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Administration of justice at the United Nations

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

Report of the Advisory Committee on Administrative and Budgetary Questions

I. Introduction

1. The Advisory Committee on Administrative and Budgetary Questions has considered the reports of the Secretary-General on administration of justice at the United Nations ([A/79/127](#)) and on the activities of the Office of the United Nations Ombudsman and Mediation Services ([A/79/156](#)). The Committee also had before it the report of the Internal Justice Council on administration of justice at the United Nations ([A/79/121](#)). During its consideration of the reports, the Committee received additional information and clarifications, concluding with written responses dated 4 October 2024.

2. In his report on administration of justice at the United Nations, the Secretary-General provides information on the functioning of the system of administration of justice in 2023, including statistical data and a consolidated response to the requests of the General Assembly contained in its resolution [78/248](#). The report on the activities of the Office of the United Nations Ombudsman and Mediation Services contains information on the activities of the Office in 2023.

II. Administration of justice at the United Nations

A. Trends and observations on the formal system of administration of justice in 2023

3. The Secretary-General, in section II of his report ([A/79/127](#)), provides information, data and trends relating to the operations of the formal system of administration of justice in 2023, including the following:

(a) In the Secretariat, the Management Advice and Evaluation Section (formerly the Management Evaluation Unit) received 401 requests for management



evaluation in 2023, compared with 368 in 2022. The majority of the requests received by the Section during the year involved appointment and promotion (approximately 29 per cent), separation from service (approximately 16 per cent), and salaries and related allowances (15 per cent). As in past years, a significant number of requests were received from staff members in the field (approximately 49 per cent). In terms of disposition of requests, 277 decisions were upheld, 11 decisions were reversed, 97 requests were resolved otherwise, 69 decisions were appealed and 56 requests were carried forward to 2024 (*ibid.*, para. 4 and tables 1 and 2);

(b) In 2023, 198 new cases were filed with the United Nations Dispute Tribunal, compared with 235 in 2022. Overall, the number of applications received have been declining since a peak of 438 applications in 2015. In 2023, the Dispute Tribunal disposed of 204 cases (compared with 251 cases in 2022), transferred two cases between Registries and issued 145 judgments. Of the applications disposed of by the Tribunal in 2023, 138 were dismissed either on the merits or as not receivable. The number of pending applications at the end of the year declined from 121 cases in 2022 to 116 cases in 2023 (*ibid.*, para. 5, tables 4 and 7 and figure III);

(c) The number of cases received by the United Nations Appeals Tribunal continued to decrease, with 116 cases received in 2023 compared with 124 in 2022, 140 in 2021 and 159 in 2020. In 2023, the Tribunal issued 97 judgments, compared with 124 judgments in 2022. It issued 45 orders, compared with 46 orders in 2022, and disposed of 110 cases, compared with 147 cases in 2022. The number of pending cases at year-end increased from 98 cases in 2022 to 105 cases in 2023 (*ibid.*, para. 32 and tables 8 and 11);

(d) In 2023, the Office of Staff Legal Assistance received 1,388 requests, compared with 1,202 requests received in 2022. The number of pending requests at year-end declined from 248 in 2022 to 163 in 2023. In 2023, the Office filed 87 requests on behalf of staff members for management evaluation and 34 applications to the Dispute Tribunal, and represented one staff member before the Appeals Tribunal. A total of 91 per cent of cases were resolved informally or otherwise concluded by the Office through summary advice or settlement, or by the Office advising the staff members concerned that legal proceedings would not have had a reasonable prospect of success (*ibid.*, paras. 44 and 45 and table 13);

(e) Information on the settlement payments recommended by the Management Advice and Evaluation Section and monetary compensation awarded by the Tribunals in 2023 or paid in 2023 is contained in annex IV to the report of the Secretary-General.

4. The Advisory Committee trusts that the Secretary-General will continue to collect and report on statistics pertaining to the caseload of the various entities, including those based in the field, and provide enhanced trend analysis and assessment on the functioning of the system of administration of justice in his next report.

B. Responses to questions related to the administration of justice

5. The Secretary-General, in section III of his report, provides responses to requests of the General Assembly contained in its resolution [78/248](#), including on multilingualism, a comprehensive assessment of the functioning of the system of administration of justice, the tools and mechanisms to minimize unnecessary, vexatious and/or frivolous litigation, protection against retaliation and the voluntary funding mechanism for the Office of Staff Legal Assistance.

