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Human resources management

Practice of the Secretary-General in disciplinary matters and cases of possible criminal behaviour, 1 January 2022 to 31 December 2022

Report of the Secretary-General

Summary

The present report is submitted in response to the request of the General Assembly in paragraph 16 of its resolution [59/287](#) that Member States be informed on an annual basis of all actions taken in cases of 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 report covers the period from 1 January to 31 December 2022.

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



I. Introduction

1. The present report is submitted in response to the request of the General Assembly in paragraph 16 of its resolution 59/287 that Member States be informed on an annual basis of all actions taken in cases of 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 2022. Pursuant to the request of the Assembly in resolution 77/278 to provide additional information, the structure of the report differs from that of previous reports, while still providing the same level of detail on cases of established misconduct and the administrative framework with respect to disciplinary matters by reference to a consolidated compendium of disciplinary measures.¹ Member States are encouraged to review the compendium in conjunction with the present report. The compendium consists of an introduction, an overview of the administrative framework with respect to disciplinary matters, a visualization of the investigation and disciplinary process and the compendium of the cases of established misconduct from 1 July 2009 to 31 December 2022.

2. The cases of established misconduct that were concluded in 2022 can be found at reference numbers 624–695 at the tab of the compendium for the period 2009–2022. For ease of reference, the compendium provides a separate tab for 2022, which captures only those 72 cases for the present reporting period. A summary of the 72 cases is provided in annex I to the present report.

3. The compendium's overview of the administrative framework with respect to disciplinary matters includes a summary of the administrative instruction on unsatisfactory conduct, investigations and the disciplinary process (ST/AI/2017/1). It discusses the legislative framework, misconduct and how it may be interrelated with performance management, and disciplinary and other measures, including measures for protection from retaliation.

4. The compendium is available to all staff, providing examples of actual misconduct and the disciplinary consequences. In light of confidentiality requirements and the privacy of the staff members concerned, functional titles and other similar particulars are provided only when they played a role in determining the measures to be taken.

5. The present report comprises five substantive parts.

6. Section II sets out information on the disposition of cases of established misconduct in 2022 by reference to the category of the misconduct and provides comprehensive disaggregated data and analysis.

7. Section III discusses data on case processing and disposal, including appeals related to disciplinary matters in 2022, and provides comparative data in relation to the previous four calendar years.² It also provides an analysis of the time taken to dispose of cases and measures taken to make the disposal of cases more expeditious.

8. Section IV provides data about cases received in 2022, including trends in cases being investigated and referred for action. It is noted that cases received in 2022 were not necessarily completed in 2022.

9. For information purposes, section V provides data about cases received and completed after the reporting period, namely from 1 January 2023 to 30 September 2023.

¹ "Compendium of disciplinary measures: practice of the Secretary-General in disciplinary matters and cases of criminal behaviour from 1 July 2009 to 31 December 2022", available at <https://hr.un.org/page/compendium-disciplinary-measures>.

² In reports issued prior to the report for the period from 1 July to 31 December 2017 (A/73/71), the reporting periods were 1 July to 30 June. To allow for easy comparison of data, all data in the present report are provided by calendar year, unless otherwise indicated.

10. Section VI provides information on the practice of the Secretary-General in cases of possible criminal behaviour during 2022.

II. Cases of established misconduct that were disposed of during the period from 1 January to 31 December 2022³

11. Information concerning the legislative framework governing the conduct of staff members, the definition of misconduct, the disciplinary process, disciplinary measures and other measures, is contained in the compendium.

12. The paragraphs below describe how misconduct is determined and addressed, including with regard to the cases reported in the period from 1 January to 31 December 2022.

Determination of misconduct

13. Unsatisfactory conduct of sufficient gravity constitutes misconduct. The Secretary-General has discretion in making a finding of misconduct, based on the totality of the facts and relevant circumstances. For instance, unsatisfactory conduct that is addressed through performance management or other managerial action is generally not misconduct.⁴ However, cases of serious performance failings amounting to gross negligence and/or a pattern of managerial failures amounting to harassment or abuse of authority, could rise to misconduct.

14. The gravity of a staff member's unsatisfactory conduct not only determines whether the conduct amounts to misconduct, but influences the appropriate sanction, as discussed below.

Proportionality

15. Under staff rule 10.3 (b), any disciplinary measure imposed must be proportionate to the nature and gravity of the misconduct involved. The appropriate sanction is decided on the merits of each case and cannot be determined in advance

³ Information contained in the summaries is correct as at the date of submission of the present report.

⁴ Performance of staff members is managed continuously and evaluated by designated supervisors for a designated reporting period based on the process set out in administrative instruction [ST/AI/2021/4](#). The process of performance management and evaluation is handled in each entity, and is separate from the disciplinary process, which is handled centrally at United Nations Headquarters. More often than not, the two processes do not coincide and/or the manager or managers responsible for managing and evaluating a staff member's performance may be unaware of the staff member's possible misconduct. In such cases, performance evaluation does not always reflect a staff member's involvement in matters related to conduct. Nevertheless, managers are encouraged to reflect, in the staff member's performance evaluation documents, any possible unsatisfactory conduct they become aware of during the performance evaluation period. This could include, for example, reflecting in the supervisor's evaluation behaviour witnessed by the supervisor during a performance period, such as shouting during team meetings, with regard to how the staff member performed as a team member and/or leader. If not rebutted by a staff member, the evaluation of the staff member's performance becomes final at the end of the performance evaluation period. The final determination that a staff member engaged in misconduct takes time and is rarely available for the managers to reflect in the performance evaluation for the period in which the misconduct occurred. Mentioning a pending investigation or disciplinary process about conduct that occurred in the past in the staff member's current performance evaluation would be prejudicial to the staff member. In addition, under the current framework, performance evaluation reports, once they become final, cannot be amended retroactively after the conclusion of a disciplinary process. Similarly, a negative performance evaluation may not be provided for facts or circumstances occurring outside the performance evaluation period, that is, a reporting officer may not assign a negative rating or comments for the current performance evaluation period because it has been concluded that the staff member engaged in misconduct in the past.

or applied across the board. The appropriate sanction should bear a rational connection to the facts and circumstances of the individual case.

16. Misconduct exhibiting a serious lapse of integrity, or otherwise breaking the trust necessary for continued employment, results in termination of employment. Mitigating and aggravating circumstances in these cases would only inform the choice of whether to dismiss or to separate from service and, if separation is chosen, whether or not to provide termination indemnity. In other cases, depending on mitigating and aggravating factors, the appropriate sanction varies within a range. Additional explanations on these considerations are presented visually in annex II to the present report. How the foregoing principles are applied and operated in each category of misconduct is discussed below.

Post-separation sanction

17. Certain cases are pursued after the separation of a staff member from service because it is in the interest of the Organization to do so. Such post-separation cases may involve circumstances where the disciplinary process was in progress at the time of separation, or where the conduct at issue concerns serious misconduct or may end in financial recovery. In such cases, the former staff member is invited to participate in a post-separation disciplinary process and is provided with an outcome of the process, including the sanction that would have been imposed had the staff member continued in service. The post-separation sanction is hypothetical. As such, in most cases, only the level of sanction (for example, at least separation from service) is determined with no further specificity (that is, with or without termination indemnity). The hypothetical post-separation sanction neither affects the actual separation of the staff member, which has already taken place, nor results in any payment obligation on the part of the Organization. In a few cases, a more specific sanction such as dismissal may be indicated if the repatriation grant has been withheld and the case involved sexual exploitation or abuse, since the repatriation grant would be paid into the trust fund in support of victims of sexual exploitation and abuse.

Agreed sanction

18. In certain cases, sanctions are considered to be “agreed”, in that the staff member undertakes not to contest a sanction if the sanction specified is imposed. Such an undertaking provides a level of certainty for the staff member in relation to the outcome of the process and may, in some cases, result in a lesser degree of sanction that nevertheless remains within the reasonable range acceptable to the Organization. The benefit for the Administration is to save resources that might otherwise have been expended defending a contested decision within the internal justice system.

Financial recovery

19. Staff rule 10.1 (b) provides for the imposition of the administrative measure of financial recovery in cases of established misconduct, where the conduct is determined to be wilful, reckless or grossly negligent. Pursuant to the request of the General Assembly in its resolution [68/252](#) for implementation of appropriate measures to mitigate and recoup any losses arising from misconduct, a quantifiable loss to the Organization is specified for recovery in appropriate cases. The status of recovery is discussed below under each category of misconduct.

20. Full recovery often depends on the sufficiency of final entitlements. To ensure as large a recovery as possible, in appropriate cases the Under-Secretary-General for Management Strategy, Policy and Compliance may decide to withhold transmission of the necessary documentation to the United Nations Joint Staff Pension Fund in order to delay the payment of a withdrawal settlement or pension entitlements to allow

the Pension Fund, at its discretion and with the agreement of a former staff member, to split a lump-sum payment between a former staff member and the Organization to allow for financial recovery by the Organization.

ClearCheck

21. The Secretariat and other organizations of the United Nations system, including the majority of the members of the United Nations System Chief Executives Board for Coordination (CEB), enter the names of individuals and other identifying information with respect to established cases of sexual harassment, exploitation and abuse in the ClearCheck database, which is accessible by participating United Nations entities for screening candidates for recruitment.

22. ClearCheck has been operational since 28 June 2018. As at 18 October 2023, 36 United Nations entities were participating in ClearCheck and the total number of names of individuals entered in the ClearCheck database was 758, of which 200 were related to sexual harassment and 558 were related to sexual exploitation or sexual abuse. These entries were made by 20 of the 36 entities. A total of 6,292 screening verification requests have been processed, resulting in seven confirmed matches.

23. Each participating entity is responsible for data entry for their respective cases and to use the database for screening. As the business owner of this critical, system-wide tool, the Secretariat has accelerated its efforts to achieve 100 per cent participation and utilization of ClearCheck among the members of CEB. In February 2022, participating entities who had not entered data in ClearCheck were requested to confirm that they, in fact, had no subject to enter in the database. They were also reminded of the importance of using both the data entry and the screening functions of this critical tool. Outreach by the Office of Human Resources has resulted in participation by an additional three entities in the database, from 33 in February 2023 to 36 as at 18 October 2023, including the International Court of Justice.

