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Administration of justice at the United Nations

Administration of justice at the United Nations and activities of the Office of the United Nations Ombudsman and Mediation Services

Report of the Advisory Committee on Administrative and Budgetary Questions

I. Introduction

1. The Advisory Committee on Administrative and Budgetary Questions has considered the reports of the Secretary-General on administration of justice at the United Nations ([A/76/99](#)) and the activities of the Office of the United Nations Ombudsman and Mediation Services ([A/76/140](#)). The Committee also had before it the report of the Internal Justice Council on administration of justice at the United Nations ([A/76/124](#)). During its consideration of the reports, the Committee received additional information and clarification, concluding with written responses dated 5 October 2021.

2. In his report on administration of justice at the United Nations, the Secretary-General provides information on the functioning of the system of administration of justice in 2020, including statistical data, and a consolidated response to the requests of the General Assembly contained in its resolution [75/248](#). The report on the activities of the Office of the United Nations Ombudsman and Mediation Services contains information on the activities of that Office in 2020.

II. Administration of justice at the United Nations

A. Trends and observations on the formal system of administration of justice in 2020

3. The information provided by the Secretary-General in section II of his report shows an overall decrease in the number of cases brought to the attention of the entities of the formal system of administration of justice in 2020 compared with 2019,



with the exception of the applications to the United Nations Appeals Tribunal. The information can be summarized as follows:

(a) The Office of Staff Legal Assistance received 1,728 requests in 2020, compared with 1,978 requests in 2019, representing a decrease of 250 requests (or 12.6 per cent). The Office filed 120 requests for management evaluation and 79 applications to the United Nations Dispute Tribunal and represented 574 staff members before the Appeals Tribunal. In addition, the Office dealt with 69 disciplinary matters and 15 other matters, while summary advice was provided in the 871 remaining cases. (A/76/99, paras. 41 and 42 and table 10);

(b) The Management Evaluation Unit in the Secretariat received 404 requests in 2020, compared with 704 requests in 2019, representing a decrease of 300 requests (or 42.6 per cent). The Unit closed 371 (or 91.8 per cent) of the requests received in 2020, which is consistent with the output in previous years. Most of the requests for management evaluation submitted in the Secretariat (77 per cent) did not proceed to the Dispute Tribunal in 2020. Of the 435 requests decided upon by the Unit in 2020, 300 decisions were upheld, 3 decisions were reversed, and 132 requests were otherwise resolved (*ibid.*, para. 3 and table 2);

(c) The United Nations Dispute Tribunal received 216 cases in 2020, compared with 308 cases in 2019, representing a decrease of 92 cases (or 30 per cent). The Dispute Tribunal issued 221 judgements in 2020, compared with 159 in 2019, representing a 39 per cent increase. In total, the Dispute Tribunal disposed of 352 cases. The number of pending cases at year end was reduced from 323 in 2019 to 189 in 2020 (*ibid.*, paras. 5 and 12 and table 4);

(d) The United Nations Appeals Tribunal received 159 applications in 2020, compared with 124 in 2019, representing an increase of 35 cases (or 28.2 per cent). It rendered 100 judgments and 34 orders in 2020, compared with 82 judgements and 23 orders in 2019. In total, the Appeals Tribunal disposed of 118 cases in 2020. The number of pending cases at year end increased from 64 in 2019 to 105 in 2020 (*ibid.*, paras. 26, 29 and tables 8 and 9). The flow chart of the administration of justice is annexed to the present report.

4. The Secretary-General indicates that, in 2020, the formal system of administration of justice was affected by the financial liquidity situation, which prevented the recruitment of staff to posts in the Geneva Registry of the Dispute Tribunal and in the Office of Staff Legal Assistance (*ibid.*, para. 4). Upon enquiry, the Advisory Committee was provided with statistical information showing that, between 2017 and 2020, the overall number of management evaluation requests decreased from 2,143 to 404 and the number of applications to the Dispute Tribunal decreased from 382 to 216, while the number of cases received by the Appeals Tribunal increased from 88 to 159.

5. While acknowledging the circumstances during 2020 caused by the coronavirus disease (COVID-19) pandemic, the Advisory Committee notes that the caseload of the formal system seems to have stabilized over the past few years. The Committee notes, in particular, the role played by the management evaluation mechanism in preventing a significant number of cases from moving to litigation and the increased productivity of the Dispute Tribunal. The Committee reiterates the expression of its trust that the Secretary-General will continue to compile and analyse information on caseloads, highlighting any emerging trends in his future reports (see also A/75/560, para. 4, and A/73/428, para. 10).