1. Multilingualism

6. In paragraph 7 of its resolution [78/248](#), the General Assembly commended the Secretary-General for ensuring the availability of outreach documents in all six official languages, and requested the Secretary-General to intensify his efforts to implement multilingualism within the system of administration of justice and to report on his efforts to continue to promote multilingualism in the system of administration of justice in the context of his future reports.

7. The Secretary-General indicates that the new judges who commenced their seven-year terms on 1 July 2023 enhance the geographical and linguistic diversity of the Tribunals, providing additional judicial capacity in French, Spanish, Arabic and Chinese at the Appeals Tribunal and new judicial capacity in Chinese at the Dispute Tribunal. At the 2024 spring session, the Appeals Tribunal made three judicial pronouncements in Arabic and one in French. In addition, parties before the Tribunals may request translation and interpretation into any language required for the proceedings. Simultaneous interpretation was provided in several Dispute Tribunal hearings in 2023. Following the amendment of the statute of the Dispute Tribunal to include the new article 9 (4), the statute text was updated in all six official languages. Moreover, the Caselaw portal is regularly updated with new summaries in English and French. However, the Secretary-General also indicates that the full implementation of multilingualism within the administration of justice system would require dedicated resources (*ibid.*, paras. 51–54).

8. **The Advisory Committee again acknowledges the significant efforts made as well as the remaining challenges, in particular financial limitations, to ensure the availability of documents in all six official languages and recommends that the General Assembly request the Secretary-General to include detailed information on the resources needed to fully ensure this availability within the system of administration of justice in his next report (see also [A/78/580](#), para. 18, and [A/77/559](#), para. 12).**

2. Comprehensive assessment of the functioning of the system of administration of justice

9. In its resolution [78/248](#), the General Assembly endorsed the recommendation of the Advisory Committee in favour of a fuller analysis of the trends in caseload in the system of administration of justice, including by more systematically integrating data from various actors of the system, such as how the cases presented to the United Nations Dispute Tribunal relate to management evaluation and mediation cases, as well as a better interpretation of indicated trends, such as the increase in number and percentage of disciplinary measures being challenged in the Tribunals.

10. A comprehensive assessment of the functioning of the system of administration of justice for the period 2009–2023 is annexed to the report of the Secretary-General ([A/79/127](#), annex I). The assessment shows that in terms of numbers of requests and cases, the system of administration of justice peaked between 2015 and 2018. The Tribunals received the highest number of applications and cases per year in 2015, with 438 applications to the Dispute Tribunal and 191 cases for the Appeals Tribunal. In 2017, the Office of Staff Legal Assistance and the Management Evaluation Unit received the highest annual number of requests since inception, with 4,147 requests and 1,888 requests, respectively. In 2018, the Office of the United Nations Ombudsman and Mediation Services received its highest number of cases (3,577) (*ibid.*, figure A.1).

11. The assessment confirmed the analysis made by the Advisory Committee in its previous report, that: (a) applications received by the Dispute Tribunal had reduced

from well above 300 applications annually during the period 2014–2019 to fewer than 250 during the period 2020–2023; (b) the applications received by the Appeals Tribunal in 2023 remained virtually at the same level as in 2013, albeit with fluctuations within the 10-year period; and (c) while requests for legal assistance fluctuated, they increased to 4,147 in 2017 before reducing to and remaining between 1,000 and 2,000 requests between 2019 and 2023 ([A/78/580](#), para. 4).

12. According to the Secretary-General, the ombudsman's offices, the Management Advice and Evaluation Section in the Secretariat and the Office of Staff Legal Assistance have contributed significantly by serving as filtering mechanisms to reduce litigation before the Tribunals. With regard to the fluctuation in the number of requests over the years, it is noted that an important feature of the system is the high number of requests and applications arising out of administrative decisions that affect large numbers of staff members. For instance, in 2017, both the number of requests for management evaluation and the number of requests for the services of the Office of Staff Legal Assistance reached their highest levels to date. Many of these requests were a result of post adjustment changes in Geneva, alterations in salary scales, and non-conversion to permanent appointments, as well as abolition of posts and other issues in several peacekeeping missions ([A/79/127](#), paras. 57 and 67 and annex I, paras. 3 and 8).

13. With regard to the type of cases brought by staff members, the assessment indicates that most cases received by the Dispute Tribunal have related to appointments, benefits and entitlements, or separation from service. Similarly, since the establishment of the management evaluation mechanism, roughly half of management evaluation requests in the Secretariat have concerned matters of separation from service, appointment and promotion, or salaries and related allowances. In 2023, approximately 40 requests for management evaluation and suspension of action were issued by staff affected by the downsizing of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), who contested their separation from service without their being given priority consideration for job openings, and their non-selection for job openings in the mission liquidation team (*ibid.*, para. 62 and annex I, para. 17).

