



General Assembly

Distr.: General
27 July 2020

Original: English

Executive Committee of the High Commissioner's Programme

71st session

Geneva, 5-9 October 2020

Item 5 of the provisional agenda

Consideration of reports relating to programme and administrative oversight and evaluation

Report on activities of the Inspector General's Office

Report of the High Commissioner

Summary

This report covers the work of the Inspector General's Office for the period from July 2019 to June 2020. It is provided pursuant to the decision of the Executive Committee of the High Commissioner's Programme to consider reports relating to programme and administrative oversight and evaluation during its annual plenary session (A/AC.96/1003, para. 25(1)(f)(vi)). The Executive Committee has requested further that "summary reports covering inquiries and the main categories of investigations, the number of such types of investigations, the average time taken to complete investigations and a description of related disciplinary action" be made available regularly (A/AC.96/1021, para. 24(e)).



Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Executive summary	1-2	3
II. Management	3-27	3
A. Appointment of Inspector General.....	3-4	3
B. Policy level changes	5-8	3
C. Improving the work of the Inspector General’s Office	9-15	4
D. Utilization of management tools and meta-analysis to address root causes....	16-18	5
E. Working in partnership	19-25	6
F. Adaptation to the COVID-19 pandemic	26-27	7
III. Complaints and investigations.....	28-48	7
A. Caseload and reporting	28-39	7
B. Protection from sexual exploitation and abuse, and sexual harassment.....	40-46	10
C. Commitment to training and awareness raising	47-48	11
VI. Conclusion	49-11	11

I. Executive summary

1. This report outlines activities undertaken by the Inspector General's Office (IGO) from 1 July 2019 to 30 June 2020. It covers a period of significant change, with the appointment of a new Inspector General under newly constituted terms, and the unfolding of the COVID-19 pandemic. The IGO's mandate was updated in the policy on independent oversight and the Administrative Instruction (AI) on conducting investigations in UNHCR, both promulgated at the end of 2019.
2. During the reporting period, the IGO continued to deliver on its independent oversight remit by both delivering and coordinating independent oversight, investigations and assurance work. This included the coordination of the independent oversight providers' rapid response to the COVID-19 pandemic. The IGO has also continued to conduct investigations of misconduct, with concomitant advice on lessons learned issued to UNHCR's management team.

II. Management

A. Appointment of Inspector General

3. The external review of oversight functions by an independent consultant in 2016 recommended that the position of Inspector General be externally advertised and have a time-limited mandate, with the principal aim to strengthen the Inspector General's transparency and independence. In line with the recommendation of the independent consultant, the terms of reference of the Independent Audit and Oversight Committee (IAOC) were amended in March 2019, to expand its advisory role to support the High Commissioner with the appointment of the Inspector General and to provide advice to the High Commissioner on the appointment and early termination of UNHCR's Inspector General ([EC/70/SC/CRP.5 Rev1](#)). Following the internal and external advertisement of the position in June 2019, the new Inspector General, Mr. Anthony Garnett, was appointed in March 2020. His tenure is a non-renewable term of six years, with no expectation of further employment with UNHCR.
4. As the Inspector General commenced his term, COVID-19 mitigation measures were being put in place. Despite this, the Inspector General and his Office have taken steps to start delivering on their mandate, which had been updated in December 2019, with the policy for independent oversight¹. The key priorities of the Inspector General, building on his predecessor's work are to: (i) enhance transparency and accountability to UNHCR's stakeholders; (ii) ensure greater value from and more coherence among the various oversight providers' work; (iii) enhance and modernize the work of the IGO, including coherent collaboration of the IGO's teams and closer working relationships with the United Nations Office of Internal Oversight (OIOS) UNHCR Audit Service; and (iv) support the High Commissioner, through the provision of independent advice and investigations, to strengthen further UNHCR's ability to deliver on its mandate.

B. Policy-level changes

5. The IGO is committed to the continuous development of the relevant policies and further harmonization of its ways of working. To that effect, during the reporting period, the following steps have been taken.