B. Responses to requests of the General Assembly

6. In section III of his report, the Secretary-General provides responses to requests contained in General Assembly resolution [75/248](#), including on the matters outlined below.

Management of casework at the United Nations Dispute Tribunal

7. In paragraph 26 of resolution [75/248](#), the General Assembly requested information on the implementation of the case disposal plan of the Dispute Tribunal and further measures introduced by the Assembly in resolution [74/258](#), and on the efficient use of the six half-time judges of the Tribunal.

8. With regard to the use of judges, the Secretary-General indicates that the Tribunal had a complement of three full-time judges and six half-time judges in 2020. The President made six deployments of half-time judges to Nairobi and three each to Geneva and New York, thereby deploying each half-time judge twice. Eight deployments were for three months each, and four were divided over shorter time periods. In 2020, the half-time judges disposed of 155 of the 352 applications and delivered 108 of the 221 judgments. The number of cases pending for more than 400 days at year end decreased, from 104 in 2019 to 69 in 2020 ([A/76/99](#), paras. 66, 69 and 70). Upon enquiry, the Advisory Committee was informed that the change in the composition of the Dispute Tribunal, decided by the General Assembly in its resolution [73/276](#), had played an important role in the implementation of the case disposal plan and the subsequent reduction of the caseload. According to the plan, each seat of the Tribunal should aim to issue four judgments and to close a total of six cases per month. Calculated over 12 months each, those targets were notably exceeded both in 2019 and 2020 at all three seats of the Dispute Tribunal, in the categories of both disposals and judgments. In terms of additional improvements to the management of the caseload, the Secretary-General indicates that a new version of the Court Case Management System and the e-filing system is currently in the final stages of testing and deployment. The system is expected to go live by mid-2021 ([A/76/99](#), para. 74).

9. The Advisory Committee acknowledges the progress made in reducing the backlog of cases at the Dispute Tribunal and the related role played by the short-term deployment of half-time judges. The Committee trusts that the Secretary-General will provide, in his next report, updated information on and a comprehensive assessment of the implementation of the measures introduced by the General Assembly in its resolutions [73/276](#) and [74/258](#), including on the case disposal plan, the case-tracking dashboard, performance indicators, the administrative responsibilities of the President and the use of half-time judges (see [A/75/560](#), para. 10).

Remedies available to non-staff personnel

10. In paragraph 18 of resolution [75/248](#), the General Assembly welcomed the continued efforts to improve the prevention and resolution of disputes involving non-staff personnel and requested the Secretary-General to report on progress on that issue. The Secretary-General indicates that the Human Resources Services Division of the Department of Operational Support has completed a study on the use of non-staff personnel within the Secretariat and incorporated information on conflict resolution mechanisms available for non-staff personnel in its briefings and guidance materials ([A/76/99](#), paras. 63 (a) and (b)).

11. Upon enquiry, the Advisory Committee was informed that, according to the findings of the study, the main causes of conflict involving non-staff personnel

resulted from poorly crafted terms of reference. There is a lack of clear evaluation criteria, information on the duties, responsibilities and rights of non-staff personnel or information for managers on mitigating options available to them. The Non-Staff Capacities Unit in the Human Resources Services Division is currently working on a process guide for the administration of interns and information material for interns and managers on conflict mitigation. The Unit is also preparing a handbook on the administration of consultants and individual contractors, which will address the issues related to the drafting of terms of reference, evaluation criteria and successful evaluation. In addition, the knowledge gateway and the non-staff capacities catalogue are being updated to make more information available to managers, human resources practitioners and non-staff personnel about applicable processes and policies.

12. Moreover, the Secretary-General indicates that a potential opportunity has been identified to collaborate with a neutral entity that would undertake the role of vetting arbitrators, maintaining arbitrator rosters, appointing arbitrators and providing certain administrative functions during an arbitration between the United Nations and non-staff personnel (A/76/99, para. 63 (d)). Upon enquiry, the Advisory Committee was informed that the entity, the Permanent Court of Arbitration, had proposed a draft agreement by which it would appoint arbitrators and provide registry services, including full administrative support for the arbitration, in all disputes between the United Nations and non-staff personnel. The Court had offered a cost per case of €3,000 for appointing arbitrators and providing registry and administration services. According to the information provided, that offer represents a significant reduction in costs compared with the currently available mechanism, which is based on the arbitral rules of the United Nations Commission on International Trade Law (UNCITRAL). Moreover, the Court had offered to identify and appoint arbitrators who could take on the cases either pro bono, or for reduced fees of around \$10,000.

