

## **Administration of justice at the United Nations: Draft letter**

1. I have the honour to write to you with regard to agenda item 146, on the administration of justice at the United Nations.
2. As you are aware, at its 2nd plenary meeting, on 12 September 2025, the General Assembly, on the recommendation of the General Committee, referred the agenda item to both the Fifth and the Sixth Committees. In paragraph 27 of its resolution [79/254](#), the Assembly invited the Sixth Committee to consider the legal aspects of the report to be submitted by the Secretary-General, without prejudice to the role of the Fifth Committee as the Main Committee entrusted with responsibilities for administrative and budgetary matters.
3. During the present session, the Sixth Committee considered the item at its 22nd meeting, on 21 October 2025, as well as in informal consultations held on 17 and 23 October and 4 and 11 November. The Committee considered the legal aspects of the report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services ([A/80/135](#)), the report of the Secretary-General on the administration of justice at the United Nations ([A/80/136](#)) and the report of the Internal Justice Council on the administration of justice at the United Nations ([A/80/131](#)).
4. During the informal consultations held on 17 October, the Executive Director of the Office of Administration of Justice, the Chair of the Internal Justice Council, and the United Nations Ombudsman made presentations and remained available, along with representatives of other units of the Secretariat, to provide answers and clarifications to delegations, which were grateful for the opportunity.
5. Delegations expressed their appreciation to the Secretary-General for his comprehensive report on the administration of justice at the United Nations submitted pursuant to resolution [79/254](#) and for his report on the activities of the Office of the United Nations Ombudsman and Mediation Services. The Sixth Committee considered the request of the Secretary-General to the General Assembly contained in the former ([A/80/136](#), para. 92). Delegations also considered the report of the Internal Justice Council ([A/80/131](#)) and the recommendations contained therein.
6. I should draw your attention to a number of specific issues related to the legal aspects of those reports, as discussed in the Sixth Committee.

### **Independence of the judiciary**

7. While emphasizing the need for effective cooperation and coordination between the Fifth Committee and the Sixth Committee, the Sixth Committee once more underlined that, under paragraph 4 of its resolution [61/261](#), the General Assembly had decided that the new system of administration of justice should be independent, transparent, professionalized, adequately resourced and decentralized, consistent with the relevant rules of international law and the principles of the rule of law and due process to ensure respect for the rights and obligations of staff members and the accountability of managers and staff members alike. Delegations were therefore of the view that, when considering the various proposals set out in the aforementioned reports that might have financial implications, the Assembly should take duly into account paragraph 4 of its resolution [61/261](#).
8. The Sixth Committee also recalled the decision of the General Assembly, in paragraph 36 of its resolution [62/228](#), to establish the Internal Justice Council, to,

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inter alia, ensure independence, professionalism and accountability in the new system of administration of justice, and noted the efforts of the Council in this regard.

### **Knowledge of the system and outreach activities**

9. Recalling the Sixth Committee's recommendations of 2020 (see [A/C.5/75/16](#), annex), in which the Committee urged the Secretariat to further strengthen and increase outreach activities, delegations welcomed the continued and increased efforts reported by the different parts of the system of administration of justice in that regard, including regular visits and briefings to field offices and peacekeeping operations.

10. The Sixth Committee also urged the Secretariat to continue its outreach activities, with a view to providing information on the role and functioning of the various parts of the system and the possibilities it offered to address work-related complaints, including to non-staff personnel, paying particular attention to field missions and offices.

11. The Sixth Committee commended the Secretary-General for his ongoing efforts to ensure the availability of outreach documents in all six official languages. The Committee also recalled that the Secretary-General had been requested to intensify his efforts to implement multilingualism within the system of administration of justice, and to report on his efforts to continue to promote multilingualism in the system of administration of justice in the context of his future reports.

