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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 2019

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 about all actions taken in cases of established misconduct and/or criminal behaviour and the disciplinary action and, where appropriate, legal action taken in accordance with the established procedures and regulations. The present report covers the period from 1 January to 31 December 2019.

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 about all actions taken in cases of established misconduct and/or criminal behaviour in accordance with the established procedures and regulations. The report covers the period from 1 January to 31 December 2019.

2. A broad overview of the administrative framework in 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 upon in the present report were governed by the administrative instruction on revised disciplinary measures and procedures (ST/AI/371 and ST/AI/371/Amend.I).

3. Section III contains a summary of the cases of established misconduct during the 12-month reporting period. Section IV contains data reflecting the disposition of cases completed during the reporting period, including cases that did not result in the imposition of a disciplinary measure, information about appeals against 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. Section IV also provides comparative data for the reporting period and the previous four calendar years.¹ Section V provides information on the practice of the Secretary-General in cases of possible criminal behaviour.

4. A consolidated compendium of disciplinary measures² was issued during the reporting period to provide to all staff of the Organization 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 2020.

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

A. Legislative framework governing the conduct of staff members³

5. Article 101, paragraph 3, of the Charter of the United Nations states that the “paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity”.

¹ 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.

² “Compendium of disciplinary measures: practice of the Secretary-General in disciplinary matters and cases of criminal behaviour from 1 July 2009 to 31 December 2019” (see https://hr.un.org/sites/hr.un.org/files/Compendium%20of%20disciplinary%20measures%20July%202009-December%202019_0.pdf).

³ 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”.

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 recently revised 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 for reporting misconduct and for cooperating with duly authorized audits or investigations ([ST/SGB/2017/2/Rev.1](#)).

10. Secretary-General’s bulletin [ST/SGB/2019/8](#) was issued during the reporting period, on 10 September 2019. For the purposes of the Secretary-General’s disciplinary practice, one of the most important revisions was the provision that the formal process with respect to conduct amounting to discrimination, harassment, including sexual harassment, and abuse of authority (collectively referred to as “prohibited conduct”) would be governed by administrative instruction [ST/AI/2017/1](#). In keeping with a victim-centred approach, the bulletin contains support and information-sharing provisions that are applicable during an investigation and any subsequent disciplinary process in addition to the provisions contained in the instruction. The Secretary-General also notes in the bulletin that the Organization and other entities that are members of the United Nations System Chief Executives Board for Coordination (CEB) collect information about established cases of sexual harassment in an application called ClearCheck, which may be accessed by CEB entities for recruitment checking.⁴

B. Summary of the disciplinary process⁵

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.I](#), as shall any subsequent disciplinary processes. As at the date of submission of the present report, very few matters continue to be governed by administrative instruction [ST/AI/371](#) and [ST/AI/371/Amend.I](#).

⁴ ClearCheck also comprises a separate database that contains information about established cases of sexual exploitation and sexual abuse. That information is also accessible for recruitment checking by a slightly different set of United Nations entities.

⁵ The annex to the present report contains a flow chart of the investigation and disciplinary process.

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 instance, 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. The instruction specifies 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 following the 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.⁶

⁶ 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 (see <https://www.un.org/en/internaljustice/oaj/>).

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 on 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. This may include training, counselling, the non-renewal of a contract or the termination of an appointment.

III. Summary of cases in which disciplinary measures were imposed during the period from 1 January to 31 December 2019⁷

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

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

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 below.

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,⁸ 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 in 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 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" and should, therefore, be understood in that context, rather than as meaning that separation would constitute a proportionate sanction in cases involving staff members who remain in the service of 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. In cases in which a specific sanction would affect the outcome of the process because, for example, the repatriation grant has been withheld, the former staff member is informed of the more specific sanction and it is given effect.

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 where 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.

⁸ See paragraphs 25, 30, 34, 38, 41, 43, 62 and 67.

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

24. A staff member created a hostile work environment for several other staff members by shouting at and verbally abusing them, repeatedly making accusations of incompetence while other staff members were present, and threatening their contractual status. *Disposition*: written censure, fine in the amount of one month's net base salary and loss of two steps in grade. *Appeal*: none.

25. A staff member engaged in prohibited conduct, including the sexual harassment of a subordinate, and created a hostile work environment. The staff member facilitated the promotion of another staff member with whom the staff member had a personal relationship, and failed to disclose the resulting conflict of interest. *Disposition*: post-separation sanction of "separation from service" (see para. 22 above). The name of the staff member was entered in ClearCheck. *Appeal*: none.

26. A staff member created a hostile work environment for other staff members by marginalizing them in work-related conversations and social gatherings, and by supporting the relocation of another staff member to a remote duty station. The staff member failed to report irregularities in the recruitment exercise in which the staff member was a candidate, which resulted in the staff member's selection. *Disposition*: demotion by one grade, with deferment, for one year, of eligibility for consideration for promotion. *Appeal*: none.

