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Reports relating to programme and administrative
oversight and evaluation

Report on activities of the Inspector General's Office

Report by the Inspector General

Summary

The present report has been prepared in conformity with the decision of the Executive Committee of the High Commissioner's Programme to receive a report on evaluation at its annual plenary session under item (vi) of the agenda: Reports relating to programme and administrative oversight and evaluation (A/AC.96/1003, para. 25.1(f)(vi)). Also relevant is the decision of the Executive Committee to regularly make available to the Committee summary reports covering inquiries and the main categories of investigations, the number of such types of investigation, the average time taken to complete investigations and a description of related disciplinary action (A/AC.96/1021 para. 24(e)). The report covers the period from mid-2008 to mid-2009.

I. INTRODUCTION

1. The Inspector General's Office (IGO) within the Office of the United Nations High Commissioner for Refugees has three core functions: inspections of the quality of management of UNHCR operations; investigations of allegations of misconduct by UNHCR personnel; and ad hoc inquiries into violent attacks on UNHCR personnel and operations, as well as into other incidents causing major losses or damage to UNHCR's integrity, credibility or assets.

2. This report outlines activities undertaken by the IGO between July 2008 and the end of June 2009.

3. During the reporting period, an Independent Panel Review of the UNHCR Inspector General's Office was concluded by the Anti-Fraud Office (OLAF) of the European Union. The High Commissioner subsequently called for the establishment of a Working Group to prepare a road map for implementing the recommendations. Since the Working Group's report on 31 March 2009, the IGO has continued to pursue implementation. Some examples of achievements to date include the designation of two senior investigation specialist posts, which require external expertise; the creation of a document providing advice to witnesses and subjects of investigations about their rights; a revised inspection strategy for use starting in January 2010, which notably includes a narrowed scope for standard inspections of UNHCR operations; a draft revision of the 2006 Memorandum of Understanding with the Office of Internal Oversight Services (OIOS); and the refinement of the IGO's role, functions and modus operandi with the revision of the 2005 UNHCR Inter-Office and Field Office Memorandum on this issue.

4. In addition, during November 2008, a management audit of the IGO was undertaken by the Board of Auditors. The final report on the audit was received in May 2009, and the IGO has since provided comments on its recommendations.

II. INSPECTIONS

A. Inspections and compliance missions

5. Since its report to the 59th session of the Executive Committee, the IGO has conducted a total of 13 standard inspections. One of these was of the Statelessness Unit in the Division of International Protection Services (DIPS) at Headquarters, and 12 were to field locations, namely and in sequential order: Chad, Italy and the countries covered by the Regional Representation (RR) in Rome (Cyprus, Greece, Malta and Portugal), the Islamic Republic of Iran, the Syrian Arab Republic, China and the countries/territories covered by the RR in Beijing (the Hong Kong Special Administrative Region and Mongolia), Cameroon, Egypt, Ecuador, the Libyan Arab Jamahiriya, Lebanon, Tajikistan and Guinea. In addition, two compliance missions were undertaken to Sweden and countries covered by the RR in Stockholm (Denmark, Finland, Norway, and the three Baltic States, namely Estonia, Latvia and Lithuania), and to Yemen, in order to monitor implementation of the recommendations from inspection missions to these countries in 2006 and 2007 respectively. An additional six inspections and two compliance missions are scheduled for the second half of 2009. The reports of all inspections, once finalized, will continue to be made available internally to all staff as well as to Executive Committee members on the public website.

B. Revised inspection strategy

6. In the second half of 2008, the Inspection Section undertook a comprehensive review of its inspection methodology and strategy with a view to improving the delivery of its function, which is to provide the High Commissioner and his senior managers with a detached and objective assessment of the quality of management of UNHCR's operations and activities in the Field and at Headquarters. The review took into account the ongoing organization-wide reform efforts to improve UNHCR. It also considered external factors such as OIOS' development of a risk register and the Joint Inspection Unit's 2004 recommendations on the need to improve the overall effectiveness and independence of the various IGO functions.