13. While considering that all types of personnel should have access to a fair and easily accessible justice system, the Advisory Committee is of the view that more information is needed before accepting the offer of services of the Permanent Court of Arbitration as a remedy to non-staff personnel. The Committee, therefore, recommends that the General Assembly request the Secretary-General to conduct a cost-benefit analysis of the offer of the Court as compared with the conduct of arbitration cases under the current system (UNCITRAL). The analysis should include data regarding the number of cases and the categories of non-staff personnel covered over the past five years, those that would be covered if the offer of the Court were to be accepted and a comparison of the financial implications of each option. The analysis should be included in the next report of the Secretary-General.

14. The Secretary-General also indicates that a simplified dispute resolution mechanism has been developed for inclusion in the form contract that will be part of a revised administrative issuance currently under development concerning the engagement of consultants and individual contractors (A/76/99, para. 63 (e)). **The Advisory Committee trusts that the Secretary-General will provide updated information on the progress made with regard to the cost-neutral simplified dispute resolution mechanism for non-staff personnel in his next report (see A/75/560, para. 11).**

Self-representation before the Tribunals

15. In paragraph 30 of resolution 75/248, the General Assembly requested the Secretary-General to continue to monitor the issue of self-representation and to report thereon to the Assembly. The Secretary-General indicates that the percentage of incoming cases in which applicants were self-represented before the Dispute Tribunal declined from 45 per cent in 2019 to 32 per cent in 2020. The percentage of self-represented appellants before the Appeals Tribunal remained constant at 43 per cent (A/76/99, para. 78).

16. Upon enquiry, the Advisory Committee was informed that a portion of staff filing cases represented themselves as a matter of choice. Another portion of staff represented themselves because the Office of Staff Legal Assistance had declined to represent them, after applying a merits test. The Office will decline staff representation for the following reasons: the requesting individual is not employed by an organization under the mandate of the Office; the contractual modality of the individual does not give them standing to bring a challenge; the subject matter of their claim is not reviewable by the internal justice system (they have not identified a reviewable decision); their case is time-barred; there is no legal error in the administrative decision; they are unable to provide evidence; there is no remedy available; or the case is moot or premature. The Committee was also informed that, unlike under national jurisdiction, there was no award of costs against an unsuccessful applicant in the internal justice system, which could serve as a deterrent to filing cases with no reasonable chance of success. Therefore, where the Office declines representation because a case appears to lack merit, the staff member concerned may nevertheless proceed to file a claim before the Tribunal. The Committee was further informed that, of the total number of 1,728 requests for legal assistance received by the Office in 2020, representation had been declined in 191 cases (or 11 per cent).

17. The Secretary-General also indicates that the Office of Administration of Justice continues to provide targeted information to self-represented applicants, including through the website of the internal justice system, which contains dedicated toolkits for self-representation before each Tribunal. In addition, a booklet entitled “How do I appeal an administrative decision?” and a wallet card on timelines were issued in 2020 (A/76/99, para. 79).

Voluntary supplemental funding mechanism for the Office of Staff Legal Assistance

18. In paragraph 33 of its resolution 75/248, the General Assembly noted the continuing high opt-out rates from the voluntary staff funding mechanism and encouraged the Secretary-General to continue to strengthen incentives for staff not to opt out, particularly in locations and United Nations entities where the participation rate was low. The Secretary-General indicates that the average monthly contribution in 2020 was \$105,350.70 from staff in the Secretariat and separately administered funds and programmes. Upon enquiry, the Advisory Committee was informed that the contributions of staff members of the Secretariat, funds and programmes to the mechanism amounted to approximately \$1.0 million in 2018, \$1.2 million in 2019 and \$1.26 million in 2020. The Secretary-General considers that the mechanism is an invaluable resource for the Office of Staff Legal Assistance and notes that, in its resolution 73/276, the Assembly decided to extend the mechanism for a period of three years, from 1 January 2019 to 31 December 2021. The Secretary-General is requesting an extension of the voluntary supplemental funding mechanism for the period from 1 January 2022 to 31 December 2024 (A/76/99, paras. 86 and 116 (b)).