14. In addition, the statistics show a steady increase in the number of disciplinary measures imposed, even though most disciplinary measures imposed are not challenged. Cases involving disciplinary matters do not require a management evaluation as a first step in the formal process of administration of justice. In the Secretariat, between 2019 and 2023, out of the 364 sanctions imposed, 79 (or 22 per cent) were appealed (*ibid.*, annex I, paras. 35 and 36, figure A.10 and table A.1).

15. The Advisory Committee notes the information and analysis provided in the assessment and encourages the Secretariat to include in its next report further analysis of the trends in caseload, including by more systematically integrating data from various actors of the system (see also [A/78/580](#), para. 6).

3. Tools and mechanisms to minimize unnecessary, vexatious and/or frivolous litigation

16. In its resolution [78/248](#), the General Assembly endorsed the recommendation of the Advisory Committee that the Secretary-General provide information in his next report on existing tools and mechanisms to minimize the risk of unnecessary, vexatious and/or frivolous litigation, including on the filtering role of the Management Advice and Evaluation Section, on the current level of recourse to the informal system of administration of justice, and on decisions by the Tribunals awarding costs against parties that manifestly abuse the proceedings, in accordance

with their statutes, as well as more granular data on decisions of non-receivability by the Tribunals (*ibid.*, para. 11).

17. With regard to the filtering role of the Office of Staff Legal Assistance, in 2023, out of a total of 1,388 requests, 1,164 requests, or 84 per cent, were treated through summary advice. From 2009 to 2023, the proportion of cases with self-represented litigants whose applications were dismissed by the Dispute Tribunal as not receivable was higher (42 per cent of all cases with self-representation) than cases with other types of representation (15 per cent for the Office of Staff Legal Assistance and 22 per cent for private or volunteer counsel) ([A/79/127](#), table 13 and annex I, para. 32). With respect to the filtering role of the Management Advice and Evaluation Section, the Secretary-General indicates that the Section takes a cautious approach to the determination of whether a matter submitted for review is unnecessary or frivolous. Since 2009, the Section has received only one request that might be termed frivolous. However, the number of requests deemed not receivable have amounted to 38 per cent of the total number of requests (*ibid.*, paras. 70 and 71). Upon enquiry, the Advisory Committee was informed that the Section dedicated a portion of its staff outreach to raising awareness among staff on the procedures for filing their disagreement with administrative decisions in the formal system and options in the informal system. That portion included encouraging staff considering a request for management evaluation to consult with the Office of Staff Legal Assistance.

18. With respect to the role of the tribunals in minimizing unnecessary litigation, data show that from 2009 to 2023, a total of 1,303 applications to the Dispute Tribunal were found not receivable. Most applications found not receivable were for failure to request a management evaluation or lack of an administrative decision. In addition, the Tribunals have the power to award costs against a party for the abuse of process. However, this power has been exercised infrequently: in the 2009–2023 period, the Tribunals have made a final award of costs for abuse of process against the applicant in 16 cases. The Secretary-General considers that there is little to no correlation between non-receivable cases and frivolous or vexatious litigation before the Dispute Tribunal and that the amount of frivolous or vexatious litigation is negligible (*ibid.*, paras. 77, 79, 81 and 82 and annex II).

19. **The Advisory Committee encourages the system of administration of justice to continue its efforts to minimize unnecessary, vexatious and/or frivolous litigation.**

4. Protection against retaliation

20. In its resolution [78/248](#), the General Assembly endorsed the recommendation of the Advisory Committee by which it stressed the importance of raising awareness on the policy on protection against retaliation and trusted that the Secretary-General would provide in his next report on the administration of justice more detailed information on protection against retaliation ([A/78/580](#), para. 28).

21. The Secretary-General indicates that the requested information is set out in the report of the Ethics Office (see [A/79/76](#)). Upon request, the Advisory Committee was informed that relevant information on the implementation of the policy would be provided in future reports of the Secretary-General to the General Assembly on administration of justice. With regard to 2023, the Advisory Committee was informed that the Ethics Office had received 184 enquiries pertaining to the Organization's policy on protection against retaliation. Of those enquiries, 115 were for advice rather than for actual protection. Fifty-four were requests for protection that resulted in the initiation of preliminary reviews, and seven requests were for a secondary review by the Director of the Ethics Office, in her capacity as the Chair of the Ethics Panel of the United Nations, of retaliation determinations made by the ethics offices of

