



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

Annual Report 2015

Investigation Service, Inspector General's Office

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1. Executive Summary

In 2015 around **2200 complaints were registered** by the Investigation Service in 2015.

The vast majority of these complaints (**almost 1700**) referred to so-called **Protection/Assistance related complaints**. These complaints do not constitute a possible misconduct. They are however registered, processed and forwarded to the respective regional Bureau for follow up.

Around **411 complaints were registered as potential misconduct**, of which close to 104 were related to RSD (refugee status determination)/RST (resettlement)-fraud and 66 to fraud, representing some 40% of all reported cases of misconduct. In this context, the Investigation Service also registered **28 complaints related to potential Sexual Exploitation and Abuse (SEA)**.¹

By the end of February 2016 **the Investigation Service had opened 88 investigations** related to complaints received during the calendar year of 2015 after assessment. **The majority of investigations initiated was related to SEA (15 investigations) and fraud (14 investigations)**, followed by **'Conflict of Interest with Outside Activities' (10 investigations)**.

Just over 100 complaints received were registered as 'Other', falling outside the aforementioned two categories.

2. Aims and Objectives

The first Annual Report of the UNHCR Investigation Service provides an overview in relation to the overall activities of the Service, focusing on 2015 but including data from 2012 onwards to allow for comparative statistics. Data used for this report is data exclusively held by the Investigation Service at headquarters in Geneva.

In principle the report intends to:

- a) describe the activities performed by the Investigation Service
- b) provide an overview of the cases dealt with by the Investigation Service
- c) examine the reporting of misconduct
- d) reflect in detail on the different typologies of misconduct
- e) highlight key findings and resulting recommendations

Where possible the report also will give an outlook on what to expect in the upcoming year.

¹ Due to the specific mandate of UNHCR fraud related to Refugee Status Determination (RSD) and Resettlement (RST) are explicitly referred to by the Investigation Service. In contrast to other forms of fraud RSD/RST-fraud is characterized by the fact that all parties involved in the scheme are benefitting from the fraudulent situation.

3. Methodology

The methodology section is intended to provide the reader with a general understanding on how the report has been produced and the rationale for including and excluding certain perspectives. Limitations of the report are further elaborated under 'Delimitations'.

The first Annual Report of the Investigation Service within the Inspector General's Office (IGO) combines quantitative with qualitative analysis.²

Figures used for the statistics displayed in this report are based on the available data within iSight, the data based used by the Investigation Service to manage incoming complaints and investigations. In addition to reflecting the reporting year of 2015 the report also uses an annual comparison to identify possible trends and developments. The annual time period for extracting the related statistical data is defined as covering the period from 1st of January to 31st of December of the respective years. As the report is focusing on the actual complaint it was decided that the data of receiving the initial complaint was decisive for allocating the complaint/investigation to a specific year. This counting mechanism will be maintained in the future for the Annual Report. There are other statistics published by the Investigation Service that can display different figures. The reason for the diversion is the underlying rule for allocating a complaint/investigation to a specific year. The data in iSight also allow for the extraction of data based on the date that the complaint/investigation was recorded by the Investigation Service. These two dates ('date received' and 'data recorded') may not be identical, especially towards the end of a calendar year, which explains the aforementioned potential discrepancies. The decision on which date the allocation of a complaint/investigation to a specific year is based depends on the purpose of the statistics.

The calculation of percentages in the statistical part of the report is based on whole numbers only. This means that percentages are rounded up and off to the nearest whole number.

Geographical regions used in the report (Africa, Americas, Asia, Europe, and MENA) are the regions as defined by UNHCR. The order of the regions in the graphs is from larger to smaller numbers.

² Quantitative analysis is the systematic approach to process and explore numerical data obtained by the Investigation Service once an initial allegation regarding potential misconduct. Quantitative analysis is descriptive in nature, addressing the 'what', 'when', 'where' and 'how many' questions by using standards means so that the research can be replicated. Quantitative methods allow for comparisons across categories and over time without bias. However, results are limited as they provide numerical descriptions rather than a detailed explanatory narrative. Qualitative analysis of available data is not limited to numerical data, it rather but explores possible cause and effect relationships (addressing the 'why' question). Therefore qualitative analysis is based on an inductive and interpretative approach. From a proactive perspective qualitative analysis tries to identify existing, new, and emerging trends. However, such qualitative findings are less easy to generalize and are difficult to be used for systematic comparisons. If used alongside quantitative analysis, it can explain why a particular data relationship might exist.