27. A staff member created a hostile, offensive and humiliating work environment for a subordinate, and engaged in abuse of authority with respect to the recruitment of a consultant, the extension of the consultant's contract and the consultant's official travel. *Disposition*: demotion by one grade, with deferment, for one year, of eligibility for consideration for promotion. *Appeal*: filed with the Dispute Tribunal, where the case remains under consideration.

28. A staff member unduly influenced the employment of another staff member and an individual contractor. The staff member failed to disclose a conflict of interest arising from the staff member's involvement in the employment of the other staff member. The staff member attempted to interfere with the investigation into the conduct. *Disposition*: separation from service with compensation in lieu of notice and with termination indemnity. *Appeal*: filed with the Dispute Tribunal, where the case remains under consideration.

29. A staff member created a hostile work environment for a supervisee and engaged in abuse of authority by adversely impacting the supervisee's performance evaluation. There were mitigating circumstances. *Disposition*: written censure with loss of five steps in grade. *Appeal*: none.

30. A staff member engaged in behaviour of a sexual nature towards a supervisee and interfered with an investigation into the conduct. *Disposition*: post-separation sanction of "separation from service" (see para. 22 above). The name of the staff member was entered in ClearCheck. *Appeal*: filed with the Dispute Tribunal, where the application was rejected.

31. A staff member with managerial responsibilities engaged in harassment of several other staff members by shouting, using inappropriate language, and engaging in humiliating and demeaning actions. The staff member condoned the harassing behaviour of another colleague. There were mitigating circumstances. *Disposition*: written censure with loss of one step in grade. *Appeal*: filed with the Dispute Tribunal, where the sanction decision was upheld.

32. A staff member with managerial responsibilities engaged in harassment of several other staff members by subjecting them to public criticism and shouting at them. There were mitigating circumstances. *Disposition*: written censure with loss of one step in grade. *Appeal*: none.
33. A staff member made physical gestures of a sexual nature and touched the buttocks of one or more women, causing offence to one or more of them. There were mitigating factors. *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.
34. A staff member engaged in sexual harassment by attempting to kiss another staff member while on duty. *Disposition*: post-separation sanction of “separation from service” (see para. 22 above). The name of the staff member was entered in ClearCheck. *Appeal*: none.
35. A staff member engaged in harassment of another staff member. *Disposition*: written censure. *Appeal*: none.
36. A staff member sexually harassed another staff member and two consultants during a work-related gathering. There were mitigating factors. *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*: filed with the Dispute Tribunal, where the case remains under consideration.
37. A staff member sexually harassed a subordinate by making a sexual advance and offering help in an ongoing recruitment process in exchange. *Disposition*: dismissal. The name of the staff member was entered in ClearCheck. *Appeal*: none.
38. A staff member sexually harassed a subordinate by kissing and trying to kiss the subordinate on several occasions without consent, proposing to have sex with the subordinate and using inappropriate and threatening language. *Disposition*: post-separation sanction of “separation from service” (see para. 22 above). The name of the staff member was entered in ClearCheck. *Appeal*: none.
39. A staff member harassed subordinates and created a hostile environment. The staff member abused authority by placing unreasonable restrictions and demands on other staff members with respect to breaks and leave. *Disposition*: demotion by one grade, with deferment, for three years, of eligibility for consideration for promotion. *Appeal*: none.
40. A staff member harassed another staff member through inappropriate email exchanges. *Disposition*: censure. *Appeal*: none.
41. A staff member made unwelcome sexual advances towards an employee of a contractor during a social gathering of colleagues. *Disposition*: post-separation sanction of “separation from service” (see para. 22 above). The name of the staff member was entered in ClearCheck. *Appeal*: none.
42. A staff member sexually harassed a staff member of an organization related to the United Nations. *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*: filed with the Dispute Tribunal, where the case remains under consideration.
43. A staff member touched a colleague inappropriately, including by kissing the colleague’s lips, and used inappropriate language. *Disposition*: post-separation sanction of “separation from service” (see para. 22 above). The name of the staff member was entered in ClearCheck. *Appeal*: none.
44. A staff member created a hostile work environment, targeting five other staff members, and behaved inappropriately towards interns. *Disposition*: demotion of one

grade, with a three-year deferment of eligibility for consideration for promotion. *Appeal*: filed with the Dispute Tribunal, where the case remains under consideration.

45. A staff member created a hostile work environment in relation to another staff member. *Disposition*: deferment, for one year, of eligibility for consideration for promotion, and the loss of two steps in grade. *Appeal*: filed with the Dispute Tribunal, where the case remains under consideration.

46. A staff member sexually harassed two staff members in a work-related context. *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*: filed with the Dispute Tribunal, where the case remains under consideration.

B. Theft and misappropriation

47. A staff member participated in fuel fraud and falsified documents relating to the volume of fuel dispensed. *Disposition*: separation from service, with compensation in lieu of notice and without termination indemnity. The disposition specified financial recovery of the loss. *Appeal*: none.

48. A staff member participated in fuel fraud. There were mitigating factors. *Disposition*: separation from service, with compensation in lieu of notice and with termination indemnity. *Appeal*: none.