separately administered organs and programmes. Lastly, eight matters were referrals from the Office of Internal Oversight Services (OIOS) for retaliation prevention measures. In 2023, the Ethics Office completed 40 preliminary reviews. Of those, 38 did not present a credible prima facie case of retaliation. The majority of the precipitating allegations of misconduct concerned workplace disputes or interpersonal conflicts. The Ethics Office referred two prima facie findings of retaliation, along with another prima facie case initiated in 2022, to OIOS for investigation. Of the preliminary reviews conducted, 65 per cent concerned complaints of retaliation from field-based staff. The Committee was also informed that staff who raised concerns not covered by the policy were referred, as appropriate, to the Management Advice and Evaluation Section, the Office of Staff Legal Assistance, the Office of the United Nations Ombudsman and Mediation Services or the Office of Human Resources. Staff were also advised on the reporting of possible misconduct to OIOS or to the responsible official, copying OIOS.

22. The Advisory Committee was further informed that an annual review and assessment of the protection against retaliation policy was conducted in 2023. The Ethics Office specifically provided technical assistance to the Intersessional Working Group on Investigations, Disciplinary Matters and Administration of Justice of the Staff-Management Committee on the review of the policy. On 21 July 2023, the Working Group finalized its report on the review of the Secretary-General's bulletin entitled "Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations" ([ST/SGB/2017/2/Rev.1](#)). In that report, the Working Group makes recommendations based on consensus to enhance the policy's effectiveness. On 30 August 2023, the Staff-Management Committee adopted the report. The Department of Management Strategy, Policy and Compliance is working on the implementation of the recommendations through a policy revision.

23. The Advisory Committee notes that the information on the implementation of the policy on the protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations was provided upon request, and trusts that, pursuant to General Assembly resolution 78/248, relevant information on the implementation of the policy will be provided in future reports of the Secretary-General to the General Assembly on administration of justice.

5. Voluntary supplemental funding mechanism for the Office of Staff Legal Assistance

24. In its resolution [78/248](#), the General Assembly endorsed the recommendation of the Advisory Committee that the Secretary-General provide detailed information on the current voluntary supplemental funding mechanism in his next report, including regarding opt-out rates, the amount of revenue generated, services provided and client satisfaction, along with a comprehensive analysis of potential future funding options ([A/78/580](#), para. 33).

25. Information on staff contributions to the mechanism and opt-out rates from 2019 to 2023 is annexed to the report of the Secretary-General on administration of justice ([A/79/127](#), annex III). The data show that the contributions generated through the mechanism have been increasing steadily, from \$1,194,100 in 2019 to \$1,443,400 in 2023. With regard to the opt-out rates, different trends can be observed depending on the entities concerned: between December 2019 and December 2023, the opt-out rate of staff members decreased in the Secretariat (from 34 per cent to 31.5 per cent) and the United Nations Office for Project Services (from 49 per cent to 38 per cent), while it fluctuated in the Office of the United Nations High Commissioner for Refugees (between 30 per cent and 35 per cent) and increased in the United Nations Development

Programme (from 40 per cent to 47 per cent) and the United Nations Children's Fund (from 42 per cent to almost 46 per cent) (*ibid.*, table B.1 and figures B.2–B.6).

26. The Secretary-General has sought to strengthen incentives for staff not to opt out of the voluntary supplemental funding mechanism. The Office of Staff Legal Assistance continues to undertake outreach activities and engage with senior management and staff representatives to encourage support for the funding mechanism. Legal officers from the Office take every opportunity to encourage staff members to opt in to making voluntary contributions if they have previously opted out, including by publishing articles on the subject on the United Nations intranet (iSeek), distributing informational materials and conducting outreach activities ([A/79/127](#), para. 91).

27. The resources generated by the mechanism are important in terms of human resources. The Office of Staff Legal Assistance includes 10 posts financed from the regular budget (one P-5 Chief/Senior Legal Officer, five P-3 Legal Officers, one P-2 Legal Officer, one G-6 Legal Assistant, and two G-5 Legal Assistants); one P-3 Legal Officer post funded from the support account; and seven posts financed from the voluntary supplemental funding mechanism (two P-4 Legal Officers, one in Geneva and one in Nairobi, and five P-3 Legal Officers, based in Beirut, Entebbe, Geneva, Nairobi and New York) (*ibid.*, para. 90). Upon enquiry, the Advisory Committee was informed that currently, because the funding is not regularized, staff funded by the mechanism are offered temporary appointments. This has an efficiency impact on the Office, the caseload distribution among the existing staff and the ongoing need for conducting regular recruitment processes. The individuals who are hired on temporary appointments are trained by the Office before often being recruited elsewhere on fixed-term appointments or leaving the United Nations altogether. Staff attrition entails loss of institutional knowledge and disruption to clients, who may see their cases handled by several legal officers.