7. Various challenges affecting the delivery of the inspection function were identified during the review and a modification of the IGO's current inspection strategy proposed. The four main elements of the modification are:

- the creation of a predictable inspection roster for the three functional areas covered by standard inspections, namely protection, programme, administration and human resources;
- the improvement of the annual inspection planning process with a greater emphasis on a risk-based approach in the selection of standard inspections;
- the narrowing of the scope of standard inspections by focusing solely on management aspects rather than including more comprehensive operations reviews; and
- the development and updating of inspection tools, including electronic ones.

8. Following the findings of the Working Group on the OLAF review, the IGO has now finalized a revised inspection strategy for proposed implementation in 2010.

9. In an effort to address some of the challenges relating to the use of multifunctional teams composed of IGO and non-IGO staff with functional expertise in protection, programme, and administration and human resources, the IGO reintroduced training on UNHCR's inspection function and methodology for selected non-IGO staff who may be called upon to participate in inspection missions. Two training sessions were conducted for administration and human resources specialists from the Division of Human Resources Management (DHRM) in the Global Service Centre in Budapest in January 2009 and for protection specialists from DIPS at Headquarters in February 2009. A further session for programme specialists is planned for the second half of this year.

10. As regards the long-standing concern relating to the lengthy time frame for the issuance of inspection reports, the IGO, in line with the Working Group's road map, has agreed to the proposal of a target time frame of three months, subject to the availability of human and financial resources.

11. A particular gap highlighted by the Chairman of the Working Group is the institutional gap in programme reviews and oversight. UNHCR's Oversight Committee has been asked to resolve this by clarifying where in the future this responsibility will lie.

12. The development of new automated inspection survey tools continued during the reporting period. Two new electronic tools - a compliance questionnaire and a confidential staff questionnaire that were translated into Arabic, French and Spanish - were introduced in the last quarter of 2008 and at the beginning of 2009 respectively. Considering the various technical challenges associated with the introduction of the new staff questionnaire, 2009 is a test period during which it will be used alongside the previous questionnaire. The inspection checklist was also revised to take into account organizational reforms, including those resulting from decentralization and regionalization, those arising from the process of strengthening UNHCR's Results Based Management, and those relating to UNHCR's enhanced role for internally displaced persons (IDPs).

C. Conflict of interest guidelines

13. To further address concerns relating to the potential conflict of interest of UNHCR staff participating in inspection missions, the Inspection Section developed, in the second half of 2008, guidelines for mitigating conflict of interest in the inspection process. These guidelines are, as of 2009, signed by all IGO and non-IGO staff, prior to undertaking any inspection mission or inspection of a headquarters unit.

D. Findings from inspection missions

External management

14. During the reporting period inspection missions observed that, in most countries, UNHCR's relations with government authorities, the diplomatic community and non-governmental organizations (NGOs) are good. However, in a number of operations the use of a systematic information-sharing mechanism would help to further strengthen UNHCR's relations with the diplomatic community, raising awareness of the Office's role, building support for its strategies and activities, and mobilizing donor support. In addition, it was found that field representations could still provide improved leadership and coordination for NGOs by involving them in all stages of UNHCR's operations, from the needs assessment and planning process through to implementation.

15. Participatory assessments through the age, gender and diversity mainstreaming (AGDM) approach have enabled UNHCR to interact more directly and consult more effectively with persons of concern in the design of programmes. This approach needs to be fully implemented in countries where such consultative mechanisms do not yet exist, and the dialogue established needs to be maintained throughout the programme implementation cycle.

16. Access by beneficiaries to UNHCR premises worldwide remains a matter of concern to UNHCR. Security requirements and Minimum Operating Security Standards (MOSS) often hinder such access, especially in urban areas. In some countries, alternative measures have been put in place to reach beneficiaries directly at their places of residence or in the areas where they live. In addition, more regular field trips by senior field managers are needed to provide them with opportunities to meet directly and regularly with persons of concern.

