



REVIEW OF THE STATE OF THE INVESTIGATION FUNCTION PROGRESS MADE IN THE UNITED NATIONS SYSTEM ORGANIZATIONS IN STRENGTHENING THE INVESTIGATION FUNCTION.

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Background

An effective investigation function is indispensable for ensuring individual and organizational integrity and accountability. Timely organizational action is expected to address misconduct and to mitigate reputational, financial and other risks. Alleged misconduct that is not properly investigated and, if substantiated, met with disciplinary action by the organization erodes confidence in the institution, harms organizational reputation, negatively affects the work environment and staff morale, and drives talent from the organization. All of this underlines the importance of having a strong, independent and appropriately resourced investigation function in place.



Objectives

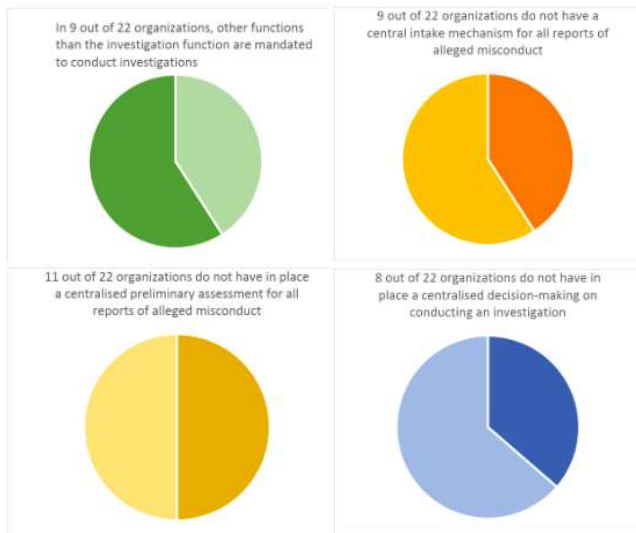
The objectives of the review were to assess the adequacy of organizational, structural and operational arrangements for the investigation function in the United Nations system organizations; to identify gaps and challenges while taking into account the changes of the landscape in which the investigation function has to operate; to identify good practices and lessons learned across the United Nations system and explore opportunities for improved cooperation, information-sharing and coordination across the United Nations system. The review's purpose was to provide recommendations to enhance the independence and capability of the investigation function, to address identified shortcomings and achieve greater system-wide coherence and cooperation in the area of investigations.



What the JIU found

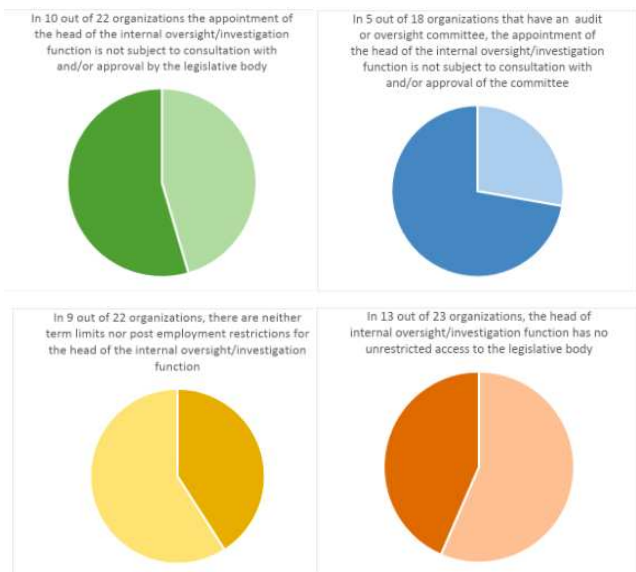
1. A continuing widespread and unacceptable degree of fragmentation of the responsibility for investigations including the pre-investigation process.

In many organizations, besides the internal oversight office/investigation function, investigations and investigation-related work (i.e. intake and preliminary assessment of allegations) are still carried out by other offices and functions, e.g. human resources management, investigative panels composed of laymen. The resulting risks from this fragmentation are that the independence, impartiality and objectivity of investigations and related activities are not assured; that it can cause conflict of interest situations; and has negative consequences in terms of quality of investigations, accountability and trust in the function.



2. A still insufficient degree of structural autonomy and operational independence of the investigation function.

The lack of structural autonomy and operational independence results in inadequate safeguards against interference by management. Independence is a decisive prerequisite for the effective delivery of the investigation mandate and for the unbiased, objective and effective discharge of investigation responsibilities. The degree of independence was assessed against 14 indicators. The result of this exercise shows that independence of the investigation function still needs to be strengthened in many of the organizations reviewed.



3. Investigation capacity and resources do not keep pace with the rising demands and significant increase in caseloads in most organizations.