Each Annual Report will expand in some more detail on a specific topic, including a narrative section. The 2015 focus will be on sexual exploitation and abuse (SEA)

The methodology outlined above for writing the report will be amended in line with the feed-back received and lessons learned, and additional reporting requirements identified when drafting the data collection plan for the upcoming Annual Report. Certain limitations may apply with regard to the availability of relevant data.

The Investigation Service of the IGO is also mandated to initiate so-called 'ad hoc' inquiries. 'Ad-hoc' inquiries are conducted with regard to incidents of violent attacks on UNHCR personnel and operations, involving fatalities, major injuries, or large scale damage to UNHCR assets; and into other types of incidents that could directly impact the credibility and integrity of UNHCR. These inquiries are the exception to the rule. In 2015 the Investigation Service initiated 2 'ad-hoc' inquiries, which are not included in the statistics presented in this report.

4. Limitations

Although the Annual Report takes a holistic perspective in relation to the available data the following limitations have to be considered: Until now the activities of the Investigation Service are of a reactive nature. This means that there has to be an allegation, including anonymous complaints before an investigation is mandated. Anonymous sources pose an additional challenge as such allegations are difficult to be further verified at intake-level, which in return might lead to the decision to not open a formal investigation. Another limitation with regard to providing a holistic perspective on cases related to potential misconduct is related to dark figures.³ The Investigation Service has no means to establish the potential impact of dark figures on the findings based on reported cases presented in this report. It also needs to be recognized that strategic data collection focusing on the strategic dimension is currently under development. This especially applies to available qualitative data. Finally the Investigation Service is aware of the fact that not all reported cases of potential misconduct are dealt with by the Investigation Service. It also needs to be understood that sometimes cases related to potential misconduct are directly dealt with at operational level without being reported to the IGO. The dimension of this phenomenon is difficult to estimate but also impacts on the available data used for this report.

³ The 'dark figure' refers to the actual misconduct, as opposed to available statistical data on misconduct derived from reported cases. Since some misconduct goes unreported the actual dimension of misconduct cannot really be determined

The report does also not reflect the final outcome of the investigations with regard to the resulting disciplinary measures as outlined in Staff Rule 10.1(a) of UNHCR's Staff Regulations. Detailed information regarding these measures can be found in the periodic 'Update on disciplinary measures' published by DHRM.

5. Background to the IGO

The mandate of the IGO is to provide assurance to the High Commissioner on governance, policy, risk, resources, operations and accountability through independent and objective oversight services. The IGO conducts its work in accordance with the provisions of the IOM/009/FOM/010 of 7 February 2012 on 'The role, functions and modus operandi of the Inspector General's Office'. The IGO has the exclusive authority to investigate alleged misconduct (such as violations of UN Rules and Regulations, applicable UN/UNHCR administrative issuances, and applicable policies and procedures) by UNHCR staff members and individuals with contractual links to UNHCR.

The IGO does not investigate allegations that do not constitute misconduct. If the report of alleged misconduct does not fall within the IGO's mandate or does not constitute misconduct (e.g. contractual disputes, performance issues), the IGO will not pursue the matter, but may advise an alternative course of action. Due to resource implications the IGO may prioritize investigations to ensure that the most serious allegations, which are most likely to adversely impact UNHCR operations, are investigated promptly.

6. Current Structure

The Investigation Service of the IGO currently is comprised of 14 staff members (1 Head of Service, 7 investigators, 2 Intake officers, 1 intelligence analyst, 1 senior investigation associate, and 1 senior assistant). The recruitment of an IT forensics expert (investigation specialist) is expected to be finalized in 2016.

In its independent peer review 2013 OLAF has encouraged UNHCR to substantially increase the number of investigators to between ten to fifteen individuals. These proposed figures were based on the 2013 workload. As the following statistics demonstrate the overall workload has since increased by 60% and the reported number of cases related to potential misconduct by 98%. Calculating the 'ideal' staffing of the Investigation Service would have to take into account these changes.

Training activities to stay abreast with new developments in the area of administrative investigations take place in line with available resources. Several staff members were able to successfully attend the training to become 'Certified Fraud Examiners'.