Internal management

17. Inspection teams noted that, in a number of operations, field offices have not yet been empowered with the resources and skills needed for developing and overseeing regional protection and assistance strategies, and for discharging the additional responsibilities required as a result of decentralization and regionalization reforms. Inspection teams were not yet able to assess the impact of regionalization reforms during this reporting period.

18. Inspections also found that resource constraints, human as well as financial, continued to negatively impact the ability of the Field and Headquarters to ensure adequate protection and assistance to persons of concern, in particular women and children.

19. As regards the multifunctional approach, a number of inspection findings pointed out the need for further strengthening, particularly in the development of strategies, and in the policy decision-making process. Better and more structured coordination between the various functional units, from the planning to the implementation stage of projects and activities, would ensure that the identification of strategies, key issues and activities to address them are undertaken in a holistic multidimensional manner.

20. The security of both international and national staff remains a high priority for the High Commissioner. In several locations, inspection missions observed that the security and evacuation plans are viewed by national staff as being focused primarily on international colleagues. A need was identified for national staff to be more fully integrated into the security management system and for regular periodic security awareness training to be conducted for all staff.

Protection management

21. In some operations, a need for longer-term protection strategies aimed at strengthening the national protection of refugees and asylum-seekers, was identified.

22. Inspection missions also found that, in a number of situations, the governments and NGOs would benefit from regular basic protection training in order to increase their understanding of the rights of refugees and other persons of concern. In some cases, the government interlocutors and NGOs themselves requested such trainings.

23. Inspection teams observed that there is a particular need for UNHCR to further strengthen its advocacy work in those countries which are not parties to the refugee convention, or where national asylum legislation is either needed or requires better implementation for the effective protection of refugees and asylum-seekers.

24. In some countries, an integrated and coordinated approach between the protection and community services entities has not been effectively implemented. Better coordination would help strengthen the delivery of protection and assistance to persons of concern, especially women, children, and the elderly.

25. Registration mechanisms used in the Field were often found to lack the capacity to detect fraud, i.e. double registration or substitution motivated by the wish to obtain assistance or to be resettled in a third country. Many field offices have yet to fully explore existing fraud prevention measures and take advantage of the tools available such as the use of biometrics in UNHCR's registration software, *proGres*.

26. Inspection missions welcomed the Office's increasing advocacy and operational role within mixed migratory movements. More and more refugees and asylum-seekers move from one country or region to another alongside people whose reasons for moving are not protection-related. This phenomenon has presented UNHCR with a number of challenges in terms of its engagement or disengagement with persons in these mixed movements, including the nature of its cooperation and partnership with host government authorities, NGOs and other partners in assessing and addressing the compelling human needs of such persons. It was also noted that there is an increasingly hostile environment towards refugees and asylum-seekers, posing difficulties in some countries for example, when potential victims of trafficking need access to asylum procedures.

27. The growing awareness by field offices of the emphasis being placed on the prevention and reduction of statelessness was also welcomed. However, staff at Headquarters and in the Field still have a limited knowledge of the Office's mandate to prevent and reduce statelessness, and to ensure the protection of stateless persons. Nevertheless, the achievements of those operations that focus on statelessness as a major objective were recognized.

Programme management

28. Inspection teams found that, while there has been a marked improvement in programme management, the absence of a dedicated Headquarters entity to exercise the routine oversight of programme implementation and reporting is having a negative effect on the quality of reporting, project control and monitoring.

29. It was observed that offices which have adopted a multifunctional team approach in responding to refugee issues are in general more successful in anticipating and resolving emerging refugee and asylum challenges, and have a closer working relationship with UNHCR's persons of concern.

