed by United Nations officials and experts on mission. UN-Habitat resolves to collaborate with governments to ensure that such crimes are handled efficiently and expeditiously, in accordance with the relevant United Nations rules, regulations and procedures. There are also plans to raise further awareness among staff of the relevant rules, regulations and procedures and to enhance the detecting and reporting mechanisms for such crimes.

20. The recent designation of a Conduct and Discipline Focal Point, in compliance with the said rules and with a view to putting in place the various safeguards and preventive measures to protect its beneficiary communities and to enhancing the detection, reporting and handling of crimes committed by staff and other non-staff personnel, will enhance the efforts of UN-Habitat.

**United Nations Joint Staff Pension Fund**

21. Staff of the United Nations Joint Staff Pension Fund are issued United Nations Secretariat contracts, even though they are not considered formally as part of the United Nations Secretariat. In that regard, the Fund staff would be included through the mechanism that compiles information on staff of the United Nations Secretariat for the report of the Secretary-General with respect to credible allegations revealing that a crime may have been committed by a staff member of the Fund.

**International Residual Mechanism for Criminal Tribunals**

22. The International Residual Mechanism for Criminal Tribunals confirmed that, regarding the criminal accountability of United Nations officials and experts, the Mechanism follows the applicable Secretary-General's bulletins and administrative instructions with regard to investigations and seeks the involvement of OIOS, where appropriate.

23. Local custodial staff and medical staff at the United Nations Detention Unit in The Hague, locally trained penitentiary personnel provided by the Custodial Institutions Agency of the Netherlands and serving as local custodial staff in the United Nations Detention Unit and the Medical Officer and other medical staff in the Unit appointed by the Custodial Institutions Agency of the Netherlands for the care of the physical and mental health of the detainees enjoy the privileges, immunities, exemptions and facilities of experts on mission for the Mechanism as provided for in article 18 of the headquarters agreement with the Netherlands. With regard to the performance of local custodial staff in the United Nations Detention Unit, the Mechanism will report any matters of concern to the Custodial Institutions Agency of the Netherlands, which will decide on a further course of action (no action; disciplinary action; or criminal investigation). The Mechanism will seek the advice of the Office of Legal Affairs with respect to potential waivers of privileges and immunities, where applicable.

24. Defence counsel appearing before the Mechanism and persons assisting defence counsel, when holding a certificate that they have been admitted as counsel by the Mechanism and when performing their official functions, and after prior notification by the Mechanism to the host State of their mission, arrival and final departure, enjoy the same privileges, immunities and facilities as are accorded to experts on mission for the United Nations under article VI, section 22, paragraphs (a)–(c) of the Convention on the Privileges and Immunities of the United Nations, including as modified and supplemented by article 22 of the headquarters agreement with the Netherlands and article 21 of the headquarters agreement with the United Republic of Tanzania, accordingly. The same applies to persons assisting defence counsel, recognized by the Registrar as such, in accordance with the relevant rules and procedures.

25. In accordance with the disciplinary regime set out in the Code of Professional Conduct for Defence Counsel Appearing Before the Mechanism and other defence team members, the Disciplinary Panel set out at the Mechanism may be seized of a complaint that a counsel or other defence team member has breached the Code or has otherwise engaged in prohibited conduct and/or professional misconduct, including criminal acts. The Disciplinary Panel shall investigate each particularized allegation and, if there are reasonable grounds to conclude that prohibited conduct and/or professional misconduct has been committed, formulate charges. The Disciplinary Panel may conclude its proceedings without a finding of prohibited conduct and/or professional misconduct or dismiss any charge. It may impose the following sanctions upon defence counsel or other defence team members against whom a charge of prohibited conduct and/or professional misconduct has been found proved beyond a

reasonable doubt: (a) admonition by the Disciplinary Panel; (b) advice by the Disciplinary Panel as to their future conduct; (c) public reprimand by the Disciplinary Panel; (d) a fine payable to the Mechanism of an amount not exceeding \$50,000; (e) suspension from working on a case before the Mechanism for an appropriate fixed period of time not exceeding two years; and (f) banishment from working on a case before the Mechanism. It may also order a monetary restitution of funds or fees paid. The decisions of the Disciplinary Panel may be appealed to the Disciplinary Board under the Code.