Promulgation of a new policy on independent oversight

6. In December 2019, UNHCR's policy on independent oversight was finalized and promulgated in conjunction with the Administrative Instruction (AI) on conducting investigations in UNHCR. Both documents are translated into French to ensure that the rules

¹ See: <https://www.unhcr.org/admin/policies/5e21d0cb4/policy-on-independent-oversight.html>

and regulations are accessible in the two working languages of UNHCR and into Spanish to increase accessibility.

7. The policy on independent oversight sets out UNHCR's independent oversight framework that aims to promote and enhance organizational accountability. The policy: (i) defines and confirms the authority and responsibilities of the different internal independent oversight functions of UNHCR; (ii) describes the complementary roles played by external independent oversight functions; (iii) assigns or affirms the UNHCR entity responsible for liaison and support to these entities; and (iv) establishes the roles and responsibilities of key UNHCR entities, including for follow up to independent oversight providers' findings and recommendations.

Introduction of a new Administrative Instruction on conducting investigations in UNHCR

8. The AI on conducting investigations in UNHCR sets out how the Investigation Service of the IGO responds to integrity issues and misconduct. It provides detailed instructions on the investigation process and related roles, responsibilities, authorities, rights and obligations. It also incorporates best practice on investigations relating to sexual misconduct, including the implementation of a victim-centred approach.

C. Improving the work of the Inspector General's Office

United Nations Development Programme peer review

9. In line with the "Uniform principles and guidelines for investigations" adopted by the Conference of International Investigators, all investigative offices commit to undergo periodically an external quality assessment. The aim of this assessment is to ascertain their conformity with their organization's legal framework and with generally accepted investigation standards, as well as to promote continuous enhancement of the investigation function.

10. During the reporting period, reviewers from the investigative function of the United Nations Development Programme (UNDP) issued their final report of the peer review of the Investigation Service of the IGO. The report noted that "...the Investigations Service is overall an effective service, generally able to carry out its mandate independently, and composed of committed professionals conducting good quality work." The report also noted the increasing demand for investigations in the last few years and the impact this has on the ability of the service to carry out its work in an effective and timely manner with its current capacity. The report provided helpful recommendations to strengthen the service and several of them have been successfully implemented. As part of the broader IGO enhancement plan, the remaining recommendations will be addressed, subject to the availability of resources.

Improved standard operating procedures

11. During the reporting period, the IGO continued to revise and develop a number of internal procedures to further improve its ways of working. In accordance with the newly promulgated AI on conducting investigations in UNHCR, the IGO is finalizing internal standard operating procedures on a victim-centred approach which will provide guidance to investigators on how to implement such an approach in all areas of their work. The procedures also take into consideration the United Nations Protocol on the Provision of Assistance to Victims of Sexual Exploitation and Abuse (12 December 2019).²

Strengthening field presence

12. Effective as of January 2020, the Investigation Service established a presence in Amman, Jordan, which will be further developed into a forensic hub in the next years. This is in addition to existing field presence in Bangkok, Nairobi and Pretoria and the temporary arrangements set up in Uganda. The location was selected taking into consideration that the Middle East and North Africa has a high concentration of conflict and displacement situations

² See: https://www.un.org/en/pdfs/UN%20Victim%20Assistance%20Protocol_English_Final.pdf

and hosts some of UNHCR's largest programmes. The IGO will continue to reinforce its presence in the field.

13. During the reporting period, the IGO welcomed six new staff members: an Inspector General (D2) and an Oversight Officer (P3) in Geneva; a Senior Investigation Specialist (P4) in Bangkok; a Senior Investigation Specialist (P4) in Nairobi; and an Investigation Specialist (P3) in the office in Pretoria.

Commitment to diversity

14. The IGO is committed to hiring more female investigators and staff from more diverse backgrounds. Subject to availability of funding, the Investigation Service plans to create more junior level positions in the coming years, with an aim to attract a larger pool of candidates who may have less investigative experience and can be trained internally and reach more senior positions.

The 20th Conference of International Investigators

15. The IGO, together with ten other Geneva-based international organizations, successfully took on a lead role in organizing the 20th Conference of International Investigators in Geneva, in November 2019, which brought together nearly 200 investigators from over 50 international organizations. The annual conference aimed at assisting investigators and their offices in the professional conduct of their work and strengthening their efforts to tackle integrity issues.