30. While many offices have reported in detail on using UNHCR's standards and indicators, which serve to measure the gaps as well as the progress made during implementation, others have treated them as part of a bureaucratic exercise. In some instances, there are considerable differences between the reality on the ground and what is being reported using the standards and indicators.

31. A number of the inspected operations were found to still be weighed down by heavy reporting requirements, especially where there is a combination of sources of funding, i.e. from the annual budget (AB), the supplementary budget (SB), and or the “new or additional activities–mandate-related” reserve (NAM). This invariably reduces the amount of time available to perform other tasks such as developing partnerships, monitoring project implementation and, most importantly, working directly with persons of concern.

32. A further constraint identified in the course of the inspections was that there is no longer any specialized global training available for programme staff, other than that provided on the job. This has led to a number of offices having different and sometimes contradictory approaches to programme management.

33. In a number of instances where a regional programme function has been established, its role has not yet been effectively developed. In some cases, there was little contact between the regional and country offices, leading to limited support or guidance on how to handle a range of programme issues.

Administrative and human resource management

34. With respect to staff welfare, the IGO, in its last report to the Executive Committee, committed itself to continue to monitor the implementation of the UNHCR policy on working and living standards in the Field. While efforts are ongoing in the majority of locations to improve both working and living conditions, in two of the field operations visited during this reporting period, inspection missions observed that little or no improvement had yet been initiated.

35. In a number of locations, depending on the operational context and other factors, staff reported that they were performing their functions under considerable stress. This was mainly due to harsh living environments, physical insecurity, job instability, and not being able to take sufficient time off due to the lack of an effective back-up system.

36. Inspection teams noted that the compliance rate for signing the Code of Conduct and facilitating discussion sessions and refresher courses remains high. However, many field staff members are still insufficiently aware of the mechanisms available to them, both at Headquarters and in the Field, for reporting inappropriate behavior and suspected misconduct. They are also insufficiently aware of UNHCR’s policy on the protection of individuals against retaliation (the “whistleblower policy”), which now forms part of the responsibilities of UNHCR’s Director of Ethics.

37. The adequate training of field staff is one area that continues to pose challenges for UNHCR. Inspection missions identified two areas in administration where there is an urgent need for additional training due to the continuing high turnover of staff members and the recruitment of new colleagues in many locations. These areas are related to the follow-up and refresher training in relevant modules of the Management Systems Renewal Project (MSRP) and the training in delegated human resources functions.

38. As regards staff under additional workforce arrangements, the IGO welcomes the issuance in January 2009, of Guidelines for the recruitment, training, supervision and conditions of service for interpreters in a refugee context. However, the IGO remains concerned about the continued use of both project staff and United Nations Volunteers (UNVs) to perform regular functions such as core protection work, and or to assume supervisory functions. The IGO will continue to monitor this to ensure that such staffing arrangements are in line with established policies.

E. Good practices and recurrent findings

39. In August 2008, the IGO issued an internal report entitled, "Good practices and recurrent findings from inspection missions: a four-year perspective". This report identifies and analyses key good practices and recurrent findings from inspections undertaken from 2004 to 2007. It highlights strengths and weaknesses of the Office's external and internal management systems, policies and controls, and offers proposals to address them.

40. A common underlying theme in observations on protection and programme management is that of partnership. The work of UNHCR is conducted in partnership with a range of actors, including with refugees and other persons of concern to the Office. A key expression of this partnership is the collaborative approach used to develop strategies and implementation plans, including for protection, as reflected in the Country Operations Plans (COPs). For the first time in 2009, the COPs were submitted using the new *Focus* software.

41. The concept of a "culture of accountability" is central to an effective organization, with appropriate attention paid to staff morale and welfare. Accountability, as addressed in the report, relates primarily to policies and procedures as well as administrative and operational effectiveness. This has led to greater responsibilities for senior managers at Headquarters and in the Field, as well as for others with managerial functions. UNHCR's Global Management Accountability Framework (GMAF) launched in July 2009, will serve as an important management tool to increase the understanding of accountability among managers and their teams.