EXPAND

7. The Investigation Process at the IGO

The Investigation Service intends to finish an investigation within a 6 month period. The overall investigation process within the Investigation Service is broken down into the following components:

- Intake (6-8 weeks)
- Investigation (12-16 weeks)
- Review of investigation results (1-2 weeks)
- Report writing (1-2 weeks)
- Feed-back and finalization of the report (1-2 week)

Upon receipt, each complaint is registered and acknowledged by the Intake-unit. The complaint is assessed to determine whether a formal investigation by the IGO is warranted. The average time of processing at Intake level is between 6-8 weeks. A formal investigation, as a result of the Intake assessment requires the approval by the Head of Investigation Service. The average investigation phase, including planning, interviewing, acquisition and analysis of evidence is between 12-16 weeks. This phase is followed by a case review, including the transcription of documents. Average time for this stage is between 1- 2 weeks. The report writing phase takes an additional 1-2 weeks. The report is then finalized after another 1-2 weeks depending on the comments received from the subject of the investigation. This timeline may vary depending on the urgency and the complexity of each individual complaint.

8. Dara Analysis and Findings

The following chapter provides a general and where data allows a more specific overview of the results of the analysis of the available data in relation to all complaints received and registered by the Investigation Service during 2015.

8.1 Overall observations

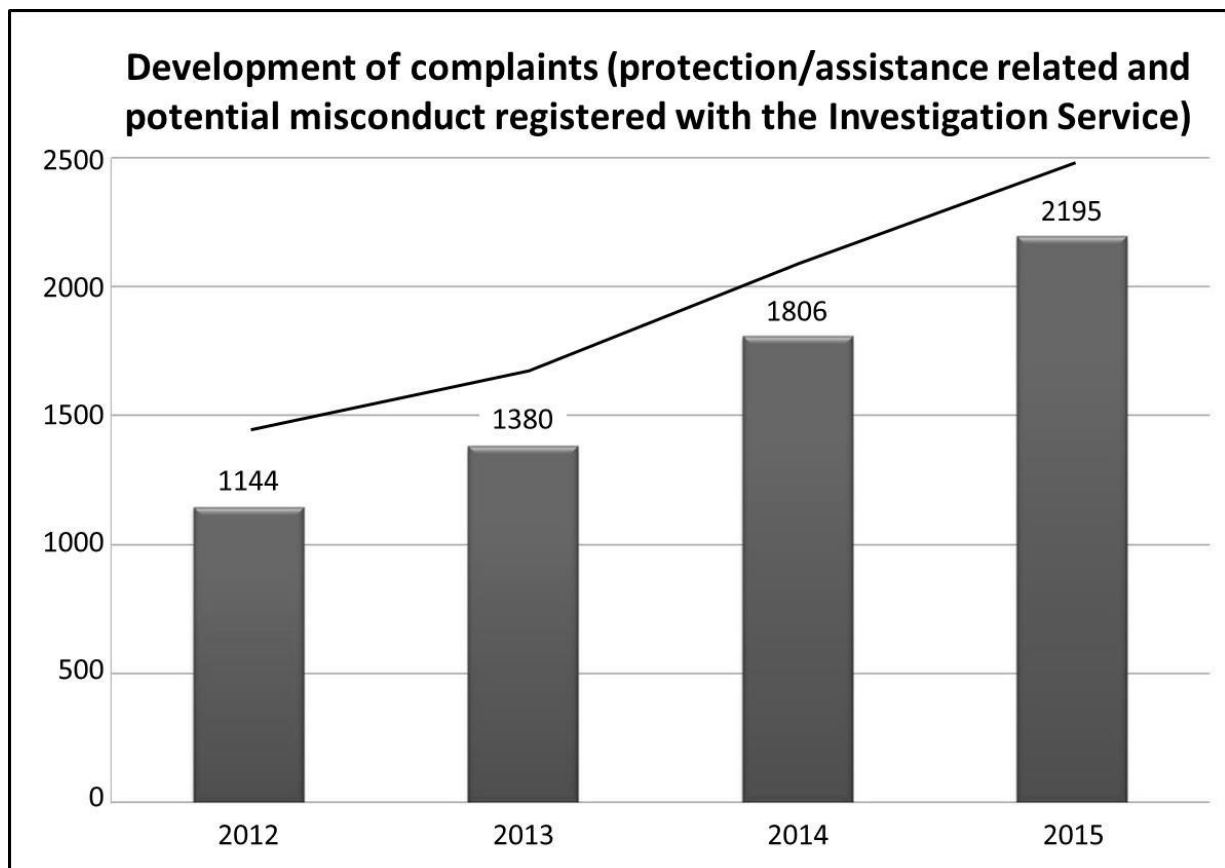


Table 1: Development of complaints (protection/assistance related and potential misconduct registered with the Investigation Service)

Cases to be dealt with by the Investigation Service have been constantly on rise. In the chart above the actual development of cases registered by the Investigation Unit from 2012 to 2015 is displayed. The increase from 2012 to 2013 was 20%, from 2013 to 2014 the increase went up to 31% and from 2014 to 2015 the change rate represents again a plus of 22%. As the observed trend has been steady over the last 4 years it is to be expected that the increase in relation to registered cases will continue. For the time being it is not possible to provide a founded explanation for the increase. The figures displayed refer to cases that were recorded by the Investigation Service and that require certain standardised business processes to be followed. Therefore it can be concluded that the overall workload of the Investigation Service has been constantly on the increase which to a certain extent has been compensated by an increase in staff.