19. **The Advisory Committee notes the critical role played by the Office of Staff Legal Assistance and has no objection to the extension of the voluntary supplemental funding mechanism. The Committee considers that any long-term decision regarding the voluntary supplemental funding mechanism for the Office should be based on a thorough assessment. Therefore, the Committee recommends that the General Assembly request the Secretary-General to provide in his next report on the administration of justice an assessment of the mechanism, including alternative options and information on the best practices of other organizations, if any.**

Proposed amendments to the legal framework of the Tribunals

20. In paragraph 27 of its resolution [74/258](#), the General Assembly urged the Tribunals to review and amend their respective rules of procedure, subject to the approval of the Assembly, with a view to streamlining and harmonizing their approach to case management, including by ensuring that the first judicial action in a case was taken no later than 90 days from the date on which an application was filed.

21. The proposed amendments to the rules of procedure of the Dispute Tribunal were submitted for consideration by the General Assembly at its seventy-fifth session. However, in its resolution [75/248](#), the Assembly decided to consider the proposed amendments at its seventy-sixth session. The Secretary-General indicates that, in view of ongoing consultations, the Dispute Tribunal wishes to withdraw the proposed amendments in order to submit a revised proposal for consideration by the Assembly at its seventy-seventh session. The Secretary-General also indicates that the Appeals Tribunal adopted amendments to articles 24 to 27 of its rules of procedure (see [A/76/99](#), paras. 114 and 116 (d) and (e) and annex I).

22. In paragraph 37 of resolution [75/248](#), the General Assembly requested the Secretary-General to provide further analysis of and clarification on the proposed amendments to articles 2 and 7 of the statute of the Appeals Tribunal on pension matters. The Secretary-General indicates that the proposed amendments to the statute would ensure uniformity of language with the amended text of article 48 of the Regulations of the United Nations Joint Staff Pension Fund (if approved by the Assembly) ([A/76/99](#), paras. 88 and 116 (c)). The Pension Board has repeatedly proposed for approval by the Assembly an amendment to article 48 of the Regulations of the Fund, which would limit the jurisdiction of the Appeals Tribunal vis-à-vis the Fund to cases affecting participation, contributory service and benefit entitlements arising from decisions of the Standing Committee acting on behalf of the Pension Board. The Assembly has considered that proposal in its resolutions [73/274](#), [74/263](#) and [75/246](#) (see [A/76/99](#), paras. 89–92).

23. In paragraph 39 of its resolution [75/248](#), the General Assembly invited the Sixth Committee to consider the legal aspects of the report to be submitted by the Secretary-General, without prejudice to the role of the Fifth Committee as the Main Committee entrusted with responsibilities for administrative and budgetary matters. Upon enquiry, the Advisory Committee was informed that, according to the Secretary-General, the amendments to the rules of procedure of the Tribunals and the statute of the Appeals Tribunal were under the purview of the Sixth Committee. The Advisory Committee was also informed that the requests made to the Assembly by the Secretary-General in his report ([A/76/99](#), para. 116) were not expected to have financial implications.

24. The Advisory Committee is of the view that, pursuant to General Assembly resolution [75/248](#), paragraph 39, consideration of the proposed amendments to the rules of procedure of the Tribunals and the Statute of the Appeals Tribunals falls within the purview of the Sixth Committee.

Root causes of conflict, mental health component and reported harassment of female managers

25. In paragraphs 17, 24 and 25 of its resolution [75/248](#), the General Assembly requested the Secretary-General to provide information on the root causes of conflict, the absence of a mental health component within the legal framework to process cases of harassment, discrimination and abuse of authority, and the reported harassment of female managers in his next report. The Secretary-General indicates that those issues will be addressed in a separate report ([A/76/99](#), para. 62). Upon enquiry, the Advisory Committee was informed that that report would be issued during the seventy-seventh session of the Assembly.

C. Other matters

Impact of the COVID-19 pandemic

26. The Secretary-General indicates that the most immediate impact of the COVID-19 pandemic was that, in mid-March 2020, all Dispute Tribunal and Appeals Tribunal activities and the support operations of the Registries transitioned to a virtual setting. The Appeals Tribunal cancelled travel for the spring session and continued to hold virtual sessions for the entire year. The Secretary-General also indicates that conducting Dispute Tribunal hearings, which require simultaneous interpretation, implied both scheduling changes and additional financial resources. Simultaneous interpretation had not been available from March to November 2020. Remote interpretation had to be facilitated by a contractor that used software not available in the Organization. This resulted in additional and unexpected costs of \$14,058 that had to be covered from the budget of the Office of Administration of Justice. It is expected that, through 2021, further costs for facilitating simultaneous interpretation will be incurred. **The Advisory Committee trusts that detailed information on the use of remote interpretation, including costs, will be provided to the General Assembly at the time of its consideration of the present report.**