24. ClearCheck is distinct in scope, operationality and modality from the Misconduct Disclosure Scheme, which is an initiative of the Steering Committee for Humanitarian Response, an alliance that is not part of the United Nations. The Misconduct Disclosure Scheme was developed to facilitate sharing, among participating international non-governmental organizations, of screening information about individuals found to have committed misconduct relating to sexual exploitation, sexual abuse or sexual harassment, for the primary purpose of making informed recruitment decisions. Unlike ClearCheck, the Scheme itself holds no data on misconduct, case data or specifics, but rather facilitates a systematic bilateral sharing of misconduct data between recruiting organizations and previous employers through a network with a registry of signatory contact points.

25. In their current system settings, ClearCheck and the Misconduct Disclosure Scheme cannot be interconnected. In order for the systems to be combined or communicate with each other, a number of challenges would need to be overcome in the areas of information technology, record-keeping, administration, the legal framework and human resources management. The Office of the United Nations High Commissioner for Refugees is collaborating with the United Nations Global Centre for Human Resources Service (“OneHR”) in a pilot project using the Misconduct Disclosure Scheme. The Office of the Special Coordinator on Improving the United Nations Response to Sexual Exploitation and Abuse and OneHR are examining the possibility of wider use of the Scheme across the United Nations system.

26. The Secretariat is exploring the possibility of expanding ClearCheck to cover misconduct other than sexual harassment and sexual exploitation and abuse. A pilot project is being considered to enter in ClearCheck the names of staff members who have been separated from service for misconduct other than sexual harassment and

sexual exploitation and abuse. While at a very early stage, all legal and operational issues are being thoroughly examined.

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

27. For 2022, the compendium contains 13 cases of discrimination, harassment, including sexual harassment, and abuse of authority (reference numbers 624–636). One case, related to workplace harassment, was concluded with an agreed sanction.⁵

28. In 2022, five cases of sexual harassment resulted in termination of employment of the implicated staff, including one dismissal, which is in line with the zero-tolerance policy that calls for severe sanctions for established sexual harassment. The number of cases has increased following the promulgation of the Secretary-General's bulletin on addressing discrimination, harassment, including sexual harassment, and abuse of authority ([ST/SGB/2019/8](#)) (see table 1).

Table 1

Disposition of cases of discrimination, harassment, including sexual harassment, and abuse of authority

<i>Closing disposition</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>	<i>Total</i>
Dismissal	–	1	–	–	1	2
Separation from service	2	11	4	6	10	33
Other disciplinary measure	1	11	6	4	2	24
Total	3	23	10	10	13	59

29. In the five sexual harassment cases, aggravating and mitigating factors were considered in deciding between dismissal or separation from service and, if separation was the chosen result, whether the staff member would have termination indemnity. The mitigating and aggravating factors were as follows:

(a) **Mitigating factors:** the staff member's long service, including in hardship duty stations; and the staff member's personal situation, leading to a behavioural or medical condition;

(b) **Aggravating factors:** a considerable power differential or senior managerial position of the subject staff member; vulnerability of the victim, for example, a subordinate with a precarious contractual situation; marked disregard for the victim's rejections; reputational harm to the Organization; existence of multiple victims; retaliatory nature of the conduct at issue; and repetition of the conduct.

30. Other types of prohibited conduct under Secretary-General's bulletin [ST/SGB/2019/8](#), namely, discrimination, workplace harassment and abuse of authority, resulted in a range of sanctions from written censure to separation from service. Aspects such as the severity of the conduct, for example if it included threatening behaviour, the potential impact or harm resulting from the conduct, including on the contractual status of affected individuals, and the seniority of the subject staff member, tended to attract stricter sanctions.

31. Cases involving insubordination by senior managers who also engaged in harassment and abuse of authority towards other staff members, were disposed of by

⁵ See compendium, reference No. 631.

the imposition of sanctions involving separation from service.⁶ These dispositions reflect the Organization's strong stance on accountability of senior managers, whose actions have a greater impact on operations, the work environment and the productivity of staff.

32. In non-sexual harassment cases, the following mitigating and aggravating factors were considered to have had an impact on the imposed sanction:

(a) **Mitigating factors:** the staff members' long service, including in hardship duty stations; lack of evidence of prior notice of the inappropriate nature of the conduct; self-awareness of the subject staff member, expressed through early admission of the conduct; sincere remorse or an apology; difficulty of the functions required of the subject staff member; and absence of proper supervision over the subject staff member;

(b) **Aggravating factors:** the seniority of the subject staff member; the compound nature of the misconduct; and repeated misconduct despite prior warnings.

33. In 2022, 85 per cent of the cases under this category involved staff members who were not in field missions, and a large number of cases involved Professional-level staff and senior managers at the D-1 level or above (see table 2). Support is given to each entity through its designated conduct and discipline focal points, who are trained and equipped with resources. Efforts to raise awareness and enable reporting contributed to the significant increase of cases in 2019. Such efforts continue across the Secretariat, including at field missions.

Table 2

Subject staff member's level and location in cases of discrimination, harassment, including sexual harassment, and abuse of authority

<i>Location and level</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>	<i>Total</i>
Mission						
D-1 and above	—	—	2	—	—	2
Professional	—	3	—	1	—	4
Field Service	2	—	2	1	2	7
National Professional Officer	—	1	—	1	—	2
General Service	—	1	—	1	—	2
Subtotal	2	5	4	4	2	17
Non-mission						
D-1 and above	—	3	1	1	5	10
Professional	1	13	5	2	6	27
Field Service	—	1	—	—	—	1
General Service	—	1	—	3	—	4
Subtotal	1	18	6	6	11	42
Total	3	23	10	10	13	59

34. In keeping with a victim-centred approach, the Secretary-General's bulletin addressing discrimination, harassment, including sexual harassment, and abuse of authority (ST/SGB/2019/8) contains support and information-sharing provisions

⁶ See compendium, reference Nos. 634–636.

applicable during an investigation and the disciplinary process, if any, that are additional to those provided under the administrative instruction concerning unsatisfactory conduct, investigations and the disciplinary process (ST/AI/2017/1). Under Secretary-General's bulletin ST/SGB/2019/8, affected individuals are to be provided with regular updates on the status of their complaint or report of possible prohibited conduct. The updates are given at least every three months by the Office of Internal Oversight Services (OIOS) during the course of OIOS-conducted investigations and at least every two months by the conduct and discipline focal point in the relevant office during the course of panel investigations and the disciplinary process.

35. In line with the request of the General Assembly in paragraph 71 of its resolution 77/278 that further measures be undertaken to improve information and support to victims during the disciplinary process, the Office of Human Resources has prioritized the handling of sexual harassment cases, with the aim of concluding these matters expeditiously. The Office has also enhanced outreach activities and training, including the mandatory training material under Secretary-General's bulletin ST/SGB/2019/8. Conduct and discipline focal points have access to the Case Management Tracking System, where the status of cases is updated, and to the Administrative Law Division platform (ALD Connect), where training and resources are available to equip them with the knowledge and skills required to give support and guidance to victims. As mandated by the Assembly in its resolution 77/278, the Office is working on an expansion of ClearCheck to include individuals who have been separated from the Organization for reasons of misconduct other than sexual harassment and sexual exploitation and abuse following an investigation and the disciplinary process.

36. The uniform definition of sexual harassment, as described in the United Nations system model policy on sexual harassment, was endorsed by CEB in 2018. The model policy is intended to provide a broad definition of sexual harassment that covers a wide spectrum of behaviour. The model policy is not intended to discount the serious and criminal nature of sexual assault, including rape. Rather, based on the varying degrees and forms of sexual harassment, CEB adopted a broader definition to allow for flexibility and reasonable discretion in addressing different situations in a fair and equitable manner. The General Assembly's request to identify more suitable terminology to classify various forms of sexual misconduct will be brought the attention of CEB.

B. Sexual exploitation and sexual abuse and related conduct

37. For 2022, the compendium sets out six cases of sexual exploitation and sexual abuse and related conduct (reference numbers 680–685).

38. Sexual exploitation and sexual abuse is serious misconduct as specified in staff regulation 10.1 (b). When established, it resulted in termination of employment given that the zero-tolerance policy of the Secretary-General calls for severe sanctions in these cases (see table 3). Two cases involved former staff members and concluded with post-separation sanctions of dismissal and separation from service.

Table 3

Disposition of cases of sexual exploitation and sexual abuse and related conduct

<i>Closing disposition</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>	<i>Total</i>
Dismissal	3	2	2	1	2	10
Separation from service	3	2	3	3	4	15
Total	6	4	5	4	6	25

39. One mitigating factor was accepted as being applicable, namely the staff member's long service in a hardship duty station. One aggravating factor was applied, namely the staff member's attempt to conceal evidence during the investigation.

40. In 2022, established sexual exploitation and sexual abuse cases occurred exclusively in field missions, which is consistent with what has been observed since 2018 (see table 4). This informs the Organization's continued efforts to prevent and address this serious misconduct with a particular focus on field missions.

Table 4

Subject staff member's level and location in cases of sexual exploitation and sexual abuse and related conduct

<i>Location and level</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>	<i>Total</i>
Mission						
Professional	2	1	2	1	—	6
Field Service	3	2	1	1	—	7
General Service	1	1	2	1	6	11
Subtotal	6	4	5	3	6	24
Non-mission						
Professional	—	—	—	1	—	1
Subtotal	—	—	—	1	—	1
Total	6	4	5	4	6	25

C. Fraud, misrepresentation and false certification

41. For 2022, the compendium sets out 32 cases of fraud, misrepresentation and false certification (reference Nos. 639–670).

