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### Human resources management

## **Practice of the Secretary-General in disciplinary matters and cases of possible criminal behaviour, 1 January to 31 December 2020**

### **Report of the Secretary-General**

#### *Summary*

The present report is submitted in response to the request of the General Assembly in paragraph 16 of its resolution [59/287](#) that Member States be informed on an annual basis of all actions taken in cases of proven misconduct and/or criminal behaviour and of the disciplinary action and, where appropriate, legal action taken in accordance with the established procedures and regulations. The report covers the period from 1 January to 31 December 2020.

The General Assembly is invited to take note of the report.



## I. Introduction

1. The present report is submitted in response to the request of the General Assembly in paragraph 16 of its resolution 59/287 that Member States be informed on an annual basis of all actions taken in cases of proven misconduct and/or criminal behaviour in accordance with the established procedures and regulations. The report covers the period from 1 January to 31 December 2020.

2. A broad overview of the administrative framework with respect to disciplinary matters, which includes the administrative instruction on unsatisfactory conduct, investigations and the disciplinary process (ST/AI/2017/1), is set out in section II so that the information provided in sections III and IV may be understood in context. Because of the transitional arrangements set out in ST/AI/2017/1, some matters reported on in the present report were governed by the administrative instruction on revised disciplinary measures and procedures (ST/AI/371 and ST/AI/371/Amend.1).

3. Section III contains a summary of the cases in which disciplinary measures were imposed during the 12-month reporting period. Section IV contains data reflecting the disposition of cases completed during the reporting period, including those that did not result in the imposition of a disciplinary measure, information on appeals of disciplinary measures imposed since 1 July 2009, and data on the number and nature of cases referred to the Office of Human Resources for action during the reporting period. Given the passage of time between the issuance of the present report and the end of the reporting period, section IV also provides comparative data for the previous four calendar years.<sup>1</sup> Section V provides data for the period from 1 January to 30 September 2021. Section VI provides information on the practice of the Secretary-General in cases of possible criminal behaviour.

4. A consolidated compendium of disciplinary measures<sup>2</sup> was reissued during the reporting period to provide to all staff of the Organization information on the most common examples of misconduct and their disciplinary consequences since 1 July 2009, with due regard for the protection of the privacy of the staff members concerned. The summaries of the cases of established misconduct set out in section III were added to the compendium in 2021.

## II. Overview of the administrative framework with respect to disciplinary matters

### A. Legislative framework governing the conduct of staff members<sup>3</sup>

5. In Article 101, paragraph 3, of the Charter of the United Nations, it is stated that the “paramount consideration in the employment of the staff and in the determination

<sup>1</sup> In previous reports on the subject, comparative data were provided for the current and previous reporting periods. However, prior to the report for the period from 1 January to 31 December 2018 (A/74/64), the reporting period ran from 1 July to 30 June, except in the case of the report for the period from 1 July to 31 December 2017 (A/73/71), when the reporting period was six months. To allow easy comparison, all the data in the present report are provided by calendar year, unless otherwise indicated.

<sup>2</sup> “Compendium of disciplinary measures: practice of the Secretary-General in disciplinary matters and cases of criminal behaviour from 1 July 2009 to 31 December 2020” (see <https://hr.un.org/materials/compendium-disciplinary-measures-practice-secretary-general-disciplinary-matters-and-cases>).

<sup>3</sup> Provisions relating to the status, rights and duties of staff members, and to disciplinary matters, can be found in the electronic version of the Human Resources Handbook (see <https://hr.un.org/handbook>) under the categories “Duties, obligations and privileges” and “Administration of justice and disciplinary matters”.

of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity”.

6. Article I of the Staff Regulations and chapter I of the Staff Rules, both entitled “Duties, obligations and privileges”, set out the basic values expected of international civil servants because of their status, as well as particular manifestations of such basic values (see, in particular, staff regulation 1.2 and staff rule 1.2).

7. Staff regulation 10.1 (a) provides that “the Secretary-General may impose disciplinary measures on staff members who engage in misconduct”. Staff rule 10.1 (a) provides that the “failure by a staff member to comply with his or her obligations under the Charter of the United Nations, the Staff Regulations and Staff Rules or other relevant administrative issuances or to observe the standards of conduct expected of an international civil servant may amount to misconduct and may lead to the institution of a disciplinary process and the imposition of disciplinary measures for misconduct”.

8. Staff rule 10.1 (c) provides that “the decision to launch an investigation into allegations of misconduct, to institute a disciplinary process and to impose a disciplinary measure shall be within the discretionary authority of the Secretary-General or officials with delegated authority”. Within those parameters, the Secretary-General has broad discretion in determining what constitutes misconduct and in imposing disciplinary measures.

9. Examples of conduct for which disciplinary measures may be imposed are listed in section 3.5 of administrative instruction [ST/AI/2017/1](#). Reference may also be made to the Secretary-General’s bulletin on addressing discrimination, harassment, including sexual harassment, and abuse of authority ([ST/SGB/2019/8](#)), the Secretary-General’s bulletin on special measures for protection from sexual exploitation and abuse ([ST/SGB/2003/13](#)) and the Secretary-General’s bulletin on protection against retaliation ([ST/SGB/2017/2/Rev.1](#)).

10. Secretary-General’s bulletin [ST/SGB/2019/8](#) was issued on 10 September 2019. The revised policy brought the formal process with respect to conduct amounting to discrimination, harassment, including sexual harassment, and abuse of authority (collectively referred to as “prohibited conduct”) in line with that applicable under administrative instruction [ST/AI/2017/1](#). In keeping with a victim-centred approach, [ST/SGB/2019/8](#) contains support and information-sharing provisions that are applicable during an investigation and any subsequent disciplinary process in addition to the provisions contained [ST/AI/2017/1](#). The Secretary-General also notes in [ST/SGB/2019/8](#) that the Organization and other entities that are members of the United Nations System Chief Executives Board for Coordination (CEB) collect information on established cases of sexual harassment in an application called ClearCheck, to which CEB entities may gain access for checking related to recruitment.<sup>4</sup>

## B. Summary of the disciplinary process<sup>5</sup>

11. Administrative instruction [ST/AI/2017/1](#) was promulgated on 26 October 2017. In accordance with the transitional arrangements, investigations initiated before that date shall continue to be governed by administrative instruction [ST/AI/371](#) and [ST/AI/371/Amend.1](#), as shall any subsequent disciplinary processes. As at the date of

<sup>4</sup> ClearCheck also includes a separate database that contains information on established cases of sexual exploitation and sexual abuse. That information is also accessible for recruitment-related checking by a slightly different set of United Nations entities.

<sup>5</sup> The annex to the present report contains a flow chart of the investigation and disciplinary processes.

submission of the present report, very few matters continue to be governed by administrative instruction [ST/AI/371](#) and [ST/AI/371/Amend.1](#).

12. Under administrative instruction [ST/AI/2017/1](#), all reports of possible unsatisfactory conduct shall be brought to the attention of the Office of Internal Oversight Services (OIOS). After receiving such a report, OIOS may decide either to consider it for investigation or closure or to refer it to management for assessment and possible investigation. OIOS shall be apprised of decisions made by managers in relation to such reports.

13. Administrative instruction [ST/AI/2017/1](#) contains minimum standards for the conduct of investigations (sect. 6) and provides for the acknowledgement of receipt of reports of unsatisfactory conduct (sect. 4). The instruction also contains procedures relating to staff members who are the subject of an investigation. For example, such staff members shall be informed in writing, prior to or at the start of an investigative interview, that they are the subject of an investigation and of the nature of the allegations made against them. Such staff members may be accompanied by another staff member to act as an observer during the interview.

14. Administrative instruction [ST/AI/2017/1](#) also sets out the circumstances in which a staff member may be placed on administrative leave with or without pay in accordance with staff rule 10.4 (a). In this regard, a staff member may be placed on administrative leave at any time after an allegation of misconduct is made, and the period of administrative leave may continue until the completion of the disciplinary process. As reflected in the instruction, staff rule 10.4 (c) provides that, in cases of sexual exploitation and sexual abuse, a staff member may be placed on administrative leave without pay when there are reasonable grounds to believe (probable cause) that the staff member engaged in such conduct. It is specified in the instruction that, in cases where a staff member is placed on administrative leave without pay, the staff member will continue to maintain some entitlements and benefits.

15. Sections 7, 8 and 9 of administrative instruction [ST/AI/2017/1](#) contain a step-by-step summary of how matters are dealt with after completion of an investigation. If the Assistant Secretary-General for Human Resources decides to initiate a disciplinary process, the staff member shall be notified in writing of the allegations of misconduct and informed of the opportunity to comment on the allegations and of the right to seek the assistance of counsel through the Office of Staff Legal Assistance or from outside counsel at the staff member's expense. In the light of the comments provided, the Assistant Secretary-General shall decide whether to close the case, with or without administrative action, or to recommend the imposition of one or more disciplinary measures. In the latter case, the Under-Secretary-General for Management Strategy, Policy and Compliance shall decide whether to impose one or more of the disciplinary measures provided for in staff rule 10.2 (a). In cases involving allegations of sexual exploitation and abuse or sexual harassment, if a sanction of, as a minimum, separation from service is imposed, the staff member's name shall be entered in the ClearCheck database. In some cases of lesser gravity, the Assistant Secretary-General may, before deciding whether to initiate a disciplinary process through the issuance of allegations of misconduct, request the staff member to provide comments regarding the case. The request for comments shall be made, inter alia, in compliance with staff rule 10.2 (c) if the issuance of a reprimand is being contemplated.