42. Any system of accountability requires that those held accountable are given the necessary resources to meet the standards against which they will be assessed. The importance of building management capacity, reflected in adequate resourcing, has been a recurring theme in the inspection reports. Training is key to any effort to strengthen management capacity and the IGO will monitor the impact of the new training for managers being developed by the Global Learning Centre in Budapest.

43. Follow-up on the measures proposed by the IGO to address weaknesses identified in the "Good practices and recurrent findings" report has been entrusted by the High Commissioner to the Senior Management Committee.

F. Compliance

44. During the reporting period, the IGO intensified its efforts to monitor compliance with inspection recommendations through its assessment of periodic implementation reports by the inspected field offices and headquarters' units and, as required, by conducting compliance missions.

45. The use of compliance missions continues to prove to be an effective means of establishing the precise status of the implementation of inspection recommendations, by identifying pending issues requiring further discussion, and by making recommendations on additional measures to be taken. A risk-based methodology continues to be used for the selection of countries for compliance missions. The IGO is further refining the criteria for undertaking compliance missions and will continue to conduct such missions whenever deemed necessary.

46. As stated above, the IGO conducted two compliance missions during the reporting period. The first mission to the RR in Stockholm and the region found a high rate of compliance. The second mission to Yemen found improvements in leadership and identified the need for continued attention to certain recommendations.

47. A comprehensive review of the status of implementation of inspection recommendations during the reporting period revealed the following:

- no cases of non-compliance were observed;
- a high rate of compliance (approximately 90 per cent) was achieved overall; and
- 12 inspections were confirmed as being in full compliance and were closed.

48. Factors limiting full compliance continue to include the following:

- insufficient resources to fully implement inspection recommendations;
- lack of precision in the formulation of some recommendations;
- disagreements between the inspected operations or units and the IGO on the validity or appropriateness of the recommendations; and
- significant changes in the operating environment beyond the control of the inspected offices or units.

49. The independent review of the IGO carried out by OLAF confirmed that existing follow-up procedures to assess compliance are effective, and that compliance issues are sufficiently addressed in the proposed inspection strategy to be implemented by the IGO in 2010.

50. The IGO believes that the Oversight Committee should continue to play a key role in promoting and ensuring compliance with inspection recommendations and welcomes the positive impact that the GMAF should have on the process. The IGO will continue to refine its compliance methodology in line with developments at United Nations Headquarters aimed at system-wide improvements in oversight and accountability.

III. INVESTIGATIONS

51. The IGO contributes to the overall integrity of UNHCR's operations by investigating reports of possible misconduct by UNHCR staff. The IGO is also mandated to investigate reports of possible misconduct by consultants, UNVs and staff seconded to UNHCR.