42. Two cases were concluded with agreed sanctions.⁷

43. In 2022, 18 cases involved submitting a false medical insurance claim or claims.⁸ Six cases concerned staff members presenting false information in job applications submitted to the United Nations.⁹ The remaining eight cases involved other fraudulent behaviour, such as false education grant claims and falsification of documents.¹⁰

44. The cases in this category generally reflect a serious lapse of integrity or gross dishonesty by the staff members concerned. The conduct essentially breaks the trust required for continuation of employment. In approximately 84 per cent of the cases, sanctions of dismissal or separation from service were imposed (see table 5).

⁷ See compendium, reference Nos. 645 and 654.

⁸ See compendium, reference Nos. 645–662.

⁹ See compendium, reference Nos. 639–644.

¹⁰ See compendium, reference Nos. 663–670.

Table 5
Disposition of cases of fraud, misrepresentation and false certification

<i>Closing disposition</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>	<i>Total</i>
Dismissal	2	–	–	–	1	3
Separation from service	6	12	7	36	26	87
Other disciplinary measure	13	8	2	9	5	37
Total	21	20	9	45	32	127

45. In 2022, one case resulted in dismissal because of multiple aggravating factors, mainly arising from the special position of trust that the staff member had with the Organization. Out of 26 separations, only six cases provided termination indemnity, two of which were post-separation sanctions. The following aggravating and mitigating factors were taken into account in deciding on sanctions for cases in this category:

(a) **Mitigating factors:** early admission of the misconduct; a sincere apology or remorse; the staff member's long service or illness at the time of the conduct; the staff member's voluntary return of the money received; and a lack of financial gain;

(b) **Aggravating factors:** prior or repeated misconduct; the amount of the financial loss to the Organization; wilfully disregarding instructions; deliberate nature of the conduct; compounded misconduct, and reputational harm to the Organization.

46. In light of the Secretary-General's zero tolerance for fraud and corruption, and where there was a possibility of financial recovery, six cases were pursued after the separation of the staff member. In four cases, the post-separation sanction was at least separation from service.

47. In 2022, 75 per cent of cases arose in field missions, with approximately 58 per cent of those cases involving General Service staff members (see table 6).

Table 6
Subject staff member's level and location in cases of fraud, misrepresentation and false certification

<i>Location and level</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>	<i>Total</i>
Mission						
Professional	3	2	3	2	5	15
Field Service	3	3	1	1	3	11
National Professional Officer	–	2	–	–	2	4
General Service	14	7	4	40	14	79
Subtotal	20	14	8	43	24	109
Non-mission						
Professional	1	1	1	–	2	5
General Service	–	5	–	2	6	13
Subtotal	1	6	1	2	8	18
Total	21	20	9	45	32	127

48. In 10 cases, financial loss was quantified and specified for recovery. In total, of an amount of \$208,006.98 was specified to be recovered, \$123,328.44, or 59 per cent, had been recovered as at 20 September 2023.

D. Unauthorized outside activities and conflict of interest

49. For 2022, the compendium sets out five cases of unauthorized outside activities and conflict of interest (reference Nos. 671–675).

50. One sanction was agreed with the staff member.¹¹ Cases in this category showed a diverse range of sanctions. Cases involving conflict of interest in the context of recruitment or procurement or that adversely reflected on a staff member's impartiality and independence typically resulted in sanctions of separation or dismissal. In 2022, two cases where a direct conflict of interest was present resulted in separation (see table 7).

Table 7

Disposition of cases of unauthorized outside activities and conflict of interest

<i>Closing disposition</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>	<i>Total</i>
Separation from service	5	–	3	3	2	13
Other disciplinary measure	4	5	2	1	3	15
Total	9	5	5	4	5	28

51. The following aggravating and mitigating factors were taken into account in the cases in this category:

(a) **Mitigating factors:** the staff member's long service; and the time taken to resolve the matter;

(b) **Aggravating factors:** repeated/compound misconduct; reputational damage to the Organization; and disregarding express instructions.

52. Relatively more cases in 2022 were from non-mission locations (see table 8).

Table 8

Subject staff member's level and location in cases of unauthorized outside activities and conflict of interest

<i>Location and level</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>	<i>Total</i>
Mission						
D-1 and above	–	–	–	–	1	1
Professional	2	–	1	2	–	5
Field Service	–	1	–	1	1	3
National Professional Officer	1	–	1	–	–	2
General Service	2	1	1	–	–	4
Subtotal	5	2	3	3	2	15

¹¹ See compendium, reference No. 674.

<i>Location and level</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>	<i>Total</i>
Non-mission						
D-1 and above	–	–	–	1	–	1
Professional	1	2	1	–	1	5
Field Service	1	–	–	–	–	1
General Service	2	1	1	–	2	6
Subtotal	4	3	2	1	3	13
Total	9	5	5	4	5	28

E. Procurement irregularities

53. The compendium includes three cases of procurement irregularities in 2022 (reference numbers 686–688).

54. The sanctions varied owing to the nature of the irregularities. A serious lapse of integrity, represented by falsifying records or bribery, warranted separation (see table 9).

Table 9

Disposition of cases of procurement irregularities

<i>Closing disposition</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>	<i>Total</i>
Separation from service	–	1	–	1	2	4
Other disciplinary measure	–	4	1	–	1	6
Total	–	5	1	1	3	10

55. The following aggravating and mitigating factors were accepted for this category of cases in 2022:

(a) **Mitigating factors:** long service with the Organization; level of the staff member; lack of proper oversight/training; and failings of other staff members to prevent or mitigate the financial loss;

(b) **Aggravating factors:** financial gain by the staff member; reputational harm to the Organization; repeated misconduct; and attempt to conceal the misconduct.

56. In all three cases, financial loss was specified for recovery. In total, of an amount of \$462,142.39 requested to be recovered, \$439,300.00, or 95 per cent, had been recovered as at 20 September 2023.

57. No discernible trend was found as to the location or level of the staff members (see table 10).

Table 10

Subject staff member's level and location in cases of procurement irregularities

<i>Location and level</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>	<i>Total</i>
Mission						
Professional	–	1	–	–	–	1
Field Service	–	1	–	–	–	1

<i>Location and level</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>	<i>Total</i>
National Professional Officer	–	–	–	1	–	1
General Service	–	–	–	–	2	2
Subtotal	–	2	–	1	2	5
Non-mission						
Professional	–	3	–	–	–	3
National Professional Officer	–	–	1	–	–	1
General Service	–	–	–	–	1	1
Subtotal	–	3	1	–	1	5
Total	–	5	1	1	3	10

F. Misuse of property

58. For 2022, the compendium sets out four cases of misuse of property (reference numbers 689–692).

59. The level of sanction tends towards separation or dismissal (see table 11). In 2022, three cases were related to one incident, which caused serious reputational harm to a field mission.

Table 11
Disposition of cases of misuse of property

<i>Closing disposition</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>	<i>Total</i>
Dismissal	–	–	–	–	1	1
Separation from service	1	–	–	–	2	3
Other disciplinary measure	2	1	–	1	1	5
Total	3	1	–	1	4	9

60. The degree of knowledge and participation in the incident, as well as the mitigating (e.g. long service) and aggravating factors (e.g. reputational harm to the Organization and/or no remorse), resulted in different sanctions in each of the three cases.

61. The cases tended to arise in a field mission setting (see table 12).

Table 12
Subject staff member's level and location in cases of misuse of property

<i>Location and level</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>	<i>Total</i>
Mission						
Field Service	–	–	–	–	3	3
General Service	3	1	–	1	1	6
Total	3	1	–	1	4	9

62. In one case, a financial loss of \$437 was quantified but was not recovered as a result of administrative oversight.

G. Theft and misappropriation

63. The compendium includes two cases of theft and misappropriation in 2022 (reference numbers 637–638). One of the cases was concluded with an agreed sanction.¹²

64. The theft and misappropriation category of misconduct has consistently resulted in termination of appointment (see table 13). Most of the cases arose in field missions (see table 14).

Table 13
Disposition of cases of theft and misappropriation

<i>Closing disposition</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>	<i>Total</i>
Dismissal	–	–	–	–	1	1
Separation from service	6	16	3	4	1	30
Total	6	16	3	4	2	31

Table 14
Subject staff member's level and location in cases of theft and misappropriation

<i>Location and level</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>	<i>Total</i>
Mission						
Professional	1	–	–	–	–	1
General Service	5	14	2	4	1	26
Subtotal	6	14	2	4	1	27
Non-mission						
Professional	–	1	–	–	–	1
General Service	–	1	1	–	1	3
Subtotal	–	2	1	–	1	4
Total	6	16	3	4	2	31

H. Verbal abuse and physical assault

65. For 2022, the compendium sets out four cases of verbal abuse and/or physical assault (reference numbers 676–679).

66. Misconduct under the category of verbal abuse and physical assault often represents a fundamental breach of the Charter of the United Nations. In 2022, three cases resulted in separation from service (see table 15).

¹² See compendium, reference No. 637.

Table 15
Disposition of cases of verbal abuse and physical assault

<i>Closing disposition</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>	<i>Total</i>
Dismissal	1	–	1	–	–	2
Separation from service	5	1	3	1	3	13
Other disciplinary measure	1	2	2	1	1	7
Total	7	3	6	2	4	22

67. Certain aggravating factors (e.g. reputational harm, disturbance of official functions, heightened duty of care expected from the staff member's position, or wilful disregard of instructions) and mitigating factors (admission, efforts to resolve the matter with victims, provocation, mistaken belief, and long service) were taken into account.

68. No discernible trend was found as to the location and level of staff members (see table 16).

Table 16
Subject staff member's level and location in cases of verbal abuse and physical assault

<i>Location and level</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>	<i>Total</i>
Mission						
D-1 and above	–	–	–	–	1	1
Professional	–	1	2	–	–	3
Field Service	2	1	–	1	1	5
General Service	3	–	1	1	1	6
Subtotal	5	2	3	2	3	15
Non-mission						
Professional	1	–	2	–	1	4
General Service	1	1	1	–	–	3
Subtotal	2	1	3	–	1	7
Total	7	3	6	2	4	22

I. Violation of local laws

69. For 2022, the compendium sets out one case, concluded with an agreed sanction, in the category of violation of local laws (reference number 693). This was the first time since 2018 that a case in this category had been reported.