16. In accordance with staff rule 10.3 (c), a staff member against whom a disciplinary measure has been imposed may submit an application to the United

Nations Dispute Tribunal challenging the imposition of the measure in accordance with chapter XI of the Staff Rules.<sup>6</sup>

### C. Disciplinary measures

17. Staff rule 10.2 (a) provides that disciplinary measures may take one or more of the following forms:

- (a) Written censure;
- (b) Loss of one or more steps in grade;
- (c) Deferment, for a specified period, of eligibility for salary increment;
- (d) Suspension without pay for a specified period;
- (e) Fine;
- (f) Deferment, for a specified period, of eligibility for consideration for promotion;
- (g) Demotion, with deferment, for a specified period, of eligibility for consideration for promotion;
- (h) Separation from service, with notice or compensation in lieu of notice, and with or without termination indemnity;
- (i) Dismissal.

18. In determining the appropriate measure, each case is decided on its own merits, taking into account the particulars of the case, including aggravating and mitigating circumstances. Examples of possible aggravating circumstances are the repetition of acts of misconduct, the intent to derive personal benefit and the degree of harm resulting from the misconduct. Examples of possible mitigating circumstances are sincere remorse and the voluntary disclosure of the acts of misconduct early in the process. In accordance with staff rule 10.3 (b), the disciplinary measures imposed must be proportionate to the nature and gravity of the misconduct involved. Given these factors, the specific sanction that applies to a type of misconduct cannot be determined in advance or applied across the board.

### D. Other measures

19. Written or oral reprimands, recovery of moneys owed to the Organization and administrative leave with or without pay are not disciplinary measures. Reprimands are administrative measures that are important for upholding standards of proper conduct and promoting accountability. Written reprimands are placed in the staff member's official status file. Warnings or letters of caution are managerial measures directed at fostering awareness of the proper standards of conduct. In addition, where conduct that may amount to misconduct has an impact on performance, the issue may be addressed in the context of performance management. That may include training, counselling, the non-renewal of a contract or the termination of an appointment.

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<sup>6</sup> Judgments of the United Nations Dispute and Appeals Tribunals relating to disciplinary cases may be found on the website of the Office of Administration of Justice (<https://www.un.org/en/internaljustice/oaj/>).

### III. Summary of cases in which disciplinary measures were imposed during the period from 1 January to 31 December 2020<sup>7</sup>

20. For each case that led to the imposition of one or more disciplinary measures, a summary is provided below indicating the nature of the misconduct and the disciplinary measure or measures imposed. The functional title of the staff members or other similar particulars are provided only when they played a role in determining the measures to be taken. Also set out below are summaries of cases in which misconduct was established but mitigating factors led to the imposition of an administrative measure. Conduct issues that were dealt with by means other than disciplinary measures are not listed, although statistical information about such cases is provided in section IV.

21. Not every case brought to the attention of the Secretary-General indicating unsatisfactory conduct results in disciplinary or other measures being taken. When a review by the Office of Human Resources reveals that there is insufficient evidence to pursue a matter as a disciplinary case, or when a staff member provides a satisfactory explanation in response to the formal allegations of misconduct, the case is closed. Cases will also typically be closed when a staff member retires or otherwise separates from the Organization before an investigation or the disciplinary process is concluded, unless continuation is in the interest of the Organization. In most cases involving former staff members, a record is made and placed in the former staff member's official status file so that the matter may be further considered if and when the staff member rejoins the Organization.

22. Certain cases may be and, as can be seen below,<sup>8</sup> have been pursued post-separation because it is in the interest of the Organization to do so. Such cases may involve circumstances in which the disciplinary process is in progress at the time of separation, financial recovery is still a possibility or allegations concerning sexual harassment or sexual exploitation and abuse, which may result in the entry of the former staff member's name into ClearCheck, have been made. In such cases, former staff members are invited to participate in a disciplinary process, at the end of which they are provided with an outcome in which the sanction that would have been imposed had they continued in service is set out. Since such former staff members have already separated, the disciplinary measure of dismissal is typically not imposed, as it would involve the recovery of payments already made. The primary difference between separation and dismissal is that the former entails the possibility of the payment of, as a minimum, compensation in lieu of notice, and of up to 50 per cent of the termination indemnity otherwise payable, whereas the latter provides that no repatriation grant shall be paid and that the former staff member shall not be entitled to after-service health insurance. In the present report, a post-separation sanction is referred to as "separation from service" even when, for example, a sanction of dismissal would have been proportionate to the established misconduct and would have been imposed had the staff member remained in service.<sup>9</sup> In cases in which final entitlements have been withheld pending the outcome of a disciplinary process, the

<sup>7</sup> Information contained in the summaries is correct as at the date of submission of the present report.

<sup>8</sup> See paras. 29, 34, 48, 50, 52, 62, 63, 64, 65 and 73.

<sup>9</sup> In the consideration of the proportionality of a sanction through reference to the Organization's past practice, the description of a post-separation sanction as "separation from service" signifies only that the established misconduct would have warranted, as a minimum, a sanction of separation. If the staff member had remained in service, the proportionate sanction could, in fact, have been dismissal or separation from service with compensation in lieu of notice and without termination indemnity or separation from service with compensation in lieu of notice and with termination indemnity.

post-separation sanction imposed is described more specifically, such as dismissal together with recovery of the financial loss to the Organization. In cases involving allegations of sexual harassment or sexual exploitation or abuse, such a sanction permits the addition of the former staff member's name to the ClearCheck database.

23. In paragraph 23 of its resolution 68/252, the General Assembly requested the Secretary-General to take appropriate measures to mitigate and recoup any losses arising from misconduct by staff members and to report thereon. As the summaries of the cases below indicate, in the majority of the cases in which there was a quantifiable loss to the Organization, the Organization either recovered the relevant property/funds, the staff member repaid the funds at issue or it was decided to recover an amount equal to the financial loss.

#### **A. Discrimination, harassment, including sexual harassment, and abuse of authority**

24. A staff member with managerial responsibilities abused his authority over a subordinate staff member by recommending against the extension of the subordinate's temporary appointment. Although misconduct was established, mitigating factors led to the reduction of the sanction to an administrative measure. *Disposition*: written reprimand. *Appeal*: none.

25. A staff member serving in a senior management position harassed a subordinate by creating a hostile work environment and abused the staff member's authority over a subordinate and other staff members. *Disposition*: written censure and loss of two steps in grade. *Appeal*: filed with the Dispute Tribunal, where the case remains under consideration.

26. A staff member professed feelings of romantic love to an intern in a secluded location and then asked the intern to keep the discussion secret. Upon realizing that the declaration had placed the intern in an uncomfortable position, the staff member took immediate mitigating steps. Although misconduct was established, mitigating factors led to the reduction of the sanction to an administrative measure. *Disposition*: written reprimand. *Appeal*: none.

27. A staff member sexually harassed a junior colleague by making unwelcome sexual advances and then engaging in a pattern of conduct towards the colleague that created an intimidating and hostile working environment. The staff member's supervisory role was an aggravating factor. The coronavirus disease (COVID-19) pandemic was a mitigating factor. *Disposition*: separation from service with compensation in lieu of notice and with 25 per cent termination indemnity. The name of the staff member was entered in ClearCheck. *Appeal*: filed with the Dispute Tribunal, where the case remains under consideration.

28. A staff member with managerial responsibilities required a subordinate to perform work that would benefit the staff member's spouse. When the subordinate filed a formal complaint of harassment and abuse of authority, the staff member engaged in retaliation by attempting to prevent the extension of the subordinate's temporary appointment. Upon becoming aware of the investigation into his conduct, the staff member expressed physical threats towards the subordinate. There were mitigating factors, including the COVID-19 pandemic. *Disposition*: separation from service with compensation in lieu of notice and with termination indemnity (two cases closed). *Appeal*: none.

29. A staff member requested two subordinates working in the staff member's office to undertake personal domestic chores for the staff member. *Disposition*: "post-separation sanction" of censure plus a loss of steps (see para. 22). *Appeal*: none.

30. A staff member made inappropriate comments to a subordinate, which offended and humiliated the subordinate. The staff member also failed to properly address the subordinate's complaint about a third colleague's unwelcome behaviour of a sexual nature. *Disposition*: loss of five steps in grade and deferment, for two years, of eligibility for consideration for promotion. *Appeal*: filed with the Dispute Tribunal, where the case remains under consideration.

