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| **Agenda item: ADM2** | **Revision 1 toDocument C25/87-E** |
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| Contribution by China (People's Republic of) and Cuba |
| PROPOSALS FOR FURTHER IMPROVEMENT OF THE INTERNAL OVERSIGHT SYSTEM IN ITU |
| **Purpose**The ITU Council adopted the ITU Internal Oversight Charter in June 2024. This contribution proposes further steps to facilitate implementation of that charter, in line with the Council's decision to improve internal oversight.**Action required by the Council**The Council is invited to consider the proposals set out in this document and take actions as appropriate.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**References***Council Resolution 1392 (C18), as contained in Document* [*C18/116*](https://www.itu.int/md/S18-CL-C-0116/en);*Council documents:* [*C24/109(Rev.1)*](https://www.itu.int/md/S24-CL-C-0109/en)*,* [*C24/120*](https://www.itu.int/md/S24-CL-C-0120/en), [*C22/57*](https://www.itu.int/md/S22-CL-C-0057/en)*;*[*Staff Regulations and Staff Rules*](https://council.itu.int/2024/wp-content/uploads/sites/4/2024/05/Staff-Regulations-and-Staff-Rules-2024-secured-E.pdf) *(2024), Staff Regulations and Staff Rules applicable to elected officials;**Internal oversight: ITU Internal Oversight Charter (*[*SO 24/09*](https://www.itu.int/en/ethics/Documents/SO-2024-009-OU-E.pdf)*);**Code of Conduct: the Standards of Conduct for International Civil Service (*[*SO 17/07*](https://www.itu.int/en/ethics/Documents/SO-2017-007-en.pdf)*), ITU Code of Ethics (*[*SO 11/02*](https://www.itu.int/en/ethics/Documents/SO-2011-002-en.pdf)*);**Fraud and Corruption: Policy Against Fraud, Corruption and Other Proscribed Practices (*[*SO 19/09*](https://www.itu.int/en/ethics/Documents/SO-2019-009-en.pdf)*);**Harassment and abuse of authority: ITU Policy Addressing Harassment, including sexual harassment, Abuse of Authority, and Discrimination (*[*SO 22/03*](https://www.itu.int/en/ethics/Documents/SO-2022-003-en.pdf)*);**Reporting Misconduct: Policy and Protection for Reporting Misconduct (Whistleblowing) (*[*SO 20/06*](https://www.itu.int/en/ethics/Documents/SO-2020-006-en.pdf)*);**Conflicts of interest: ITU Policy on Declaration of Interests (*[*SO 22/02*](https://www.itu.int/en/ethics/Documents/SO-2022-002-en.pdf)*), ITU policy on financial disclosure (*[*SO 11/03*](https://www.itu.int/en/ethics/Documents/SO-2011-003-en.pdf)*);**Investigation guidelines: ITU Investigation Guidelines (*[*SO 19/10*](https://www.itu.int/en/ethics/Documents/SO-2019-010-en.pdf)*);**JIU reports:* [*JIU/REP/2020/1*](https://www.unjiu.org/sites/www.unjiu.org/files/jiu_rep_2020_1_english_0.pdf)*,* [*JIU/REP/2023/2*](https://www.unjiu.org/sites/www.unjiu.org/files/jiu_rep_2023_2_english_0.pdf)*.* |

# 1 Background

Since 2023, the ITU Council and its Working Group on financial and human resources have been discussing, *inter alia*, ITU's internal oversight system. In June 2024, the Council approved the ITU Internal Oversight Charter, which consolidates the existing internal audit and investigation functions of the General Secretariat into the newly established Oversight Unit (OU). Meanwhile, the Ethics Office, as an independent function, continues to collaborate closely with the OU within its mandate ([C24/120](https://www.itu.int/md/S24-CL-C-0120/en)). Article 29 of the Financial Regulations and Financial Rules was revised and [Service Order No. 24/09](https://www.itu.int/en/ethics/Documents/SO-2024-009-OU-E.pdf) published accordingly.