D. Utilization of management tools and meta-analysis to address root causes

Management implication reports

16. The IGO continued to issue management implication reports to executive and senior managers at Headquarters and in the field, in situations where deficiencies in control systems and operational processes were identified in the course of investigative work. Twenty-five reports were issued during the reporting period, compared to 17 (in 2017-2018) and 23 (in 2018-2019). The compliance rate continued to remain high (near full compliance), with management being required to inform the IGO about the actions that have been taken to remedy the identified weaknesses.

Development and finalization of the management tool

17. The Strategic Oversight Service, established in 2017, was tasked to identify and develop a common data management platform to provide a holistic view of oversight findings, identify areas of vulnerability and facilitate strategic analysis.

18. During the reporting period, the IGO made significant progress in finalizing and operationalizing the database platform. It currently comprises independent oversight data from the Evaluation Service and the OIOS UNHCR Audit Service. The IGO continued to liaise with other oversight entities to develop the data management capability further, utilizing artificial intelligence software to collect and extract trends from oversight findings. With its existing data, the Service has produced thematic factsheets³ which highlighted key findings and related consequences aligned to UNHCR's enterprise risk management categories. These reports will be shared with the relevant senior management and oversight functions to ensure that the insights resulting from the data are used to improve management and assurance activities.

³ Topics of the factsheets range from programme, procurement, partnership management, protection etc.

E. Working in partnership

19. The IGO continued to work in close collaboration with both internal and external stakeholders, with an aim to optimize its effectiveness and efficiency.

Collaboration with external actors

20. The Strategic Oversight Service provided secretariat support to the three sessions of IAOC that focused on transformative initiatives and oversight activities supporting the organization's risk management activities. The IAOC shared its independent observations with the High Commissioner and the Deputy High Commissioner at the conclusion of each session.

21. The IGO continued to liaise with the Joint Inspection Unit of the United Nations System (JIU) in its capacity as the UNHCR focal point for JIU matters. It coordinated UNHCR's responses to draft JIU reports on seven system-wide reviews including on ethics, investigations and risk management functions, and provided feedback on the terms of reference and questionnaires related to six reviews. The IGO has more actively included JIU colleagues in oversight co-ordination work. It has also contributed actively to the JIU's programme of work for 2020, which included two reviews proposed by UNHCR, at different stages, including the terms of reference, fieldwork and reporting. In close coordination with relevant Headquarters entities, the Strategic Oversight Service continued to provide updates to the JIU, resulting in the closure of 11 out of 78⁴ open recommendations, bringing the number of open recommendations to 67 (as of 30 June 2020).

Collaboration with internal actors

22. The IGO continued to provide updates, advice and early warning to executive and senior management through regular meetings on matters relevant to the IGO's mandate and that could cause reputational risks to the organization. The IGO liaised closely with the Division of External Relations on donor reporting requirements and media queries, and participated in four integrity briefings.

23. In addition, the IGO worked closely with the Division of Human Resources (DHR) and the Legal Affairs Service (LAS) on investigation-related matters and disciplinary proceedings. It collaborated with the Ethics Office and Ombudsman's Office on matters relating to dispute resolution and witness protection, and with the Senior Coordinator on sexual exploitation and abuse and sexual harassment, on matters related to sexual misconduct. It also worked closely with the Division of Financial and Administrative Management (DFAM), Division of Emergency, Security and Supply (DESS), the Division of Strategic Planning and Results (DSPR), Enterprise Risk Management (ERM) as well as the regional bureaux and country offices on various initiatives.