31. A staff member created a hostile, offensive and humiliating work environment for subordinates, including by engaging in a behavioural pattern of using words and/or actions of a demeaning, intimidating, humiliating and/or abusive nature. *Disposition*: loss of three steps in grade and deferment, for three years, of eligibility for consideration for promotion, together with an administrative measure to undertake training. *Appeal*: filed with the Dispute Tribunal, where the case remains under consideration.

32. A staff member created a hostile, offensive and intimidating work environment by engaging in unwelcome conduct, including of a sexual nature, towards a new junior member and multiple interns in the staff member's work unit. Mitigating factors were present, including the COVID-19 pandemic. *Disposition*: separation from service with compensation in lieu of notice and with termination indemnity. The name of the staff member was entered in ClearCheck. *Appeal*: none.

33. A staff member harassed a colleague by engaging in a series of unwanted emails, text messages and calls, seeking to recommence a prior romantic relationship. On one occasion, the staff member grabbed the colleague's arm. Long service, early admission and mental health issues were mitigating factors. *Disposition*: written censure and demotion, with deferment, for three years, of eligibility for consideration for promotion. *Appeal*: none.

34. A very senior staff member in a peace operation sexually harassed a subordinate serving as a United Nations Volunteer. *Disposition*: post-separation sanction of "separation from service" (see para. 22). The former staff member's name was entered in ClearCheck. *Appeal*: none.

35. A staff member sexually harassed a junior colleague by standing close to the colleague, repeatedly staring up and down at the colleague's face and body in a manner perceived to be sexual by the colleague and asking intimate questions about changes in the colleague's appearance. Long service in a difficult duty station was a mitigating factor. *Disposition*: written censure and loss of two steps in grade. *Appeal*: none.

## **B. Theft and misappropriation**

36. A staff member took part in a scheme whereby fuel volumes that were charged to the Organization were inflated above the actual volumes dispensed to United Nations vehicles. *Disposition*: separation from service with compensation in lieu of notice and without termination indemnity. The amount of financial loss to the Organization could not be quantified. *Appeal*: none.

37. A staff member took part in a scheme whereby fuel volumes that were charged to the Organization were inflated above the actual volumes dispensed to United Nations vehicles. The COVID-19 pandemic was a mitigating factor. *Disposition*: separation from service with compensation in lieu of notice and with 25 per cent termination indemnity. The amount of financial loss to the Organization could not be quantified. *Appeal*: filed with the Dispute Tribunal, where the case remains under consideration.

38. A staff member took, from a locker room at a United Nations compound, money that did not belong to the staff member and denied, shortly thereafter, taking or having the money. Mitigating factors were present, including the COVID-19 pandemic.



*Disposition:* separation from service with compensation in lieu of notice and with termination indemnity. *Appeal:* none.

### C. Fraud, misrepresentation and false certification

39. A staff member received duplicate payments from the Organization and subsequently provided false information to the Organization, indicating having received only one payment. The COVID-19 pandemic was a mitigating factor. *Disposition:* separation from service with compensation in lieu of notice and with 25 per cent termination indemnity. The financial loss was recovered from the staff member. *Appeal:* none.

40. A staff member placed a signature in the signature box of a form meant to be signed by a United Nations vendor. The signature triggered a payment to an account indicated on the form that was held by persons impersonating the vendor. Although misconduct was established, mitigating factors, including early admission and sincere remorse, led to the reduction of the sanction to an administrative measure. There was no financial loss to the Organization. *Disposition:* written reprimand. *Appeal:* none.

41. A staff member previously employed in a peacekeeping mission in 2007 was convicted for violation of local laws relating to fraud. When submitting a personal history form in 2013, the staff member knowingly submitted false information on the staff member's history of convictions. Mitigating factors were present, including the COVID-19 pandemic. *Disposition:* separation from service with compensation in lieu of notice and with 25 per cent termination indemnity. *Appeal:* filed with the Dispute Tribunal, where the case remains under consideration.

42. A staff member presented false documentation to national Governments in applications for international visas, supported by falsified official United Nations correspondence. Mitigating factors were present, including early admission and the COVID-19 pandemic. *Disposition:* separation from service with compensation in lieu of notice and with 25 per cent termination indemnity. *Appeal:* none.

43. A staff member failed to record annual leave taken and abused the entitlement to uncertified sick leave and rest and recuperation. Although misconduct was established, mitigating factors led to the reduction of the sanction to an administrative measure. *Disposition:* written reprimand, financial recovery of the unduly paid danger pay and deduction of the unrecorded annual leave days from the staff member's leave balance. *Appeal:* none (agreed sanction).

44. When transferring to a new post, a staff member provided false information and failed to disclose that the staff member already lived in the duty station associated with the new post. Mitigating factors were present, including long service and early admission. *Disposition:* written censure and loss of three steps in grade. *Appeal:* none.

45. A staff member submitted false information in support of claims for payment of education grants. *Disposition:* separation from service with compensation in lieu of notice and without termination indemnity, together with a fine equivalent to the repatriation grant due at the time of separation and reimbursement to the Organization of \$145,077. The amount owed by the staff member was recovered by the Organization. *Appeal:* none (agreed sanction).

46. A staff member submitted false information in support of claims for reimbursement for dental expenses to the health insurance scheme provided by the Organization. Long service was a mitigating factor. *Disposition:* separation from service with compensation in lieu of notice and without termination indemnity. *Appeal:* the Dispute Tribunal upheld the sanction, and an appeal has been filed with the Appeals Tribunal, where the case remains under consideration.

47. A staff member made a material misrepresentation to the Organization in personal history profiles by falsely stating that the staff member had received a university degree. *Disposition*: separation from service with compensation in lieu of notice and with termination indemnity. *Appeal*: filed with the Dispute Tribunal, where the sanction decision was upheld.

48. A staff member of a United Nations entity retained and used a diplomatic passport from prior service with a national Government. In addition, the staff member contacted an official with the staff member's former Government and requested time to discuss matters related to politics and conflict in the region in which the staff member was serving. *Disposition*: post-separation sanction of "separation from service" (see para. 22). *Appeal*: none.

49. A staff member knowingly submitted false information on a personal history form by failing to disclose that the staff member's brother was employed by the Organization. There were mitigating factors, including long service in a difficult duty station. *Disposition*: demotion, with deferment, for three years, of eligibility for consideration for promotion. *Appeal*: none.

#### **D. Unauthorized outside activities and conflict of interest**

50. While on special leave without pay, a staff member worked for an intergovernmental entity without authorization. Long service in a difficult duty station was a mitigating factor. *Disposition*: post-separation sanction of "separation from service" (see para. 22). *Appeal*: none.

51. A staff member assisted a colleague by altering an official document. The staff member also engaged in unauthorized outside activities for many years and used official information and communications technology resources in those activities. There were mitigating factors, including long service, no monetary gain and the COVID-19 pandemic. *Disposition*: separation from service with compensation in lieu of notice and with termination indemnity. *Appeal*: none.

52. A senior staff member at a mission interfered with a recruitment exercise and engaged in a number of unauthorized outside activities, including attempting to broker a government infrastructure/commercial agreement, improperly engaging in business with United Nations vendors, failing to report procurement irregularities, conflict of interest, using the staff member's United Nations position for private gain and accepting instructions from non-United Nations entities. *Disposition*: post-separation sanction of "separation from service" (see para. 22). *Appeal*: none.

53. Without authorization, a staff member was involved with an organization external to the United Nations for many years, where the staff member held senior positions. *Disposition*: written censure and training required. *Appeal*: none.

54. A staff member engaged for a number of years in outside activities, including employment as an academic, without authorization and used United Nations information and communications technology resources in those activities. *Disposition*: written censure, loss of two steps in grade and deferment, for two years, of eligibility for consideration for step increment. *Appeal*: none.

55. Without authorization, a staff member engaged in outside activities by establishing an entity and acting as president of the entity and as facilitator of procurement-related matters. The staff member also used United Nations information and communications technology resources to further those activities. Although misconduct was established, mitigating factors, including long service and the passage of time since the conduct had occurred, led to the reduction of the sanction to an administrative measure. *Disposition*: written reprimand. *Appeal*: none.

## E. Verbal abuse and physical assault

56. A staff member, in the presence of a minor child, physically assaulted the staff member's spouse, causing serious injury to the spouse, who required medical treatment. *Disposition*: dismissal. *Appeal*: none.

57. A senior staff member used inappropriate language and pushed past a security guard during a security inspection of a vehicle. Mitigating factors were present, including sincere remorse and long service in a difficult duty station. *Disposition*: written censure with loss of one step in grade. *Appeal*: none.

58. A staff member engaged in a verbal and physical altercation with a police officer and destroyed the officer's personal property. The altercation, which occurred in a public space, was widely witnessed and was recorded on multiple traffic cameras. Mitigating factors included sincere remorse and subsequent steps to address the behaviour. *Disposition*: separation from service with compensation in lieu of notice and with termination indemnity. *Appeal*: sanction upheld at the Dispute Tribunal. The deadline for the former staff member to appeal to the Appeals Tribunal has not expired.