### **Transparency and consistency of jurisprudence and judicial directions**

12. The Sixth Committee recalled that it had previously noted the important legal dimension of full and accurate availability of and easy access to the jurisprudence of the Tribunals since they allowed staff and management, as well as anyone acting as a legal representative, to inform themselves about the latest developments of the jurisprudence, to establish precedents that could guide the assessment of other cases and to better understand relevant rules and regulations as applied by the Tribunals (see [A/C.5/71/10](#), annex, and [A/C.5/73/11](#), annex). The Committee underlined that it had previously noted the absence of a searchable database of Dispute Tribunal and Appeals Tribunal judgments to facilitate meaningful and organized research (see [A/C.5/75/16](#), annex). It therefore welcomed the launch of a Caselaw portal that will contribute to a more transparent and accessible system of administration of justice ([A/78/121](#), paras. 29 and 30). It commended the communications measures to raise awareness of the portal, as well as the portal enhancement project planned by the Secretary-General ([A/78/156](#), paras. 53–56).

13. The Sixth Committee also recalled that it had previously noted the importance of applying such transparency to judicial directions. The Committee recommended that the General Assembly request that judicial directions that are of general application continue to be posted online and thus made available to all stakeholders, including the Assembly.

### **Regulatory framework**

14. The Sixth Committee underlined the efforts of the Secretary-General and the Office of the United Nations Ombudsman and Mediation Services to give further effect to achieving a harmonious working environment free from discrimination, harassment, including sexual harassment, and abuse of authority, in particular through the civility campaign of the Secretary-General ([A/78/170](#), paras. 53–55) and various measures to further enhance the accountability of managers ([A/78/156](#), paras. 58–60 and annex I). It welcomed the comprehensive report of the Secretary-General on the measures taken to address systemic issues (*ibid.*, annex I).

15. The Sixth Committee also took note that the Secretariat remains committed to the three-pronged strategy of preventing acts of misconduct, addressing reports of misconduct and holding those who have engaged in misconduct accountable and providing remedial actions, where applicable (ibid., annex I, paras. 12–14). The Committee recalled the important role of those activities in ensuring universal accessibility to the system of administration of justice at the United Nations.

16. Delegations noted with concern the reports by women, especially those appointed to senior positions, that they seemed to be measured by different standards compared with their male counterparts and that several women leaders reported the harassment they experienced ([A/77/151](#), para. 83). The Sixth Committee noted with appreciation the projects set up to further support a culture change in the Organization and to create an enabling environment at all levels ([A/78/156](#), annex I, para. 26) and requested the Secretary-General to keep reporting on the results of those projects.

17. The Sixth Committee also recalled the observations by the United Nations Ombudsman that the Organization had no mechanism to systematically monitor staff well-being in difficult duty stations so that it could respond promptly when conditions started to affect the health of staff members in a way that prevented them from continuing to work in that location ([A/75/160](#), para. 88).

### **Informal system**

18. The Sixth Committee emphasized that informal dispute settlement is a crucial component of the internal system of administration of justice and noted with appreciation that the Office of the United Nations Ombudsman and Mediation Services has gradually evolved to become a global and decentralized conflict resolution resource for addressing workplace conflicts and grievances of United Nations personnel ([A/78/170](#), para. 1). It commended the different services offered by the Office and its positive impact on the United Nations work environment (ibid., paras. 8–12). It took note of the tangible benefits of utilizing the services of the Office (ibid., paras. 13–17) and renewed its call for further incentives to resort to informal conflict resolution.

19. Delegations commended the activities of the Office of the United Nations Ombudsman and Mediation Services, and its efforts to continue to ensure a global presence and regional activities to increase conflict resolution services for staff and non-staff away from Headquarters (ibid., paras. 43 ff.).

20. The Committee noted with concern that racism remains an issue in the United Nations workplace and that there remain knowledge and awareness gaps (ibid., paras. 86–89). The Committee therefore encouraged the continuation of learning and education on racism, in particular through the implementation of the Secretary-General's strategic action plan for addressing racism and promoting dignity for all in the United Nations Secretariat.

### **Formal system**

21. The Sixth Committee commended the Management Advice and Evaluation Section for its continued important role in enabling the resolution of work-related disputes of staff members.

22. The Sixth Committee recalled the recommendation of the Internal Justice Council to enhance staff access to documents and information ([A/72/210](#), para. 19, and [A/73/218](#), recommendation 1). Delegations underlined once more that, where feasible and without compromising needed confidentiality, the Management Advice and Evaluation Section should provide the complaining parties with documents and

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other information relied upon by the Section in deciding to sustain the decisions of line managers.