### **United Nations Development Programme**

26. The United Nations Development Programme (UNDP) reiterated the information provided in previous submissions and reported that its previously described legal framework for addressing non-compliance with United Nations standards of conduct (see [A/73/155](#) and [A/74/142](#)) had not undergone any further update during the reporting period. The document had been translated and was made available in French and Spanish in 2020.

27. During the reporting period, the standard operating procedures on intake of complaints and assessment of the UNDP Office of Audit and Investigations were further revised to update the format of the investigation reports, most notably, bringing it into line with the Office's Investigation Guidelines and incorporating feedback received from the UNDP Legal Office on the use of redactions, which will enhance information-sharing between the two offices and may facilitate any necessary case referral to national authorities.

28. As for UNDP practice with regard to handling former United Nations personnel with a record of sexual exploitation and abuse or sexual harassment, on 10 December 2019, UNDP introduced its standard operating procedures on the Clear Check database. The main purpose of the database is to ensure that individuals with a record of sexual exploitation and abuse or sexual harassment are not engaged by a United Nations entity and that, prior to the commencement of service of any United Nations personnel, information about any record of such offences against these personnel is available to the relevant hiring unit. According to the standard operating procedures on the Clear Check database, a staff member's name is placed in the database when an allegation of sexual harassment or sexual exploitation and abuse is substantiated following an investigation by the Office of Audit and Investigations. The Legal Office reviews the case and refers it to the Director of the Office of Human Resources for consideration of inclusion in the database. If the Director decides to place a staff member's name in the database, the Clear Check focal point in the Office of Human Resources will proceed with adding the required information to the database and will notify the Legal Office and the Office of Audit and Investigations. The Director of the Office of Human Resources or their designate will inform the staff member concerned of his or her inclusion in the database. The same process is followed in the event that a staff member separates from UNDP before the conclusion of the investigation or subsequent to the completion of the investigation, but before the determination or completion of the disciplinary action. Finally, a similar procedure applies to existing and former UNDP non-staff personnel.

### **Office of the United Nations High Commissioner for Refugees**

29. The Office of the United Nations High Commissioner for Refugees (UNHCR) supplemented its previously provided information (see [A/73/155](#) and [A/74/142](#)). It explained that the UNHCR Code of Conduct is a moral code intended to serve as an illustrative guide for staff to make ethical decisions in their professional lives and, at times, in their private lives. It is designed to assist staff in better understanding their obligations with regard to their conduct under the Charter of the United Nations and

the Staff Regulations and Rules, which remain the only legal instruments that determine acceptable conduct in UNHCR.

30. The policy on discrimination, harassment, sexual harassment and abuse of authority (UNHCR/HCP/2014/4) has the purpose of ensuring that all UNHCR staff members and its affiliate workforce are treated with dignity and respect and are aware of their role and responsibilities in maintaining a workplace free of any form of discrimination, harassment, including sexual harassment, and abuse of authority. The policy contains clear definitions and procedures for addressing grievances regarding prohibited behaviour through informal and formal means.

31. The administrative instruction on protection against retaliation (UNHCR/AI/2018/10) builds on the Secretary-General's bulletin on protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations, as well as on the recommendations in the recently published review of whistle-blower policies and practices in United Nations system organizations, conducted by the Joint Inspection Unit, and addresses all best practice indicators identified by the Joint Inspection Unit. Staff members can approach the Ethics Office and discuss their case in full confidentiality. Each problem is different, individual and context-specific. The Ethics Office will listen to the needs and interests expressed by complainants and will provide advice on options for appropriate and individualized solutions to assist in protecting colleagues from retaliation. The Ethics Office is the only body in UNHCR mandated to receive requests for protection against retaliation. Staff members are encouraged to contact the Ethics Office as soon as they consider that there is retaliation or a threat of one. A new element in the administrative instruction is that the Inspector General's Office can inform the Ethics Office (with the consent of the complainant) if it identifies a risk of retaliation. The Ethics Office will then initiate, in collaboration with the complainant and relevant managers in UNHCR, temporary measures to protect the colleague from retaliation or to mitigate retaliation risks.