49. Ten staff members participated in fuel fraud, and falsified documents relating to the volume of fuel dispensed. *Disposition*: separation from service, with compensation in lieu of notice and without termination indemnity. *Appeal*: none for nine of the staff members. One staff member filed an appeal with the Dispute Tribunal, where the case remains under consideration.

50. A staff member took, without authorization, a mobile telephone that belonged to another staff member, removed information from the telephone and used it. *Disposition*: separation from service, with compensation in lieu of notice, and with termination indemnity. *Appeal*: none.

51. A staff member took goods from a store on United Nations premises without paying for them. *Disposition*: separation from service, with compensation in lieu of notice, and without termination indemnity. *Appeal*: none.

52. A staff member removed, without authorization and for personal use, vehicle spare parts belonging to the Organization. *Disposition*: separation from service with compensation in lieu of notice and with termination indemnity. *Appeal*: none.

53. A staff member took, without authorization, items belonging to a United Nations vendor. *Disposition*: separation from service with compensation in lieu of notice and without termination indemnity. *Appeal*: none.

C. Fraud, misrepresentation and false certification

54. Five staff members failed to disclose, in job applications and/or submissions about their familial status, that they had relatives who were employed by the Organization. The staff members' conduct was significantly mitigated by their early admission and long service at the General Service level in a difficult mission environment. *Disposition*: demotion, with deferment, for different periods, of eligibility for consideration for promotion. *Appeal*: none.

55. A staff member falsified official documentation relating to the issuance and/or return of assets to current or former staff members. *Disposition*: separation from

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

56. A staff member submitted false information on job applications concerning the staff member's nationality and date of birth. *Disposition*: separation from service with compensation in lieu of notice and with termination indemnity. *Appeal*: none.

57. A staff member submitted to the Organization a claim for payment of an education grant and documentation that contained false information. *Disposition*: separation from service with compensation in lieu of notice and without termination indemnity. *Appeal*: none.

58. A staff member knowingly disobeyed an instruction to cancel a mission, travelled without authorization and provided false information to the supervisor. The staff member falsely declared communications made on a mobile telephone provided by the United Nations to be official when they were in fact private. The staff member attempted to interfere with the investigation into the conduct. *Disposition*: separation from service with compensation in lieu of notice and without termination indemnity. *Appeal*: none.

59. A staff member submitted to the Organization an education grant claim and documentation that contained false information. *Disposition*: separation from service with compensation in lieu of notice and without termination indemnity. *Appeal*: filed with the Dispute Tribunal, where the case remains under consideration.

60. A staff member was convicted of a non-criminal offence of disorderly conduct and did not inform the Organization. *Disposition*: written censure, loss of two steps in grade and fine equivalent to two months' net base pay. *Appeal*: none.

61. A staff member was absent from work, without authorization, for a lengthy period. *Disposition*: separation from service, with compensation in lieu of notice, and with termination indemnity. *Appeal*: filed with the Dispute Tribunal and case subsequently settled.

62. A staff member created documents containing false information relating to official travel, resulting in payments to which the staff member was not entitled. *Disposition*: post-separation sanction of "separation from service" (see para. 22 above) and fine of one month's net base salary plus recovery of the amount of the payments. The monetary aspect of the sanction was effected by deduction from the staff member's final entitlements, which had been withheld. *Appeal*: none.

63. A staff member who ran as a candidate in a local staff election cast votes using the identification credentials of other staff members, without authorization, and instructed two subordinates to cast votes on behalf of other staff members in favour of the staff member. *Disposition*: separation from service, with compensation in lieu of notice, and without termination indemnity. *Appeal*: none.

64. A staff member submitted, without authorization, to a financial institution, a false United Nations document, with a forged signature of another staff member. *Disposition*: separation from service with compensation in lieu of notice, and with termination indemnity. *Appeal*: none.

65. A staff member presented an insurance card, issued by the United Nations, to enable a sibling to receive medical care using the identity of the staff member. *Disposition*: separation from service with compensation in lieu of notice, and without termination indemnity. *Appeal*: none.

66. A staff member provided false information in support of requests for education grant benefits. *Disposition*: separation from service with compensation in lieu of notice, and without termination indemnity or recovery of moneys. *Appeal*: filed with the Dispute Tribunal, where the case remains under consideration.

67. A staff member made United Nations information and communications technology resources and data available to a friend, without authorization, signed a document containing false information in order for the friend to be provided with United Nations identification, instructed staff members to drive the friend on personal errands, helped the friend to obtain a visa based on false information and attempted to influence the information provided by staff members during the investigation into the conduct. *Disposition*: post-separation sanction of “separation from service” (see para. 22 above). *Appeal*: none.

68. A staff member submitted a claim for reimbursement of medical expenses that contained false information; the staff member had no knowledge of, or reason to know about, that information. The staff member also engaged in business activities without authorization. There were mitigating factors. *Disposition*: written censure, loss of two steps in grade and fine of one month’s net base salary. *Appeal*: none.

69. A staff member made a misrepresentation and false declaration in the staff member’s personal history profile in relation to a training certification. There were mitigating factors. *Disposition*: demotion, with deferment, for one year, of eligibility for consideration for promotion. *Appeal*: none.