As reflected in the minutes of the 2024 session of the Council, further improvements need to be made to the Internal Oversight Charter ([C24/109(Rev.1)](https://www.itu.int/md/S24-CL-C-0109/en)), in particular with regard to §§ 25-27, on independence:

"25. In order to preserve independence so that they can carry out audit work objectively and render impartial judgments, the personnel of the OU shall have no managerial authority over, or responsibility for, any of the activities they audit, investigate or evaluate, and shall not perform any other operational functions for ITU.

26. Allegations of misconduct against the Chief or personnel of the OU shall not be investigated by the OU. Any such allegations requiring an investigation shall be referred to the Secretary-General, who shall seek advice from the IMAC. The IMAC shall establish appropriate detailed referral procedures for the independent preliminary review of the allegation(s) and as required, an independent investigation mechanism.

27. Allegations of misconduct against the Secretary-General and the other Elected Officials shall not be investigated by the OU. Such allegations should be reported to the Chairperson of the Council and to the Chairperson of the IMAC. OU will develop the appropriate detailed referral procedures for the independent preliminary review of the allegation(s) and as required, an independent investigation mechanism. These procedures will be based on UN best practice, reviewed by IMAC and submitted to the ITU Council for consideration and action, if any."

# 2 Proposals

1 In order to implement the Council's decision to improve internal oversight, and to facilitate implementation of the Internal Oversight Charter, the Independent Management Advisory Committee (IMAC) and the OU should draft and report to the Council on the following two procedural documents respectively:

– a detailed referral procedure for the independent preliminary review of allegations of misconduct against the Chief or personnel of the OU, along with a corresponding independent investigation mechanism, to be prepared by IMAC;

– a detailed referral procedure for the independent preliminary review of allegations of misconduct against the Secretary-General or the other elected officials, along with a corresponding independent investigation mechanism, to be prepared by the OU.

2 In drafting the relevant procedures, IMAC and the OU should consider:

– clearly defining the roles and responsibilities of the Secretary-General, the Council, IMAC, the Oversight Unit, the Ethics Office, and the Internal Appeal Board in the various stages of handling allegations of misconduct, from receiving and registering complaints, to investigating and reviewing cases, reaching findings, and implementing appropriate remedial or corrective actions; and ensuring clear division of responsibilities and effective coordination between the Ethics Office and the Oversight Unit in handling allegations of misconduct;

– when addressing typical scenarios of misconduct, such as fraud and corruption, harassment and abuse of authority, conflicts of interest, and retaliation, ITU's existing regulatory framework, including the Staff Regulations and Staff Rules, the Staff Regulations and Staff Rules applicable to elected officials, and relevant service orders (e.g. [SO 17/07](https://www.itu.int/en/ethics/Documents/SO-2017-007-en.pdf), [SO 11/02](https://www.itu.int/en/ethics/Documents/SO-2011-002-en.pdf), [SO 19/09](https://www.itu.int/en/ethics/Documents/SO-2019-009-en.pdf), [SO 22/03](https://www.itu.int/en/ethics/Documents/SO-2022-003-en.pdf), [SO 20/06](https://www.itu.int/en/ethics/Documents/SO-2020-006-en.pdf)), should be used effectively to ensure consistency between existing legal instruments;

– studying the best practices in the United Nations system and adapting them to ITU's context where appropriate.

For example:

• if a misconduct allegation involves **the personnel of the OU**, the Chief of the OU should consult IMAC on the referral procedure;

• if the allegation concerns **the Chief of the OU**, it should be reported to the Secretary-General and Deputy Secretary-General, who should then report the matter to the Chair of the Council as early as possible but no later than one month from receipt of the allegation and consult IMAC on how to handle the case. No investigation into allegations against the Chief of the OU shall be initiated without the prior consent of the Council;

• if the allegation concerns an **elected official**, it should be reported to the Chief of the OU, who should immediately notify the Chair of the Council and consult IMAC on the next steps. IMAC should advise the Chief of the OU on whether to conduct a preliminary assessment or entrust an external independent investigation entity for the preliminary assessment. Based on the results of the preliminary assessment, the Chief of the OU should report to the Chair of the Council, indicating whether the case should be closed by the OU or referred to an external independent entity for a full investigation. In such cases, the Council will take its decision based on the outcome of the investigation.

3 The two draft procedures referenced in Proposal 1 above should be submitted to the Council for timely consideration and approval in accordance with established procedures.

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