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Joint Inspection Unit

Review of the state of the investigation function: progress made in the United Nations system organizations in strengthening the investigation function

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly his comments and those of the United Nations System Chief Executives Board for Coordination on the report of the Joint Inspection Unit entitled “Review of the state of the investigation function: progress made in the United Nations system organizations in strengthening the investigation function” (see [A/75/719](#)).



I. Introduction

1. In its report entitled “Review of the state of the investigation function: progress made in the United Nations system organizations in strengthening the investigation function” (see [A/75/719](#)), the Joint Inspection Unit examines the current state of the investigation function in the United Nations system organizations and the progress made since 2011 in strengthening the organizational set-up, independence and capability of the function.

II. General comments

2. Organizations welcome the report and its findings, noting it provides a useful update on the state of the investigation function since the previous report of the Joint Inspection Unit on this matter issued in 2011 (JIU/REP/2011/7).

3. The report contains valuable information that will inform the deliberations and decision-making by the governing bodies of the United Nations organizations when they consider the issue of investigation function.

4. Organizations also note that the report contains relevant suggestions that may be tailored to address the needs of individual entities’ own risk exposure to the various types of wrongdoing, noting that these fluctuate considerably depending on business model, culture, nature of intervention, field environment and geographical spread.

5. Organizations partially support the review’s recommendations.

III. Comments on specific recommendations

Recommendation 1

The legislative bodies of United Nations system organizations should request that organizations that have not yet done so include in their internal oversight charters a provision for the periodic revision and, where necessary, update of the charters and a requirement for their endorsement by the legislative bodies. The updated charters should be submitted for endorsement by the legislative bodies by the end of 2021.

6. Organizations note that this recommendation is addressed to their legislative bodies.

7. While several entities report that the proposed recommendation is already being addressed and implemented, others observe that the way it is formulated does not take into account specific governance structures or situations in which the legislative bodies have already entrusted and delegated such decisions to the executive heads.

Recommendation 2

The executive heads of United Nations system organizations who have not yet done so should ensure that the heads of internal oversight offices periodically review and, where necessary, update their investigation policies and guidance on the basis of new developments, the jurisdiction of the administrative tribunals, lessons learned and good practices. In doing so, due attention should be paid to ensure coherence with applicable provisions of other existing relevant rules, regulations and policies.

8. Organizations support this recommendation, emphasizing that it will be the jurisprudence, not the jurisdiction, of administrative tribunals which will be taken into account.

9. In view of the operational independence of the Office of Internal Oversight Services (OIOS), the Secretary-General is not in a position to direct or ensure that OIOS takes action with regard to their investigation policies and guidance. However, OIOS confirms that it periodically reviews and updates, as appropriate, its investigation policies, procedures and guidance.

Recommendation 3

The legislative bodies of United Nations system organizations should request that organizations that have not yet done so consolidate by the end of 2022 all investigations and related activities (namely intake, preliminary assessment and the decision to open an investigation), irrespective of the type of misconduct, in the internal oversight office of each organization.

10. Organizations note that this recommendation is addressed to their legislative bodies.

11. Some organizations note that it may be challenging to predict the final outcome of consultative processes in cases in which negotiations are required to modify existing procedures established through collective agreement.

12. Others are of the view that maintaining investigative and other mechanisms outside the investigations office to resolve matters reported to the investigative office, including through human resources officials, lay panels or external experts, could complement the overall investigative capacity in appropriate cases. Moreover, they do not concur with the view that all fact-finding activities must always be carried out by the investigations office.

13. Smaller entities with a decentralized management framework note that a careful cost-benefit analysis and a pilot project may be preferable before considering complete consolidation.

Recommendation 4

The legislative bodies of United Nations system organizations that have not yet done so should ensure by the end of 2021 that the heads of internal oversight offices/investigation functions are authorized to open investigations without the approval of the executive heads.

14. Organizations note that this recommendation is addressed to their legislative bodies, underscoring the tight deadline in cases in which such policies are not yet in place.

15. It is noted that this recommendation is fully implemented in the United Nations Secretariat (see General Assembly resolution [48/218 B](#)).

Recommendation 5

The legislative bodies of the United Nations system organizations should request that organizations that have not yet done so include in their oversight charters by the end of 2021 provisions that:

(a) **Make the appointment and dismissal or removal of the heads of their internal oversight offices subject to consultation with and approval of the legislative bodies;**

(b) **Establish term limits from five to seven years for the heads of internal oversight offices, preferably making the term non-renewable, with a post-employment restriction within the same organization; and**

(c) **Allow for unrestricted access of their heads of internal oversight offices to the legislative bodies and to the respective audit and oversight committees.**

16. Organizations note that this recommendation is addressed to their legislative bodies.

17. Reservations on some elements of the recommendation include a preference to incorporate the proposed changes into the rules and regulations instead of into the oversight charters themselves. With regard to subparagraph (a), some caution is expressed about the risk of politicizing the appointment process; and with regard to subparagraph (b), reservations are also expressed about divergence in the length of the mandate. A single term (of either five or seven years) is noted to be detrimental, given the complexities of today's organizations, especially in a time of change and in the light of United Nations reforms.