23. The Sixth Committee noted the work of the Office of Staff Legal Assistance in supporting requests for assistance of staff members and in resolving disputes informally ([A/78/156](#), paras. 40–42).

24. The Sixth Committee also recognized the work of the Dispute Tribunal and the Appeals Tribunal in contributing to the promotion of justice at the United Nations. The Committee further noted that the reasonable length of proceedings was an important attribute of an effective system of administration of justice. In that regard, the Committee commended the further implementation of the case disposal plan and the significant improvement in the disposal of cases by the two Tribunals in 2023 ([A/78/121](#), paras. 7–15, and [A/78/156](#), paras. 16–18). The Committee further welcomed the extension of the practice of publishing the schedule and cause list for each half-time judge on the website of the internal justice system to the full-time judges, consistent with paragraph 29 of resolution [75/248](#).

25. The Sixth Committee stressed that the Dispute Tribunal was an independent judiciary, which was expected to manage its affairs in accordance with its statute, rules of procedure and code of conduct.

26. The Sixth Committee takes note of the information provided in the Secretary-General's report A/80/136 in response to the request of the General Assembly in paragraph 26 of its resolution and would welcome an updated assessment by the Dispute Tribunal in its new composition and by the Secretary-General on the recommendation for a pilot programme on judicial mediation, including the viability and potential of judicial mediation to achieve cost efficiencies, cost implications of a pilot programme, as well as any changes that may be required, if any, to the statute and rules of procedure of the Dispute Tribunal in order to integrate judicial mediation into the United Nations administration of justice system.

27. The Sixth Committee took note of recommendation 5 of the Internal Justice Council on the issue of reinstatement. In this regard, the Committee encouraged the respondent, in cases in which the applicant has been successful at the Tribunal, to be guided by the principles of the rule of law and due process and respect for the rights and obligations of staff members and the accountability of managers and staff members alike with regard to the use of reinstatement or compensation as viable remedies. The Committee would welcome further information from the Secretariat on the current use of reinstatement and compensation where the contested administrative decision concerns appointment, promotion or termination.

#### **Staff representation and voluntary supplemental funding mechanism of the Office of Staff Legal Assistance**

28. The Sixth Committee welcomed the continued efforts of the Secretary-General, carried out pursuant to paragraph 33 of resolution [75/248](#), to strengthen incentives for staff not to opt out of the voluntary supplemental funding mechanism. It took note that the voluntary contribution scheme has permitted the Office to significantly reinforce its legal team and supported 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 Charter of the United Nations.

### **Remedies available to non-staff personnel**

29. The Sixth Committee expressed gratitude for the information on remedies available to non-staff personnel provided by the Secretary-General in his report ([A/78/156](#), paras. 61–67). The Committee underscored the importance of fair and appropriate access to dispute resolution for both staff and non-staff and the need to take into account any limitations in access to information and resources available to non-staff such as those identified in the report on the activities of the Office of the United Nations Ombudsman and Mediation Services ([A/77/151](#), para. 30). It encouraged the Office of the United Nations Ombudsman and Mediation Services to continue to liaise with the respective stakeholders to ensure that measures are in place to treat non-staff personnel fairly and in accordance with their contractual modality ([A/78/170](#), para. 41).

30. The Sixth Committee recalled that it had repeatedly highlighted that the United Nations should ensure that effective remedies were available to all categories of personnel, including non-staff personnel (see [A/66/275](#) and [A/66/275/Corr.1](#), including annex II, entitled “Proposal for recourse mechanisms for non-staff personnel”, and [A/67/265](#) and [A/67/265/Corr.1](#), including annex IV, entitled “Expedited arbitration procedures for consultants and individual contractors”, and annex VI, entitled “Access to the system of administration of justice for non-staff personnel not covered under the dispute resolution mechanism and other measures available to them for addressing disputes”). In that connection, the Committee took note of the plan for managing disputes with non-staff personnel, including strengthened informal amicable dispute resolution and, if that fails, procedures for an expedited and simplified arbitration procedure ([A/78/156](#), para. 62). It also took note of the opportunity identified by the Secretary-General for the United Nations to collaborate with the Permanent Court of Arbitration to support ad hoc arbitration proceedings ([A/77/156](#), paras. 115 and 116, and [A/78/156](#), paras. 63–66) and encouraged the Secretary-General to continue seeking options to minimize the expected costs in order to promote access to dispute resolution. The Committee also recalled the views expressed by the Interim Independent Assessment Panel ([A/71/62/Rev.1](#), para. 413, recommendation 23 and paras. 233–243), as well as the options for a remedy system for non-staff personnel elaborated by the Internal Justice Council ([A/71/158](#), paras. 142–153 and annex I, para. 13). The Committee recommended to continue the discussions on ways to provide non-staff personnel with access to fair, affordable and effective mechanisms for resolving work-related disputes.