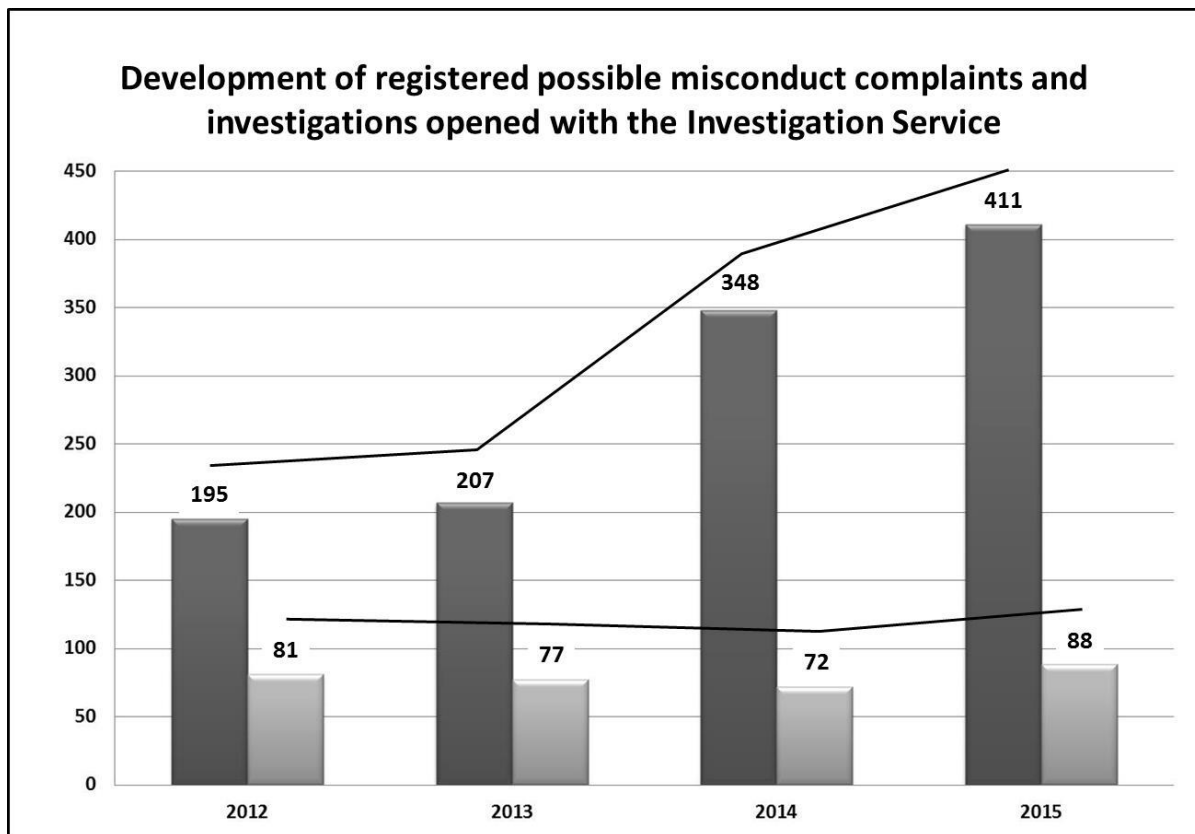


Table 2: Development of registered possible misconduct complaints and investigations opened with the Investigation Service

Not all cases recorded by the Investigation Service do constitute a complaint/potential misconduct that falls under the mandate of the IGO. A large part of registered cases refer to so-called Protection/Assistance related complaints. A further analysis regarding these cases will be addressed in the following chart. Table 2 provides a more focused perspective of registered complaints of possible misconduct that do fall under the actual mandate of the IGO. Out of the 2195 registered cases in 2015 a total of 411 cases qualified as ‘complaints’ under the IGO mandate. The figures for the years 2012 to 2014 are the equivalent numbers in relation to the overall number of complaints related to possible misconduct registered by the Investigation Service. Complaints received by the Investigation Service are assessed during the Intake process. The chart shows that the number of investigations opened after going through the ‘Intake’-process has remained at a comparative level between 2012 and 2015. However the ratio between registered complaints and investigations opened has dropped over the years from 42% in 2012 to 23% in 2015. This is explained by two major factors: (a) the increase of the Intake-unit from 1 to 3 staff members allowing to spent more time on the individual complaint during the Intake process; and (b) the management decision that complaints should be screened more carefully at Intake level to make a more efficient use of resources available for the investigation of misconduct. Even if the number