24. The IGO managed UNHCR's relationship with OIOS for the provision of internal audit services to UNHCR in accordance with relevant General Assembly resolutions and a memorandum of understanding signed in March 2018. The OIOS UNHCR Audit Service continued to strengthen its relationship with the regional bureaux and the various divisions in the planning and execution of audits and by providing management with an early warning when action was needed. As in previous years, the OIOS UNHCR Audit Service also utilized UNHCR experts in different subject matters in internal audit engagements, which enhanced the depth and quality of the audit work related to specialist areas, such as protection and programme management. The involvement of the experts also benefitted UNHCR, since the OIOS UNHCR Audit Service was able to transfer knowledge and expertise to the colleagues joining the audits, increasing their awareness of risk management and control and capacity in this regard. During the reporting period, the OIOS UNHCR Audit Service referred matters that fell under the IGO mandate, identified during the course of audits, to the IGO for further action.

25. With the aim to enhance collaboration and minimize duplication, the IGO facilitated regular meetings with the ERM unit, the Evaluation Service and the OIOS UNHCR Audit Service. Upon the arrival of the new Inspector General and in light of the COVID-19

⁴ More than half of the 78 recommendations were opened during the reporting period.

pandemic, external oversight entities, including the JIU and the United Nations Board of Auditors, were also invited to ensure a coordinated approach. This resulted in a significant change in content and ways of working for independent oversight providers' plans that was drawn together through the IGO.

F. Adaptation to the COVID-19 pandemic

26. The first three months of the newly appointed Inspector General have been unusual and challenging as a result of the global COVID-19 pandemic. IGO personnel are based in various locations and have been working virtually and remotely. Despite innovative ways of working, investigations that required beneficiaries to be interviewed or those where physical evidence needed to be seized, were delayed until travel restrictions could be lifted. It can be expected, therefore, that some of the key performance indicators and results will be impacted.

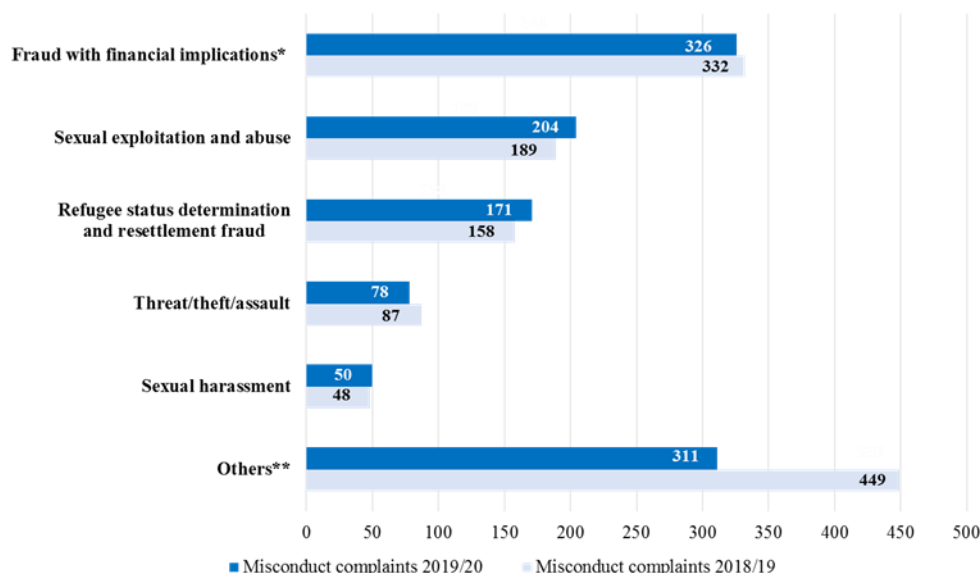
27. In the fourth quarter of 2020, the IGO will undertake an inquiry into the effectiveness of UNHCR's business continuity plan; as well as two proactive fraud reviews, covering: (i) emergency procurement activities undertaken in response to COVID-19; and (ii) a risk-based sample of delivery partners' programmatic responses.

IV. Complaints and investigations

A. Caseload and reporting

28. During the reporting period, the IGO recorded 1,140 misconduct complaints, which is a slight decrease compared to 1,263 in the previous reporting period. The 10 per cent decrease may be attributable to the COVID-19 pandemic. In March and April 2020, the number of complaints per month decreased on average, while in May 2020, the figures rose to previous levels. It is important to note, however, that this period was too short to draw reliable statistical conclusions.

