



15 October 2002

Secretary-General's bulletin**Office of the Ombudsman — appointment and terms of reference of the Ombudsman**

The Secretary-General, pursuant to General Assembly resolutions 55/258 and 56/253, hereby promulgates the following:

Section 1**Establishment of the Office of the Ombudsman**

The Office of the Ombudsman is established in the Office of the Secretary-General to make available the services of an impartial and independent person to address the employment-related problems of staff members. The Ombudsman shall be guided by the Charter, the Staff Regulations and the Staff Rules, as well as by the principles of justice and fairness.

Section 2**Appointment of the Ombudsman**

2.1 The Ombudsman shall be appointed by the Secretary-General at Headquarters at the Assistant Secretary-General level, after consultation with the staff.

2.2 The Ombudsman shall serve for a non-renewable five-year term and shall be ineligible for any other appointment in the United Nations after expiration of the term.

Section 3**Terms of reference of the Ombudsman**

3.1 The Ombudsman shall have direct access to the Secretary-General, as needed, for the performance of his or her functions.

3.2 In the performance of his or her duties, the Ombudsman shall be independent of any United Nations organ or official.

3.3 The Ombudsman, as a designated neutral, has the responsibility of maintaining strict confidentiality concerning matters that are brought to his or her attention unless given permission to do otherwise. The only exceptions, at the sole discretion of the Ombudsman, are when there appears to be imminent threat of serious harm.

3.4 The Ombudsman shall have access to all records concerning staff. The exceptions to this are medical records that are not available without the express consent of the staff member concerned and records of an ongoing investigation until all formal proceedings have been completed and an administrative decision taken. Reports of the Joint Appeals Board shall be routinely sent to the Ombudsman unless the appellant objects.

3.5 The Ombudsman shall not be compelled by any United Nations official to testify about concerns brought to his or her attention.

3.6 The Ombudsman shall have authority to consider conflicts of any nature related to employment by the United Nations. The term "conflict" is to be construed in its broadest sense and includes, inter alia, matters pertaining to conditions of employment, administration of benefits, managerial practices, as well as professional and staff relations matters.

3.7 The Ombudsman may hear any of the parties involved in a conflict who want to avail themselves of his or her services. All interactions with the Ombudsman shall be voluntary. As necessary, the Ombudsman shall refer staff to the other means of conflict resolution.

3.8 The Ombudsman shall remain neutral and shall not assume the role of advocate for any party. The Ombudsman shall, in the exercise of his or her judgement, advise staff of their options and of the different avenues open to them. He or she shall facilitate conflict resolution, using any appropriate means for the primary objective of settling conflicts between parties, and obviate recourse to the formal grievance process. The Ombudsman shall not have decision-making powers, but shall advise and make suggestions or recommendations, as appropriate, on actions needed to settle conflicts, taking into account the rights and obligations existing between the Organization and the staff member, and the equities of the situation.

3.9 The Ombudsman may, at his or her discretion, decline to consider conflicts that can be remedied only by actions affecting the staff at large or all the members of a category of staff, or that the Ombudsman considers have not been brought to his or her attention in a timely manner, or that appear to be frivolous.

3.10 The Ombudsman may request the Joint Appeals Board to extend the normal time limit for filing an appeal within the framework of staff rule 111.2.

3.11 The Ombudsman shall provide reports regularly to the Secretary-General. The reports shall include an overview of the Ombudsman's activities and comments on policies, procedures and practices that have come to his or her attention.

3.12 The Ombudsman may be consulted on policy issues where his or her views and experience may prove useful.

Section 4

Access to the Ombudsman

4.1 All staff shall be informed of the manner in which they can bring matters of concern to the attention of the Ombudsman.

4.2 No person who brings a matter to the attention of the Ombudsman or provides information to the Ombudsman shall be subject to reprisals because of such action.

Section 5
Final provision

The present bulletin shall enter into force on 25 October 2002.

(Signed) Kofi A. **Annan**
Secretary-General