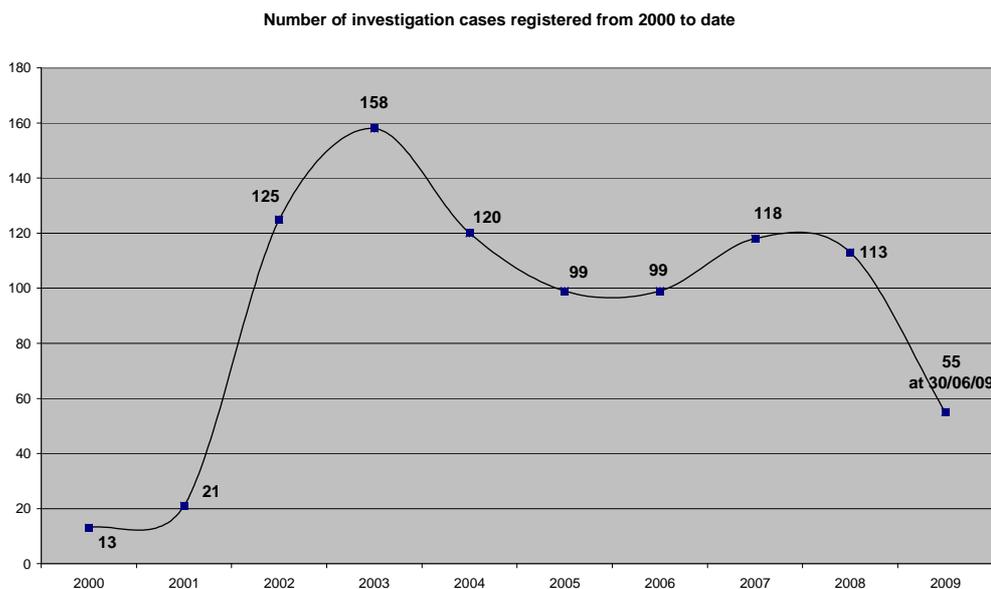
A. New complaints mechanism

52. In mid-January 2009 an online complaint mechanism was introduced in order to provide beneficiaries and others outside UNHCR with an additional method of reporting possible staff misconduct. The IGO processes each report received through the online complaints mechanism under its standard initial assessment procedures, which is a labour-intensive process for the Investigation Section. Although the online complaints form provides a definition of misconduct and explains the role and responsibilities of the IGO, the majority of the complaints received by this method are related to protection concerns and other issues not involving staff misconduct and are therefore not within the IGO's mandate. These are forwarded to the relevant Regional Bureaux and field offices for follow-up.

53. Following a query by some Executive Committee members in April 2009, the IGO submitted to the UNHCR Oversight Committee the follow-up of 348 reports (as of 25 June 2009) not related to misconduct. Among this figure 232 reports were forwarded to the Bureaux, field offices, DIPS, DHRM, and the Legal Advice Section (LAS), 55 required no further action, and 61 are still being assessed.

B. Caseload during the reporting period

54. During the reporting period, the IGO logged a total of 634 complaints, of which 167 were received between July and December 2008 and 467 between January and June 2009. Of these, exactly 100 were registered as investigation cases.



55. During the reporting period, only three investigation missions were undertaken by investigation officers. Resource limitations (both budgeting and staffing) have been a constraining factor when planning investigation missions.

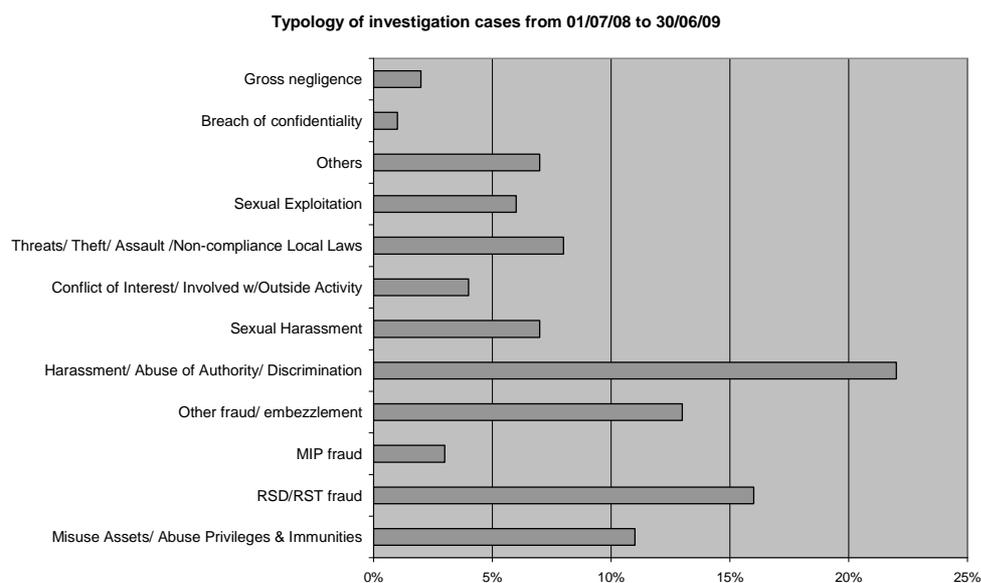
56. A total of 72 cases were completed during the reporting period, of which 14 resulted in preliminary investigation reports (PIRs) and 58 in closure reports.