of investigations remained at a similar level the number of complaints referring to potential misconduct is increasing. The graph shows that the overall workload of the Intake-unit has increased and most likely will continue to do so. Additional research would be needed, especially to which extent awareness activities have contributed to the reporting by providing a better understanding of the mandate of the IGO, which in return might have helped to build greater confidence in reporting to the IGO.

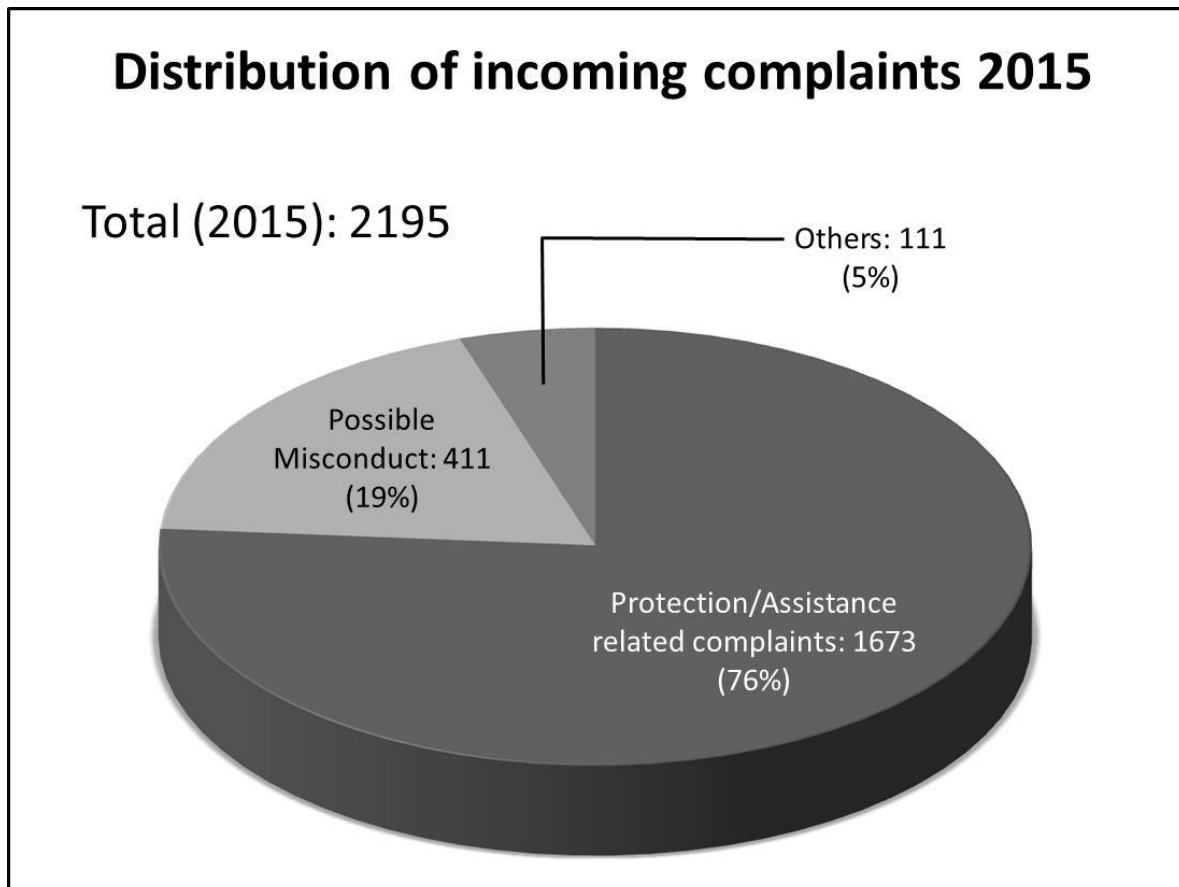


Table 3: Development of registered complaints related to possible misconduct (2015)

Table 3 provides an overview with regard to the distribution of incoming cases registered by the Investigation Service. Out of the 2195 registered cases 76% referred to cases that did not fall under mandate of the IGO, the so-called Protection/Assistance related cases. These cases after being registered and evaluated are forwarded to the regional bureaux for further action. Although the individual case has no immediate relevance for the IGO it is important to see what trends can be deduced from these cases as such trend analysis enables the Investigation to acquire an understanding of developments in relation to UNHCR’s core mandate. In addition, this trend analysis can also to be used to develop more proactive investigation strategies. However, the volume of Protection/Assistance related cases and the related work processes performed by the Intake-unit of the Investigation Service

impacts on the resources available to the assessment process with regard to complaints related to possible misconduct.