32. The administrative instruction on misconduct and the disciplinary process (UNHCR/AI/2018/18) governs the disciplinary process and provides procedures for the application of Chapter X of the Staff Rules. It clearly defines roles and responsibilities and provides detailed procedures for the conduct of the disciplinary process, thereby enhancing legal predictability as well as due process. This administrative instruction includes: a thorough regulation of staff members' rights and obligations during the disciplinary process; the right of complainants and other persons aggrieved by misconduct to be informed of the outcome of the disciplinary process; measures to protect victims and witnesses of misconduct; and greater flexibility to communicate about misconduct, including with prospective employers. UNHCR is in the process of updating the administrative instruction to further regulate alternative working arrangements during an investigation or disciplinary process that are aimed at mitigating the potential effect of administrative leave on a staff member and the operation concerned, and to provide for the replacement of staff members who are on administrative leave. The revised version is expected to be issued in the third quarter of 2021.

33. The administrative instruction on conducting investigations in UNHCR (UNHCR/AI/2019/15) establishes the process for investigating alleged misconduct and to assign the roles, responsibilities and authority of those involved in investigations conducted by the Investigation Service of the Inspector General's Office in UNHCR.

34. The policy on independent oversight (UNHCR/HCP/2019/2) sets out the UNHCR independent oversight framework to support its commitment and role in fostering accountability, integrity, transparency and continued improvement. The aim of the

framework is to promote and enhance organizational accountability by: (a) defining and confirming the authority and responsibilities of the different internal independent oversight functions of UNHCR; (b) describing briefly the complementary roles played by external independent oversight functions; (c) assigning or affirming the UNHCR entity responsible for liaison with and support to these entities; and (d) setting out the roles and responsibilities of key UNHCR entities, including for follow-up to the findings and recommendations resulting from the independent oversight process.

35. The policy on a victim-centred approach in the UNHCR response to sexual misconduct (sexual exploitation and abuse and sexual harassment) (UNHCR/HCP/2020/04) defines and includes the key principles of a victim-centred approach in the context of sexual exploitation and abuse and sexual harassment. The policy also lists the UNHCR entities involved in responding to, or advising field colleagues on responding to, sexual misconduct. It requires those entities to include in their standard operating procedures or other guidance how they will implement a victim-centred approach when engaging with victims of sexual misconduct and/or responding to incidents of sexual misconduct.

#### **United Nations Framework Convention on Climate Change**

36. As the United Nations Framework Convention on Climate Change (UNFCCC) secretariat is institutionally linked to the United Nations, it will take the actions necessary in line with the policies and procedures of the United Nations Secretariat related to the reporting, investigation, referral and follow-up of credible allegations revealing that a crime may have been committed by a UNFCCC official or expert on mission.

37. The UNFCCC secretariat will work with the Office of Legal Affairs, the Ethics Office, OIOS and the relevant host country officials, as necessary and applicable, when a case presents itself.

### **III. Policies and procedures of specialized agencies and related organizations**

38. While being part of the United Nations system, the specialized agencies and related organizations are independent international organizations. Several specialized agencies and related organizations provided information regarding their relevant policies and procedures, which is summarized below.

#### **Food and Agriculture Organization of the United Nations**

39. The Food and Agriculture Organization of the United Nations (FAO) reported that the FAO Investigation Guidelines had been updated, bringing the investigation processes of the Office of the Inspector General further into line with evolving best practices industry-wide and internationally and ensuring consistency with other FAO policy developments. Moreover, FAO is in the process of establishing an internal policy for the referral to national authorities of credible allegations that a serious crime may have been committed by its personnel (see also [A/73/155](#)). In so doing, it has sought input from the Office of Legal Affairs of the Secretariat and other United Nations common system entities to ensure a unified approach with that of other organizations, as well as adherence to international best practices in the final policy document.

40. For cases involving fraud or similar misconduct, the FAO policy against fraud and other corrupt practices (administrative circular 2015/08) provides that evidence of such activities may be referred to national authorities for their consideration of criminal prosecution of those involved, civil recovery orders or other action. For cases involving

sexual exploitation or abuse, FAO applies its policy on protection from sexual exploitation and sexual abuse (administrative circular 2013/27), which in turn refers to the Secretary-General's bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13). The FAO Investigation Guidelines (administrative circular 2021/06) may also be relied upon in making a referral. Pursuant to the Guidelines, when an investigation reveals credible evidence of criminal conduct of a serious nature, the Office of the Inspector General will submit a recommendation that the matter be referred to the competent national law enforcement authorities. Lastly, any matters involving privileges and immunities that may arise when making a referral are subject to the Convention on the Privileges and Immunities of the Specialized Institutions, as well as any relevant host country arrangements.