27. Upon enquiry regarding the impact of the new working modalities on workplace conflict, the Advisory Committee was informed that the data showed no clear indication that the alternate or flexible working arrangements would result in less management evaluation requests or Tribunal cases. At the management evaluation stage in the Secretariat, there were a number of requests in 2020 for management evaluation concerning alternate working arrangements and the entitlements related to those arrangements. The incoming Tribunal caseload continued to include cases on the same subject-matter categories as before, albeit with differing percentages, and seemed to offer no indication that fewer cases would be filed when staff did not work together at their offices.

III. Activities of the United Nations Ombudsman and Mediation Services

A. Statistical overview of cases and trends in the Secretariat

28. The Secretary-General indicates that, in 2020, the Office of the United Nations Ombudsman and Mediation Services opened a total of 1,880 cases, including mediation, which represents a decrease of 358 cases (or 16 per cent) compared with 2019. The number of cases in 2020 confirms a downward trend that began in 2019, when the total number of cases was 2,238, compared with 2,776 cases in 2018, and represented a decrease of 538 cases (or 19.3 per cent). According to the Secretary-General, the decrease in the number of cases in 2020 reflects the dire fiscal crisis, staff turnover, the recruitment freeze, changes in case reporting and the onset of the pandemic (see [A/76/140](#), paras. 27 and 28 and figure I). **The Advisory Committee recognizes the valuable contribution of the staff of the Ombudsman's Office and trusts that information on staff turnover and the measures to address it will be provided to the General Assembly at the time of its consideration of the present report.**

29. The Secretary-General also indicates that, as in previous years, the three categories of most commonly reported issues were: evaluative relationships; job and career; and compensation and benefits. Issues related to incivility represented 45 per cent of total issues recorded in 2020. In terms of utilization rate by gender and staff categories, the data show that, in 2020, female staff members were more likely than

their male counterparts to use the services of the Office (62 per cent of users were women). Similarly, Professional and higher categories were overrepresented among the users of the Office (57 per cent of the users belonged to the Professional and higher categories) (*ibid.*, paras. 31–34 and figures III, IV and V).

30. **The Advisory Committee notes the decrease in the number of cases opened by the Office of the United Nations Ombudsman and Mediation Services over the past two years. The Committee recalls that the General Assembly has repeatedly emphasized that all possible use should be made of the informal system of the administration of justice in order to avoid unnecessary litigation (see resolution 75/248, paras. 14 and 15, resolution 74/258, paras. 13 and 14, and resolution 73/276, paras. 12 and 13).**

B. Mediation

31. The Secretary-General indicates that, in 2020, 96 mediation cases were opened in the Secretariat, which represent a decrease of 16 cases (or 14 per cent) compared with 2019. Of the 107 mediation cases closed in 2020, 45 cases were facilitated discussions, 37 cases were mediated (including 30 fully resolved cases, 1 partially resolved case and 6 cases without resolution), 17 cases could not proceed to mediation because one of the parties had declined to participate, 5 cases were resolved before mediation could take place and 3 cases were deemed to fall outside the jurisdiction of the Office (A/76/140, paras. 35 and 43 and figure VII).

32. Upon enquiry, the Advisory Committee was informed that, in addition to the mediation cases, the Office had facilitated 71 conversations, most of which had been conducted in the eight regional ombudsman offices. The Committee was also informed that all processes where an agreement had been signed could be considered as mediations, while the rest would be facilitated conversations. The Committee was further informed that, when the dispute was between a staff member and the Organization about a formal decision, there was a different level of formality in the framework provided from when the dispute was between colleagues trying to find an arrangement on how to collaborate or behave with each other. The Committee was informed that, to avoid confusion, the practice of reporting facilitated conversations would be discontinued.

33. With regard to the limited number of mediations, the Secretary-General indicates that, in accordance with professional standards, participation in mediation is voluntary. However, a recent development in term of incentives to mediate is the signature of a mediation pledge by United Nations funds and programmes, which commits these organizations to an initial discussion hosted by their dedicated ombudsman for any workplace conflict between the organization and its personnel (A/76/140, para. 94). Upon enquiry, the Advisory Committee was informed that the Office was in the process of studying the impact of the mediation pledge in the funds and programmes, which would provide a useful benchmark for further reviewing such a mechanism in the Secretariat.