J. Other

70. For 2022, the compendium sets out two cases in the "Other" category, at reference number 694 (for inappropriate conduct) and number 695 (for gross negligence, which was concluded with an agreed sanction). The category captures

cases where the gravity of a staff member's performance failings or inappropriate/disruptive behaviour warrants a sterner response than managerial action.

III. Data on case processing and disposal, including appeals

A. Cases completed during the reporting period

71. 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 formal allegations of misconduct, the case is closed. Unless a matter is pursued post-separation owing to the interest of the Organization, such cases will typically be closed when a staff member retires or otherwise separates from the Organization before an investigation or the disciplinary process is concluded. In these cases, a record is made and placed in the former staff member's official status file so that the matter may be further considered if the staff member rejoins the Organization.

72. The tables and figures 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 (see tables 17–18 and figures I–II).

Table 17

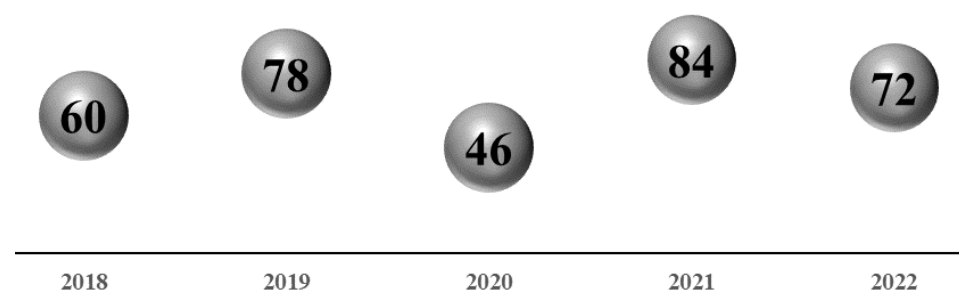
Disposition of cases for the current and past four annual periods

<i>Closing disposition</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>
Dismissal	6	3	3	2	6
Separation from service, with notice or compensation in lieu of notice and with or without termination indemnity	29	44	25	61	50
Other disciplinary measures	25	31	18	21	16
Administrative/managerial measures	3	6	13	16	3
Closed with no measure	5	8	1	3	2
Not pursued as a disciplinary matter	22	19	12	15	15
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	26	29	23	35	21
Other	8	3	6	3	10
Total dispositions	124	143	101	156	123^a
Other cases closed ^b	5	2	4	9	3
Total cases closed	129	145	105	165	126

^a Although there were 123 dispositions, 3 dispositions closed 6 cases: 3 sanctions of separation from service closed a total of 6 cases. In total, 126 cases were closed during 2022.

^b Some dispositions closed more than one case.

Figure I
Number of disciplinary measures imposed



73. In 2022, 126 cases were closed and 72 sanctions were imposed (see figure I). In the past five years, that number of cases closed was surpassed only in 2021, when a group case of 30 staff members was closed. The number is in line with those seen in previous reporting periods except during 2020, which was during the height of the coronavirus disease (COVID-19) pandemic.

Cases that resulted in disciplinary measures

74. In 2022, out of the 72 cases resulting in disciplinary sanctions, 56 cases were concluded by separation from service or dismissal because of a high number of serious cases, such as misrepresentation and false certification or conduct prohibited under the provisions of Secretary-General's bulletin [ST/SGB/2019/8](#).

Table 18
Types of misconduct closed with at least separation from service

<i>Closing disposition/misconduct category</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>
Dismissal	6	3	3	2	6
Abuse of authority, harassment, including sexual harassment, and discrimination	–	1	–	–	1
Assault and abusive conduct	1	–	1	–	–
Failure to report/cooperate	–	–	–	1	–
Misrepresentation and false certification	2	–	–	–	1
Misuse of United Nations property	–	–	–	–	1
Sexual exploitation and sexual abuse	3	2	2	1	2
Theft/taking without authorization	–	–	–	–	1
Separation from service, with notice or compensation in lieu of notice and with or without termination indemnity	29	44	25	61	50
Abuse of authority, harassment, including sexual harassment, and discrimination	2	11	4	6	10
Assault and abusive conduct	5	1	3	1	3
Failure to report/cooperate	1	–	1	1	–
Inappropriate or disruptive behaviour	1	–	–	2	–
Misrepresentation and false certification	6	12	7	36	26

<i>Closing disposition/misconduct category</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>
Misuse of information and communications technology (ICT) resources/computer-related misconduct	–	–	1	2	–
Misuse of United Nations property	1	–	–	–	2
Procurement irregularities	–	1	–	1	2
Sexual exploitation and sexual abuse	2	2	2	3	4
Theft/taking without authorization	6	16	3	4	1
Unauthorized outside activities	4	–	3	3	1
Other	1	1	1	2	1
Total dispositions involving termination of appointment	35	47	28	63	56

Note: For statistics on sexual harassment cases, see para. 103 and figure IX.

Cases that did not result in disciplinary measures

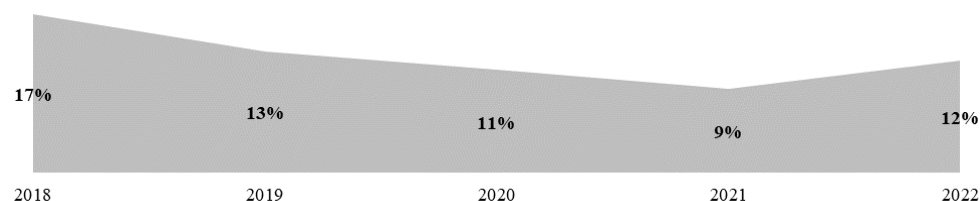
Cases not pursued as disciplinary cases

75. Out of 126 cases completed in 2022, 15 (or 12 per cent) were not pursued as disciplinary matters. This is in line with the percentage of matters not pursued during the previous four annual periods, which was between 9 and 17 per cent (see figure II). It demonstrates that a rigorous standard is applied during the review of disciplinary referrals and that only those cases that were supported by sufficient evidence and a need for staff discipline are being pursued through a disciplinary process.

Cases closed with no disciplinary measure after a disciplinary process

Figure II

Percentage of cases not pursued as a disciplinary matter



76. In 2022, two cases of those pursued through a disciplinary process were closed with no action, while three cases were closed with administrative or managerial action. This is indicative of the strength and thoroughness of the initial review of the referrals that took place before a decision is taken to pursue the matter further.

Cases of notes placed in official status files: former staff members who separated prior to or during an investigation or prior to initiation of a disciplinary process

77. As noted above, in cases where the staff member separated from service prior to the completion of the disciplinary process, and when no post-separation sanction was pursued, a note documenting that there was a pending matter at the time of separation was placed on the former staff member's official status file in accordance with sections 9.7 and 9.8 of administrative instruction [ST/AI/2017/1](#). In 2022, 21 cases referred to the Office of Human Resources were closed with such notes. Pursuant to section 9.9 of the administrative instruction, in cases where the separation was due to resignation and the former staff member had not responded or had declined or not cooperated with the request to cooperate with any investigation and/or

disciplinary process, the note placed in the former staff member's official status file included a reference to the former staff member's ineligibility for re-employment pursuant to section 3.9 (d) of the administrative instruction on the administration of fixed-term appointments (ST/AI/2013/1).

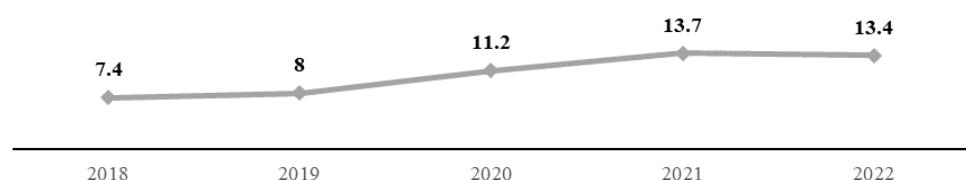
Case disposal time

78. In 2022, the average time to dispose of a case was 13.4 months, which was a slight decrease from the time taken in 2021 of 13.7 months (see figure III).

Figure III

Average length of time to dispose of cases in the current and past four annual periods

(Months)



79. As seen in the following tables regarding case disposal time (tables 19–22), no discernible trend emerged by type of misconduct or type of disciplinary measure imposed.

Table 19

Average disposal time in the current and past four annual periods, by type of misconduct

(Months)

Category	2018	2019	2020	2021	2022	Average
Abuse of authority, harassment, including sexual harassment, and discrimination	6.9	9.6	13.2	12.4	13.5	11.5
Assault and abusive conduct	7.6	7.2	9.4	8.4	13.6	9.0
Failure to honour private obligations	8.4	–	11.7	6.7	–	8.8
Failure to report/cooperate	9.8	–	15.3	13.4	10.4	13.5
Financial disclosure	3.2	–	–	10.7	–	6.9
Inappropriate or disruptive behaviour	12.8	4.6	8.6	13.6	12.6	11.9
Misrepresentation and false certification	6.7	7.3	7.1	14.1	14.2	10.8
Misuse of ICT resources/computer-related misconduct	9.1	–	10.6	14.0	–	11.4
Misuse of United Nations property	5.8	13.5	–	13.5	14.1	10.8
Procurement irregularities	6.2	12.5	7.6	18.2	16.6	11.8
Retaliation	6.0	4.3	14.2	25.7	–	10.6
Sexual exploitation and sexual abuse	7.0	4.9	9.8	9.3	14.0	9.2
Theft/taking without authorization	8.6	8.9	11.1	20.4	12.9	10.8
Unauthorized outside activities	10.0	5.4	15.8	12.3	10.0	10.1
Violation of local laws	3.9	1.9	18.9	27.9	7.8	10.0
Other	9.1	7.8	13.2	16.9	12.0	11.7

Table 20
Average length of time to dispose of a case, by type of sanction

(Months)

<i>Closing disposition</i>	2018	2019	2020	2021	2022	<i>Average</i>
Dismissal	8.7	4.6	14.3	11.7	17.3	11.8
Separation from service, with notice or compensation in lieu of notice and with or without termination indemnity	10.0	8.4	11.0	15.5	14.3	12.4
Other disciplinary measures	8.2	12.6	14.5	15.1	14.7	12.7

80. The average processing time for closing cases with a note being placed in the official status file was 10.1 months in 2022.