59. A staff member verbally abused and made a physical threat against a senior staff member in front of other colleagues. There were mitigating factors, including long service and early admission. *Disposition*: written censure. *Appeal*: none.

60. A staff member informed two supervisors of a desire to steal weapons from the Organization and use the weapons to kill staff. The staff member expressed an intent to kill a senior security official. *Disposition*: separation from service with compensation in lieu of notice and with termination indemnity. *Appeal*: none (agreed sanction).

61. A staff member physically abused a child and was subsequently convicted by a local court as a result of the abuse. Mitigating factors included early admission and the COVID-19 pandemic. *Disposition*: separation from service with compensation in lieu of notice and with 25 per cent termination indemnity. *Appeal*: none.

## F. Sexual exploitation and abuse

62. A staff member engaged in a sexual relationship with a female member of the local population. *Disposition*: "post-separation sanction" (see para. 22), dismissal. The name of the former staff member was entered in ClearCheck. *Appeal*: none.

63. A staff member had sexual intercourse with a minor on multiple occasions. *Disposition*: "post-separation sanction" (see para. 22), dismissal. The name of the staff member was entered in ClearCheck. *Appeal*: none.

64. A mission staff member had a sexually exploitative relationship with a local teenager and arranged for the minor to undergo two abortions without consent and/or under coercion. The staff member also improperly used United Nations medical insurance to pay for medical care for the teenager. *Disposition*: post-separation sanction of "separation from service" (see para. 22). The former staff member's name was entered in ClearCheck. *Appeal*: none.

65. A staff member drove a United Nations vehicle to an out-of-bounds venue and transported an unauthorized individual in the vehicle. The staff member also attempted to engage in transactional sex with the individual. *Disposition*: post-separation sanction of "separation from service" (see para. 22). The staff member's name was entered in ClearCheck. *Appeal*: none.

66. A staff member failed to report to the Organization allegations that another staff member had sexually abused a minor. The staff member had detailed knowledge of

the allegations before the matter was reported to the Organization and had actively participated in a cover-up of the allegations. *Disposition*: separation from service with compensation in lieu of notice and without termination indemnity. *Appeal*: the Dispute Tribunal rescinded the sanction, and an appeal has been filed with the Appeals Tribunal, where the case remains under consideration.

## **G. Procurement irregularities**

67. A staff member engaged in conflict of interest, unauthorized outside activities and procurement irregularities at the instruction of the staff member's supervisor. There were mitigating factors, including long service. *Disposition*: demotion by one grade with deferment, for three years, of eligibility for consideration for promotion. *Appeal*: none (agreed sanction).

## **H. Other**

68. A staff member failed to honour private legal obligations by not paying off a private loan for more than 10 years. The staff member also failed to abide by directions issued by the Organization regarding the obligations. *Disposition*: loss of five steps in grade and written censure. *Appeal*: none.

69. A staff member interfered with a recruitment exercise. The staff member also provided access to the recruitment platform to a non-authorized, more senior staff member and failed to report the potential misconduct of the more senior staff member. *Disposition*: written censure and loss of two steps in grade. *Appeal*: filed with the Dispute Tribunal, where the case remains under consideration.

70. A staff member stored image files of an "adult"-themed and pornographic nature on the hard drive of the staff member's United Nations-issued computer. The staff member also obtained access to "adult content" websites from the United Nations-issued computer. There were mitigating factors, including long service. *Disposition*: written censure and loss of four steps in grade. *Appeal*: none.

71. A staff member failed to cooperate with a duly authorized investigation and aided the attempts of the subject of another investigation, who was senior to the staff member, to interfere with the investigation by gathering relevant information and sharing it. *Disposition*: written censure and loss of two steps in grade. *Appeal*: none.

72. A staff member failed to cooperate with a duly authorized investigation and aided the attempts of the subject of another investigation, who was senior to the staff member, to interfere with the investigation by gathering relevant information and sharing it. *Disposition*: written censure. *Appeal*: none.

73. A staff member improperly facilitated the employment of the staff member's friend as an individual contractor by providing interview questions to the friend. The staff member also failed to cooperate with a duly authorized investigation and attempted to interfere with the investigation by gathering pertinent information and sharing it. *Disposition*: post-separation sanction of "separation from service" (see para. 22). *Appeal*: none.

74. A staff member solicited and accepted money in exchange for the promise of favourable treatment for individual contractor contracts in the form of higher pay and/or contract renewal and took loans from one or more individual contractors. *Disposition*: separation from service with compensation in lieu of notice and without termination indemnity. *Appeal*: none.

## IV. Data on cases received and completed during the reporting period

### A. Cases completed during the reporting period

75. The tables in the present section provide information on the number and disposition of cases completed during the reporting period, including those that did not result in the imposition of disciplinary measures. Information is also provided on appeals to the Dispute and Appeals Tribunals of disciplinary measures imposed since 1 July 2009.

76. In general, the length of time for completion of the disciplinary process varies, depending on the complexity of the matter, the quantity and quality of evidence contained in the referral, and any clarifications that may be required following review by the Office of Human Resources. The jurisprudence from the Dispute and Appeals Tribunals with regard to the standard of proof and additional requirements concerning the reliability of witness statements continues to add to the level of review required by the Office and requires that additional evidence be gathered by investigating entities.<sup>10</sup>

77. The time taken to process a case also includes the time needed for the staff member concerned to respond to the allegations of misconduct and any further relevant information received by the Office of Human Resources during the disciplinary process, which can be lengthy. After a response is received from a staff member, further clarification from the investigating entity is often necessary, and the staff member is then again provided with an opportunity to comment.<sup>11</sup> Requests from staff members and the Office of Staff Legal Assistance for extensions of time to respond to communications from the Office of Human Resources also account for additional time being taken to complete cases.

78. Tables 1 and 2 reflect cases completed during the reporting period that were referred to the Office of Human Resources both prior to and during the reporting period. The average time taken during the reporting period to dispose of cases after their referral to the Office was 11.2 months, which is a significant increase relative to the time taken as reported for the period ended 31 December 2019 (7.9 months). The increase is attributable to the increased number of disciplinary cases reported, resulting in the reprioritizing of cases as new cases of sexual exploitation and abuse, sexual harassment or fraud were reported. In addition, an increase has occurred in the volume of submissions to the Dispute Tribunal in respect of appeals of discipline-related matters. Lastly, the remote working arrangements related to the COVID-19 pandemic had an adverse impact on the productivity of officials handling disciplinary matters, given that adjustments were necessary to accommodate online review of the voluminous materials produced in support of investigation reports and feedback on the work product. The amount of time taken to complete the cases disposed during the reporting period, by investigating entity, is set out in table 2.

<sup>10</sup> Reflecting the Appeals Tribunal's judgment in *Molari* (2011-UNAT-164), administrative instruction [ST/AI/2017/1](#) requires "clear and convincing evidence" as the standard of proof in cases in which termination is a possible outcome and "preponderance of the evidence" in all other cases. In practice, the Office of Human Resources often needs to request further input from investigating entities after the referral of a matter to ensure that there is sufficient evidence that would accord with the required standard of proof.

<sup>11</sup> The requirement that additional information be provided to the staff member for comment was confirmed by the Dispute and Appeals Tribunals in *Israbhakdi* (UNDT/2012/010 and 2012-UNAT-277).

**Table 1**  
**Disposition of cases completed between 1 January and 31 December 2020<sup>a</sup>**

<i>Disposition</i>	<i>Number</i>
Dismissal	3
Separation from service, with notice or compensation in lieu of notice and with or without termination indemnity	25
Other disciplinary measures	18
Administrative measures	13
Closed with no measure	1
Not pursued as a disciplinary matter	12
Separation of the staff member prior to or after referral of the case to the Office of Human Resources prior to the completion of a disciplinary process	23
Other	6
<b>Total</b>	<b>101<sup>b</sup></b>

<sup>a</sup> Cases completed in 2020 were reported in 2020 or in previous reporting periods. Comparative data on cases received and cases closed during the period covered by the present report and previous annual periods is set out in figure II.

<sup>b</sup> Although there were 101 dispositions, 3 dispositions (three sanctions of separation from service, one of them imposed post-separation) closed two cases each, closing a total of six cases, and one placement of a note in the official status file of a former staff member closed two cases.