28. The Secretary-General notes that the mechanism remains experimental and, since the seventy-third session of the General Assembly, has been extended for three years at a time, most recently until 31 December 2024. Upon enquiry, the Advisory Committee was informed that the mechanism had been established in 2014 as a voluntary payroll deduction not exceeding 0.05 per cent of a staff member's monthly net base salary (from staff who have not opted out of contributing to the mechanism) to supplement the funding of the Office of Staff Legal Assistance.

29. According to the Secretary-General, extending the mechanism on an indefinite basis would enable the recruitment of staff on a longer-term basis. Therefore, he is requesting that the General Assembly extend the mechanism indefinitely, without prejudice to a final determination as to whether expenditures incurred pursuant to the Office's mandate constitute "expenses of the Organization" within the meaning of the Charter of the United Nations (paras. 94–96 and 109 (b)).

30. The Advisory Committee notes that the voluntary funding mechanism for the Office of Staff Legal Assistance was established in 2014 and has contributed significantly to the functioning of the Office. Therefore, the Committee concurs with the request of the Secretary-General to extend the mechanism indefinitely as it sees merit in efforts to further stabilize this funding source.

31. In addition, the Advisory Committee notes that the voluntary aspect of the contributions could create perceptions of lack of fairness, considering that staff who opt out might, nevertheless, decide to use the services of the Office of Staff Legal Assistance, while staff members who contribute may never use the services of the Office. **In this context, the Advisory Committee encourages the Secretary-General to continue to strengthen incentives for staff not to opt out of the voluntary funding mechanism and to report on this matter in his next report.**

C. Recommendations of the Internal Justice Council

32. In its report on the administration of justice at the United Nations (A/79/121), the Internal Justice Council makes a series of recommendations. The Advisory Committee is of the view that most of these recommendations are of a legal nature. However, the Committee sees merit in the Council's recommendation that the system of administration of justice be exempted from budgetary constraints (A/79/121, recommendation 1). The Council considers that this exemption should enable the system to fill the necessary posts required to maintain its proper functioning by ensuring that it can continue to operate in strict adherence to international law and the principles of the rule of law and due process.

33. Upon enquiry, the Advisory Committee was informed that, owing to liquidity constraints, the candidate selected in July 2023 for the Senior Legal Officer (P-5) post in Nairobi joined in late August 2024, after a delay of almost 13 months from the post becoming vacant on 1 August 2023. In addition, the post of Registrar (P-5) in Geneva will become vacant in November 2024. The situation in Geneva is exacerbated by the fact that the Legal Officer (P-3) post has been vacant since November 2023 and the liquidity situation may not permit filling the post.

34. The Advisory Committee recognizes the need to fill the posts in the administration of justice system expeditiously.

35. With regard to the recommendation to appoint the presidents of the Tribunals for seven-year terms (ibid., recommendation 2), the Advisory Committee recalls that in paragraph 18 of its resolution 76/242, the General Assembly requested the Secretary-General, in consultation with the Tribunals, to present his views regarding such a recommendation (see A/77/130, paras. 17 and 18, and A/77/559, para. 25). In a previous report, the Secretary-General had indicated that the judges of the Dispute Tribunal did not support the recommendation; they considered that a seven-year term was too long and would prevent any rotation. The judges of the Appeals Tribunal also opposed the recommendation. They considered that the rotation of presidents on an annual or other regular basis allowed judges to become familiar with the unique role of the Appeals Tribunal before becoming President, usually after serving a term as a Vice-President. According to the judges, the current system ensured that the President had the appropriate previous experience and enhanced collegiality and solidarity among the Tribunal's judges. The Secretariat expressed its support for a more flexible approach based on renewable shorter terms of office (see A/77/156, paras. 75–77, 80, 82 and 83, and A/77/559, para. 26). It could be noted that the General Assembly has not taken any action to implement this recommendation. Upon enquiry, the Advisory Committee was informed that, as of September 2024, the Secretariat still supported a more flexible approach, while the Presidents of the Tribunals still objected to the recommendation.

36. With respect to the recommendation to initiate an 18-month pilot programme on judicial mediation, led by the Tribunals (A/79/121, recommendation 4), the Advisory Committee was informed, upon enquiry, that the Secretary-General had previously responded to similar recommendations that the Internal Justice Council had made at the seventy-sixth, seventy-seventh and seventy-eighth sessions of the General Assembly. According to the Secretariat, the recommendation is not congruent with the system of administration of justice, in which the roles of the formal and informal elements of the system are well defined and designed to work in complementary ways.