34. **The Advisory Committee is of the view that the specific requirements of formal mediation vis-à-vis other forms of informal dispute resolution should be preserved and reported. The Committee recalls that, in paragraph 16 of its resolution 74/258, the General Assembly noted the efforts of the Mediation Service of the Office of the United Nations Ombudsman and Mediation Services to ensure that timely and high-quality mediation processes were available to address the diverse needs of the Organization, and requested the Secretary-General to continue to provide detailed information on the mediation activities of the Office, including measures to increase the utilization of those services.**

C. Non-staff personnel

35. In its resolution 73/276, the General Assembly requested the Secretary-General to establish a pilot project to offer access to informal dispute-resolution services to non-staff personnel. In its resolution 74/258, it requested the Secretary-General to prepare an overview of the functioning of the pilot project. In its resolution 75/248, it encouraged the Secretary-General to continue the pilot project within its existing resources and requested him to report thereon in his next report.

36. The Secretary-General indicates that in 2020, the Office opened 195 cases involving non-staff personnel, which represent a reduction of 137 cases, or 41 per cent, compared with 2019. The recent reduction follows a five-year period of steady increase. To explain this change, the Secretary-General indicates that non-staff personnel have significantly less access to the technology that allows staff members to contact the Office and would have had less contact with their colleagues during the pandemic. Moreover, the fiscal crisis may have also hampered efforts to recruit non-staff personnel, including interns (A/76/140, para. 45).

37. In 2020, the breakdown of cases by non-staff personnel categories was the following: 82 cases (42 per cent) involved contractors; 50 cases (26 per cent) involved United Nations Volunteers; 37 cases (19 per cent) involved consultants; 19 cases (10 per cent) came from military/United Nations police; and 7 cases (3 per cent) concerned interns. The four categories of issues most commonly raised by non-staff personnel in 2020 were: evaluative relationships; job and career; peer and colleague relationships; and legal, regulatory, financial and compliance issues (*ibid.*, paras. 46 and 50 and figure IX).

38. With regard to the sustainability of the pilot project, the Secretary-General recalls that the Office of the United Nations Ombudsman and Mediation Services in the Secretariat is not mandated to serve non-staff personnel and has only done so on an exceptional basis within existing resources. In his report, the Secretary-General requests the General Assembly to consider regularizing the pilot project and expanding the mandate of the Office to include non-staff personnel (*ibid.*, paras. 96 and 97).

39. In terms of the overall population of non-staff personnel, the Secretary-General indicates that, during the 2018–2019 biennium, the Secretariat engaged more than 31,000 gratis personnel, consultants and individual contractors. The Secretary-General also indicates that, in the event that the number of cases from non-staff personnel exceeds 350 per year, proposals for additional resources to address capacity issues will be submitted to the General Assembly in future budget proposals (*ibid.*, para. 98). Upon enquiry, the Advisory Committee was informed that the Office had never undertaken any dedicated efforts to create awareness for its services among non-staff personnel. The Committee was also informed that the formula previously adopted by the Assembly in the context of the pilot project had worked and that the Office would serve non-staff personnel whether under a maintained or a regularized pilot project.

40. The Advisory Committee considers that the pilot project has played a useful role in providing a recourse mechanism to non-staff personnel and recommends the continuation of the project. The Committee is of the view, however, that the financial implications of formally including non-staff personnel in the mandate of the Office of the United Nations Ombudsman and Mediation Services remain unclear and, therefore, recommends that the General Assembly request the Secretary-General to provide in his next report further information, including on the financial implications, of expanding the mandate of the Office to include non-staff personnel.

D. Decentralization

41. In paragraph 4 of its resolution 75/248, the General Assembly stressed the importance of ensuring access for all staff members to the internal justice system, regardless of their duty station. The Secretary-General indicates that, in that context, the Office has begun a process of realigning its resources to create greater conflict resolution capacity in peacekeeping missions. As part of that process, a general temporary assistance position of Conflict Resolution Officer (P-4) has been temporarily redeployed from the Regional Ombudsman Branch in Entebbe, Uganda, to the headquarters of the United Nations Multidimensional Integrated Stabilization Mission in Mali, in Bamako (ibid., paras. 8 and 91). Upon enquiry, the Advisory Committee was informed that the incumbent of that position was supervised by the Regional Ombudsman in Goma, Democratic Republic of the Congo, and that, by its resolution 75/293, the Assembly had approved the full redeployment of the general temporary assistance position to Bamako as part of the budgetary proposal of the Office for the cycle 2021/22. **The Advisory Committee notes the decentralization efforts undertaken by the Office of the United Nations Ombudsman and Mediation Services and trusts that additional information will be included in the next report on its activities.**