**Table 2**  
**Length of time to dispose of cases completed between 1 January and 31 December 2020, by investigating entity**

(Months)

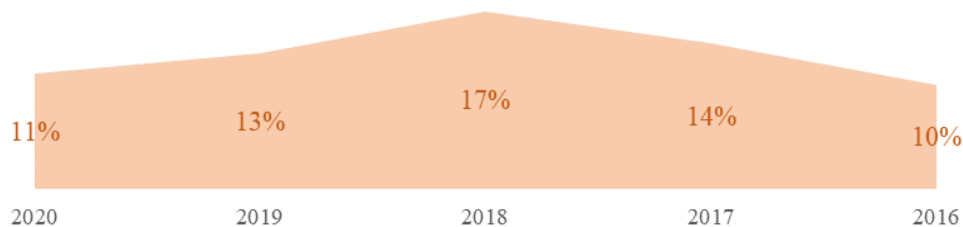
<i>Investigating entity</i>	<i>Time to dispose of cases</i>
Administrative Officer/Human Resources Officer	11.7
Department of Safety and Security	10.8
Investigative panel	12.9
Office of Internal Oversight Services	11.5
Other	7.6
Special Investigations Unit	8.6
United Nations Development Programme Office of Audit and Investigations	13.7

79. Of the 105 cases completed during the reporting period, 12, or 11 per cent, were not pursued as disciplinary matters, in line with the percentages not pursued in the previous four annual periods. In figure I, comparative data for the period covered by the present report and the previous four annual periods are set out.<sup>12</sup> The comparative data indicate that between 10 per cent and 20 per cent of matters referred are not pursued through the disciplinary process. That rate demonstrates that an appropriate

<sup>12</sup> The figures provided in reports prior to the report on the period from 1 January to 31 December 2018 (A/74/64) and the report on the period from 1 January to 31 December 2019 (A/75/648), reports that covered fiscal years ending 30 June, were as follows: 15 per cent for 2014/15, 8 per cent for 2015/16 and 12 per cent for 2016/17.

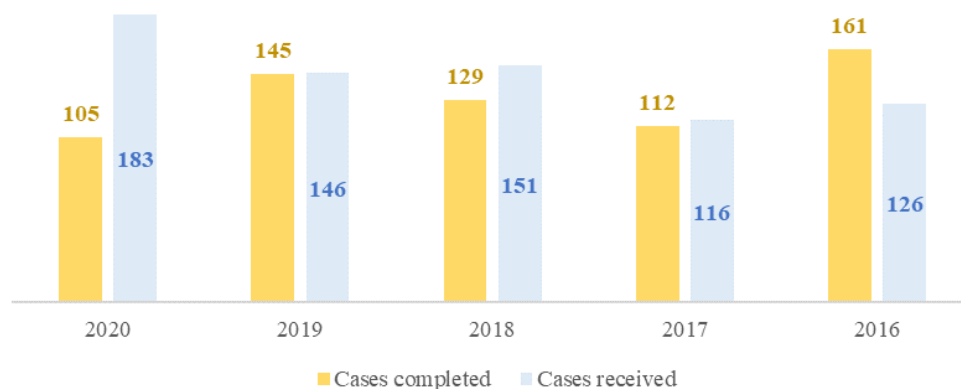
rigorous standard is applied during the review of referrals and does not indicate a failure by investigating entities or by the officials referring the matter.

Figure I  
Percentage of cases completed and not pursued as disciplinary matters



80. A total of 23 cases of unsatisfactory conduct referred to the Office of Human Resources in 2020 involved staff members who separated from service before an investigation or a disciplinary process was concluded (resignations and other separations, such as separation on expiry of appointment). They mainly involved allegations of abuse of authority, fraud or unauthorized outside activities; 1 was related to alleged sexual misconduct and 2 to sexual exploitation and abuse. In those cases, notes documenting the matter were placed in the staff member's personnel records. Most of those matters were concluded within an average of 90 days. Comments of staff members were placed in their personnel records alongside the note in seven cases. One appeal was filed.

Figure II  
Cases completed in the current and previous four annual periods<sup>13</sup>



81. The number of cases completed decreased during the current reporting period compared with the previous four annual periods, as can be seen in figure II. During the current reporting period, 46 disciplinary measures were imposed.<sup>14</sup> Figure III sets out comparative data on disciplinary measure imposed in the current reporting period and the previous four annual periods. The number of disciplinary measures imposed in the current reporting period (46) was significantly lower than the average number of disciplinary measures imposed in the previous four annual periods (63.5). The

<sup>13</sup> The figures provided in reports prior to the report on the period from 1 January to 31 December 2018 (A/74/64) and the report on the period from 1 January to 31 December 2019 (A/75/648), reports that covered fiscal years ending 30 June, were as follows: 148 in 2014/15, 143 in 2015/16 and 136 in 2016/17.

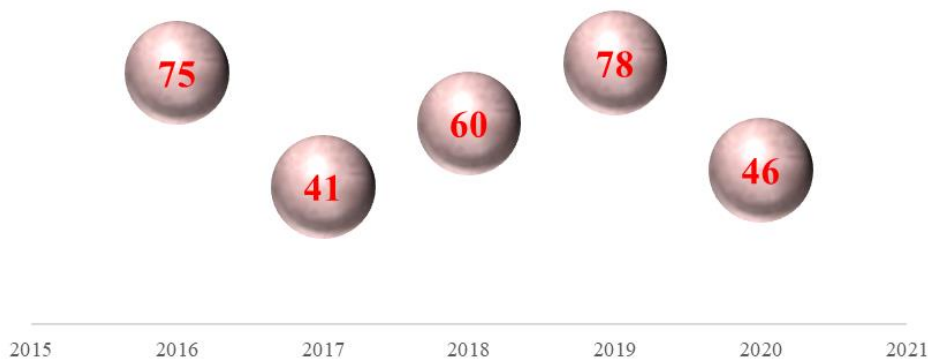
<sup>14</sup> This figure reflects the closure of 49 cases because, with respect to three staff members, 2 cases were closed with the imposition of one disciplinary measure.

decrease in the number of cases closed is attributable to the increasing demands placed on the staff in representing the Secretary-General before the Dispute Tribunal with regard to appeals of disciplinary sanctions or other discipline-related matters. In addition, the adjustment to the remote working arrangements resulting from the COVID-19 pandemic slowed the review of the voluminous supporting documentation in the investigation reports.

82. The workload of the Office of Human Resources in relation to disciplinary issues also includes representing the Secretary-General before the Dispute Tribunal on appeals of discipline-related matters, including suspensions of action and challenges to more complex terminations for facts anterior. In addition, the Office provides recommendations to the Under-Secretary-General for Management Strategy, Policy and Compliance with respect to requests for placement of a staff member on administrative leave without pay. The Office has also been involved in working groups and committees that develop policies relating to conduct issues, including the task force on racism. In addition, the Office routinely provides advice to other offices on the handling of complaints related to prohibited conduct, which tends to be resource-intensive.

83. Action has been taken to address the challenges met in 2020 in relation to the processing of disciplinary cases. In early 2021, two new staff members were onboarded in the Appeals and Accountability Section of the Administrative Law Division following the General Assembly approval of the two posts in July 2020 (see resolution 74/280, para. 12). Staff have adjusted well to the hybrid working arrangements introduced in 2021. As a result, it is anticipated that significantly more (approximately one third) cases will be closed in 2021 than in 2020. However, the complexity of cases, the demanding schedule of hearings before the Dispute Tribunal, the reshuffling of priorities and staff movements continue to have a negative impact on the timeline for the processing of cases. One mission, in which a number of staff members are implicated in improper medical insurance claims, contributed a temporary P-3 post in 2021. In addition, the Office of Human Resources has requested a new general temporary assistance-funded post at the P-4 level in the regular budget for 2021 to enhance the capacity to process cases, strengthen litigation skills and experience and provide the possibility of career progression for those working in that area. Statistics on the Office’s workload and outputs in the first nine months of 2021 are set out in section V.

Figure III  
**Disciplinary measures imposed**



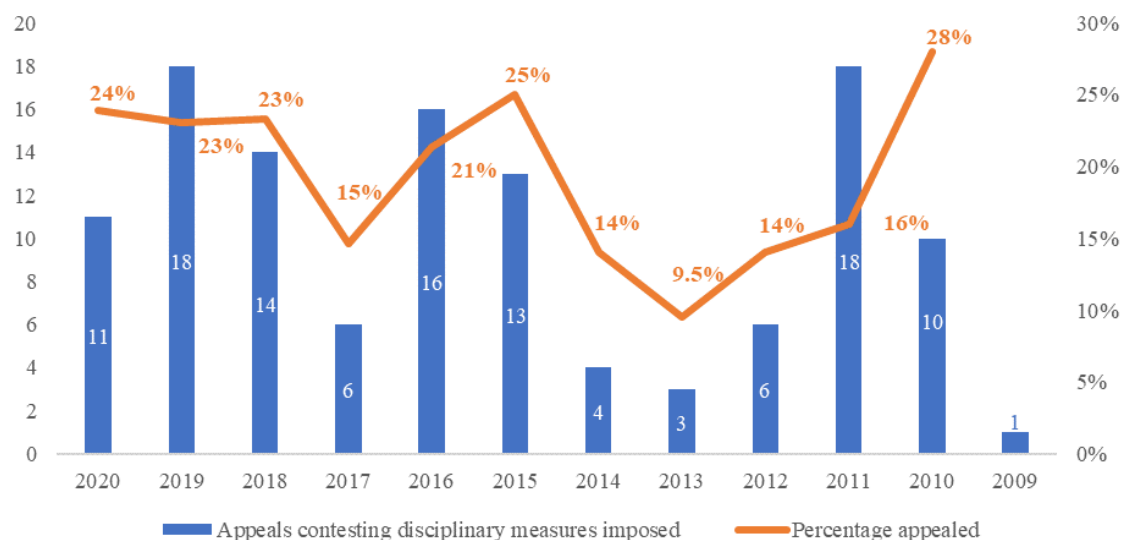


## B. Appeals against disciplinary measures

84. Once a completed case has resulted in the imposition of a disciplinary measure, the staff member may challenge that decision before the Dispute Tribunal.<sup>15</sup> In recent years, approximately a quarter of the measures imposed during an annual period have been appealed. As shown in figure IV, during the previous reporting period, ending 31 December 2019, there were appeals in 18 cases, or 23 per cent of the measures imposed. During the current period, the number remains steady, with 11 cases, or 24 per cent of the measures imposed.

