

**Report of the Coordinator, Ms. Melinda Vittay (Hungary),  
on the informal consultations of the Sixth Committee  
on agenda item 144, Administration of justice at the United Nations,  
during the 78th session of the General Assembly**

Madame Chair,

Distinguished colleagues,

I have the honour to introduce the draft letter from the Chair of the Sixth Committee to the President of the General Assembly on agenda item 144, "*Administration of justice at the United Nations*".

The Sixth Committee held a total of six rounds of informal consultations, and a number of rounds of informal informal consultations were also held with interested delegations.

During our informal consultations, we were able to cover some of the requests and recommendations included in altogether 3 reports:

1. the report of the Secretary-General on the activities of the Office of the UN Ombudsman and Mediation Services (A/78/170);
2. the report of the Secretary-General on the Administration of Justice at the United Nations (A/78/156); and
3. the report of the Internal Justice Council (A/78/121).

As customary, a briefing was held before the informal consultations. In this briefing, various units of the Secretariat as well as the Internal Justice Council participated this year, and their presentations were followed by a question-and-answer segment.

During our informal consultations, I received written communications from the Executive Director of the Office of Administration of Justice, from the Ombudsman, and from the Chair of the Internal Justice Council, all of which were brought to the attention of delegations either orally or in writing.

Madame Chair,

The draft letter under your consideration addresses the following matters:

- It underlines the importance of the **independence of the judiciary**;
- It emphasizes the need for **knowledge of the internal system of administration of justice and the need for outreach activities**;

- It also underlines the importance of **transparency and consistency of jurisprudence and judicial directions**;
- It renews its interest in improving the **regulatory framework**, including measures to address racism and promote dignity for all at the United Nations;
- With regard to the **informal system of internal justice**, it continues to emphasize that informal dispute settlement was a crucial component of the internal system of administration of justice. It also supports the consideration of various mechanisms to increase the use of mediation for workplace disputes;
- Turning to the **formal system of internal justice**, delegations again commended the Management Evaluation Unit, the United Nations Dispute Tribunal and the United Nations Appeals Tribunal for their continued important roles in enabling the resolution of work-related disputes of staff members. The Committee requested the Internal Justice Council to provide more information on its proposal for a pilot programme of judicial mediation, taking into account the concerns raised by the Secretary-General and Office of Ombudsman and Mediation Services;
- The Sixth Committee also continued to address the issue of **staff representation and voluntary supplemental funding mechanism of the Office of Staff Legal Assistance**. In particular, it recommended regularized the voluntary supplemental funding mechanism as it currently exists.
- With regard to **remedies available to non-staff personnel**, the Committee reiterated its long-standing views, by which it highlighted that the UN should ensure that effective remedies were available to all categories of personnel, including non-staff personnel, and recommending to continue the discussions on ways to provide non-staff personnel with access to fair, affordable and effective mechanisms for resolving work-related disputes. The Committee further encouraged the Fifth Committee to regularize the pilot project concerning access by non-staff personnel to services provided by the Office of the Ombudsman and Mediation Services.
- The Committee took note of the Secretary-General's revised proposal to **amend article 9 of the statute of the United Nations Dispute Tribunal by adding a new paragraph 4** and of the different views expressed by key stakeholders and Member States. The Committee underlined the importance of legal certainty when it comes to the review of disciplinary cases. Drawing on the early jurisprudence of the Appeals Tribunal, in particular paragraph 27 of the *Mahdi* judgment (2010-UNAT-018) and paragraphs 42 and 43 of the *Sanwidi* judgement (2010-UNAT-084), the Committee recommended the adoption of its own proposed text for article 9, paragraph 4, of the statute. The proposed paragraph 4 would clarify that the role of the Dispute Tribunal was to conduct a judicial

review of the administrative decision to impose a disciplinary measure, rather than a merits-based review of the disciplinary case. This would require the Dispute Tribunal to make an assessment on whether the facts on which the disciplinary measure was based had been established by evidence, whether the established facts legally amount to misconduct; whether the applicant's due process rights were observed; and whether the disciplinary measure imposed was proportionate to the offence. In conducting a judicial review, the Dispute Tribunal would consider the record assembled by the decision-maker and upon the basis of which the decision to impose a disciplinary measure was taken and could also admit other evidence. The Committee encouraged the Fifth Committee to take the views of key stakeholders, including the two tribunals, into consideration when considering its recommended amendment.

- It also recommended the approval of a number of **amendments to the rules of procedure of the Dispute Tribunal**. The Committee suggested to postpone the decision on the three remaining amendments to the seventy-ninth session of the General Assembly
- Finally, it requested the resumption of the practice of entrusting the Internal Justice Council of including the respective views of the two tribunals in its annual reports to the General Assembly

The draft letter under your consideration reflects the outcome of the negotiations we conducted. I hope that it will be approved by consensus. As indicated in its paragraph 38, it is then meant to be brought to the attention of the Chair of the Fifth Committee, through the PGA.

In closing, I would like to thank delegations for their constructive engagement throughout this process and to thank the Secretariat for their support.

I thank you for your attention.

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