



General Assembly

Distr.: General
11 July 2019

Original: English

Seventy-fourth session

Item 78 of the preliminary list*

Criminal accountability of United Nations officials and experts on mission

Criminal accountability of United Nations officials and experts on mission

Report of the Secretary-General

Summary

The present report has been prepared pursuant to paragraph 30 of General Assembly resolution [73/196](#). 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/74/50](#).



I. Introduction

1. The present report has been prepared pursuant to resolution [73/196](#), 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 a United Nations official or expert 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.¹

2. The present report complements the previous reports of the Secretary-General submitted to the General Assembly pursuant to its resolutions [71/134 \(A/72/121\)](#) and [72/112 \(A/73/155\)](#). In its resolution [71/134](#), the Assembly requested that the Secretary-General 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. Moreover, in its resolution [72/112](#), 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 relating to the reporting, investigation, referral and follow-up of credible allegations revealing that a crime may have been committed by United Nations officials and experts on mission are coherent, systematic and coordinated throughout the United Nations system.

3. By a letter dated 8 January 2019, 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 [73/196](#) and requested them to submit relevant information and recommendations.

4. The present report contains a summary of the information received regarding policies and procedures, submitted pursuant to the request for information sent in 2019. The report also contains replies by units of the United Nations Secretariat, funds, programmes or entities, as well as specialized agencies and related organizations, that have not previously submitted information regarding their relevant policies and procedures.²

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 reiterated recommendation to help to ensure that such policies and procedures are coherent, systematic and coordinated throughout the United Nations system.

¹ See, in particular, [A/74/64](#) and reports issued under the agenda item “Criminal accountability of United Nations officials and experts on mission”, including [A/74/145](#).

² International Trade Centre, United Nations Entity for Gender Equality of Women (UN-Women) and the International Organization for Migration.

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. While 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 (see [A/73/155](#), section II), the specialized agencies and related organizations are independent international organizations (*ibid.*, section III). Several units, funds and programmes, as well as other entities, provided information, as well as updates and clarifications, as appropriate, regarding their relevant policies and procedures, which are reproduced below.

International Trade Centre

7. The International Trade Centre (ITC) implements the regulations, rules, policies and procedures of the United Nations concerning cases of alleged misconduct, including alleged criminal behaviour of United Nations staff members or experts on mission.

8. ITC follows the same procedures and processes as the United Nations Secretariat, with a few procedural differences for disciplinary measures and misconduct matters owing to the broad authority delegated to the Executive Director of ITC in personnel-related matters. An ITC staff member who has knowledge that another staff member has engaged in conduct for which a disciplinary measure may be imposed should normally report such information in the first instance to either the Executive Director, the Director of the Division of Programme Support or their immediate supervisor.

9. ITC staff may also report information regarding wrongdoing or cases of fraud, corruption and other misconduct to the Investigations Division of the Office of Internal Oversight Services (OIOS) and avail of the services of the ITC Staff Council, the United Nations Ombudsperson and the United Nations Ethics Office.

United Nations Entity for Gender Equality of Women (UN-Women)

10. The United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) reported that it had several relevant specialized policies and procedures, in particular, the UN-Women legal framework for addressing non-compliance with United Nations standards of conduct.

11. OIOS performs the investigative function for UN-Women, previously undertaken by the Office of Audit and Investigation of the United Nations Development Programme (UNDP). UN-Women, not UNDP (*ibid.*, para. 38), has responsibility for taking disciplinary action with regard to staff members of UN-Women in accordance with Secretary-General's bulletin [ST/SGB/2011/2](#), on the authority of UN-Women in matters relating to human resources management, and the UN-Women legal framework for addressing non-compliance with United Nations standards of conduct.

12. The UN-Women anti-fraud policy framework outlines the current approach of UN-Women to the prevention, detection and response to incidents of fraud. It refers to the investigation outcome as confidential and not to be disclosed unless in the context of a request for judicial cooperation and referral to national authorities.

13. The UN-Women policy on protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations

establishes the mechanism for the protection of UN-Women personnel against retaliation. The policy now extends to all members of personnel.

14. The UN-Women policy on harassment, sexual harassment, discrimination and abuse of authority sets out the zero-tolerance approach of UN-Women to harassment, sexual harassment, discrimination and abuse of authority in any form. The policy now allows for the anonymous reporting of sexual harassment allegations and removes the time limit for doing so.

United Nations Development Programme

15. The United Nations Development Programme (UNDP) reported that the UNDP legal framework for addressing non-compliance with United Nations standards of conduct has not undergone any further update in the reporting period.

16. As regards UNDP practice on handling possible criminal conduct by United Nations officials and experts on mission, UNDP noted that the Investigation Guidelines of the UNDP Office of Audit and Investigations had been revised on 13 November 2018. The purpose of the Guidelines is to inform relevant stakeholders about the investigative process and to ensure that investigations are conducted in accordance with professional standards and best international practice. The Guidelines are not mandatory, but are intended as a guide on best practices the Office.