In addition the Investigation Service handled 107 'other' cases. This category relates to matters that fall into areas not captured by the standard complaint types, for example: allegations relating to private obligations of staff, complaints about operational/policy matters, allegations against people/instances without link to UNHCR, unsolicited expressions of interest to UNHCR or queries to the IGO.

8.2 Protection/Assistance related Complaints

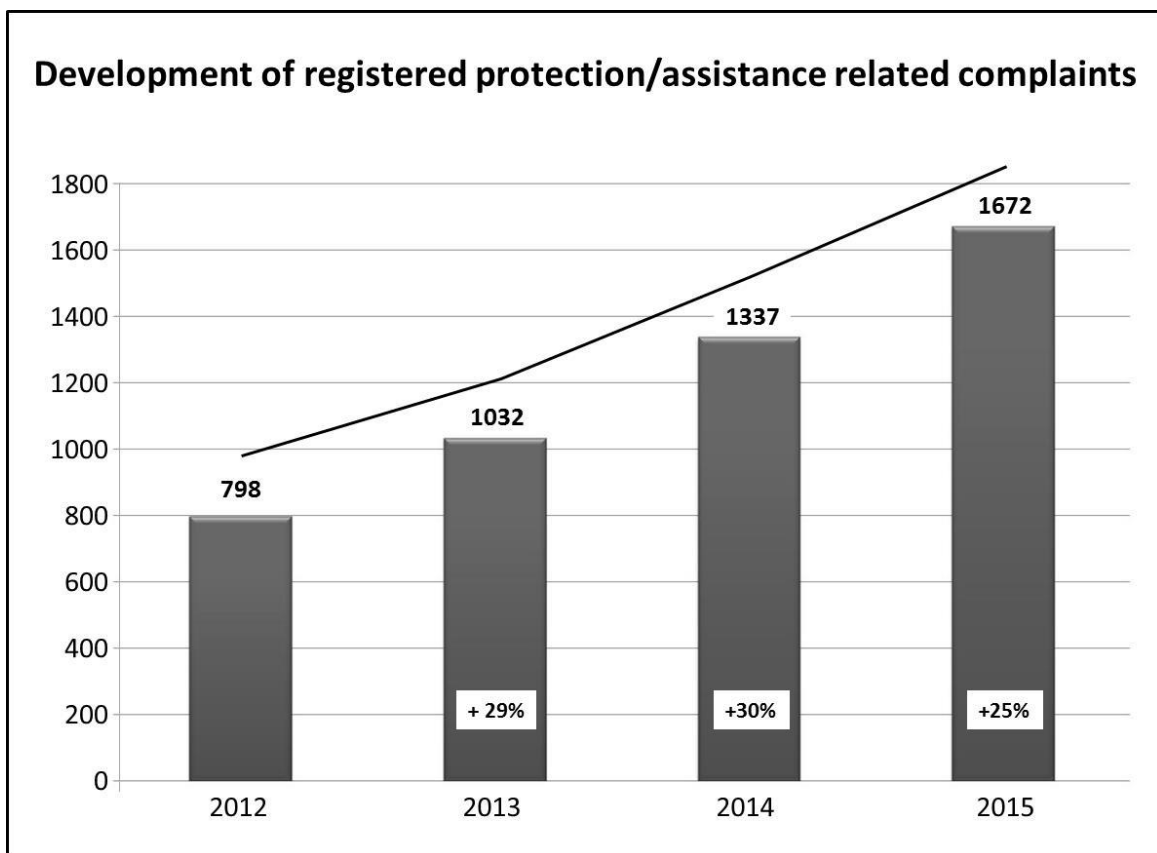


Table 4: Development of registered protection/assistance related complaints

Although Protection/Assistance related complaints do not fall under the mandate of the Investigation Service of the IGO it is worthwhile to take a look at the development of these complaints over the last four years to note the consistent increase between 25% and 30%. As mentioned before, these complaints also are subject to specific processes, including registration, evaluation, and assessment, which have to be performed before the complaints are transferred to the responsible regional bureau. In urgent cases these complaints are immediately referred to the responsible senior protection officer in the field. Non-urgent cases are referred to the bureaux on a monthly basis. In all cases the Intake-unit acknowledges the receipt of the complaint to the complainant. Protection/Assistance