31. Delegations also took note of the information concerning the access by non-staff personnel to services provided by the Office of the United Nations Ombudsman and Mediation Services ([A/78/170](#), paras. 36–42). The Sixth Committee welcomed the decision by the General Assembly to regularize the pilot project to enable non-staff personnel to access the Office’s services within existing resources (resolution [78/248](#), para. 11), and reiterated that interns, type II gratis personnel and volunteers (other than United Nations Volunteers) shall have the possibility of requesting an appropriate management evaluation but shall not have access to the United Nations Dispute Tribunal or to the United Nations Appeals Tribunal (*ibid.*, para. 13).

### **Protection against retaliation**

32. The Sixth Committee took note of the information on protection against retaliation for staff members lodging cases before the Tribunals ([A/76/99](#), paras. 57–60). The Committee noted that witnesses giving testimony on cases involving reports of misconduct and staff members cooperating with duly authorized audits or investigations might already fall within the ambit of the protection provided by the Ethics Office under Secretary-General’s bulletin [ST/SGB/2017/2/Rev.1](#). The

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Committee further underscored the importance of fully implementing orders issued by the Tribunals for the protection of complainants and witnesses against retaliation. It welcomed the discussion held by the Ethics Network of Multilateral Organizations on the topic of protection against retaliation and whistle-blower protection ([A/78/156](#), para. 71).

33. The Sixth Committee noted that retaliation against complainants or staff appearing as witnesses constituted misconduct and that the Secretary-General's policy on protection against retaliation protected staff from being punished for reporting misconduct. Delegations took note that the Secretary-General's bulletin on protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations ([ST/SGB/2017/2/Rev.1](#)) applies to any staff member (regardless of the type of appointment or its duration), intern, United Nations Volunteer (including United Nations Volunteers serving in the Secretariat), individual contractor or consultant ([A/78/156](#), para. 69). The Committee further underscored the importance of fully implementing orders issued by the Tribunals for the protection of complainants and witnesses against retaliation. While the Committee took note of the view of the Internal Justice Council regarding the need to empower the Tribunals to issue protective orders, the Committee underscored that the Tribunals already had inherent and explicit authority to issue such orders consistent with their statutes, rules of procedure and code of conduct.

34. Delegations took note that the Internal Justice Council will continue to examine the fear of, and protection against, retaliation for staff bringing cases and those testifying before the Tribunals and for reporting misconduct, including further information on the progress made in the protection against retaliation for both staff and non-staff personnel in the context of the reviews currently under way ([A/78/121](#), para. 57 (b)).

### **Closing remarks**

35. The Sixth Committee recommended that the General Assembly include the item entitled "Administration of justice at the United Nations" in the provisional agenda of its eighty-first session.

36. The Sixth Committee recalled that, at previous sessions, the respective views of the United Nations Appeals Tribunal and the United Nations Dispute Tribunal had been included as annexes to the report of the Internal Justice Council (e.g. [A/76/124](#), annexes I and II). The Committee noted the usefulness of such information and requested the Secretary-General to entrust the Council with including the views of both the Dispute Tribunal and the Appeals Tribunal in its reports at the future sessions of the General Assembly.

37. It would be appreciated if the present letter were brought to the attention of the Chair of the Fifth Committee and circulated as a document of the General Assembly under agenda item 146, "Administration of justice at the United Nations".