17. Section 8 of the revised Guidelines provides that, in accordance with General Assembly resolution 62/63, where there is credible evidence that a crime may have been committed by a UNDP staff member or expert on mission, the Office of Audit and Investigations will recommend to the Legal Office that a request be made to the United Nations Office of Legal Affairs for referral to the national authorities of the relevant Member State. There is no requirement that the investigation be completed prior to the referral being made.

Office of the United Nations High Commissioner for Refugees

18. The Office of the United Nations High Commissioner for Refugees (UNHCR) reported that it had launched an independent evaluative review of its existing procedures and policies on sexual exploitation and abuse. An expert team had been assessing UNHCR procedures and policies on sexual exploitation and abuse, including through field visits, as well as identifying good practices, lessons learned and gaps. A report of the review is expected during the first half of 2019.

19. In October 2018, UNHCR also launched a review of existing policies and guidance on sexual exploitation and abuse and sexual harassment with the aim of consolidating the various elements under one umbrella. New comprehensive guidance on preventing and responding to sexual misconduct will be issued in 2019. UNHCR is also in the process of updating the administrative instruction on the investigations process.

United Nations University

20. The United Nations University reported that the governing board, in May 2019, approved a revised United Nations University policy on the prohibition of discrimination, harassment, including sexual harassment, and abuse of authority that is fully aligned with the October 2018 United Nations System Model Policy on Sexual Harassment.

III. Policies and procedures of specialized agencies and related organizations

United Nations Industrial Development Organization

21. The United Nations Industrial Development Organization (UNIDO) reported that the charter of its Office of Evaluation and Internal Oversight had been updated in March 2019 to reflect changes in the UNIDO secretariat structure (as contained in Director General's bulletin DGB/2018/02, by which the Office of Evaluation and Internal Oversight was established, and to implement the decision of the Industrial Development Board on the establishment of an effective and functionally and operationally independent Office of Internal Oversight (decision IDB.44/Dec.3).³ The update of the charter of the Office of Evaluation and Internal Oversight did not have an impact on the existing procedures and processes.

International Atomic Energy Agency

22. The International Atomic Energy Agency (IAEA) reported that the Director General of IAEA approved the charter for the IAEA ethics function effective 5 April 2019, which was accompanied by changes to the relevant provisions of the administrative manual relating to IAEA policies on ethics and whistle-blowers. In the case of the latter, the policy had been revised to reflect the role of the Chief of Ethics in receiving and reviewing complaints of retaliation, in referring any prima facie case of retaliation, or threat of retaliation, to the Office of Internal Oversight Services for investigation, and in taking action on the basis of the results of the investigation. In addition, to safeguard the interests of the whistle-blower, the Chief of Ethics may recommend immediate interim measures.

23. Moreover, further to the completion of work by the United Nations System Chief Executives Board for Coordination task force on addressing sexual harassment within the organizations of the United Nations system, IAEA updated its relevant framework by issuing its prevention of harassment and sexual harassment framework, effective 28 January 2019. The framework reflects the alignment of the definitions of harassment and sexual harassment with the revised definitions set forth in the Model Policy and emphasizes early intervention and managerial accountability. Any formal report that raises credible allegations of possible criminal conduct will be treated in accordance with the applicable legal framework or practices of IAEA, including the referral of such allegations to national authorities, further to the obligations of IAEA under the Headquarters Agreement or the procedures of the Office of Internal Oversight Services.

International Organization for Migration

24. The International Organization for Migration (IOM) reported that all IOM staff are bound by the IOM Standards of Conduct and the IOM Staff Regulations, as well as specific policies and procedures on matters such as irregular practice, wrongdoing and misconduct, and prevention and response to sexual exploitation and abuse. Certain of these issuances are also binding on experts on mission in certain categories. Failure to observe such standards may result in administrative or disciplinary measures in accordance with the IOM regulatory framework.

25. All IOM staff have an obligation to report to IOM any breach of its rules or other administrative issuances. The Ethics and Conduct Office receives, manages and tracks allegations of misconduct and unethical behaviour in relation to the IOM Standards of Conduct. The Office manages a complaint intake system to ensure that

³ See www.unido.org/sites/default/files/2016-12/GC_17_2_Report_of_the_IDB_44_e_0.pdf.

IOM is able to track, manage and report on misconduct and wrongdoing. External parties are also invited to submit any reports or complaints in relation to any wrongdoing or breach of IOM Standards of Conduct by an IOM staff member directly to the Ethics and Conduct Office.

26. When misconduct or wrongdoing is reported, IOM takes timely action and, if an investigation is deemed appropriate, such an investigation is conducted by the Office of the Inspector General in accordance with IOM regulations, rules, policies and procedures, and appropriate disciplinary or administrative action is coordinated by the IOM Office of Legal Affairs.

27. If there are credible allegations that a criminal offence may have been committed, IOM may consider referring the matter to the appropriate national authorities, taking into account the privileges and immunities of IOM and the staff member and the safety and security of the victim.

IV. Recommendation

28. It is recommended that Member States encourage the distinct legislative bodies of the United Nations specialized agencies 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.