Many organizations are faced with a significant increase in the number of complaints and investigation caseloads. Although some organizations have successfully taken remedial measures, the capacity and resources (financial and human) of the investigation function have not kept pace and constitute an ongoing challenge. The resource limitations result in an increasing number of backlogged cases and lengthening of the average duration of investigations. Not only does this situation impede swift action to hold perpetrators accountable for their wrongdoing, but it can also have a negative impact on perceptions, such as that misconduct is not properly addressed. Such perceptions make it challenging to maintain a culture of ethics and integrity in the organizations.



Source: Information provided by organizations.

Note: Graph includes data for the following organizations: United Nations Secretariat and peacekeeping operations, UNDP, UNFPA, UNHCR, UNOPS, WFP, FAO, ILO, UNESCO and WIPO.

4. Lacunae in regulatory frameworks for investigations and the need for regular update

The investigation function operates within and is guided by the overarching policy framework of organizations complemented by more investigation-specific policies and procedures. The review found that in some instances, the overarching policy frameworks that define ethical standards, such as codes of conduct, and policies on misconduct, as well as internal oversight charters and investigation specific guidance need further updating so as to strengthen coherence and to mitigate related risks resulting from incongruity and incoherence.

5. More inter-agency cooperation as an avenue for enhanced coherence.

While acknowledging that the mandates, operations, organizational and governance structures of United Nations system organizations differ, the review found that improved coherence of norms, standards and practices such as developing a common investigation terminology and case categorization, as well as statistics generation, record-keeping and reporting practices could be achieved through more inter-agency cooperation and exchange of good practices. To this end, the United Nations Representatives of Investigative Services (UNRIS) and the Conference of International Investigators (CII) could serve as catalysts for inter-agency harmonization efforts.

6. Challenges in investigations of sexual harassment and sexual exploitation and abuse complaints.

The review looked at the special challenges posed by sexual harassment and sexual exploitation and abuse investigations in terms of capacity and resources. The investigations of these cases receive a high degree of attention and require experienced professional investigators. The CEB Task Force on Addressing Sexual Harassment within the Organizations of the United Nations system has developed a model policy on sexual harassment which organizations adopted and to which they have to align and update their existing policies. The Taskforce has three sub-groups, one of which is dealing with sexual harassment related investigations and is developing a model for the investigation of sexual harassment. The review underlines the importance of the work of the Task Force and its sub-groups and the need for organizations to implement the various outcomes which will improve investigations of sexual harassment, strengthen accountability and promote system-wide coherence. Furthermore, the review found that in some cases, the handling of allegations of harassment, including sexual harassment and related investigation activities fall under the authority of executive heads and calls upon organizations concerned to end this practice.

7. Growing investigation-related information demands from Member States and donors.

The review found that many organizations are facing increasing demands and requests from Member States and donors for investigation-related information that exceeds the content of regular reporting. To manage these demands and the related expectations, organizations need to develop appropriate communication strategies and tools. The issue was considered in the annual meeting of UNRIS in 2019 with the aim to find a solution acceptable to all agencies. The review underlines the importance of a collective approach and an agreement on common principles and practices to be developed by UNRIS.

8. No satisfactory process yet in place in some organizations for the investigation of allegations against executive heads

The review looked at the long-standing and in many cases unresolved issue of how to handle allegations against executive heads. It found that the situation is quite clear in the United Nations Secretariat and its funds and programmes where the Secretary-General appoints the executive heads of the United Nations funds and programmes, who are in accordance with their terms of appointment subject to United Nations Secretariat staff regulations and rules including the provisions on unsatisfactory conduct, investigations and disciplinary process. The situation in the United Nations specialized agencies is more problematic. Only a few of them have procedures in place to this effect. The review showed that the issue needs further attention. To remedy the situation, the review suggests considering the working draft from UNRIS for the development of a policy and modalities for the investigation of allegations against executive heads.



Methodology



Desk review of policies and procedures related to misconduct and investigations; investigation guidelines and procedures; oversight charters; annual activity reports of the internal oversight functions and of the oversight or audit advisory committees; external quality assessments of investigation functions; and external auditor reports.



28 JIU participating organizations responded to the JIU corporate questionnaire and other requests for information.



Interviews with 220 individuals from 21 JIU participating organizations and representatives from other international organizations.

Representatives from the following offices or functions – where they existed – were interviewed: the internal audit and oversight office and the investigation function; the executive office or chef de cabinet; the legal office; human resources; the ethics office; the ombudsperson's office; and staff representatives.



Missions to Vienna, Rome, New York and attendance of **the 19th and 20th Conference of International Investigators**.



What the JIU Recommends

The JIU makes 10 recommendations to legislative bodies and executive heads. The 10 formal recommendations are complemented by a number of informal recommendations.

Legislative bodies of United Nations system organizations are asked to:

1 Request that organizations 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.

2 Request that organizations 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.

3 Request that organizations 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.

4 Request that organizations 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.

5 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.

6 Request that organizations 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.

7 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.

8 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.

9 To 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.

Executive heads of United Nations system organizations are called upon to:

1 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.



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