Table 21
Number and length of time to dispose of cases closed with a note to the official status file, current and past four annual periods

<i>Closing disposition</i>	2018	2019	2020	2021	2022
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 (number of cases)	26	29	23	35	21
Average disposal time (months)	6.0	5.0	6.0	8.7	10.1

81. In 2022, the length of time to dispose of a case with reference to the investigating entity was within the general range of 12.1 to 13.7 months, with no significant variance. Investigators were actively consulted on evidentiary issues and/or procedural compliance during the review of a case. Furthermore, training and guidance were given to lay investigative panels to enhance their capacity and the quality of their investigations.

Table 22
Time to dispose of cases completed between 1 January and 31 December 2022, by investigating entity

<i>Investigating entity</i>	<i>Time to dispose of cases (months)^a</i>
Investigation panel	12.8
Office of Internal Oversight Services	13.7
Mission Special Investigations Units	12.1
United Nations Development Programme, Office of Audit and Investigations	14.9

^a Average time to dispose of a case was 13.4 months.

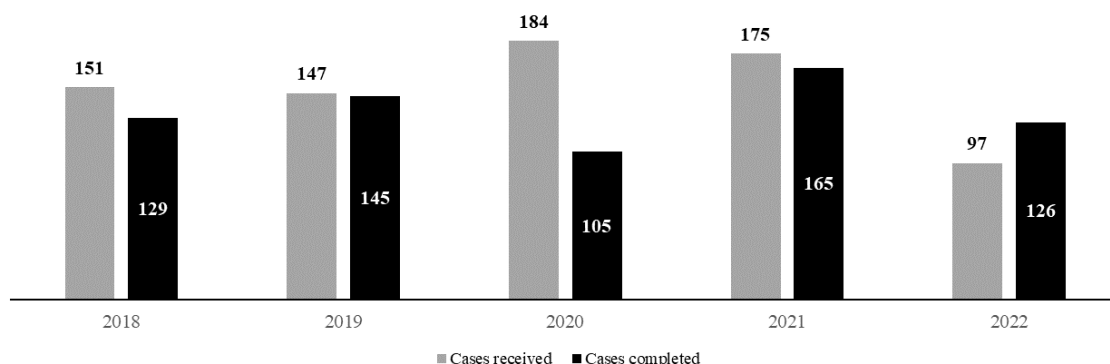
82. In sum, data show no single determinative factor or trend regarding disposal rates. As explained below, factors that have an impact on average case disposal time are manifold and cannot be measured scientifically. Each case provides a different set of challenges or degree of complexity that often cannot be foreseen or controlled. The major factors that have been seen to affect the time to dispose of a case are described below.

Volume of referrals and backlog

83. The increased number of referrals received by the Office of Human Resources in two consecutive years (2020 and 2021) has slowed down the case processing rate and created a backlog as newer, more serious matters were prioritized. Fewer cases were referred in 2022 (97 cases), which provided respite from the increasing number of open cases (see figure IV). However, in 2023 the Office received a significantly higher number of cases (see figure X) and expects to carry over 200 or more cases into 2024.¹³

Figure IV

Number of cases received and completed in the current and past four annual periods



Staff turnover

84. For the past three years, there was a significant turnover of staff working on disciplinary matters. From 2020 to 2022, nine Legal Officers left the team handling disciplinary referrals while 12 Legal Officers joined the team.

85. Reassignment of cases to new staff members who were unfamiliar with the detailed disciplinary process and the particulars of cases contributed to the delay.

Competing priorities

86. The Office of Human Resources has other workload priorities, which include representing the Secretary-General before the Dispute Tribunal on disciplinary-related appeals; recommendations regarding placement of staff members on administrative leave without pay; and participation in working groups and committees relating to staff conduct issues. Some of these tasks are urgent and require immediate attention.

87. In particular, the proceedings before the Dispute Tribunal take precedence over reviewing received disciplinary cases because the tasks requested by the Dispute Tribunal are time bound. A record high number of 23 appeals were filed with the Dispute Tribunal contesting the decision to impose disciplinary measures, which represented 32 per cent of the cases disposed of in 2022 (see figure V).

88. In addition, there was an increase in the volume of written submissions to the Dispute Tribunal, as well as in the number of days in hearings. The Appeals Tribunal has recently rescinded sanctions in some cases of sexual harassment based on a lack of or insufficient oral hearings conducted at the Dispute Tribunal.¹⁴ The recent

¹³ The number of cases carried over was 95 cases into 2019, 97 cases into 2020, 176 cases into 2021, 186 cases into 2022 and 157 cases into 2023.

¹⁴ See, for example, United Nations Appeals Tribunal, judgment Nos. 2022-UNAT-1210 and 2023-UNAT-1361.

judgments may lead to even more time spent in hearings at the Dispute Tribunal, which may have a negative impact on the future rate of disposal of disciplinary cases.

Complexity of evidentiary review

89. Increasingly, voluminous supporting documentation is produced for review during investigations. The number of cases that involve copious documents and/or numerous interviews, for example cases involving procurement irregularities or prohibited conduct, take more time to review and conclude. Cases based on information or cooperation from external individuals, such as cases related to sexual exploitation and sexual abuse or false medical claims, often also take a longer time to process, particularly when further verification or clarification is necessary to evaluate evidence.

Procedural fairness

90. Staff members may make a reasoned request for additional time to respond to allegations during the disciplinary process. Depending on the reasons advanced by the staff member, due process may demand granting those requests, which can prolong the time to complete the case. In this regard, it is noted that staff members can and do provide additional information at this stage of the process. Comments received from staff members are thoroughly reviewed and further clarifications sought from the investigating entity as necessary. Any additional information that has been provided by investigating entities must then be shared with the staff member for comments before the decision maker may rely on the information.¹⁵

Compliance with recent jurisprudence

91. The Dispute and Appeals Tribunals continue to apply heightened scrutiny to the standard of proof and the reliability of witness statements, which adds to the depth of review for received cases.¹⁶ The Tribunals have demanded that the decision maker narrate detailed considerations in the decision letter, including how the mitigating and aggravating circumstances have affected the proportionality assessment of the appropriate sanction.¹⁷ Accordingly, the efforts required in drafting and reviewing various documentation necessary at each step of the accountability process, which is heavily document-oriented, have become more intense.

Measures to improve case disposal time

92. Given the uncertainty of the time required in relation to factors outside the control of the Office of Human Resources, benchmarking of time taken to complete a disciplinary process is not appropriate. However, timely disposal of cases is essential to achieving the purposes of staff discipline and accountability. Accordingly, since May 2023, data relating to the time taken for each step have been collected by the Office for designated cases. The exercise is designed to record the total time and describe specific causes of delay in processing those designated cases. This data will help to quantify the overall case processing capacity and identify areas for

¹⁵ 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).

¹⁶ 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 to ensure there is sufficient evidence to accord with the required standard of proof.

¹⁷ United Nations Appeals Tribunal, *Kennedy*, 2021-UNAT-1184.

improvement. Information on and analysis of the results of this exercise will be provided in the Secretary-General's next annual report on his disciplinary practice, together with information on any resulting initiatives taken and any other recommendations on the way forward.

B. Appeals against disciplinary measures

93. Once a completed case has resulted in the imposition of a disciplinary measure, the disciplined staff member may challenge that decision before the Dispute Tribunal. There are appeals in approximately 15 to 25 per cent of the cases where measures were imposed during an annual period. For the previous reporting period, ending 31 December 2021, there were appeals in 10 cases, or 12 per cent, of the cases closed with a disciplinary measure. Out of the 72 sanctions imposed in 2022, 23 were appealed, which represented 32 per cent, a significant increase compared with prior years.

94. Additional details on the 23 appeals are provided in table 23.

Figure V

Appeals contesting disciplinary measures imposed between 1 January 2018 and 31 December 2022

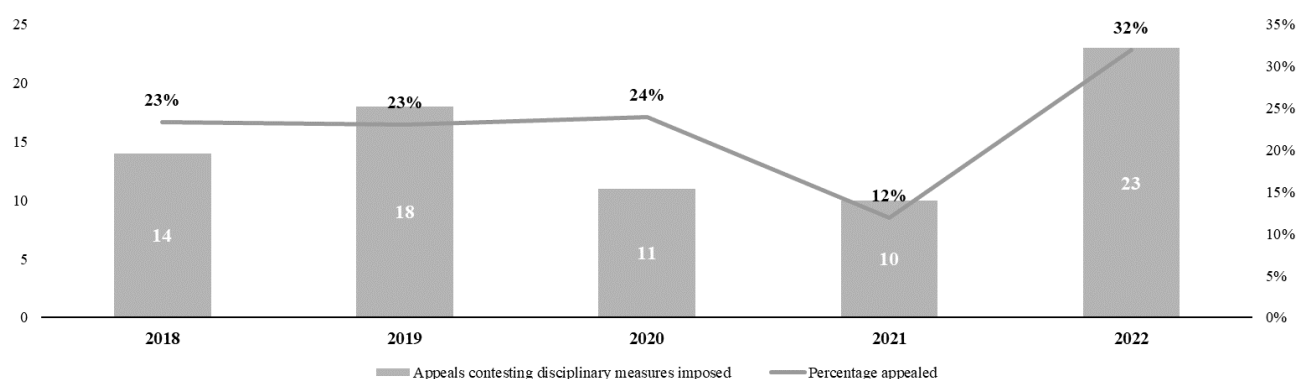


Table 23

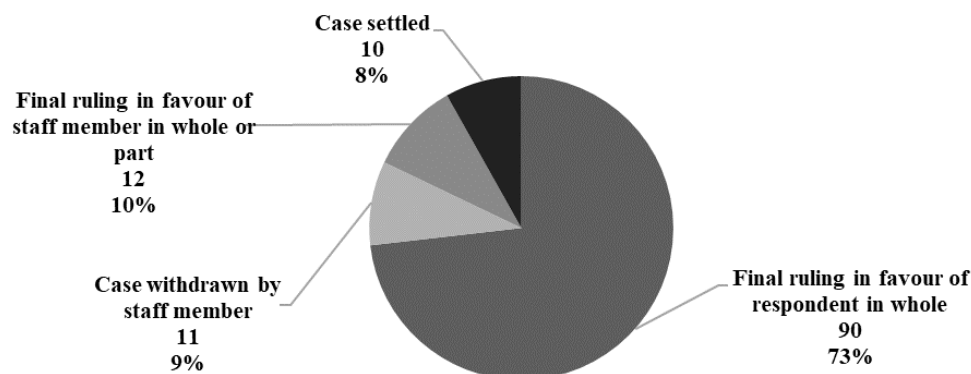
Appeal status of the cases disposed of in 2022, by reference number in the compendium

