

REPORT ON UNHCR'S INSPECTION AND INVESTIGATION ACTIVITIES

I. INTRODUCTION

1. The Office of the Inspector General (IGO) was established in 1994 to strengthen UNHCR's oversight capacity to assess, monitor and recommend improvements in operational management. Apart from inspections, IGO has overall responsibility for investigations throughout UNHCR and may be called upon to conduct inquiries into events which have endangered the lives or caused the death of staff members while on official duties.
2. The principles underlying the work of the IGO are independence, objectivity and appropriate confidentiality. IGO staff members are also required to demonstrate high professional competence in all aspects and phases of inspections, investigations and inquiries. Currently, the IGO staff comprises the Inspector General, four senior inspectors and a new three-person investigation unit. This team is assisted by two support staff.
3. During the reporting period covering May 2001 to April 2002, IGO undertook 13 inspections and conducted eight investigations. Since December 2001 investigation activities have been dominated by the allegations of sexual exploitation of refugee children in West Africa and the report from the UN Office of Internal Oversight Services (OIOS) to the General Assembly on the investigation into corruption in resettlement at UNHCR Nairobi Office. IGO also worked at redefining its investigation strategy.

II. INSPECTIONS

4. The inspection function is defined as 'a comprehensive, systematic and timely assessment of the management of UNHCR operations, and review of the UNHCR impact in given countries and regions, focusing particularly on those factors, both internal and external to the organisation, deemed essential to the effective and efficient achievement of organisational objectives.' Inspections are an internal oversight and management tool that provides the High Commissioner and his senior managers with a broad review of the functioning of his field representation at all levels. Inspections also provide UNHCR field offices with an independent and objective review of their performance and, where necessary, with a second opinion on difficult issues.
5. Since May 2001, IGO has conducted inspections in Botswana, the Democratic Republic of the Congo, Djibouti, Eritrea, Ghana, South Africa, Namibia, the Republic of the Congo, Zambia, India, Azerbaijan, Armenia and Russia. Plans are in hand to inspect Bangladesh, China, Hong Kong, Myanmar, Nepal, Pakistan, Kenya, Jordan, Lebanon and Syria in the remainder of 2002.

Needs identified for follow-up

6. In June 2001 the Inspector General reported to the High Commissioner on recurrent observations from inspections of UNHCR operations in 26 countries between March 1999 and March 2000. This report made a number of broad management observations and/or recommendations under the themes of Protection, Programme, Administration and Overall Management. It was shared with UNHCR Directors with a request for comments on implementation. The observations, a summary of the conclusions drawn from the responses, and proposals for follow-up action are now being considered by senior management.

7. Recent inspections indicate similar observations, including:
- a) The need to ensure that the right staff are in the right place, with adequate support and training – including protection staffing. In many operations there are gaps in staffing which adversely affect field operations, frequently leading to an inadequate presence of UNHCR staff (particularly international staff) in remote, and often insecure, refugee camps. In addition, staff are often not provided with the training they need to undertake the functions assigned to them, including the areas of administration, protection and programme.
 - b) Regional coordination in many operations could be improved through identification of common issues and implementation of common policies, notably with respect to similar caseloads, resettlement, repatriation, and assistance, as well as sharing of good practices.
 - c) Significant weaknesses have been found in a number of countries where UNHCR is directly involved in refugee status determination (RSD), particularly where this is linked to resettlement. It should be noted however that this is an area where a great deal of work is being done to reduce the risks inherent in RSD and resettlement.
 - d) There are wide variations in approach between offices towards urban refugees, including between persons from the same country of origin.
 - e) Not all offices have the benefit of access to experienced registration staff or to past lessons from registration, and often lack timely support. In addition, UNHCR needs to develop a global system to record refugee registration data.
 - f) There is a need to clarify policy and support to education. At present this can vary widely for refugees from the same country depending on where they sought refuge in a given country of asylum. The same has been observed between countries of asylum and among refugees from different countries of origin.
 - g) In most offices inspected, security ensured relatively adequate protection, but was not of a comparable standard to that offered to some other offices and embassies visited. In most cases, security awareness and consciousness, including basic security training, relocation exercises, backup for security officers, medical evacuation plans and basic firedrill training need to be reinforced for all staff at all locations. Minimum operating conditions need to be identified for each remote and/or insecure field location and must be adhered to.
 - h) There is a need in many operations to concentrate on building and strengthening partnerships with government counterparts, with NGOs, with refugees, with other actors within civil society.
 - i) There is a lack of attention paid to programmes to counter/prevent sexual and gender-based violence as well as inadequate clothing and personal hygiene supplies (soap and sanitary protection) for refugee girls and women. Unless these issues are addressed, refugee women and girls will never be fully protected or empowered.

