



Statement on behalf of the European Union and its Member States

by Mr. Fabio Cannizzaro

Counsellor

Delegation of the European Union to the United Nations

at the Sixth Committee

on the Agenda item 152:

“Administration of justice at the United Nations”

United Nations

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– CHECK AGAINST DELIVERY –

Thank you, Mr. Chair,

I have the honour to speak on behalf of the European Union and its Member States.

The Candidate Countries North Macedonia*, Montenegro*, Serbia*, Albania*, Ukraine, the Republic of Moldova, Bosnia and Herzegovina* and Georgia, as well as Andorra and Monaco align themselves with this statement.

We thank the Secretary-General, the Office of the Ombudsman and Mediation Services, and the Internal Justice Council for their reports. We also thank them, as well as the Office of Administration of Justice, the United Nations Dispute Tribunal, the United Nations Appeals Tribunal, and all those involved in the system of administration of justice at the UN for their continuous efforts to improve its functioning.

An independent, transparent, professionalized, and adequately resourced and decentralized system of administration of justice is crucial for upholding the rights of all personnel, promoting accountability, and maintaining the Organization's integrity and reputation.

The latest reports confirm that the Organization continues to make important progress, which we commend, especially bearing in mind the budgetary constraints that deserve adequate consideration in the Fifth Committee. It is essential to possibly accelerate this positive trend to further reduce the gap between aspiration and reality.

* North Macedonia, Montenegro, Serbia, Albania and Bosnia and Herzegovina continue to be part of the Stabilisation and Association Process.

In this vein, we would like to submit three sets of specific observations, as regards, respectively, the formal system, the informal system, as well as certain general points.

First, as regards the **formal system**, we welcome the continuing reduction of the **backlog of cases**. It is essential to pursue the ongoing efforts and continue to identify and address the causes of possible bottlenecks. Improving the interplay with the informal system, including encouraging the practice of proposing the referral of cases for mediation under Article 10(3) of the UNDT Statute, might help in further decreasing the backlog of cases.

Raising **awareness of the available rights and procedures** is also important to minimize the risk of unnecessary litigation, in addition to being a precondition for effective **access to justice**. The figures indicated in the Report of the Secretary-General on the Administration of Justice (323,043 views at 31 December 2023) confirm that the introduction and continuous update of the Caselaw Portal is a very positive development. We also commend all the other initiatives aimed at raising awareness about the administration of justice system and educating personnel about the available mechanisms and resources, including the services of the Office of Staff Legal Assistance (OSLA). However, the increase of self-represented litigants, which often results in their cases being not receivable, indicates a persisting lack of familiarity with the applicable procedural requirements and highlights the importance of having access to professional legal assistance. In this respect, we support the recommendation of the Secretary-General to extend the voluntary supplemental funding mechanism of the Office of Staff Legal Assistance on an indefinite basis, without prejudice to a final determination as to whether expenditures incurred pursuant to the Office's mandate constitute “expenses of the Organization” within the meaning of Article 17, paragraph 2, of the UN Charter.

Still on **access to justice**, in order to foster trust and accountability, the internal system of administration of justice at the UN must allow both staff and non-staff personnel to access and protect their rights. Therefore, it is crucial to explore how to ensure access of non-staff personnel to the formal system, taking into account budgetary constraints.

We also continue to advocate for a system in which the Tribunals can grant anonymity to victims and witnesses if circumstances so require. We thus welcome the increase, for both Tribunals, of the percentage of judgments in which the name of the applicant or appellant was anonymized. Such a safeguard can help **protect parties and witnesses against retaliation**, a risk that could dissuade personnel from taking action to defend their rights. Ensuring protection against retaliation is crucial to fostering a safe environment where staff can speak up without fear of retribution. In this context, encouraging whistleblowing by UN staff (in both the formal and informal systems) is also essential for promoting transparency, accountability, and integrity within the organization. By reporting rights violations, misconduct or unethical behaviour, whistle-blowers can help identifying issues that could harm the UN's mission and credibility.

Second, as regards specifically the **informal system**, we commend the continued encouragement and expansion of the use of the “informal first” approach. We reiterate our support for promoting non-confrontational resolutions of disputes, also with a view to avoiding unnecessary litigation. This time- and cost-effective alternative to protracted litigation must be effectively available to all, including non-staff personnel whose number in the Secretariat keeps increasing. It is remarkable that, in 2023, the Office of the Ombudsman and Mediation Services already observed a significant increase of 37 per cent in the number of cases received from non-staff personnel, although in absolute terms the figures are still low (from 182 cases in 2022 to 224 in 2023). The regularization of the pilot project to enable non-staff personnel to access the Ombudsman and Mediation

services within existing resources was an important development and will certainly result in an increase of the number of cases. However, it will also be essential to introduce adequate tools to provide non-staff personnel, especially in remote duty stations, with equitable and effective access to these services.

Third, we would like to provide brief comments on the following **general points**.

As regards **multilingualism**, we welcome all the initiatives mentioned in the reports aimed at providing relevant information in the six official languages of the UN, as well as the possibility for the parties before the Tribunals to request translation and interpretation into any language required for the proceedings. This contributes to the effectiveness, efficiency, and accessibility of the UN internal justice system.

As regards **workplace behaviour**, we stress the importance of addressing workplace conflict and inappropriate and abrasive behaviour, discrimination, harassment, including sexual harassment, and abuse of authority. We praise the Anti-Racism Office for striving to bridge the awareness gap about racism and racial discrimination in the workplace, and we fully support its endeavours. These forms of behaviour are unacceptable in the workplace and should not be tolerated.

We also fully support the revised **mental health** and **well-being strategy** endorsed by the UN for 2024 and beyond, including the envisaged efforts to ensure successful "return to work" modalities.

Finally, we emphasize that a gender-responsive approach to the administration of justice is essential to ensuring progress towards **gender equality** in access to justice for all.

To conclude, we express our appreciation for the continued efforts to improve the administration of justice system at the UN and encourage all relevant actors to

pursue their endeavours to improve the dispute resolution mechanisms. At the same time, it is essential to address the root causes of such disputes and tackle them proactively.

Thank you.