E. Other matters

Impact of the COVID-19 pandemic

42. With regard to the impact of the COVID-19 pandemic on working conditions, the Secretary-General indicates that managers and staff in field duty stations, as a rule, seem overall better equipped for facing the pandemic situation because of their frequent exposure to crises. According to the Office, good managers have risen to the occasion. Well-managed teams continue to collaborate using alternative virtual modes of working, while also checking in on each other and providing mutual support beyond the immediate work at hand. The pandemic has notably revealed that managers who are able to manage the use of flexible working arrangements without compromising productivity are able to adapt to the new situation more easily. With regard to work-life balance, the Office notes that both staff and managers struggle to redefine the boundaries between work and private and family lives when working from home. The Secretary-General also indicates that, under the additional stress caused by the pandemic, recurring issues such as poor communication and managerial skills, real or perceived harassment, investigations that are perceived as non-transparent, mobility, duty of care and the administration of entitlements and benefits are felt with a different weight (ibid., paras. 68, 72 and 80).

43. Upon enquiry regarding a possible connection between the new working modalities and the number of cases, the Advisory Committee was informed that it was difficult to draw a clear conclusion that flexible working arrangements could help to reduce potential workplace conflict that would otherwise have flared up owing to the physical proximity of staff in the workplace. For example, the Committee was informed that, in the Asia-Pacific region, issues related to flexible working arrangements had risen to 4.3 per cent between March 2020 and February 2021, compared with 1 per cent from March 2019 to February 2020, and that some conflicts had arisen as a result of disagreements about flexible working arrangements and seemingly inconsistent application of the policy.