Misconduct category	Appeals			Pending	
	Won	Withdrawn	Settled	Dispute Tribunal	Appeals Tribunal
Discrimination, harassment, including sexual harassment, and abuse of authority	—	624	—	625–627 and 633–635	—
Sexual exploitation and sexual abuse and related conduct	—	—	—	—	680
Fraud, misrepresentation and false certification	—	—	—	639, 643, 664, 667 and 668	641
Unauthorized outside activities and conflict of interest	—	—	671	673 and 675	—
Procurement irregularities	687	—	—	—	—
Misuse of property	—	—	—	—	689 and 690
Theft and misappropriation	—	—	—	638	—
Verbal abuse and physical assault	—	—	—	676 and 679	—

95. Figure VI provides information about the final outcome of challenges to disciplinary measures imposed during the period 1 July 2009 to date before the Dispute and Appeals Tribunals.

Figure VI

Disposition of appeals contesting disciplinary measures imposed between 1 July 2009 and 31 December 2022, as at 30 September 2023



96. The Dispute and Appeals Tribunals consider whether the facts on which disciplinary measures are based are established to the requisite evidentiary standard. The Dispute Tribunal continues to undertake a detailed review of the proportionality of the sanction imposed, even when the case involves a sanction lighter than separation or dismissal.

97. The Appeals Tribunal has recently issued a series of judgments requiring the determination of misconduct to be done in a judicial hearing at the Dispute Tribunal.¹⁸ The Appeals Tribunal has condemned the Dispute Tribunal's reliance on witnesses' sworn statements given to investigators, and essentially demanded the Dispute Tribunal to hear, and the Organization to produce, witnesses to the misconduct, failing which sanctions have been rescinded and/or significant compensation awarded. This essentially places the judges in the role of the Secretary-General in determining misconduct. In cases where the Organization has no means to compel the appearance of witnesses, their unavailability could invalidate all the resources invested into the accountability process at the Organization. It also places an enormous burden on victims of sexual misconduct who are already traumatized but required to re-live their experience repeatedly. This position directly opposes the victim-centred approach. Furthermore, this position undercuts the General Assembly's mandate to OIOS as the Secretariat's independent investigating entity, as well as the Secretary-General's authority to hold staff members accountable for their conduct.

IV. Cases received by the Office of Human Resources in 2022

98. The present section provides information on the cases referred to the Office of Human Resources for possible disciplinary action in 2022, as well as the number of cases received over the previous four years.

¹⁸ See, for example, United Nations Appeals Tribunal, judgment Nos. 2022-UNAT-1210, 2022-UNAT-1187, 2023-UNAT-1370 and 2023-UNAT-1361.

99. The number of cases received in 2022 shows a large decrease compared with the number of cases received during the previous four annual periods (see figure VII and table 24).

Figure VII

Number of cases received during the current and past four annual periods

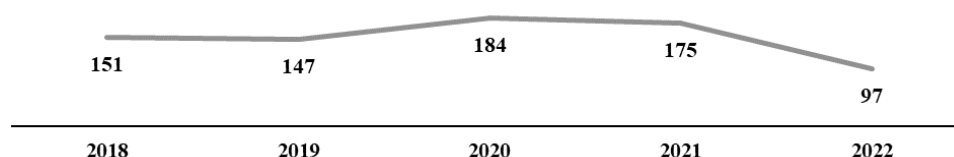


Table 24

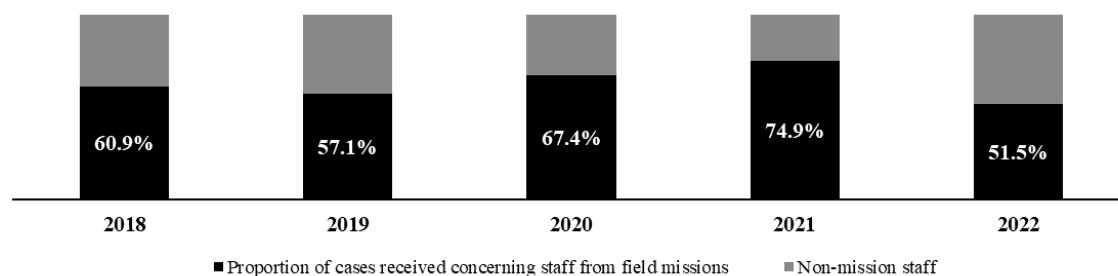
Cases received during the current and past four annual periods, by type of misconduct

<i>Type of misconduct</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>
Abuse of authority, harassment, including sexual harassment, and discrimination	34	34	38	32	20
Assault and abusive conduct	11	6	7	10	6
Failure to honour private obligations	2	1	–	1	1
Failure to report/cooperate	–	4	3	3	1
Financial disclosure	2	–	1	1	5
Inappropriate or disruptive behaviour	–	8	11	7	4
Misrepresentation and false certification	49	36	78	66	28
Misuse of ICT resources/computer-related misconduct	–	4	7	1	8
Misuse of United Nations property	4	–	2	9	1
Procurement irregularities	4	4	5	7	3
Retaliation	4	3	–	–	–
Sexual exploitation and sexual abuse	7	6	12	10	2
Theft/taking without authorization	22	11	5	3	6
Unauthorized outside activities	7	18	8	14	7
Violation of local laws	–	3	–	2	2
Other	5	9	7	9	3
Total	151	147	184	175	97

100. The significant increase in cases received in 2020 and 2021 was largely due to an increase in the number of misrepresentation and false certification cases. In 2022, the number of received cases across the different types of misconduct was close to the average prior to 2020. In 2022, the largest number of received cases concerned misrepresentation and false certification (28 cases) and the second largest concerned prohibited conduct under Secretary-General's bulletin [ST/SGB/2019/8](#) (20 cases).

101. The proportion of cases received concerning field missions during the reporting period was 51.5 per cent. Comparative data for this and the four previous annual periods is shown in figure VIII. In 2022, the percentage of cases originating in field missions decreased significantly and recorded the lowest in the past five year period.

Figure VIII
Proportion of cases received concerning staff in field missions



102. The cases received involving staff members in field missions concerned a large number of misrepresentation and false certification cases. For non-mission staff, the highest number of cases involved allegations of prohibited conduct under Secretary-General's bulletin [ST/SGB/2019/8](#), such as harassment, which was the second highest for those from field missions (see table 25).

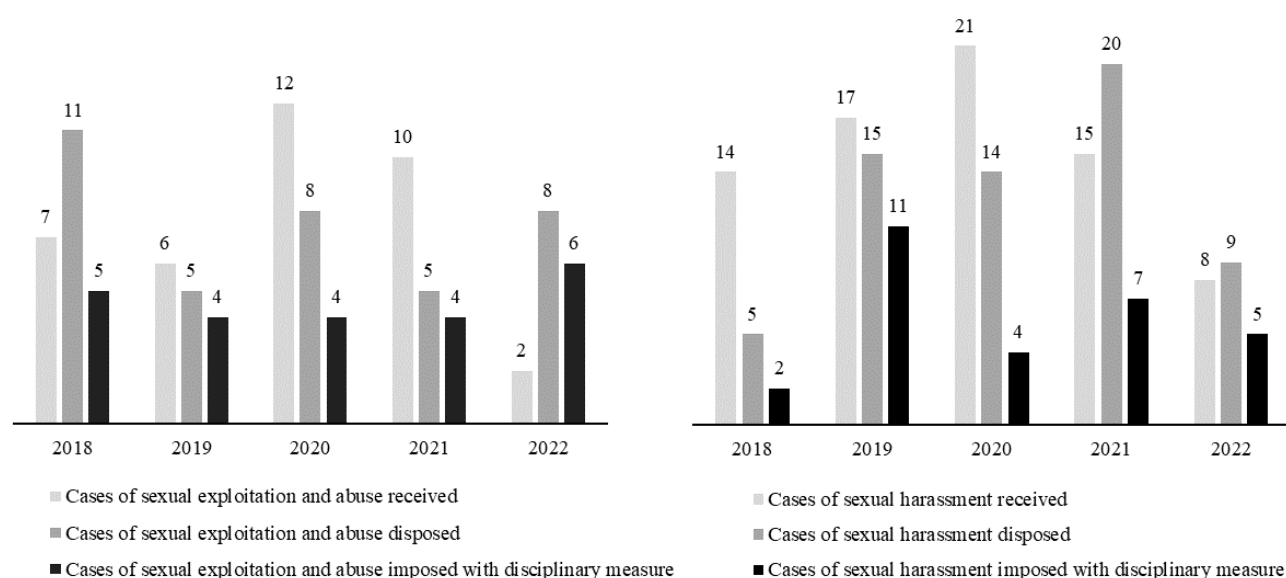
Table 25
Cases received in 2022, by location and type of misconduct

Type of misconduct	Mission	Non-mission
Abuse of authority, harassment, including sexual harassment, and discrimination	8	12
Assault and abusive conduct	3	3
Failure to honour private obligations	–	1
Failure to report/cooperate	–	1
Financial disclosure	1	4
Inappropriate or disruptive behaviour	2	2
Misrepresentation and false certification	21	7
Misuse of ICT resources/computer-related misconduct	2	6
Misuse of United Nations property	1	–
Procurement irregularities	2	1
Sexual exploitation and sexual abuse	1	1
Theft/taking without authorization	6	–
Unauthorized outside activities	2	5
Violation of local laws	1	1
Other	–	3
Total	50	47

103. With regard to sexual exploitation, sexual abuse and sexual harassment, the number of cases received has decreased since 2020 (see figure IX). This may be attributable to the COVID-19 pandemic, during which most staff were working remotely with little in-person interaction. Although no measurable supporting data are available, it may be possible that the decrease in received cases could be a result of an increased awareness of the zero-tolerance policy and the preventive and enforcement measures taken under Secretary-General's bulletin [ST/SGB/2019/8](#).