Figure IV

**Appeals contesting disciplinary measures imposed between 1 July 2009 and 31 December 2020<sup>16</sup>**



85. The Dispute and Appeals Tribunals give considerable scrutiny to whether the facts on which disciplinary measures are based are established to the requisite standard. Recently, the Dispute Tribunal has given greater scrutiny to the proportionality of the sanction imposed and, as a result, has decided in some cases that a different measure should have been imposed. Table 3 provides information on the overall outcome, as at 1 November 2021, of challenges to disciplinary measures imposed during the period from 1 July 2009 to date before the Dispute and Appeals Tribunals.

<sup>15</sup> In the early years of the new system of justice, the Dispute and Appeals Tribunals considered appeals against disciplinary measures imposed both prior to 1 July 2009, under the previous system of justice, and after 1 July 2009. The data in the present section do not contain information on the appeals against disciplinary measures imposed prior to 1 July 2009 or the outcomes of those appeals.

<sup>16</sup> The figures provided in reports prior to the report on the period from 1 January to 31 December 2018 (A/74/64) and the report on the period from 1 January to 31 December 2019 (A/75/648), reports that covered fiscal years ending 30 June, were 8 for 2009/10, 16 for 2010/11, 7 for 2011/12, 5 for 2012/13, 2 for 2013/14, 7 for 2014/15, 17 for 2015/16 and 12 for 2016/17.

Table 3  
**Disposition of the appeals contesting disciplinary measures imposed between 1 July 2009 and 31 December 2020 (as at 1 November 2021)**

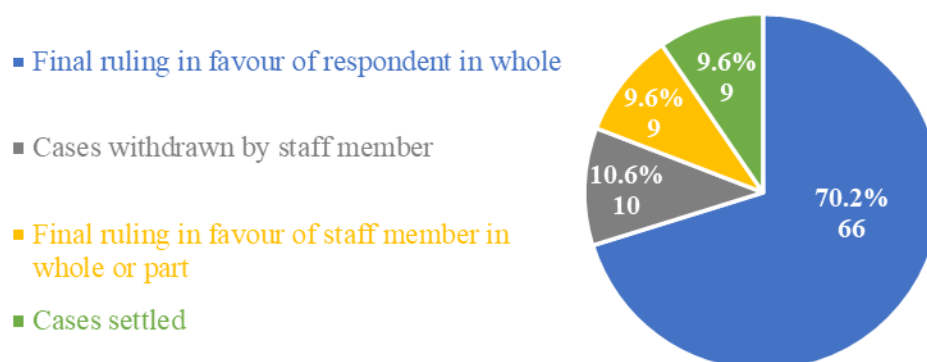
<i>Disposition</i>	<i>Number</i>	<i>Percentage</i>
Final ruling in favour of respondent in whole <sup>a</sup>	66	70.3
Cases withdrawn by staff member	10	10.6
Final ruling in favour of staff member in whole <sup>b</sup>	5	5.3
Final ruling in favour of staff member in part	4	4.3
Cases settled	9	9.5
<b>Total</b>	<b>94</b>	<b>100</b>
Staff member's appeal pending at the Dispute or Appeals Tribunal, or time for appeal to the Appeals Tribunal has not expired	29	

<sup>a</sup> This figure includes cases in which: the respondent prevailed at the Dispute Tribunal and no appeal was filed by the staff member to the Appeals Tribunal; the respondent prevailed at the Dispute Tribunal and the Appeals Tribunal; the staff member prevailed at the Dispute Tribunal, but the respondent prevailed at the Appeals Tribunal; and the staff member's appeal to the Dispute Tribunal was withdrawn.

<sup>b</sup> This figure includes cases in which: the respondent prevailed at the Dispute Tribunal, but the staff member prevailed at the Appeals Tribunal; and the staff member prevailed at the Dispute Tribunal and no appeal was filed by the respondent to the Appeals Tribunal.

Figure V

**Disposition of the appeals contesting disciplinary measures imposed between 1 July 2009 and 31 December 2020 (as at 1 November 2021)**

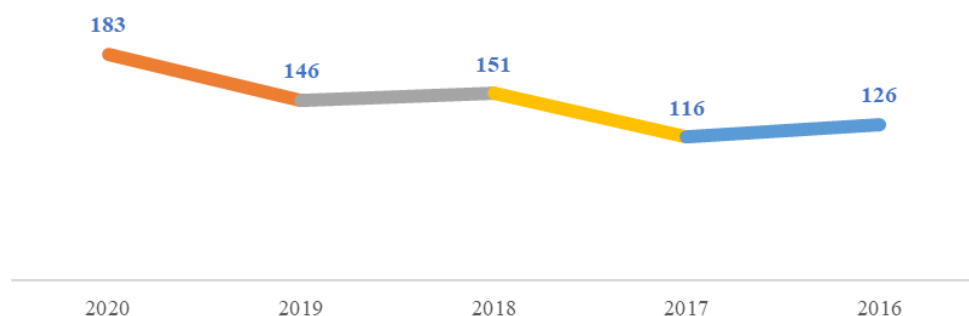


### C. Cases received by the Office of Human Resources

86. The tables and graphs in the present section provide information on the number and types of cases referred to the Office of Human Resources for possible disciplinary action during the period covered by the present report, as well as the number of cases received over the previous four annual periods.

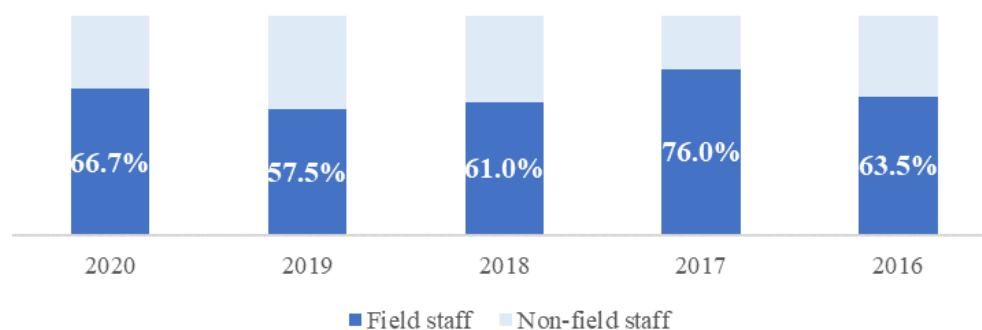
87. The number of cases received during the reporting period shows a significant increase compared with that of the previous four annual periods.

Figure VI  
**Cases received by the Office of Human Resources during the current and previous four annual periods<sup>17</sup>**



88. The proportion of cases concerning field staff received during the reporting period is 66.7 per cent. Comparative data for that period and the previous four annual periods are set out below.<sup>18</sup> The percentage of cases originating in field missions is broadly in line with that of previous annual periods.

Figure VII  
**Proportion of cases concerning field staff received**



<sup>17</sup> The figures provided in reports prior to the report for the period from 1 January to 31 December 2018 (A/74/64) and the report on the period from 1 January to 31 December 2019 (A/75/648), reports that covered fiscal years ending 30 June, were 143 for 2014/15, 130 for 2015/16 and 123 for 2016/17.

<sup>18</sup> The figures provided in reports prior to the report for the period from 1 January to 31 December 2018 (A/74/64) and the report on the period from 1 January to 31 December 2019 (A/75/648), reports that covered fiscal years ending 30 June, were 84 per cent for 2014/15, 68 per cent for 2015/16 and 70 per cent for 2016/17.