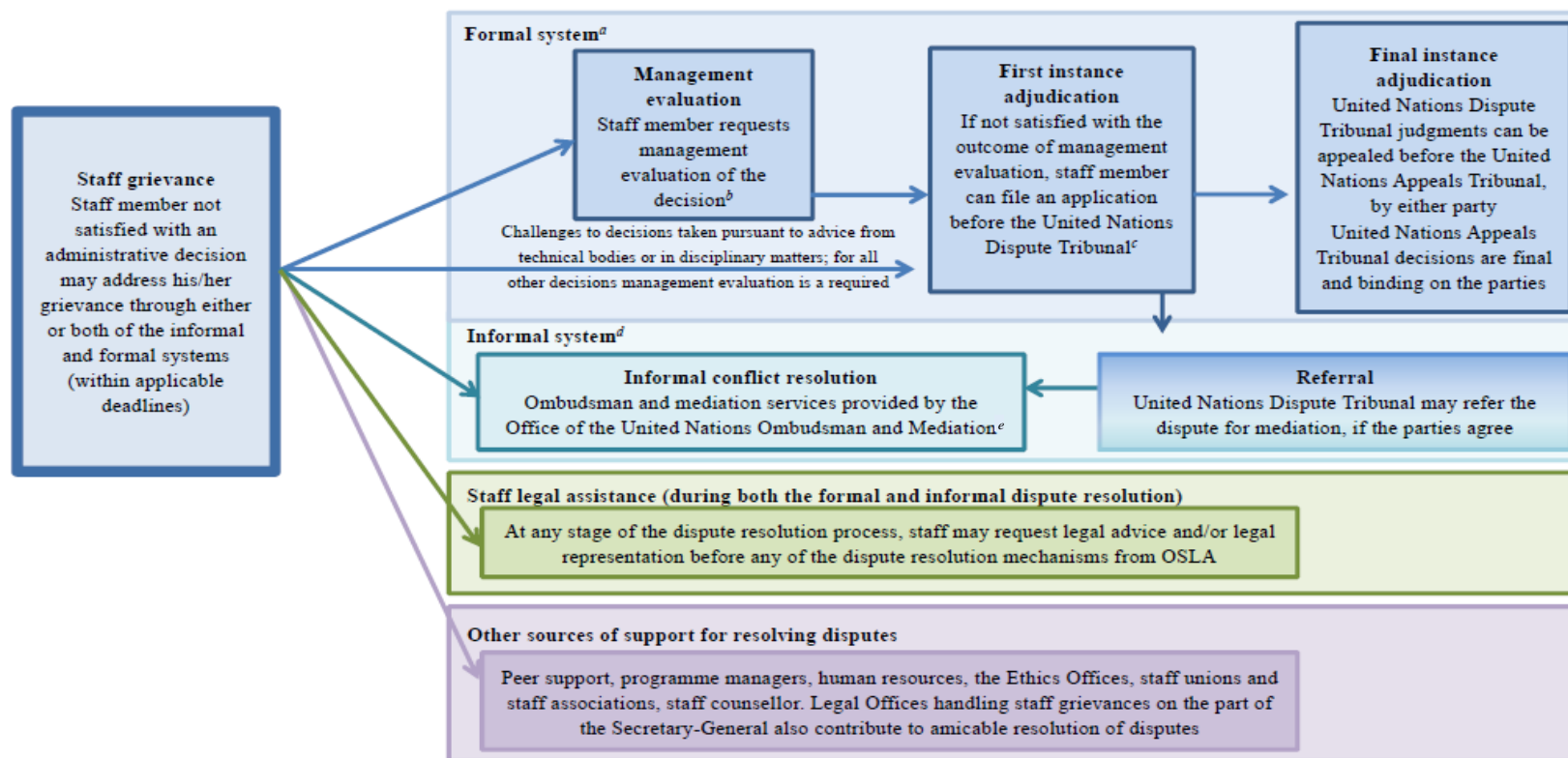
Anti-racism efforts

44. The Secretary-General indicates that, following his decision to establish the Task Force on Addressing Racism and Promoting Dignity for All in the United Nations in September 2020, the Office of the United Nations Ombudsman and Mediation Services has led a project on awareness and dialogue to support the work of the Task Force. As a neutral convener of dialogues, the Office has developed a dialogue model that provides a framework using conversation guidelines and carefully considered questions to create a safe space for participants to exchange perspectives and experiences related to racism at work. In 2020, staff from more than 10 departments of the Secretariat on three continents participated in the dialogue sessions conducted in three of the official languages of the United Nations. As of mid-2021, the Office had hosted 41 dialogue sessions for nearly 1,650 United Nations personnel from various Secretariat entities across Africa, Asia, the Middle East, Europe and Central and North America. The Secretary-General also indicates that a common theme that emerges from the participants is the need for learning and education about racism in all its facets through a variety of tools, including further conversations, individual learning opportunities and structured training (*ibid.*, paras. 14–20).

45. Upon enquiry, the Advisory Committee was informed that the United Nations had conducted a survey on racism in late 2020 and that its findings indicated that between 26 and 27 per cent of the respondents had given a favourable rating on the application of the formal justice system and on the fair application of the system based on race, colour, descent, religion, nationality or ethnic origin, between 63 and 64 per cent had a neutral opinion about the fairness of the formal system of justice, and between 10 and 11 per cent had an unfavourable view of the system.

46. **The Advisory Committee trusts that detailed information on the effort to address racism and the cases involving racial discrimination will be included in the next reports of the Secretary-General on the administration of justice at the United Nations and the activities of the Office of the United Nations Ombudsman and Mediation Services (see also [A/75/560](#), para. 23).**

Flow chart of the United Nations administration of justice



^a At any time during the formal resolution process, the staff member and the decision maker can attempt to resolve the dispute informally, with or without the assistance of the Office of the United Nations Ombudsman and Mediation Services.

^b The evaluation entails an objective and reasoned assessment as to whether the contested decision was made in accordance with the rules. It is conducted by the Management Evaluation Unit for Secretariat entities; United Nations funds and programmes have a similar function. The purpose of this step is to give management a chance to review a decision being contested by a staff member or provide acceptable remedies in cases in which there has been flawed decision-making. The Management Evaluation Unit and the Office of Staff Legal Assistance can also help to resolve the dispute informally, with or without the assistance of the Office of the United Nations Ombudsman and Mediation Services.

^c The United Nations Dispute Tribunal hears and decides cases filed by or on behalf of current and former staff members appealing administrative decisions alleged to be in non-compliance with their terms of appointment or contract of employment.

^d Attempts to resolve a dispute informally do not preclude formal resolution (within deadline) if an informal resolution is unsuccessful.

^e The Office of the United Nations Ombudsman and Mediation Services includes ombudsman and mediation services for the Secretariat and United Nations funds and programmes.