related complaints continuously add to the workload of the Investigation Service, especially the Intake-unit. Resources allocated to dealing with those complaints are not available to cover activities required for the core mandate of the Investigation Service as outlined in chapter 5 (Background to the Investigation Service of the IGO) of this report. Taking into account the current global situation in relation to UNHCR’s mandate it is not to be expected that the number of Protection/Assistance related complaints will decrease. In this context it needs to be noted that Protection/Assistance related complaints do have a strategic value for the Investigation Service as the analysis of the data can be used to identify trends and developments, which will be of specific interest with regard to a more proactive investigative approach as envisaged by the Investigation Service.

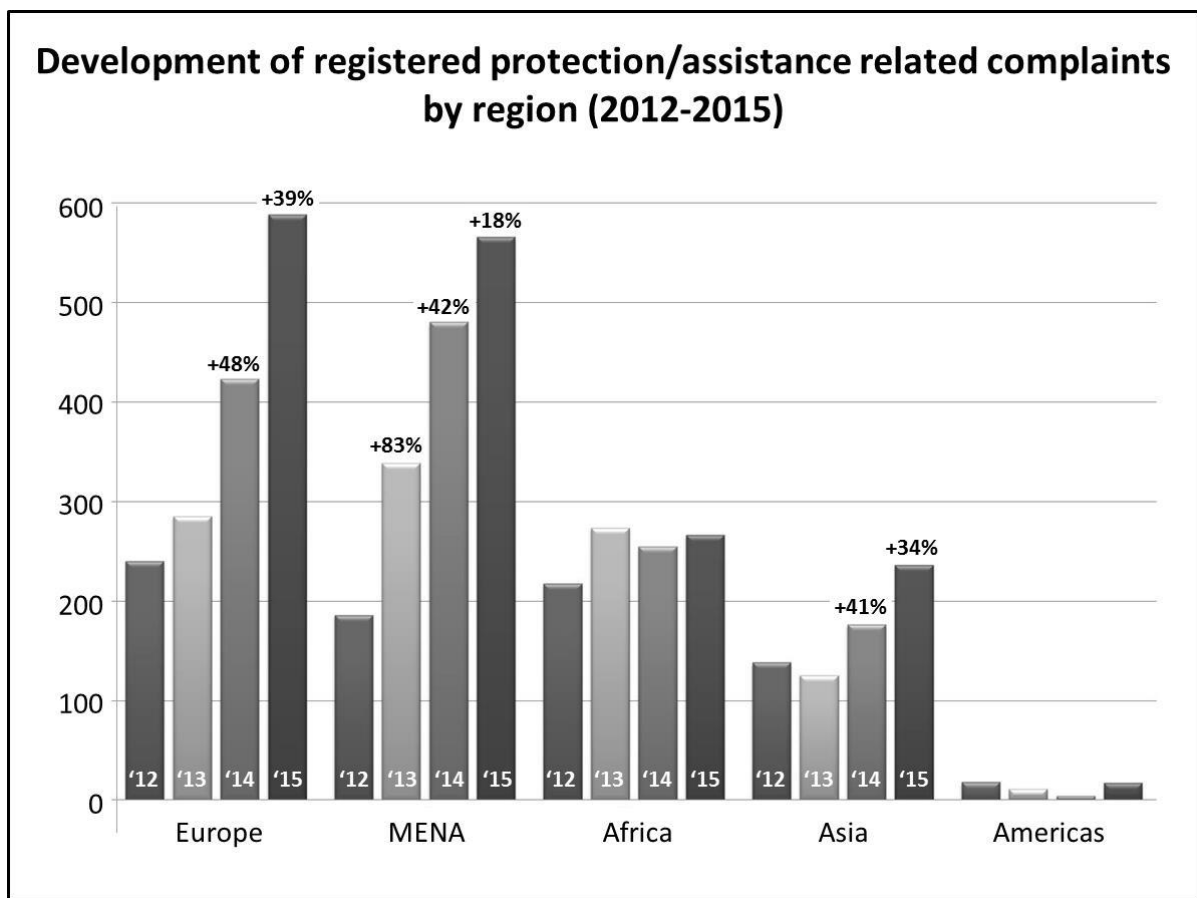


Table 5: Development of registered protection/assistance related complaints by region (2012-2015)

There are some general observations regarding the development of Protection/Assistance related complaints in the regions registered by the Investigation Service of the IGO. There has been a strong increase of Protection/Assistance related complaints for the 2014 and 2015 in Europe, MENA, and Asia. The biggest increase could be seen from 2012 to 2013 in the MENA region, referring to 83%. This development could be a reflection of a more unstable environment for refugees in those regions, respectively of an increased number of

emergency situations which by definition might lead to an increase in respective complaints due to the basic difficulties in emergency operations. For 2015 the bulk of Protection/Assistance related complaints were registered for Europe and MENA, with a total of 1153 complaints out of 1672, representing almost 69% of all Protection/Assistance related complaints. Again, these figures could reflect current ‘hot spots’ in relation to current geopolitical developments.