Figure VIII  
**Source of cases received by the Office of Human Resources from 1 January to 31 December 2020**

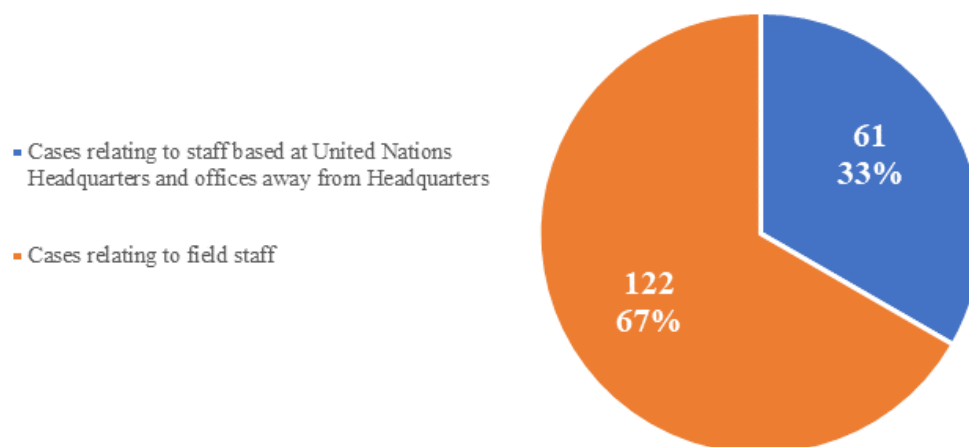


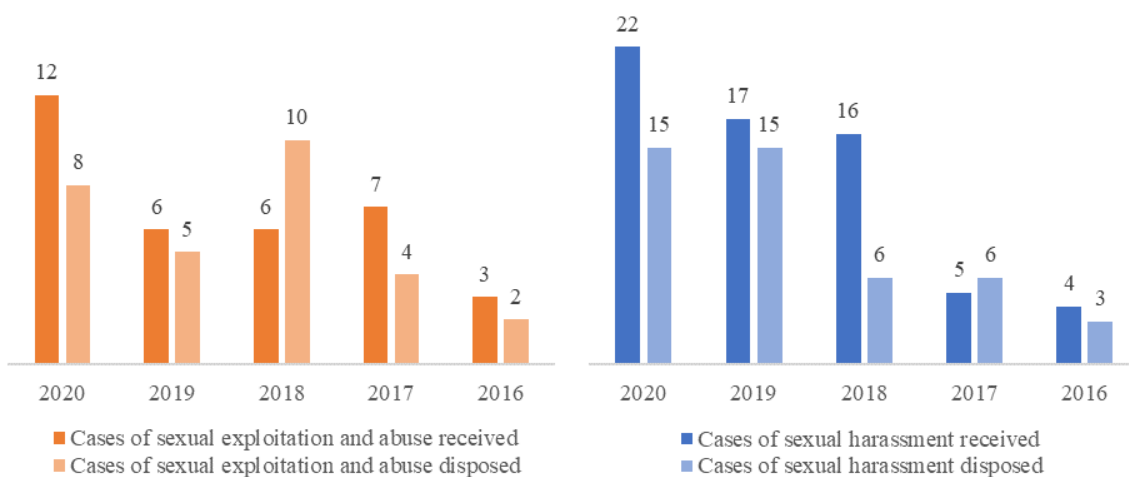
Table 4  
**Cases received between 1 January and 31 December 2020, by type of misconduct<sup>19</sup>**

<i>Type of misconduct</i>	<i>Number</i>
Abuse of authority/harassment and discrimination	36
Assault and abusive conduct	7
Failure to report	1
Inappropriate or disruptive behaviour	16
Misrepresentation and false certification	82
Misuse of United Nations property	1
Misuse of information and communications technology resources/computer-related misconduct	6
Procurement irregularities	4
Sexual exploitation and abuse	12
Theft/taking without authorization	4
Unauthorized outside activities	10
Violation of local laws	1
Others	3
<b>Total</b>	<b>183</b>

89. The figure below sets out comparative data related to matters referred during the current reporting period and the previous four annual periods with regard to sexual exploitation and abuse and sexual harassment.

<sup>19</sup> The number of cases referred to the Office by type of misconduct varies considerably from year to year. Nevertheless, some comparative data are set out in the figure IX.

Figure IX  
**Cases referred during the present and previous four annual periods with regard to sexual exploitation and abuse and sexual harassment**



## V. Data for the period from 1 January to 30 September 2021

Table 5  
**Disposition of cases completed between 1 January and 30 September 2021**

<i>Disposition</i>	<i>Number</i>
Dismissal	1
Separation from service, with notice or compensation in lieu of notice and with or without termination indemnity	21
Other disciplinary measures	7
Administrative measures	8
Closed with no measure	2
Not pursued as a disciplinary matter	10
Separation of the staff member prior to or after referral of the case to the Office of Human Resources prior to the completion of a disciplinary process	25
Other	2
<b>Total</b>	<b>76<sup>a</sup></b>

<sup>a</sup> Although there were 76 dispositions, 3 dispositions closed more than one case.

Table 6  
**Length of time to dispose of cases completed between 1 January and 30 September 2021, by investigating entity**

(Months)

<i>Investigating entity</i>	<i>Time to dispose of the cases</i>
Department of Safety and Security	29.8
Investigative panel	17.7
Office of Internal Oversight Services	11.7
Special Investigations Unit	10.5
United Nations Development Programme Office of Audit and Investigations	23.1

Figure X  
**Percentage of cases completed and not pursued as disciplinary matters (including the nine-month period ended 30 September 2021)**

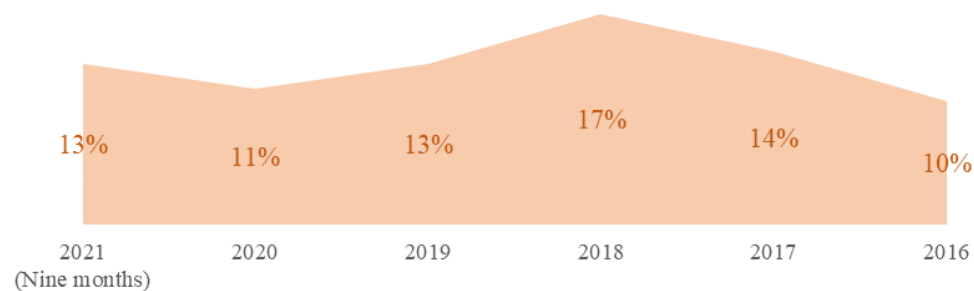


Figure XI  
**Cases completed in the nine-month period ended 30 September 2021 and the previous five annual periods**

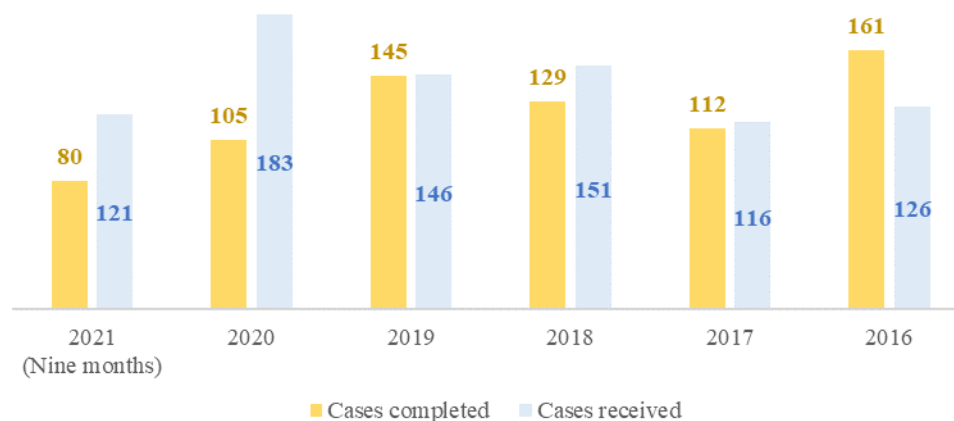


Figure XII  
Disciplinary measures imposed in the nine-month period ended 30 September 2021 and the previous four annual periods

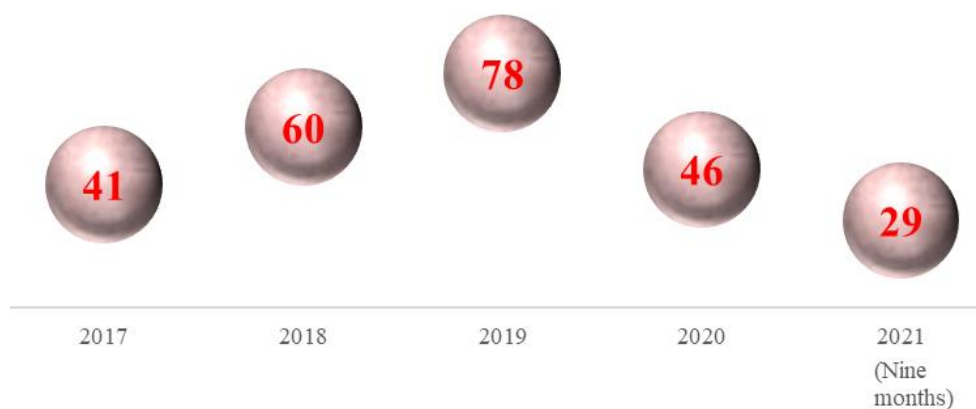


Figure XIII  
Cases received by the Office of Human Resources during the nine-month period ended 30 September 2021 and the previous five annual periods