Figure IX

Number of cases received and disposed of with regard to sexual exploitation and abuse and sexual harassment



V. Informative data for the period 1 January to 30 September 2023

104. From 1 January to 30 September 2023, 129 cases were received in the Office of Human Resources, 59 per cent of which involved staff members in a field mission. The number of received cases and types of misconduct are shown in figure X and table 26.

Figure X

Number of cases received between 1 January and 30 September 2023 and past four annual periods

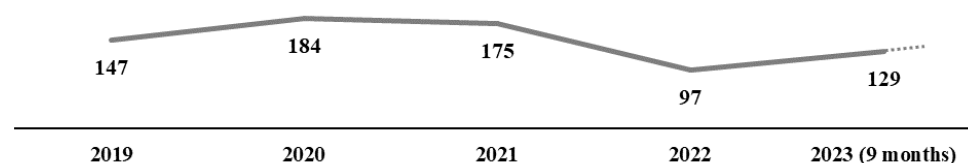


Table 26

Cases received between 1 January and 30 September 2023, by type of misconduct

Type of misconduct	Number
Abuse of authority, harassment, including sexual harassment, and discrimination	31
Assault and abusive conduct	4
Failure to honour private obligations	1
Failure to report/cooperate	3
Financial disclosure	2

<i>Type of misconduct</i>	<i>Number</i>
Inappropriate or disruptive behaviour	2
Misrepresentation and false certification	36
Misuse of ICT resources/computer-related misconduct	1
Misuse of United Nations property	7
Procurement irregularities	5
Retaliation	1
Sexual exploitation and sexual abuse	6
Theft/taking without authorization	11
Unauthorized outside activities	15
Violation of local laws	1
Other	3
Total	129

105. For the same period, 94 cases were disposed of as shown in table 27.

Table 27

Disposition of cases completed between 1 January and 30 September 2023

<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	12
Administrative measures	8
Closed with no measure	3
Not pursued as a disciplinary matter	9
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	14
Other	
Total	93^a

^a Although there were 93 dispositions, 1 disposition closed more than 1 case. In total, 94 cases were closed in the nine-month period.

VI. 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, 12 cases involving credible allegations of criminal conduct by United Nations officials or experts on mission were referred to Member States.

107. Among the 12 cases, 10 were referred to the Office of Human Resources for disciplinary action. Among the 10 referred cases, six are disciplinary cases reported in the present report. Two cases relate to matters that remain under review for possible disciplinary action. One case was closed in 2021 and another was closed in 2023.

VII. Conclusion

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

Annex I

Summary of cases in which disciplinary measures were imposed during the period from 1 January to 31 December 2022

<i>Reference No.</i>	<i>Description</i>	<i>Disposition</i>
Discrimination, harassment, including sexual harassment, and abuse of authority		
624	A staff member sexually harassed an intern reporting to the staff member on one occasion. There were multiple aggravating factors and one mitigating factor.	Separation from service with compensation in lieu of notice and with termination indemnity. The name of the staff member was entered in ClearCheck.
625	A staff member with managerial responsibilities engaged in sexual harassment of a subordinate and created a hostile and offensive work environment for other staff members under the staff member's supervision. There were mitigating and aggravating factors.	Separation from service with compensation in lieu of notice and without termination indemnity. The name of the staff member was entered in ClearCheck.
626	A staff member engaged in multiple acts of sexual harassment and harassment.	Separation from service with compensation in lieu of notice and without termination indemnity. The name of the staff member was entered in ClearCheck.
627	A staff member sexually harassed five individuals. In addition, the staff member engaged in abuse of authority in relation to one of the individuals.	Dismissal. The name of the staff member was entered in ClearCheck.
628	A staff member engaged in a pattern of unwelcome behaviour, including of a sexual nature, towards one intern and one subordinate staff member. There were aggravating and mitigating factors.	Separation from service with compensation in lieu of notice and with termination indemnity. The name of the staff member was entered in ClearCheck.
629	A senior staff member engaged in abuse of authority, including by terminating a subordinate staff member's contract without notice or proper justification. The staff member also made inappropriate comments, including threatening loss of job, to other staff members and made inappropriate demands on staff, including when they were on authorized leave. There were one aggravating factor and one mitigating factor.	Separation from service with compensation in lieu of notice and with termination indemnity
630	A senior staff member engaged in abuse of authority and discriminated against a subordinate on the basis of the subordinate's sex/gender. The staff member also engaged in conduct that created an offensive work environment for at least 18 members of staff. There were multiple aggravating factors and one mitigating factor.	Separation from service with compensation in lieu of notice and without termination indemnity
631	A staff member engaged in abuse of authority and exercised poor judgment by engaging in unwelcome personal exchanges with an individual from an entity seeking partnership with the Organization. There were mitigating factors.	Written censure and loss of two steps in grade

<i>Reference No.</i>	<i>Description</i>	<i>Disposition</i>
632	A staff member raised his/her voice and threatened to attack colleagues, including via abusive messages. There was an aggravating factor.	Separation from service with compensation in lieu of notice and with half of the termination indemnity otherwise applicable.
633	A staff member engaged in insubordination and prohibited conduct by refusing to report to a more senior staff member, recognize the seniority of that staff member, or undertake tasks assigned by the more senior staff member, and by sending inappropriate, offensive and humiliating emails to the more senior staff member and about the more senior staff member to others. There were aggravating and mitigating factors.	Demotion with deferment for two years of eligibility for consideration for promotion
634	A senior staff member engaged in insubordination and workplace harassment towards a more senior staff member, and in workplace harassment and abuse of authority affecting other staff members in the same office. There were aggravating factors.	Separation from service with compensation in lieu of notice and without termination indemnity
635	A senior staff member engaged in insubordination and workplace harassment towards a more senior staff member, and in workplace harassment and abuse of authority affecting other staff members in the same office. There were aggravating factors.	Separation from service with compensation in lieu of notice and without termination indemnity
636	A senior staff member engaged in insubordination and workplace harassment towards a more senior staff member, and in workplace harassment and abuse of authority affecting other staff members in the same office. There were aggravating factors.	Separation from service with compensation in lieu of notice and without termination indemnity
Theft and misappropriation		
637	A staff member removed items from a warehouse belonging to the Organization without authorization and with the intention of selling the items to a third party. There were mitigating factors.	Separation from service with compensation in lieu of notice and with termination indemnity
638	Staff member misappropriated donations for a Staff Union event. There was one aggravating factor and one mitigating factor.	Dismissal
Fraud, misrepresentation and false certification		
639	A staff member submitted false information in a job application relating to previous conduct issues. There was one aggravating factor and there were multiple mitigating factors.	Separation from service with compensation in lieu of notice and without termination indemnity
640	A staff member submitted false information in job applications including the reasons for leaving previous employment. There was one aggravating factor and one mitigating factor.	Separation from service with compensation in lieu of notice and without termination indemnity

<i>Reference No.</i>	<i>Description</i>	<i>Disposition</i>
641	A staff member submitted false information in job applications by not disclosing that a relative was working for the United Nations. There was a mitigating factor.	Separation from service with compensation in lieu of notice and with termination indemnity
642	A staff member submitted false information in a job application by not disclosing that a relative was working for the United Nations.	Post-separation sanction of “separation from service”
643	A staff member submitted false information in a job application by not disclosing that a relative was working for the United Nations. There were mitigating factors.	Separation from service with compensation in lieu of notice and with termination indemnity
644	A staff member submitted false information in a job application by not disclosing that a relative was working for the United Nations. There were mitigating factors.	Separation from service with compensation in lieu of notice and with termination indemnity
645	A staff member submitted false medical insurance claims. There were mitigating factors.	Written censure, loss of four steps in grade and a fine of one month’s net base salary
646	A staff member submitted false medical insurance claims. There were mitigating factors.	Separation from service with compensation in lieu of notice and without termination indemnity
647	A staff member submitted false medical insurance claims. There was one mitigating factor.	Separation from service with compensation in lieu of notice and without termination indemnity. Financial recovery of \$413.00 was specified.
648	A staff member submitted false medical insurance claims. There were mitigating factors.	Separation from service with compensation in lieu of notice and without termination indemnity. Financial recovery of \$818.00 was specified.
649	A staff member submitted false medical insurance claims. There was a mitigating factor.	Separation from service with compensation in lieu of notice and without termination indemnity. Financial recovery of \$566.23 was specified.
650	A staff member submitted false medical insurance claims. Prior repayment of false claims was made. There was a mitigating factor.	Separation from service with compensation in lieu of notice and without termination indemnity
651	A staff member submitted false medical insurance claims. There was a mitigating factor.	Separation from service with compensation in lieu of notice and without termination indemnity. Financial recovery of \$456.87 was specified.
652	A staff member submitted false medical insurance claims. There was a mitigating factor. Prior repayment of false claims was made.	Separation from service with compensation in lieu of notice and without termination indemnity
653	A staff member submitted false medical insurance claims. There was a mitigating factor. No reimbursements were made for the false claims.	Separation from service with compensation in lieu of notice and without termination indemnity