D. Unauthorized outside activities and conflict of interest

70. Without prior approval, a staff member used a United Nations email account and engaged in outside activities by assisting the business of an external individual. The staff member made a false statement in favour of the individual and for the individual’s acquaintance. *Disposition*: loss of two steps in grade, plus written censure. *Appeal*: filed with the Dispute Tribunal, where the case remains under consideration.

71. A staff member engaged in unauthorized outside activities related to one or more wine businesses. *Disposition*: written censure, loss of two steps in grade and fine equivalent to two months’ net base pay. The staff member was also required to reimburse the Organization for financial loss relating to a payment for security services. *Appeal*: none.

72. A staff member engaged in outside activity without prior approval, using United Nations information and communications technology resources. There were mitigating factors. *Disposition*: written censure, loss of two steps in grade and deferment, for two years, of eligibility for consideration for promotion. *Appeal*: none.

73. A staff member set up an outside business activity without prior authorization. There was no conflict of interest with the staff member’s work and the staff member did not profit financially from the activity. *Disposition*: written censure and deferment, for two years, of eligibility for consideration for promotion. *Appeal*: none.

74. A staff member engaged in an outside occupation for many years, without authorization. A possible conflict of interest was present. *Disposition*: fine equivalent to four months’ net base salary and demotion of one grade, with deferment, for two years, of eligibility for consideration for promotion. *Appeal*: none.

E. Verbal abuse and physical assault

75. A staff member made a threatening gesture and intimidating remarks towards a colleague. *Disposition*: demotion by one grade, with deferment, for three years, of eligibility for consideration for promotion, together with administrative measures. *Appeal*: none.

76. A staff member sent communications containing inappropriate and/or threatening language to a contractor and attempted to have the contractor's employment terminated. There were mitigating factors. *Disposition*: demotion, with deferment, for one year, of eligibility for consideration for promotion. *Appeal*: none.

77. A staff member failed to adhere to instructions issued by United Nations security personnel, used inappropriate gestures and language, and physically assaulted a security officer. There were mitigating factors. *Disposition*: separation from service, with compensation in lieu of notice, and with termination indemnity. *Appeal*: none.

F. Sexual exploitation and abuse

78. A staff member engaged in sexually exploitative behaviour towards a local person and attempted to engage in transactional sex with other local persons. The staff member attempted to interfere with the investigation. *Disposition*: separation from service, with compensation in lieu of notice and without termination indemnity, and fine of one month's net base salary. The name of the staff member was entered in ClearCheck. *Appeal*: filed with the Dispute Tribunal, where the case remains under consideration.

79. A staff member sexually abused a minor. *Disposition*: dismissal. The name of the staff member was entered in ClearCheck. *Appeal*: filed with the Dispute Tribunal, where the case remains under consideration.

80. A staff member sexually abused a member of a local population. *Disposition*: dismissal. The name of the staff member was entered in ClearCheck. *Appeal*: none.

81. A staff member asked a person from an association that had submitted a proposal for a project to the Organization to have sex with the staff member. When the person refused, the staff member indicated that it would adversely impact the project proposal. *Disposition*: separation from service with compensation in lieu of notice and without termination indemnity. The name of the staff member was entered in ClearCheck. *Appeal*: none.

G. Procurement irregularities

82. A staff member failed to exercise the duty of care reasonably expected from a person in the staff member's position with regard to a foreseeable risk arising from procurement dealings. *Disposition*: loss of two steps in grade and written censure. *Appeal*: none.

83. A staff member, at a field office with no procurement capacity, facilitated the creation and submission of a comparative analysis of vendor bids, when no such bids had in fact been received. *Disposition*: written censure. *Appeal*: none.

84. A staff member, at a field office with no procurement capacity, facilitated a payment to a private company in advance of the actual delivery of products. *Disposition*: written censure. *Appeal*: none.

85. A staff member performing procurement functions requested that a vendor consider hiring one or more individuals, including the staff member's brother, in connection with the company meeting its obligations under the contract. *Disposition*: written censure, required training, and demotion of one grade, with deferment, for two years, of eligibility for consideration for promotion. *Appeal*: filed with the Dispute Tribunal, where the case remains under consideration.

86. A staff member improperly used the staff member's position by soliciting and receiving payment from outside entities in exchange for assistance in awarding projects to the entities. The staff member attempted to interfere with the investigation.

The staff member downloaded a pornographic video to the staff member's United Nations computer. *Disposition*: separation from service, with compensation in lieu of notice and without termination indemnity, and fine of two months' net base salary plus applicable post adjustment and allowances. *Appeal*: none.

H. Retaliation

87. A staff member retaliated against another staff member who had engaged in protected activities. The staff member reduced the responsibilities of the other staff member, disbanded the other staff member's section and failed to complete the other staff member's performance evaluation. *Disposition*: post-separation, a substantive note was placed in the staff member's official status file detailing the findings of the investigation. *Appeal*: none.