37. With respect to the related recommendation to establish an independent mediation office, distinct from the Office of the United Nations Ombudsman and Mediation Services (ibid., recommendation 7), the Advisory Committee was informed of the Council's consideration that, after three years of discussion, there was no point

in maintaining consultation with the Office. The Committee was also informed of the concern expressed by the Ombudsman regarding the Council's apparent lack of understanding of the mandate of the Office, which does not include the power to investigate complaints and make recommendations requiring a high level of transparency and accountability to the complainants (*ibid.*, para. 45).

38. The Advisory Committee is of the view that broader consultation and better communication among the entities of the system of administration of justice, including between the Internal Justice Council and the Office of the United Nations Ombudsman and Mediation Services, is needed to provide a holistic understanding of the system and to improve its functioning.

III. Activities of the Office of the United Nations Ombudsman and Mediation Services

A. Statistical overview of cases and trends in the Secretariat

39. In his report on the activities of the Office of the United Nations Ombudsman and Mediation Services, the Secretary-General indicates that, in 2023, the Office opened 2,014 cases, including mediation cases, which represents an increase of 454 cases compared with 2022 (A/79/156, para. 12 and figure I). Upon enquiry, the Advisory Committee was informed that the general utilization rate of ombudsman and mediation services in the United Nations Secretariat, which fluctuated between 4 and 6 per cent of the total population it serves, was comparable to other organizations that offered informal conflict resolution services to employees. The Committee was also informed that, apart from outreach efforts, in-person visits were the most effective way of addressing conflict quickly and increasing the number of cases. Other contributing factors included the downsizing of a mission or restructuring of an entity, changes in policies that affected working conditions of personnel, and milestones in the performance management cycle, especially at the end of the cycle.

40. With regard to the increased number of cases in 2023 compared with 2022, the Advisory Committee was informed, upon enquiry, that the specific contributing factors included the resumption of in-person visits to peacekeeping missions; more briefings and presentations by the Office on its role and the services offered; enhanced collaboration with key stakeholders who promoted and encouraged using the informal processes; and the closure of MINUSMA and the United Nations Integrated Transition Assistance Mission in the Sudan, as well as the ongoing downsizing in different entities. The Office expects the number of cases opened in 2024 to be approximately the same as in 2023.

41. With regard to the distribution of cases by location, the Secretary-General indicates that, in 2023, 21 per cent of cases (414) were received from staff at Headquarters, 37 per cent (751) from staff in field operations and 42 per cent (849) from staff at offices away from Headquarters, which is in line with trends in previous years. With respect to the categories of issue, the Secretary-General indicates that the four categories of issues most frequently reported were: "evaluative relationships" (31 per cent); "job and career" (19 per cent); "compensation and benefits" (10 per cent); and "peer and colleague relationships" (10 per cent). Unlike in previous years, there was an increase in cases related to the category "safety, health, well-being, stress and work-life balance"; several of these cases identified stress from work-related tension or prolonged conflict (*ibid.*, paras. 15 and 17 and figures II and IV, and para. 56 below).

42. In terms of utilization rate by gender, the Secretary-General indicates that, compared with the overall demographics across the Secretariat, more female staff

made use of informal conflict resolution services offered by the Office than their male counterparts, at both field and non-field duty stations. For example, in field operations, where women represent only 29 per cent of the total staff population, they accounted for 38 per cent of cases received by the Office (*ibid.*, para.16 and figure III). Upon enquiry, the Advisory Committee was informed that female staff approached the Office regularly with workplace concerns that had a gender element. Such concerns may relate to the lack of gender parity or enabling environment and other issues faced by female staff serving in hardship duty stations. Efforts have been made through the Secretary-General's system-wide strategy on gender parity to improve conditions for female staff working in these duty stations.

43. The Advisory Committee notes the increased number of cases opened by the Office of the United Nations Ombudsman and Mediation Services in 2023. The Committee recalls that the General Assembly has recognized that the informal system of administration of justice is an efficient and effective option both for staff who seek redress of grievances and for the participation of managers and has repeatedly emphasized that all possible use should be made of the informal system of the administration of justice in order to avoid unnecessary litigation (see resolutions 78/248, paras. 9 and 10, 76/242, paras. 11 and 12, 75/248, paras. 14 and 15, 74/258, paras. 13 and 14, and 73/276, paras. 12 and 13).