Good practices

8. In the course of inspections, IGO noticed a significant number of good practices which should be shared, adapted or replicated in other UNHCR operations. These include, but are certainly not restricted to:

- a) In Armenia, UNHCR has played an important role in building up and strengthening the institutional capacities of government structures dealing with refugees and displaced

persons, as well as local NGOs. Documenting this experience will assist other offices in planning capacity-building activities.

- b) In Azerbaijan, a yearly staff retreat provides a forum for discussion of any workplace-related issues and the adoption of a plan of action to redress any problems identified. This has contributed to a highly motivated and coordinated team.
- c) The community service approach in Botswana empowers refugee women through income-generating activities. It is believed that this has reduced the level of commercial sex within the refugee population.
- d) The Democratic Republic of the Congo, which highlights nearly all the problems which can be faced by a complex operation in an insecure region, has resolved a frequent food problem for polygamous families by providing separate ration cards to second and third wives. In another part of the operation an income-generating project makes sanitary protection for refugee women and girls.
- d) A regional Eminent Persons Group, involving prominent persons with experience and interest in refugee and refugee-related issues has been set up in India, Bangladesh, Nepal, Sri Lanka and Pakistan. This has facilitated UNHCR advocacy activities in these countries.
- f) In Zambia, there is an exemplary computerised urban refugee registration system in place. This permits the rapid (and accurate) identification of recognised refugees by the authorities, and has stopped the circulation of false documentation.
- g) The procedures put in place for resettlement in Zambia could provide the basis for a regional system for Southern Africa, where resettlement is still in small numbers.

Review of inspection policy, practice and capacity

9. Eight years after its establishment, there is a need to review UNHCR's inspection policy, practice and capacity. For instance, IGO's original goal of inspecting each UNHCR country programme once every five or six years has not been achieved. After eight years IGO has undertaken inspections of UNHCR operations in 86 countries, but with others yet to be inspected. Inspection findings need to reach a wider external audience whilst maintaining the necessary confidentiality. Common observations from inspections should be more widely circulated and fed into policy discussions, as well as a review of accountability for compliance with both specific and general recommendations. Procedures for sharing good practices need to be developed. In addition, a review is overdue of our standard inspection practices, questionnaires and inspection information.

10. There are increasing needs for follow-up and special inspections. Follow-up or compliance missions are necessary when an inspection reveals serious operational concerns, or where there is a significant impact of the rapidly changing environment in which UNHCR operates. In addition, certain events or incidents may require the unexpected and urgent deployment of an inspection team, as was done recently in Ghana.

11. Furthermore, IGO plans to inspect UNHCR operations in Kenya in the wake of the 2001 investigation into resettlement corruption and the resulting restructuring of the office and operation. The first half of 2003 will see inspections in Guinea, Liberia and Sierra Leone. These 'non-traditional' inspections are important to the Office, both to ensure that reforms have taken place and to draw global lessons learnt. They do however expand the current remit of inspections.

III. INVESTIGATION

12. The Inspector General is the focal person for investigation of alleged or suspected staff misconduct within UNHCR which includes misuse of funds, resources or facilities, abuse of authority and harassment, mistreatment of refugees or any improper conduct involving UNHCR staff or assets. Investigations are undertaken where there is reason to believe that a staff member has engaged in misconduct. If the assessment of the complaints or information of wrongdoings suggests that misconduct occurred, the Inspector General might decide that IGO will undertake the investigation, designate a responsible official within the Office, or refer the case to the Investigation Division of the UN Office of Internal Oversight Services (OIOS). Experts on specific subjects may be included in investigation teams. The outcome of each investigation is either an internal referral to initiate disciplinary action or closure of the case should the allegations prove unfounded.

13. During the reporting period, the Office received a number of complaints of alleged wrongdoing, including some which did not require investigation; others concerning minor misconduct; and some where an investigation did need to be undertaken. Eight preliminary investigations were undertaken directly by IGO, involving several staff members on allegations of harassment, mistreatment of refugees, fraud, corruption with respect to resettlement or misuse of UNHCR assets and facilities. IGO recommended disciplinary measures against a number of staff members, which led to sanctions against some, while a decision is pending in relation to others. Three staff members were cleared of the allegations against them. Four preliminary investigations are still ongoing. In addition, one investigation has been referred to the Investigation Division of OIOS (see paragraph 17).

14. The preliminary investigation into corruption within UNHCR Nairobi's resettlement activities which was referred to OIOS was concluded during 2001. A report to the UN General Assembly was issued in early 2002 and discussed at a meeting of the Fifth Committee in March 2002.