### **International Atomic Energy Agency**

41. The International Atomic Energy Agency (IAEA) supplemented its previous submissions (see [A/73/155](#), [A/74/142](#) and [A/75/228](#)). It reported that its prevention of harassment and sexual harassment framework, its ethics policy and the charter of the IAEA ethics function had not been amended during the reporting period. The Agency had adopted an anti-fraud policy, effective 9 June 2020, which reflects the Agency's commitment to fostering an organizational culture that does not tolerate fraud and places an emphasis on accountability and the IAEA core value of integrity. The Agency's anti-fraud policy reflects: (a) the standards expected from those working at the Agency; (b) the Agency's risk management and internal control systems; (c) initiatives to provide training on and raise awareness about ethics obligations and good financial practices; (d) measures aimed at preventing risks arising in the engagement of contractors; and (e) measures aimed at preventing risks arising in the recruitment process. The policy also provides an overview of the roles and responsibilities of relevant individuals and offices, as well as information on reporting suspected fraud and protection against retaliation.

42. Moreover, IAEA has updated its whistle-blower policy, effective 15 April 2021, in the context of its ongoing efforts to continuously review its framework and ensure that there are effective channels for reporting misconduct and protections for those who report misconduct or cooperate with duly authorized audits and investigations. Specifically, IAEA has introduced individual clarifications to the text of the policy and adjusted the process for reviewing the findings of an investigation by its Office of Internal Oversight Services regarding a complaint of retaliation under the whistle-blower policy. Under the revised provisions, recommendations by the Chief of Ethics regarding the findings of an investigation are issued directly to the Director General.

43. In addition, IAEA has recently undertaken further initiatives to enhance its approach to the prevention of and response to sexual exploitation and abuse. In this regard, the IAEA Division of Human Resources and Chief of Ethics issued a guidance note on 8 March 2021, in which they set out guiding principles for personnel, draw attention to relevant general principles and provide direction on expected behaviour. In addition, the Director General has approved amendments to the IAEA policy on the processing of personnel information, providing for the Agency's participation in the United Nations system-wide Clear Check database for screening candidates and reporting cases of sexual exploitation and abuse. The cited policy has been amended to specify that the Agency may release information to the Clear Check database concerning individuals against whom allegations of sexual exploitation and abuse have been substantiated following an investigation and/or disciplinary process that which resulted in the termination of the working relationship with the Agency. IAEA has also initiated awareness-raising and training activities to promote a preventive approach and foster an environment that reflects the Agency's policy of zero tolerance of any sexual exploitation and abuse.

44. With regard to referrals to national authorities, according to the IAEA Office of Internal Oversight Services procedures for the investigation of staff members, the Director of that Office is allowed to consider whether it is appropriate to refer information from an investigation to the appropriate national authorities in cases where jurisdictional action, e.g., criminal action, is required. If the Director has reasonable evidence that a case involves criminal conduct, he or she may recommend to the Director General, in consultation with the Office of Legal Affairs, that the case be referred to the relevant national authorities. However, no such referral to national authorities has been made recently.

### **International Organization for Migration**

45. The International Organization for Migration (IOM) reported updates to the information previously submitted (see [A/74/142](#) and [A/75/228](#)). During the reporting period, IOM issued the charter of the Office of Ethics and Conduct, effective 10 December 2020, to provide the framework for the functioning of the Office, which was established by the Director General in 2014 to deal with administrative procedures and policies covered by the IOM Standards of Conduct, provide counsel to the Administration and staff and promote ethical awareness through training, communication, policy development and liaison on ethical issues. The charter outlines the mandate and activities, the operating principles, the procedure for the appointment of ethics officers, the authority and the reporting requirements of the Office of Ethics and Conduct. Under its charter, the Office is mandated to promote ethical awareness and compliance, and ensure that the IOM rules, policies and procedures follow the standards of integrity called for in the IOM Standards of Conduct, including protection of staff against retaliation for reporting misconduct. The charter also clarifies the Office's authority to assess all allegations of retaliation for reporting misconduct and ensure protection against retaliation in accordance with the applicable internal procedures.