B. Mediation

44. With respect to the mediation services, the Secretary-General indicates that the Office of the United Nations Ombudsman and Mediation Services opened 124 mediation cases in 2023, reflecting an increase of 24 per cent compared with 2022. In 2023, the Dispute Tribunal referred three cases for mediation to the Office. Of those, one was withdrawn following mediation; in the other two cases, the applicants chose to continue the proceedings before the Dispute Tribunal. With regard to the type of issues mediated and the outcome of the mediations, the Secretary-General indicates that most of the cases (55 per cent) included issues related to evaluative relationships, followed by job and career (14 per cent) and peer and colleague relationships (12 per cent), and that 86 per cent of the cases were resolved successfully (A/79/156, paras. 20, 21 and 25).

45. In terms of the opportunities to increase the number of mediations, the Secretary-General indicates that the Office of the United Nations Ombudsman and Mediation Services delivered regular presentations to global audiences, in different languages, to raise awareness and increase understanding of mediation services in the Organization. Over 500 participants attended such information sessions in 2023 (*ibid.*, para. 23). Upon enquiry, the Advisory Committee was informed that, according to the Ombudsman, the number of mediations could be higher. The Committee was also informed that the conflict resolution officers of the Office were trained to provide the entire range of workplace conflict resolution options, while all Senior Conflict Resolution Officers at the P-5 level were trained in mediation and carried the primary responsibility of conducting mediations in their respective regions. At the Tribunal locations (New York, Geneva and Nairobi), conflict resolution officers provided additional mediation support. The Committee was further informed that the mediation activities of the Office were monitored centrally by the Chief of Service with the support of the Senior Mediator (P-5), who also ensured the harmonization of practices.

46. The Advisory Committee stresses the importance of the “informal first” approach as a means to avoid unnecessary litigation, including through mediation. The Committee therefore encourages the Secretary-General to undertake further efforts, including through intensified awareness-raising

activities and strengthened coordination with relevant stakeholders, aimed at increasing the use of the currently underutilized mediation services as a first step, where feasible, prior to filing a formal complaint (see also [A/78/580](#), para. 54).

C. Non-staff personnel

47. In paragraph 11 of its resolution [78/248](#), the General Assembly decided to regularize the pilot project for access of non-staff personnel to the services of the Office of the United Nations Ombudsman and Mediation Services, within existing resources.

48. The Secretary-General indicates that, in 2023, the Office received 224 cases from non-staff personnel, compared with 182 cases in 2022 and 114 cases in 2021 ([A/79/156](#), figure V). Upon enquiry, the Advisory Committee was informed that the trend was a continued increase in the number of cases since the establishment of the pilot project by the General Assembly in its resolution [73/276](#). The trend was expected to continue in the future as the programme had been regularized. The Office intended to review the data collected over the course of a five-year period to determine whether the services could continue within existing resources or required additional resources.

49. In terms of the location of non-staff personnel who contact the Office and the type of issue they raise, the Secretary-General indicates that the majority of these visitors are located in peace operations, and the categories of issues most frequently reported were evaluative relationships (23 per cent), job and career (19 per cent) and compensation and benefits (17 per cent) ([A/79/156](#), para. 26).

50. The Advisory Committee trusts that detailed information on the access of non-staff personnel to the services of the Office of the United Nations Ombudsman and Mediation Services will be included in the next report.

D. Awareness-raising and access to informal conflict resolution

51. In its resolution [77/260](#), the General Assembly requested the Secretary-General to increase awareness among staff of the possibility of having conversations with the Office of the United Nations Ombudsman and Mediation Services to explore informal resolution, including mediation, as a first step, where feasible, prior to filing a formal complaint. The Secretary-General indicates that a significant milestone in this respect was the submission of a memorandum by the Chef de Cabinet to heads of entities across the Secretariat, entitled “Informal conflict resolution: the preferred first step in resolving workplace concerns”, dated 16 February 2023. Throughout that year, the Office worked closely with senior managers to identify strategies to promote the “informal first” approach (*ibid.*, paras. 9 and 10).

52. Upon enquiry, the Advisory Committee was informed that the initiative had led to the establishment of the “informal first champions”, which was then taken up at the Management Committee meeting in October 2023, leading to the approval of heads of entities in the Secretariat to serve in the role of the informal first champions. Moreover, the Ombudsman had introduced a “communications toolkit for informal first champions” to promote the “informal first” approach to conflict resolution within the Organization. The Committee was also informed that, while the “informal first” approach strongly encouraged complainants to seek an informal resolution through the Office of the Ombudsman and Mediation Services first, it was not mandatory; staff could opt to file a formal complaint at the first instance.