Distribution of complaints 2019/20 compared to 2018/19
(top five categories for 2019/20)



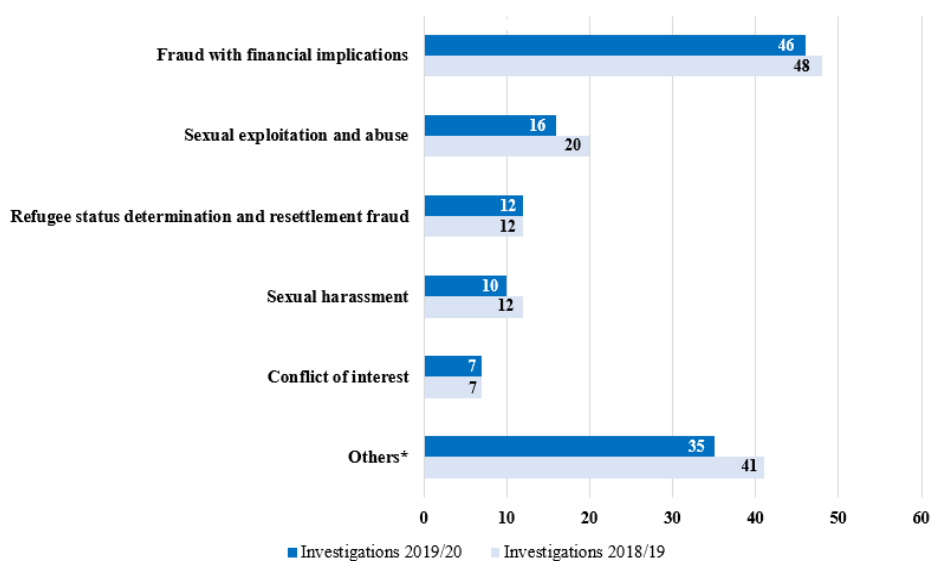
* The 'fraud with financial implications' includes all categories that have or may potentially have financial implications. The 2018/19 figure presented in the table differs from a lower figure presented in the 2019 ExCom Report, as the latter did not include complaints with the 'potential component'.

**The 'Others' category includes *inter alia* the following: abuse of authority, conflict of interest, discrimination, harassment and non-compliance with UN or UNHCR administrative instructions.

29. The three main categories of misconduct complaints related to: (i) fraud with financial implications (29 per cent);⁵ (ii) sexual exploitation and abuse (18 per cent);⁶ and (iii) refugee status determination and resettlement fraud (15 per cent). These were also the main three categories in the previous reporting period. Forty-four per cent of the misconduct complaints implicated UNHCR personnel, 30 implicated implementing partner personnel, while 26 per cent implicated other personnel, including contractors or national authorities.

30. The IGO opened 126 investigations (implicating 141 personnel), representing a slight decrease compared to 140 investigations opened during the previous reporting period. A breakdown of the type of misconduct complaints during the two reporting periods is shown in the chart below. The three main categories of investigations opened relate to: (i) fraud with financial implications (46 investigations); (ii) sexual exploitation and abuse (16); and (iii) refugee status determination and resettlement fraud (12).

Distribution of investigations 2019/20 compared to 2018/19
(top five categories for 2019/20)



*The 'Others' category includes *inter alia* the following: abuse of authority, academic fraud, discrimination, gross negligence and non-compliance with UN or UNHCR administrative instructions.

31. Investigations implicating 138 individuals were finalized, which represents a slight decrease compared to investigation involving 155 individuals that were finalized during the previous reporting period. Of these 56 cases implicating UNHCR personnel were substantiated and referred to DHR for disciplinary action. Two implicating implementing partner personnel were referred to the then Implementing Partnership Management Service (IPMS) of DFAM for further action. Effective January 2020, the IPMS function was transferred to the newly created Division of Strategic Planning and Results (DSPR) and retitled as Implementation Management and Assurance Service (IMAS). Twenty-seven investigations were closed due to other reasons,⁷ and the remaining 53 cases were closed as the complaints could not be substantiated or were unfounded.