57. The 14 PIRs were referred to DHRM for further action, possibly leading to disciplinary measures. PIRs are issued when the IGO considers that the facts established amount to a finding of *prima facie* misconduct based on the preponderance of evidence found. The Director of DHRM reviews the IGO's findings of misconduct, in conjunction with LAS, and decides whether to initiate a disciplinary process. The Director of DHRM may decide to issue a reprimand instead of a disciplinary measure; to negotiate an agreed disciplinary measure with the staff member concerned; or to refer the case to the Joint Disciplinary Committee for advice as to the appropriate measure to be taken. Disciplinary measures range from written censure to summary dismissal.

58. The closure reports are prepared when the IGO has not found sufficient information to confirm an allegation of misconduct, or has found no evidence to support the allegation.

59. When required, the Investigation Section also issues management implication reports (MIRs) to address management issues which are noted during the course of an investigation and which do not amount to misconduct. During the reporting period, nine such MIRs were issued. The IGO notes that good feedback is usually received when the issues concern procedures, but very little is received when the issues touch upon management practices. MIRs are also shared with the Inspection Section when an inspection is planned for the country concerned.

60. At the time of this report, there are 86 ongoing investigations, comprising 50 cases from 2009; 33 cases from 2008; and 3 from 2007.



61. Compared to the caseload from the previous reporting period (July 2007 - June 2008), the number of cases registered has fallen. While the number of cases involving registration or resettlement fraud has decreased, the IGO has noted an increase in the number of reports of abuse of authority and or harassment, including some against senior managers. This kind of complaint has been highlighted in recent years in the Mediator/Ombudsman's annual reports, and the issues linked to abuse of authority and workplace harassment have been discussed between the IGO, DHRM, the Director of Ethics, and the Ombudsman. Cases of harassment and abuse of authority are time-consuming and inherently difficult to assess because of their very nature, relying mostly on testimonies and with little hard evidence available.

62. During the reporting period, there were six cases of alleged sexual exploitation and abuse (SEA) affecting beneficiaries or beneficiary communities. These cases were given priority. One of the cases concerned allegations against a UNV for reportedly having requested sexual favors from refugees, sexually abusing a refugee, as well as requesting bribes from refugees in exchange for services. A mission was undertaken by the IGO to investigate these serious allegations. The case was subsequently closed as the allegations could not be substantiated. Another case against a UNHCR interpreter was closed when the allegation proved to be unfounded. The remaining four cases are still under investigation.

C. Coordination with DHRM/LAS

63. The IGO has maintained regular discussions with LAS and DHRM about issues of mutual concern, including responses to requests for clarification or follow-up on investigation cases which have been sent to DHRM. It should be noted that the OLAF report endorsed the importance of such consultations between the IGO and DHRM/LAS.

D. Awareness activities

64. The Investigation Section continues to make use of staff on the Investigation Learning Programme (ILP) Roster, who received basic training in investigations in 2005. The IGO intends to carry out another similar training programme and is seeking funding for this purpose. It is hoped that this training programme will be implemented in late 2009 or early 2010.

IV. AD HOC INQUIRIES

65. The IGO reported to the High Commissioner on two *ad hoc* inquiries. One inquiry examined the attack on the UNHCR staff and premises in Algiers in December 2007. The second inquiry looked into the complaints concerning UNHCR's response to the xenophobic violence in the Republic of South Africa. A report on this inquiry led to the development of an action plan by the Representation in Pretoria and the Regional Bureau for Africa to address the report's recommendations.