53. In terms of facilitating access to informal conflict resolution, the Secretary-General indicates that through its decentralized structure in New York, Bangkok, Entebbe, Geneva, Goma, Nairobi, Santiago and Vienna, the Office had an established presence in or near most regional commissions and United Nations entities except those in the Middle East (*ibid.*, para. 76). Upon enquiry, the Advisory Committee was informed that the Office had temporarily deployed an existing Conflict Resolution Officer (P-4) position in Beirut. The Office's experience when helping United Nations Relief and Works Agency for Palestine Refugees in the Near East to establish an Ombudsman function has further affirmed the need for a dedicated regional branch based in the Middle East region. The Committee was also informed that the initial start-up costs for the office to be located in Beirut would amount to approximately \$805,100, including for the staffing costs for a Senior Conflict Resolution Officer (P-5), a Conflict Resolution Officer (P-4) and a support staff (Field Service or General Service (Other level)), as well as operational requirements.

54. The Advisory Committee trusts that detailed information and an update on the proposed establishment of a permanent presence of the Office of the United Nations Ombudsman and Mediation Services in the Middle East region will be included in the next report.

E. Systemic observations

55. Systematic observations contained in section IV of the report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services include the observations listed in paragraphs 56–58 below.

Resource constraints, mental health and well-being

56. The Secretary-General indicates that protecting staff from the consequences of the liquidity crisis was a stated priority for the Organization in 2023, at a time when the closure and downsizing of entities further heightened concerns about job security, adding to anxiety among personnel. In 2023, the Ombudsman continued to observe an increase in issues related to safety, health, well-being, stress and work-life balance, a trend that has been exacerbated since the onset of the coronavirus disease (COVID-19) pandemic. The United Nations System Mental Health and Well-being Strategy for 2024 and beyond incorporates several of the systemic observations made by the Office of the United Nations Ombudsman and Mediation Services in previous years. These observations include the need for: access to counselling services for staff, especially in hardship duty stations; efforts to reduce the stigma related to mental health challenges; and better incorporation of mental health considerations into the workplace through improved mental health literacy, in particular for staff in supervisory roles (*ibid.*, paras. 44, 46, 50 and 51). Upon enquiry, the Advisory Committee was informed that in 2023, the percentage of cases related to the category “safety, health, well-being, stress and work-life balance” (which includes cases related to mental health and psychological well-being) reached 9 per cent of the total number of cases received by the Office.

Addressing racial bias and discrimination

57. The Secretary-General indicates that, as the Organization is doing more to address racism and racial discrimination in the workplace, employees have increasingly come forward to raise and address such concerns. Under the zero-tolerance approach, staff members in most cases related to allegations of racial discrimination are encouraged to proceed to the formal complaints channel. Nevertheless, some staff turned to the Office of the United Nations Ombudsman and Mediation Services when they experienced racist behaviour motivated by conscious

or unconscious beliefs and biases. In such cases, the Office was able to facilitate conversations to enhance understanding and awareness, leading to reflection and behavioural change by the alleged offenders (ibid., para. 72). Upon enquiry, the Advisory Committee was informed that in the course of sharing their workplace concerns with practitioners of the Office, visitors described underlying or triggering behaviours that might have been the source of tensions or dispute. Some of those behaviours could potentially amount to racist behaviour often emanating from the offender's conscious or unconscious biases. However, visitors did not necessarily come to the Office with complaints of racism. When visitors raised issues related to racial discrimination, the Office practitioners explained to the visitors the relevant resources available to address the specific concerns they raised. Contacting the Anti-Racism Office could be an option. The Committee was also informed that the Office of the United Nations Ombudsman and Mediation Services worked with the Anti-Racism Office to provide systemic insights under the strategic action plan for addressing racism and promoting dignity for all in the United Nations Secretariat.

58. The Advisory Committee reiterates its trust that information on relevant trends and systemic observations of the Office of the United Nations Ombudsman and Mediation will continue to be provided in the next report (see [A/78/580](#), para. 59).

F. Submission of future reports as reports of the Ombudsman to the General Assembly

59. In its resolution [78/252](#), the General Assembly endorsed the recommendation of the Advisory Committee that the Secretary-General and the Ombudsman explore the possibility of submitting future reports of the Office as reports of the Ombudsman to the General Assembly, with any comments from the Secretary-General submitted as a separate report ([A/78/7](#), para. I.25). Upon enquiry, the Committee was informed that a recommendation on the matter was expected to be submitted for consideration during the main part of the eightieth session of the General Assembly.