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## FINANCE COMMITTEE

**Hundred and Ninety-eighth Session**

**Rome, 6-10 November 2023**

**Recommendation 7 of the JIU Report *Review of the state of the investigation function: progress made in the United Nations system organizations in strengthening the investigation function* (JIU/REP/2020/1)**

**Extract from the Report of the 119th Session of the Committee on Constitutional and Legal Matters**

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**IV. Item 3: Recommendation 7 of the JIU Report *Review of the state of the investigation function: progress made in the United Nations system organizations in strengthening the investigation function* (JIU/REP/2020/1) (CCLM 119/2)**

8. The Committee reviewed document CCLM 119/2 “*Recommendation 7 of the JIU Report Review of the state of the investigation function: progress made in the United Nations system organizations in strengthening the investigation function (JIU/REP/2020/1)*”.

9. The Committee emphasized that “misconduct” included sexual harassment, sexual exploitation and abuse (SEA). It recommended, therefore, that the definition should stipulate the applicability of the definitions in other FAO rules and policies addressing those specific kinds of misconduct. The Committee also observed that there is a need to provide safeguards for complainants and whistleblowers and recommended that the issue of provisional measures be addressed.

10. The Committee considered the preliminary procedures for the investigation and disciplinary processes, as set out in Annexes 3 and 4 of document CCLM 119/2. It reiterated the importance of developing these procedures to implement the JIU recommendation.

11. It considered mechanisms through which the Conference, as the appointing authority under the Basic Texts, could address such matters. The Committee recommended that the procedures to be developed should, as far as possible, avoid the establishment of new bodies. The Committee noted that the FAO governance framework did not provide for an intersessional term for a bureau of the Conference similar to other UN system entities. The Committee considered that allegations should be referred to an external investigating entity (EIE). It emphasized the need for impartiality in the investigation process.

12. The Committee emphasized that such procedures should ensure transparency, due process, duty of care, and the presumption of innocence, noting the possibility of politically motivated allegations against the Director-General.

13. The Committee agreed to further consider this matter at its 120th Session in 2024 and looked forward to an updated document taking into account the relevant practice and developments in other UN specialized agencies as well as related discussions in other FAO Governing Bodies.

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