32. During the reporting period and following the completion of the disciplinary process, a total of 35 disciplinary measures were imposed on 28 UNHCR staff members, with 18 (51 per cent) being dismissed or separated. Concerning members of UNHCR's affiliate

⁵ The 'fraud with financial implications' category includes bribery, corruption (with financial implications), embezzlement, entitlement/benefit fraud, fraud implicating implementing partners, misuse of assets and procurement fraud.

⁶ This figure includes complaints with and without identifiable or identified victims. Figures where the victim was identified or was identifiable, as reported to the Secretary General, are 132 for the current reporting period and 126 for the previous reporting period.

⁷ Examples of reasons for closure include the following: (i) when the subject resigns during the investigation and is no longer legally required to cooperate; (ii) in cases where the security concerns outweigh the benefits of an investigations; and (iii) when the subject deceases during the course of an investigation.

workforce, the contracts of two individuals were terminated, while the contract of a third individual was not renewed following completion of an investigation. A further five individuals had left UNHCR before the completion of the investigatory or disciplinary processes.

33. During the reporting period, the cases of five staff members were referred, through the LAS, to respective national authorities for criminal accountability. Results of the referrals were pending as of 30 June 2020.

34. The nature of the investigations remained increasingly complex, resource intensive, and often required urgent action to mitigate further risks relating to the safety and security of the people involved, as well as to avoid further reputational damage and/or financial loss of the organization. The most complex investigations include sexual exploitation and abuse, sexual harassment, harassment and abuse of authority, refugee status determination and resettlement fraud, and fraud with financial implications.

35. Despite the gradual increase in the number of investigators hired in recent years to handle the rapid increase in the number of complaints, the workload per investigator was at its maximum, with an average of six to seven investigations allocated per full-time investigator at any given time and additional investigations pending to be opened. This was in addition to collaborative commitments and requests for information and briefings, which were equally important to address in a timely manner.

36. As a result, only a third (33 per cent) of all investigations were finalized within the target timeline of six months. Investigations into sexual exploitation and abuse, however, were completed slightly faster, with 42 per cent being finalized within six months. Fifty-nine per cent of all assessments of complaints were processed within the target timeline of eight weeks, while assessments into sexual exploitation and abuse were completed at a faster rate, with 74 per cent being finalized within eight weeks.

37. The Investigation Service continued to take the following measures to make the best use of its resources:

- (a) Prioritized cases that required urgent attention, including those related to sexual exploitation and abuse, sexual harassment, or that posed serious financial or reputational challenges;
- (b) Deprioritized proactive investigations, regional workshops aimed at strengthening the capacity of implementing partners to investigate misconduct complaints; and
- (c) Gradually reduced its involvement in other management work streams or reporting requests;

38. Of all complaints of misconduct registered during the reporting period, 38 per cent required no further action and were closed; 12 per cent led to the opening of investigations; and four per cent require further analysis and/or are under assessment. Forty-six per cent were referred to the relevant entities, with the breakdown of the referrals as follows:

- (a) Management for action when this was considered the most appropriate course of action (48 per cent);
- (b) The investigative bodies of implementing partners,⁸ for investigation (42 per cent);
- (c) IMAS for further action, including forensic audit to determine the financial loss, in cases of implementing partner fraud. If the findings implicated UNHCR personnel in potential misconduct, an investigation was opened by the Investigation Service (four per cent); and
- (d) The OIOS Investigations Division for cases where there was a conflict of interest, in accordance a memorandum of understanding signed in 2006, as well as investigative bodies of other UN entities and those of national authorities (6 per cent).

⁸ Entities such as national and international non-governmental organizations, other United Nations agencies and local authorities when complaints concern government officials.

39. Due to an increase in reporting requirements and the need for more meta-analysis, the IGO continued to improve the Investigation Service's database, iSight, to archive and track vital case related information more accurately. A system upgrade was required to make such a progress, which will be finalized by the end of 2020, and is envisaged to improve future data processing needs, workflow processes and archiving capability.