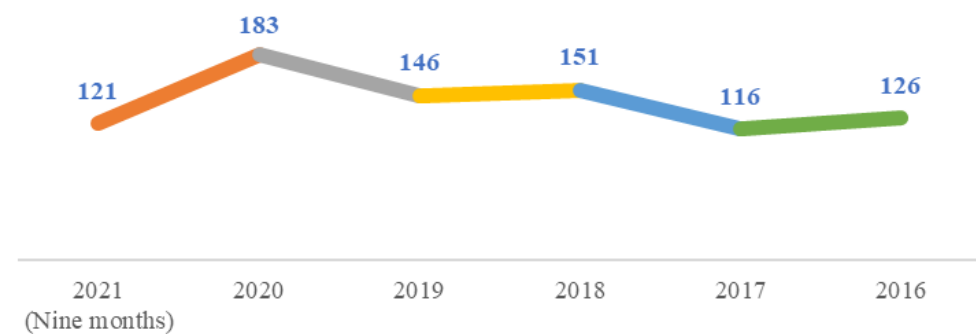


Figure XIV  
Proportion of cases concerning field staff received during the nine-month period ended 30 September 2021 and the previous five annual periods

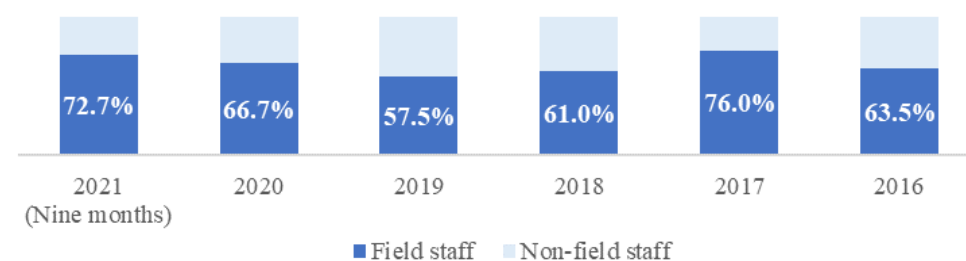
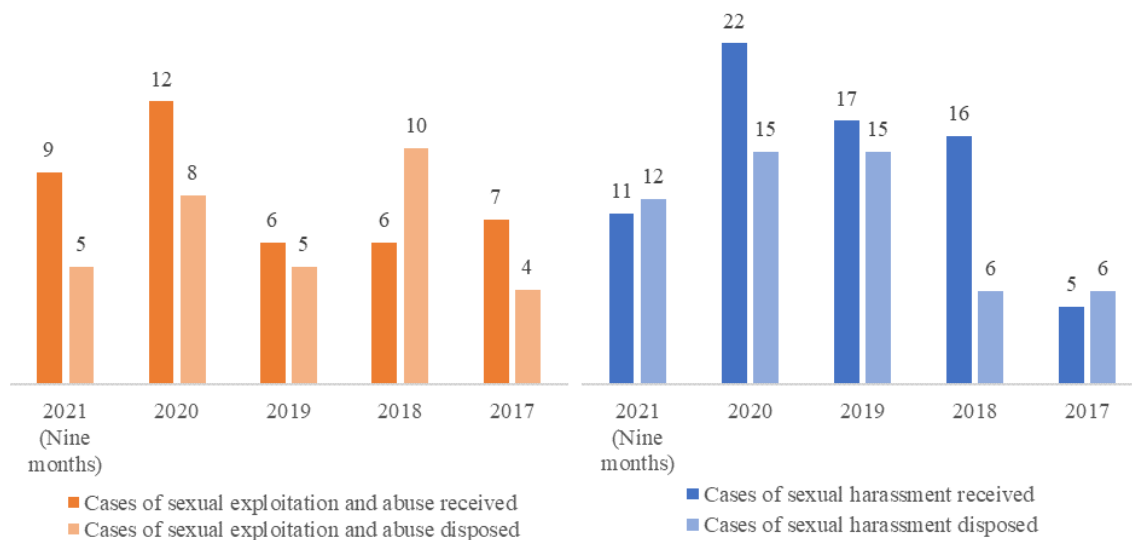


Table 7  
Cases received between 1 January and 30 September 2021, by type of misconduct

<i>Misconduct</i>	<i>Cases</i>	<i>Percentage</i>
Misrepresentation and false certification	45	37.2
Abuse of authority/harassment and discrimination	24	19.8
Inappropriate or disruptive behaviour	12	9.9
Unauthorized outside activities	11	9.1
Sexual exploitation and abuse	9	7.4
Assault and abusive conduct	6	5.0
Procurement irregularities	5	4.1
Misuse of United Nations property	3	2.5
Failure to honour private obligations	1	0.8
Failure to report	1	0.8
Misuse of information and communications technology resources/ computer-related misconduct	1	0.8
Others	1	0.8
Theft/taking without authorization	1	0.8
Violation of local laws	1	0.8
<b>Total</b>	<b>121</b>	<b>100.0</b>

Figure XV  
Cases referred during the nine-month period ended 30 September 2021 and the previous four annual periods with regard to sexual exploitation and abuse and sexual harassment



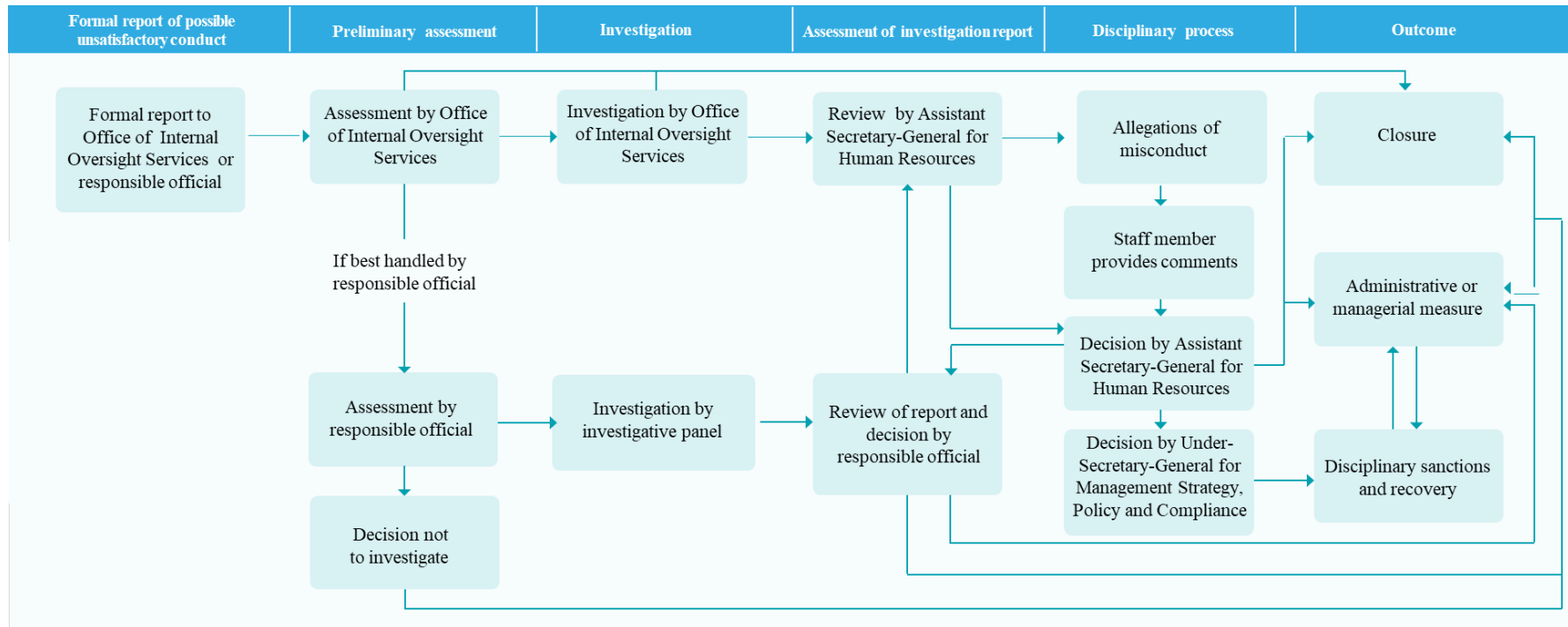


## **VI. Possible criminal behaviour**

90. In its resolution [59/287](#), the General Assembly requested the Secretary-General to take action expeditiously in case of proven misconduct and/or criminal behaviour and to inform Member States about all actions taken. During the reporting period, 24 cases involving credible allegations of criminal conduct by United Nations officials or experts on mission were referred to Member States.

## **VII. Conclusion**

91. The Secretary-General invites the General Assembly to take note of the present report.

Investigation and disciplinary process<sup>1</sup>

<sup>1</sup> The present flow chart, together with a summary of the investigative and disciplinary processes, is included in the online guidance material on Secretary-General's bulletin [ST/SGB/2019/8](#), entitled "United to respect toolkit", pp. 42–45 (see <https://hr.un.org/united-to-respect>).