I. Other

88. A staff member signed vouchers for the disposal of fuel, without authorization. There were mitigating factors. *Disposition*: written censure and loss of two steps in grade. *Appeal*: none.

89. A staff member drove a private vehicle after consuming alcohol and caused the vehicle to collide with an armoured vehicle of a United Nations contingent, causing damage to the armoured vehicle. *Disposition*: separation from service with compensation in lieu of notice and without termination indemnity. *Appeal*: filed with the Dispute Tribunal, where the case remains under consideration.

90. A senior staff member declared to the Organization that certain travel arrangements were official when they were in fact private in nature. There were significant mitigating factors. *Disposition*: reprimand. The cost of the private travel arrangements was recovered. *Appeal*: none.

91. A senior staff member knowingly facilitated the processing of personal deviations for another staff member as official travel arrangements. There were significant mitigating factors. *Disposition*: reprimand. *Appeal*: none.

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

A. Cases completed during the reporting period

92. 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 a disciplinary measure. Information is also provided about appeals to the Dispute and Appeals Tribunals of disciplinary measures imposed since 1 July 2009.

93. 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.⁹

94. 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.¹⁰ 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.

95. 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 7.9 months, which is a slight increase relative to the time taken as reported for the period ending 31 December 2018 (7.4 months). The amount of time taken to complete the cases disposed during the reporting period, by investigating entity, is set out in table 2.

Table 1
Disposition of cases completed between 1 January and 31 December 2019^a

<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	44
Other disciplinary measures	31
Administrative measures	6
Closed with no measure	8
Not pursued as a disciplinary matter	19
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	29
Other	3
Total	146^b

^a Cases completed in 2019 were reported in 2019 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 I.

^b Although there were 143 dispositions, 1 disposition, namely, a sanction of demotion plus deferment of promotion of one staff member, closed three cases.

⁹ 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 where 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.

¹⁰ 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).

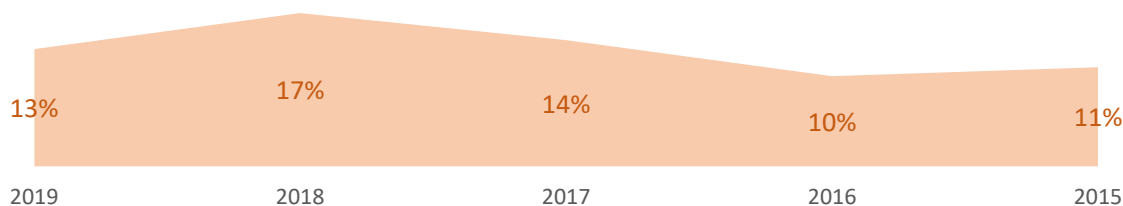
Table 2
Length of time to dispose of cases completed between 1 January and 31 December 2019, by investigating entity

(Months)

<i>Investigating entity</i>	<i>Time to dispose of cases</i>
Department of Safety and Security	3.4
Investigation panel	13.7
Office of Internal Oversight Services	7.0
Special Investigations Unit	7.5
Other	4.4

96. Of the 146 cases completed during the reporting period, 19, or 13 per cent, were not pursued as disciplinary matters. This represents a decrease compared with the percentage not pursued in the previous annual period. In figure I, comparative data for the period covered by the present report and the four previous annual periods are set out.¹¹ The comparative data indicate that between 10 and 20 per cent of matters referred are not pursued through the disciplinary process. That rate demonstrates that an appropriate 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.

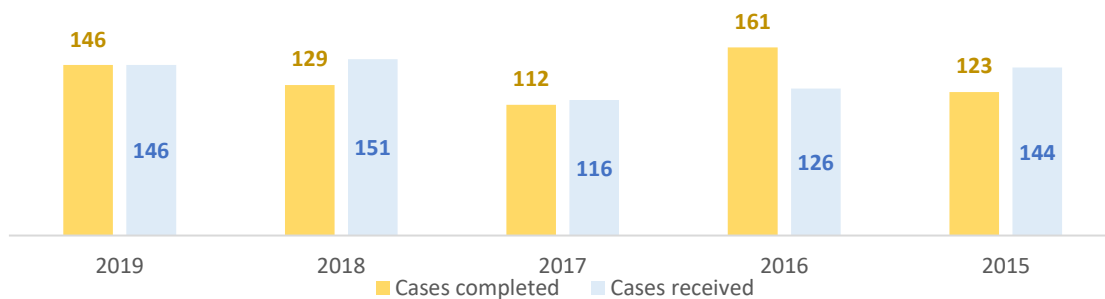
Figure I
Percentage of cases completed and not pursued as disciplinary matters



97. Of the cases of unsatisfactory conduct referred to the Office of Human Resources in 2019, 29 involved staff members who had separated from service before an investigation or a disciplinary process was concluded (8 resignations and 21 other separations, such as separation on expiry of appointment). They mainly concerned allegations of abuse of authority, fraud or unauthorized outside activities; none were related to alleged sexual misconduct. 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. No appeals were filed.

¹¹ The figures provided in reports prior to the report on the period from 1 January to 31 December 2018 (A/74/64), 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.