B. Protection from sexual exploitation and abuse, and sexual harassment

40. During the reporting period, the IGO received a total of 204 complaints related to sexual exploitation and abuse, including 132 with identified or identifiable victims, meeting the criteria for reporting to the United Nations Secretary-General. This compares to 189 complaints received in the previous year, of which 126 had identified or identifiable victims. The increase was due mainly to a near two-fold increase in the number of complaints implicating implementing partner personnel.

41. There were 27 complaints implicating UNHCR personnel, a similar level compared to the previous reporting period. Six cases were closed at the complaint level, and eight were pending assessment. A total of 13 investigations were opened by the IGO. Of these, 10 remained under investigation, while three were unsubstantiated and closed.

42. Of the 105 complaints implicating implementing partner personnel, five were closed at the complaint level, and four were pending assessment. Ninety-five investigations were opened by the investigative bodies of the concerned partners, and one case was referred to the concerned investigative body and pending feedback. Of the 95 investigations opened, 74 remained under investigation and eight were unsubstantiated. Thirteen investigations were substantiated and the individuals involved were dismissed.

43. The number of complaints of sexual harassment decreased. A total of 39 complaints were received compared to 48 in the previous reporting period. Twenty-seven complaints implicated UNHCR personnel and 12 cases involved implementing partner personnel. Of the 27 cases implicating UNHCR personnel, approximately half of the victims decided not to pursue a formal process following informal consultations with the IGO, mostly because the victims did not want the subjects to know that they had lodged a formal complaint and decided to solve the matter informally through other mechanisms.

44. The highest number of complaints related to both sexual exploitation and abuse and sexual harassment were recorded in operations in Africa, followed by the Middle East and North Africa. Alleged victims were predominantly female, while the alleged perpetrators were predominantly male.

45. The IGO continued to collaborate with several entities, such as the United Nations Special Coordinator on Sexual Exploitation and Abuse, the Inter-Agency Standing Committee (IASC) and the United Nations Representatives of Investigations Services (UN-RIS). In November 2019, the IGO presented during the Joint Meeting of Investigatory Bodies of the United Nations System Chief Executives Board for Coordination and IASC on preventing sexual exploitation, abuse and harassment, with the investigative community and the United Nations Victims' Rights Advocate and other relevant stakeholders in attendance. In addition, the IGO facilitated and co-chaired the UN-RIS Annual Meeting to discuss critical issues and common challenges.

46. The IGO participated in and contributed to organization-wide discussions and initiatives relating to the prevention and response to sexual exploitation and abuse and sexual harassment. In the context of the High Commissioner's IASC Championship on Protection from sexual exploitation and sexual harassment, the IGO made significant progress in developing the content for a e-learning package for implementing partners, that includes specific elements on investigative processes concerning sexual exploitation and abuse. The package is envisaged to be finalized by the end of 2020, and distributed to a wider audience, including to the IASC partners.

C. Commitment to training and awareness-raising

Training of new and existing investigative staff

47. During the reporting period, the Investigation Service of the IGO developed and conducted a series of induction training sessions for newly recruited, as well as existing investigators and support staff. The training covered a variety of thematic categories of investigations such as sexual exploitation and abuse, refugee status determination and resettlement fraud and fraud with financial implications, as well as report writing. It also provided an opportunity for investigators to engage in a dialogue on challenges and various investigative experiences. The Investigation Service will continue to train or provide refresher training to its staff as the need arises.

Presentation of investigative processes

48. The Investigation Service continued to provide presentations on the investigative process to UNHCR personnel, where possible, during investigation missions. During the reporting period, the Investigation Service provided eight presentations to country or regional offices, all of which had components on addressing sexual exploitation and abuse, and sexual harassment. In addition, the IGO provided two presentations on the work of the IGO to newly recruited Regional Controllers, to familiarize them with the conduct of investigations in UNHCR and discuss collaboration.

VI. Conclusion

49. In 2020, the IGO has successfully transitioned leadership to a new Inspector General and has continued to build on the strong base created by the previous Inspector General. The COVID-19 pandemic has presented some challenges for the IGO, which has, however, continued its work and taken the opportunity for innovation and change. The workload, especially demand on the Investigation Service remained high. Enhanced cross-IGO working and coordination with other independent oversight providers is yielding improved outcomes.