18. The International Labour Organization notes that the recommendation in subparagraph (b) is not aligned with its current staff rules and regulations, and recalls the unacceptability, for the same reason, of a similar recommendation raised by the Joint Inspection Unit in recommendation 10 (d) of its report entitled "Oversight lacunae in the United Nations system" ([JIU/REP/2006/2](#)).

Recommendation 6

The legislative bodies of the United Nations system organizations that have not yet done so should request that organizations update the terms of reference of their respective audit and oversight committees by the end of 2021 to include, where necessary, appropriate provisions to:

(a) **Review the independence and mandate of the internal oversight office/investigation function;**

(b) **Review its budget and staffing requirements;**

(c) **Review its overall performance; and**

(d) **Issue related recommendations.**

19. Organizations note that this recommendation is addressed to their legislative bodies, underscoring the tight deadline in cases in which the proposed procedures are not yet implemented.

20. It is noted that in the case of the Secretariat, the terms of reference of the Independent Audit Advisory Committee stipulate the following provisions, among others: to advise the General Assembly on the scope, results and effectiveness of audits as well as other oversight functions; to review the budget proposal of OIOS, taking into account its workplan; and to advise the Assembly on the effectiveness, efficiency and impact of the audit activities and other oversight functions of OIOS.

Recommendation 7

The legislative bodies of United Nations system organizations that have not yet done so should develop and adopt appropriate formal procedures for the investigation of complaints of misconduct by executive heads and adopt appropriate policies by the end of 2021.

21. Organizations note that this recommendation is addressed to their legislative bodies, underscoring the tight deadline in cases in which the proposed procedures are not yet implemented.
22. A consultative process for a harmonized implementation approach would be sought in carrying out the proposed recommendation.

Recommendation 8

The legislative bodies of United Nations system organizations that have not yet done so should request that organizations establish by the end of 2021 formal procedures for handling allegations of misconduct against heads and personnel of their internal oversight offices in order to avoid situations of conflict of interest.

23. Organizations note that this recommendation is addressed to their legislative bodies, underscoring the tight deadline in cases in which the proposed procedures are not yet implemented.
24. Since the issuance of this report, procedures have been included in the Charter of the Office of the Inspector General of the Food and Agriculture Organization of the United Nations, revised in 2020, while the revised investigation policy and guidelines of the United Nations Industrial Development Organization will address the above in the fourth quarter of 2020. The World Food Programme will issue a formal standard operating procedure by the end of 2020 and Audit and Evaluation Advisory Committee of the United Nations Development Programme will discuss this matter at its upcoming meeting.
25. The United Nations Children's Fund (UNICEF), which, at the time of the Joint Inspection Unit's analysis, did not have detailed formal procedures in place to handle allegations against the head of the internal oversight office and allegations against its staff or personnel, issued a disciplinary policy promulgated on 9 March 2020 that contains provisions on the investigation of staff of the Office of Internal Audit and Investigations. UNICEF notes that in the context of the ongoing review to its charter and internal procedures, its Office of Internal Audit and Investigations will consider whether additional recommendations are appropriate to strengthen and detail processes to handle reports of wrongdoing involving the head of the Office or its staff.

Recommendation 9

The legislative bodies of United Nations system organizations that have not yet done so should request that the respective organizations' annual internal oversight activity reports contain information on both complaints and investigations, including details on the number, type and nature of the complaints and investigations and trends in this regard.

26. Organizations note that this recommendation is addressed to their legislative bodies.
27. Some organizations observe that the report seems to imply that information should also be given on ongoing investigations, which would require extra resources to gather information and represent a due process violation and pose risks for the person(s) who reported the allegations or who participate in the investigation, further to creating victim-centric risks if victims may be discovered. The overall risk is high for those organizations with few investigations, and/or where the situation could be identifiable despite all precautions.
28. Some suggest that for confidentiality reasons, such reports should be presented to the audit committees and not to meetings of legislative bodies; others note that

the harmonization of some definitions in reporting may be difficult, given the widely varying frameworks under which each organization operates.

29. In the absence of an internal oversight office (for example, as in the case of the World Tourism Organization), consideration may be given to include the above information in the annual report of the Ethics Officer, while preserving the necessary confidentiality of incumbents.

30. It is noted that this recommendation is fully implemented in the United Nations Secretariat (see General Assembly resolution [48/218 B](#)).

Recommendation 10

The legislative bodies of United Nations system organizations should review the adequacy of resources and staffing of the investigation function, taking into consideration the recommendations of the respective audit and oversight committees, where available.

31. Organizations note that this recommendation is addressed to their legislative bodies.

32. General Assembly resolution [61/275](#), entitled “Terms of reference for the Independent Audit Advisory Committee and the strengthening of the Office of Internal Oversight Services”, also provides for the role of the Independent Audit Advisory Committee to provide recommendations on the budget.