Figure II
Cases completed in the current and previous four annual periods^a



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

98. The number of cases completed increased in three of the four previous annual periods, as can be seen in figure II. During the current reporting period, 78 disciplinary measures were imposed.¹² Figure III sets out comparative data on disciplinary measures imposed in the current reporting period and the previous four annual periods. The number of disciplinary measures imposed in the current reporting period (78) was significantly higher than the average number of disciplinary measures imposed in the previous four annual periods (57).

Figure III
Disciplinary measures imposed



99. 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 in 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 on requests for placement of a staff member on administrative leave without pay. The Office has also been intensively involved in working groups and committees that develop policies related to conduct issues, including the CEB task force on addressing sexual harassment within the organizations of the United Nations system, and in the development of ClearCheck. In addition, the Office routinely provides advice to other offices on the handling of complaints related to prohibited conduct, provision that tends to be resource intensive.

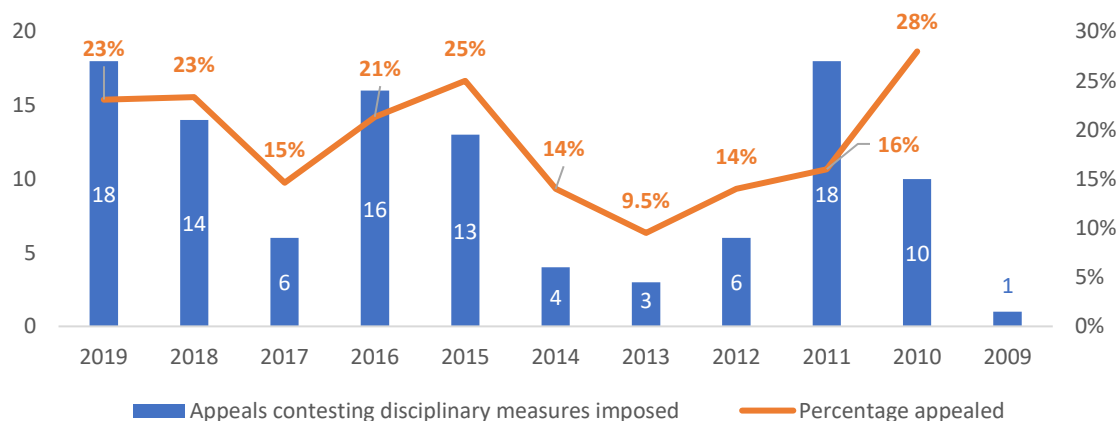
¹² This figure reflects the closure of 80 cases because, with respect to one staff member, 3 cases were closed through the imposition of one disciplinary measure.

B. Appeals against disciplinary measures

100. Once a completed case has resulted in the imposition of a disciplinary measure, the staff member may challenge that decision before the Dispute Tribunal.¹³ In recent years, approximately a quarter of the measures imposed during an annual period have been appealed. During the previous reporting period, ending 31 December 2018, there were appeals in 14 cases, or 23 per cent.¹⁴

Figure IV

Appeals contesting disciplinary measures imposed between 1 July 2009 and 31 December 2019^a



^a The figures provided in reports prior to the report for the period from 1 January to 31 December 2018 (A/74/64), 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.

101. The number of Dispute Tribunal and Appeals Tribunal judgments related to disciplinary sanctions imposed in the Secretariat after 1 July 2009 remains relatively small. The Tribunals continue to 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 about the overall outcome, as at 1 November 2020, of challenges to disciplinary measures imposed during the period from 1 July 2009 to 31 December 2019 before the Dispute and Appeals Tribunals.

¹³ 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 include information about the appeals against disciplinary measures imposed prior to 1 July 2009, or the outcomes of those appeals.

¹⁴ The figure provided in the previous report (A/74/64) did not include cases that had not been appealed at the date of submission of the report. That figure has been updated to reflect the number of cases that were closed during the previous reporting period and appealed after the end of the period. Accordingly, the percentage of appeals against disciplinary measures imposed during the previous reporting period is now reported to be 25 per cent, or 14 cases appealed (up from 12).

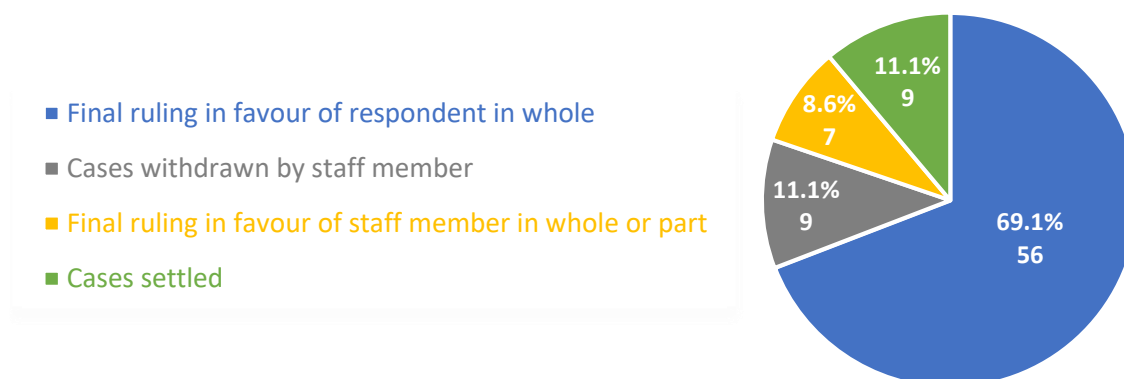
Table 3
Disposition of the appeals contesting disciplinary measures imposed between 1 July 2009 and 31 December 2019 (as at 1 November 2020)