<i>Reference No.</i>	<i>Description</i>	<i>Disposition</i>
654	A staff member submitted false medical insurance claims. There was one mitigating factor and one aggravating factor.	Separation from service with compensation in lieu of notice and with termination indemnity
655	A staff member submitted false medical insurance claims. There were aggravating factors.	Post-separation sanction of “separation from service”. Financial recovery of \$30,268.34 was specified.
656	A staff member submitted false medical insurance claims. There was no financial loss. There was one mitigating factor.	Separation from service with compensation in lieu of notice and without termination indemnity
657	A staff member submitted false medical insurance claims. There was one mitigating factor.	Separation from service with compensation in lieu of notice and without termination indemnity. Financial recovery of \$5,489.34 was specified.
658	A staff member submitted false medical insurance claims. There was one mitigating factor.	Separation from service with compensation in lieu of notice and without termination indemnity. Financial recovery of \$6,980.27 was specified.
659	A staff member submitted false medical insurance claims. There was one mitigating factor.	Separation from service with compensation in lieu of notice and without termination indemnity. Financial recovery of \$25,970.35 was specified.
660	A staff member submitted false medical insurance claims. There was one mitigating factor.	Separation from service with compensation in lieu of notice and without termination indemnity
661	A staff member, or another person using the staff member’s credentials which the staff member had provided, submitted medical insurance claims based on false supporting documentation; and the staff member provided an unauthorized person access to the staff member’s official United Nations email account and United Nations laptop credentials.	Separation from service with compensation in lieu of notice and without termination indemnity
662	A staff member submitted, or agreed to the submission by another person on their behalf, of false medical insurance claims. There were mitigating factors.	Separation from service with compensation in lieu of notice and without termination indemnity
663	A staff member submitted false education grant claims. There were aggravating factors.	Post-separation sanction of “separation from service”. Financial recovery of \$119,831.58 was specified.
664	A former staff member had obtained money from subordinates out of their contractual payments; submitted false documentation to the Organization in connection with a travel claim to compensate a United Nations personnel member; and without authorization, caused funds of the Organization to be disbursed. There were aggravating and mitigating factors.	Post-separation disciplinary measure of fine equivalent to six months’ net base salary.

<i>Reference No.</i>	<i>Description</i>	<i>Disposition</i>
665	A staff member made a substantial duty-free Commissary purchase using the credentials of a non-consenting Commissary participant. There were mitigating and aggravating factors.	Post-separation sanction of “separation from service”
666	A staff member falsified an invoice to account for undocumented expenditure. There were multiple mitigating factors and one aggravating factor.	Post-separation disciplinary measure of loss of two steps in grade and written censure
667	A staff member participated in soliciting donations from external parties without authorization, submitted false documentation and instructed another staff member to falsify invoices. There was one mitigating factor and multiple aggravating factors.	Separation from service with compensation in lieu of notice and without termination indemnity
668	A staff member misrepresented the staff member’s residential address and knowingly submitted false receipts for a purported stay at a hotel as proof of expenses. There was one mitigating factor and multiple aggravating factors.	Dismissal. Financial recovery of \$17,213.00 was specified.
669	A staff member falsified an attestation letter, by changing the date of a previously duly-issued attestation letter, that the staff member submitted to a bank in support of the staff member’s application to obtain a line of credit. There were multiple mitigating factors and one aggravating factor.	Written censure and deferment for one year of eligibility for salary increment
670	A staff member falsified a letter of employment by changing the dates of an earlier duly-issued employment letter, and submitted it in support of a loan application. There were multiple mitigating factors and one aggravating factor.	Written censure and deferment for one year of eligibility for salary increment

Unauthorized outside activities and conflict of interest

671	A staff member engaged in unauthorized outside activities. The staff member also failed to cooperate with the investigation. There was one aggravating factor and multiple mitigating factors.	Written censure and deferment for two years of eligibility for consideration for salary increment
672	A staff member engaged in unauthorized outside activities by assisting another staff member in a private business and used official information and communications technology resources. The staff member also failed to report the possible misconduct of the other staff member. There was one mitigating factor and multiple aggravating factors.	Demotion with deferment for two years of eligibility for consideration for promotion
673	A staff member engaged in unauthorized communications with external parties in relation to matters concerning the official activities of the Organization. There were aggravating factors.	Separation from service with compensation in lieu of notice and with one half termination indemnity

<i>Reference No.</i>	<i>Description</i>	<i>Disposition</i>
674	A staff member instructed subordinates to engage in conduct that violated policies of the Organization and local law. The staff member also failed to disclose a conflict of interest arising from the staff member's involvement with the matter. There was one aggravating factor and one mitigating factor.	Written censure and loss of five steps with deferment for two years of eligibility for consideration for promotion
675	A staff member inappropriately facilitated the recruitment of an individual with whom the staff member had a personal relationship. The staff member also failed to disclose the conflict of interest arising from their personal relationship and remained in a direct reporting line with the individual. There were mitigating and aggravating factors.	Separation from service with compensation in lieu of notice and with termination indemnity
Verbal abuse and physical assault		
676	A staff member physically assaulted an unarmed security guard. There were aggravating and mitigating factors.	Separation from service with compensation in lieu of notice and with termination indemnity
677	A staff member used abusive language towards and physically assaulted another staff member, causing injury. There were mitigating factors.	Separation from service with compensation in lieu of notice and with termination indemnity
678	A staff member physically assaulted the staff member's then-pregnant wife. There was one aggravating factor and multiple mitigating factors.	Separation from service with compensation in lieu of notice and without termination indemnity
679	A staff member engaged in inappropriate behaviour including using inappropriate language in a workplace setting. There were mitigating factors.	Written censure
Sexual exploitation and sexual abuse		
680	A staff member engaged in sexual exploitation of a member of the local population at the duty station. There was one aggravating factor and one mitigating factor.	Separation from service with compensation in lieu of notice and without termination indemnity. The name of the staff member was entered in ClearCheck.
681	A staff member engaged in sexual harassment of another staff member and attempted to solicit the other staff member's assistance in engaging in sexual exploitation (which the other staff member refused to do). The staff member also submitted a false medical insurance claim. There was one mitigating factor.	Separation from service with compensation in lieu of notice and without termination indemnity. The name of the staff member was entered in ClearCheck.
682	A staff member, on multiple occasions, solicited sexual activity with two minors and, on some of those occasions, suggested paying in return for sexual activity with the minors.	Separation from service with compensation in lieu of notice and without termination indemnity. The name of the staff member was entered in ClearCheck.
683	A staff member sexually abused a minor. The staff member also threatened another individual with a knife.	Post-separation sanction of "dismissal". The name of the staff member was entered in ClearCheck.

<i>Reference No.</i>	<i>Description</i>	<i>Disposition</i>
684	A staff member sexually exploited and abused four minors. The staff member interfered with the investigation.	Dismissal. The name of the staff member was entered in ClearCheck.
685	A staff member sexually assaulted a private cleaner in United Nations-provided accommodation.	Post-separation sanction of “separation from service”. The name of the staff member was entered in ClearCheck.

Procurement irregularities

686	A staff member demanded and received a bribe from an implementing partner in the form of a portion of the project funding from the Organization to the partner. There were multiple aggravating factors.	Separation from service with compensation in lieu of notice and without termination indemnity. Financial recovery of \$9,500.00 was specified.
687	A staff member was implicated in an irregular procurement process. There were mitigating factors.	Demotion with deferment for three years of eligibility for consideration for promotion. Managerial measure of training in the procurement process and the use of Umoja. Financial recovery of 429,800 Kenyan shillings was specified.
688	A staff member included false information in official documentation pertaining to two procurement exercises. In response to requests for clarification with respect to one of the procurement exercises, the staff member altered and submitted false information. There were aggravating and mitigating factors.	Separation from service with compensation in lieu of notice and without termination indemnity. Financial recovery of \$22,842.39 was specified.

Misuse of or failure to exercise reasonable care in relation to United Nations property or assets

689	A staff member permitted an unauthorized individual to be transported in a United Nations vehicle assigned to the staff member, while another staff member engaged in sexually suggestive behaviour with the unauthorized individual in the rear of the vehicle, which was clearly visible from a public street. A video clip of the conduct was posted on the Internet. There were mitigating and aggravating factors.	Separation from service with compensation in lieu of notice and without termination indemnity
690	A staff member engaged in a sexually suggestive behaviour with an unidentified individual in a United Nations vehicle, which was clearly visible from a public street. A video clip of the conduct was posted on the Internet. Furthermore, the staff member failed to cooperate with the investigation. There was one mitigating factor and multiple aggravating factors.	Dismissal
691	A staff member drove a United Nations vehicle without authorization and without a United Nations driving permit, and transported an unauthorized individual in the United Nations vehicle. There was one mitigating factor.	Written censure, with loss of two steps and deferment for two years of eligibility for salary increment

<i>Reference No.</i>	<i>Description</i>	<i>Disposition</i>
692	A staff member drove a United Nations vehicle while under the influence of alcohol and caused damage to the vehicle. There was one mitigating factor and multiple aggravating factors.	Separation from service with compensation in lieu of notice and without termination indemnity. Financial recovery of \$437.00 was specified.
Violation of local laws		
693	A staff member attempted to travel with currency in excess of the regulations. There were mitigating factors	Written censure
Other		
694	A staff member engaged in abuse of authority by engaging in communications with a beneficiary of assistance, which were outside the staff member's functions. There were aggravating and mitigating factors.	Written censure and loss of two steps in grade
695	A staff member failed to exercise the appropriate standard of care regarding the reclassification process of another staff member's position. The Organization suffered a financial loss as a result of the staff member's actions. There were mitigating and aggravating factors.	Written censure and loss of one step. Financial recovery of \$3,500 was specified.

Annex II

Determination of misconduct and assessment of proportionality