46. With regard to the prevention of sexual exploitation and abuse, in late 2020, IOM appointed a Senior Coordinator for the Prevention of and Response to Sexual Exploitation and Abuse and Sexual Harassment. The Senior Coordinator reports to the Chief of Staff within the Office of Director General and works with all units at headquarters to ensure a coordinated global response within IOM, thereby strengthening the work of the organization on these critical issues.

47. Recognizing that United Nations partners have an equally strong commitment to address sexual exploitation and abuse within their operations, IOM coordinated the adaptation of its training curriculum on the prevention of sexual exploitation and abuse, expanding it to include sexual harassment, into a learning package for the Inter-Agency Standing Committee and partners. IOM worked closely with UNHCR and the World Food Programme in the development of the package, which also features contributions from other partner agencies. The resulting package, "Saying no to sexual misconduct", is aimed at raising awareness and ensuring that staff have the skills and tools to define, detect and respond to sexual misconduct in the field. The training is available to all Inter-Agency Standing Committee partners in Arabic, English, French and Spanish. As part of a collective global response, the IOM inter-agency team for the prevention of sexual exploitation and abuse trained 23 coordinators for deployment to support in-country collective efforts on the prevention of sexual exploitation and abuse, bringing the total number of trained coordinators to 48. Furthermore, in response to the COVID-19 pandemic, the four-day face-to-face coordinator training course on the prevention of sexual exploitation and abuse was transformed into a one-month interactive online training course. The deployment package is available on the United Nations website and the Accountability and Inclusion Resources Portal of the Inter-Agency Standing Committee.

## Organisation for the Prohibition of Chemical Weapons

48. The Organisation for the Prohibition of Chemical Weapons (OPCW) updated the information previously provided (see [A/75/228](#)). Regarding waivers of immunity by the OPCW Director General, OPCW specified that the Director General has retained the “the right and the duty” to waive immunity conferred by the Agreement between the Organisation for the Prohibition of Chemical Weapons and the Kingdom of the Netherlands concerning the Headquarters of the OPCW “when the immunity would impede the course of justice and can be waived without prejudice to the interests of the OPCW”.<sup>1</sup> It may thus be observed that this decision is not left to the discretion of the OPCW officials who benefit from the immunity.

49. Moreover, pursuant to article 7 (7) of the Agreement, the Director General “shall prevent the headquarters from being used to harbour persons who are avoiding arrest under any law of the Kingdom of the Netherlands, who are wanted by the Government for extradition to another country, or who are endeavouring to evade service of legal process”.

50. In addition, OPCW internal legislation also establishes procedures to be followed when an offence has been committed and requirements for preserving evidence, including testimonial and physical evidence.<sup>2</sup>

51. OPCW further noted that the OPCW Office of Confidentiality and Security is primarily responsible for the preservation of the order and the protection of persons and property on the OPCW premises, as defined in article 1 (f) of the headquarters agreement, under the direct supervision of the Director General.<sup>3</sup> Pursuant to article 8 (2) of the OPCW headquarters agreement, “if so requested by the Director-General, the appropriate authorities of the Kingdom of the Netherlands shall provide a sufficient number of police for the preservation of law and order in the headquarters”. For certain emergency situations, the Head of the Office of Confidentiality and Security has been delegated the right to approve the entry of the relevant Dutch authorities.<sup>4</sup>

## IV. Recommendation

**52. 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.**

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<sup>1</sup> Agreement between the Organisation for the Prohibition of Chemical Weapons and the Kingdom of the Netherlands concerning the Headquarters of the OPCW, art. 24 (6).

<sup>2</sup> OPCW Physical Security Manual (AD/ADM/22(Rev.1)), paras. 2.4.10 and 2.4.11.

<sup>3</sup> OPCW Physical Security Manual (AD/ADM/22(Rev.1)), para. 2.4.7.c; and annex I, “Legal guidelines: rules regarding security”, rule 1.02.

<sup>4</sup> Ibid.