<i>Disposition</i>	<i>Number</i>	<i>Percentage</i>
Final ruling in favour of respondent in whole ^a	56	69.1
Cases withdrawn by staff member	9	11.1
Final ruling in favour of staff member in whole ^b	4	4.9
Final ruling in favour of staff member in part	3	3.7
Cases settled	9	11.1
Total	81	100
Staff member's appeal pending at the Dispute or Appeals Tribunal, or time for appeal to the Appeals Tribunal has not expired	28	

^a This number 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.

^b The number 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 at the Appeals Tribunal.

Figure V
Disposition of the appeals contesting disciplinary measures imposed between 1 July 2009 and 31 December 2019 (as at 1 November 2020)

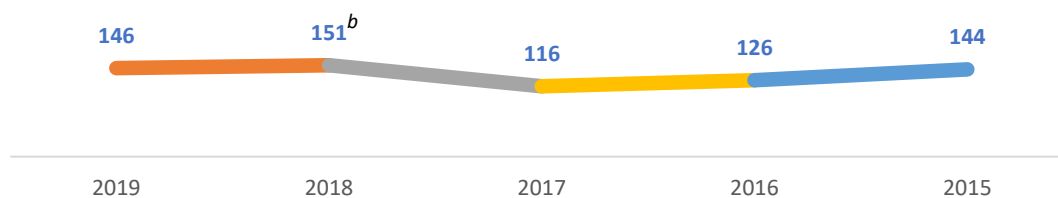


C. Cases received by the Office of Human Resources

102. 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.

103. The number of cases received during the reporting period shows an increase compared with all but one of the previous four annual periods.

Figure VI
Cases received by the Office of Human Resources during the current and previous four annual periods^a



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

^b Previously reported as 149.

104. The proportion of cases concerning field staff received during the present period is 57.5 per cent. Comparative data for this and the four previous annual periods is set out below.¹⁵ The percentage of cases originating in field missions is broadly in line with previous annual periods.

Figure VII
Proportion of cases concerning field staff received

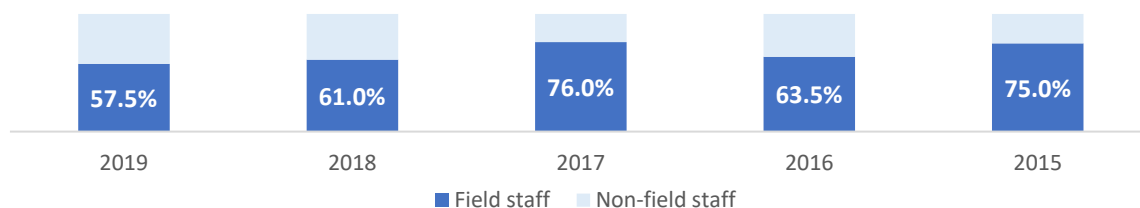
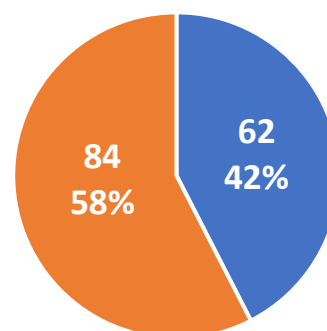


Figure VIII
Source of cases received by the Office of Human Resources from 1 January to 31 December 2019

- Cases relating to staff based at United Nations Headquarters and offices away from Headquarters
- Cases relating to field staff



¹⁵ The figures provided in reports prior to the report for the period from 1 January to 31 December 2018 (A/74/64), 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.

Table 4
Cases received between 1 January and 31 December 2019, by type of misconduct^a