15. The revelation of the Nairobi corruption and the subsequent investigation have served as a wake-up call for the Office. Inadequate management and staffing and limited oversight at the Branch Office had created an environment vulnerable to corruption. Even before the conclusion of the OIOS investigation in Nairobi, allegations of resettlement corruption emerged in the course of an inspection in another country, to which IGO immediately fielded an investigation. This revealed another instance where poor oversight and the failure to strictly abide by protection and resettlement guidelines had led to corruption and exploitation. In this latter investigation, one staff member has been summarily dismissed while another remains suspended pending completion of disciplinary proceedings.

16. UNHCR's commitment to strong protection management oversight, sufficient qualified staffing, remedial and preventive measures will reduce the vulnerability of its resettlement programmes. The Department of International Protection (DIP), together with the Regional Bureaux and field managers, is working to improve refugee status determination and resettlement procedures and accountability globally. However, this vulnerability and the pressures on resettlement need to be seen against the backdrop of the intense demand for migration to developed countries. Many operations have taken remedial and preventive measures in the wake of the Nairobi scandal. For instance, the UNHCR office in Guinea, supported by DIP through its UNHCR/ICMC resettlement deployment scheme, has been proactive in reviewing its resettlement procedures. Faced with a number of vague allegations, Branch Office Conakry has undertaken a complete revision of its standard operating procedures for resettlement in order to provide greater transparency. In addition it embarked upon a registration exercise for all asylum-seekers and conducted an information campaign targeting both refugees and the public at large.

17. The allegations of sexual exploitation of refugee children in West Africa have received widespread media attention. Protection of the alleged child victims, remedial and preventive activities were prioritized and action initiated in December 2001. The investigation team was deployed to West Africa in mid-February 2002. This investigation is ongoing.

18. Sexual harassment in the workplace, like any other abuse of power, is of great concern to UNHCR because of its effects both on staff members personally, and also on the professional functioning of UNHCR operations. However, there are relatively few complaints lodged, possibly because the staff

concerned may fear possible retribution, especially when the perpetrator is a supervisor or a more senior staff member. Three internal complaints of sexual harassment against UNHCR staff were investigated in the past year, one of which was determined to be without foundation, the second declared unproven and the third, instigated in 2002, was still under investigation. In two of these instances, issues concerning the procedural handling of the cases and differing understanding by staff members as to what sexual harassment means, sometimes influenced by local culture, gave rise to the initiation of measures designed to define and clarify this issue. In collaboration with the staff welfare and human resources services, IGO will pursue discussions in order to disseminate clearly defined information concerning sexual harassment within the workplace.

19. Investigations were also undertaken into fraud and abuse of United Nations privileges and immunities. IGO conducted a preliminary investigation into a number of irregularities at one of its offices. Disciplinary proceedings are still ongoing. One of the contributing factors, however, of the alleged claims was an unclear policy on personal benefits. In 2002, IGO initiated one investigation into alleged abuse of import taxes immunity. The investigation is still ongoing.

IGO strategy for investigations

20. In the last 12 months, IGO has spent a large amount of time on redefining the strategy and framework for investigations. As a result, a new Investigation Unit is being set up, which will comprise a head of unit, two senior investigation officers and an investigation assistant. Aside from conducting investigations, the aim is for the Unit to establish internal co-ordination mechanisms and inter-agency collaboration, as well as ensuring a systematic recording of complaints, analysis and referral procedures. The unit will cooperate with others on preventive actions, notably with respect to fraud awareness and vulnerability or risk assessment, as well as on developing or improving measures to pre-empt wrongful acts. It is anticipated that this Unit will be in place by the end of July.

21. UNHCR and the Office of Internal Oversight Services (OIOS) propose to sign a Memorandum of Understanding to clarify and formalise the terms of co-operation in investigations between the two offices. The MOU is likely to be signed in the second semester of 2002. It will be based on the understanding that IGO remains the focal point for investigations in UNHCR, but uses OIOS' services and expertise to ensure the timely completion of complex investigations. An Inter Office/Field Office Memorandum was recently issued to elaborate on the role of IGO, emphasising in particular its role in relation to investigations. IGO is developing a database to provide a central recording facility for all complaints alleging misconduct in order to help manage investigation cases and analyse information. To ensure standard investigations throughout the Office, an Inspection Handbook will be released later this year. This will outline the different steps of the investigation process. An assessment of IGO investigation activities will be carried out within the next 12 months. This assessment will help to further enhance IGO's investigation function and to ensure consistent, prompt and appropriate responses.