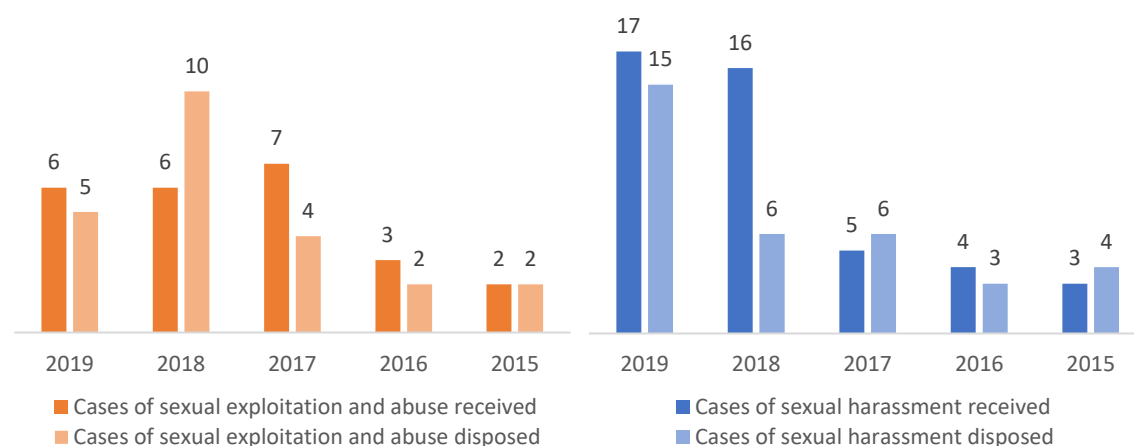
Type of misconduct	Number
Abuse of authority/harassment/discrimination	35
Assault (verbal and physical)	6
Failure to honour private legal obligations	1
Failure to report	4
Inappropriate or disruptive behaviour	8
Misrepresentation and false certification	37
Misuse of United Nations property or assets	4
Procurement irregularities	4
Retaliation	3
Sexual exploitation and abuse	6
Theft and misappropriation	9
Unauthorized outside activities and conflict of interest	18
Violation of local laws	4
Others	7
Total	146

^a 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 figure IX.

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

Figure IX

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



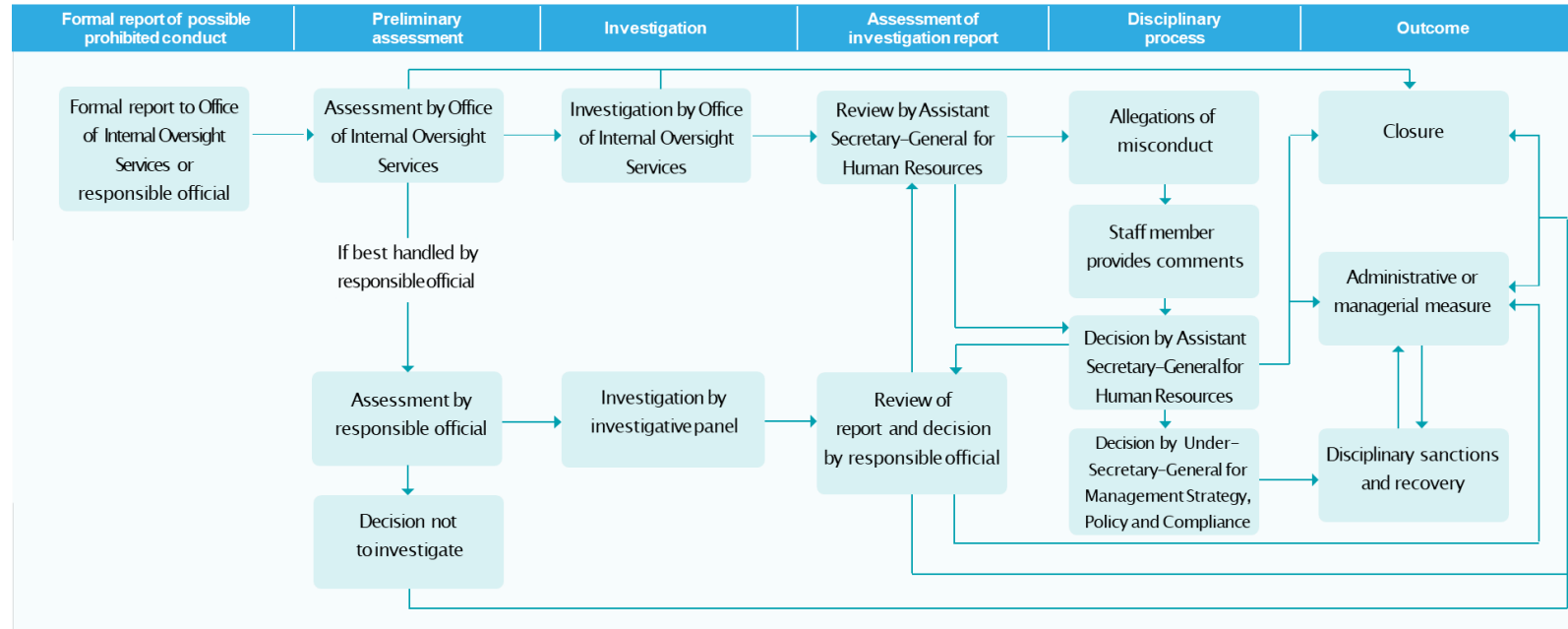
V. Possible criminal behaviour

106. In its resolution [59/287](#), the General Assembly requested the Secretary-General to take action expeditiously in cases of proven misconduct and/or criminal behaviour

and to inform Member States about the actions taken. During the reporting period, 29 cases involving credible allegations of criminal conduct by United Nations officials or experts on mission were referred to Member States.

VI. Conclusion

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

Investigation and disciplinary process¹

¹ The present flow chart, together with a summary of the investigation and disciplinary process, 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>).