8.3 Misconduct

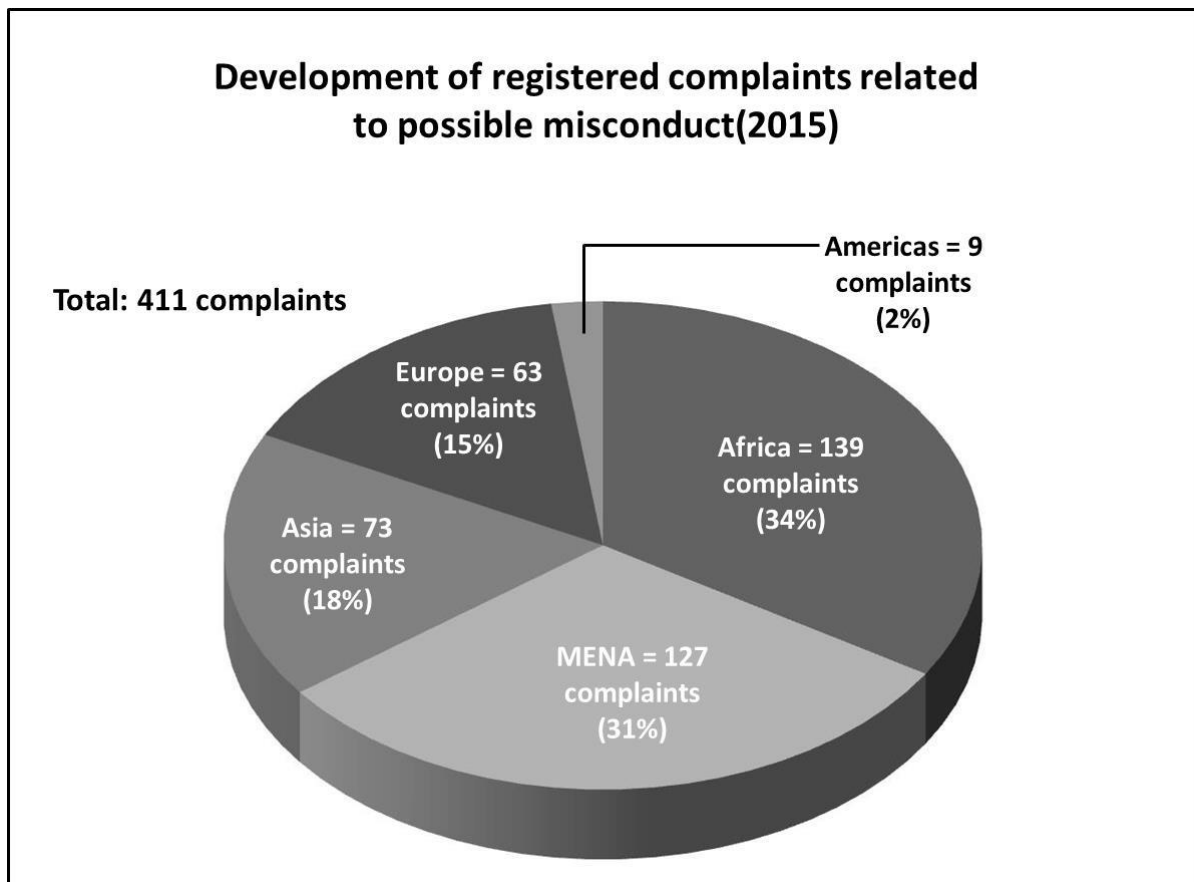


Table 6: Development of registered complaints related to possible misconduct(2015)

On first sight, a look at the registered cases of potential misconduct (411) by regions reveals a heterogeneous distribution ranging from 139 cases in Africa (34% of all reported cases) to only 9 cases in the Americas (just over 2% of all reported cases). However, putting these figures into perspective with regard to the distribution of UNHCR related workforce (UNHCR Staff and affiliated workforce) the figures correspond accordingly.

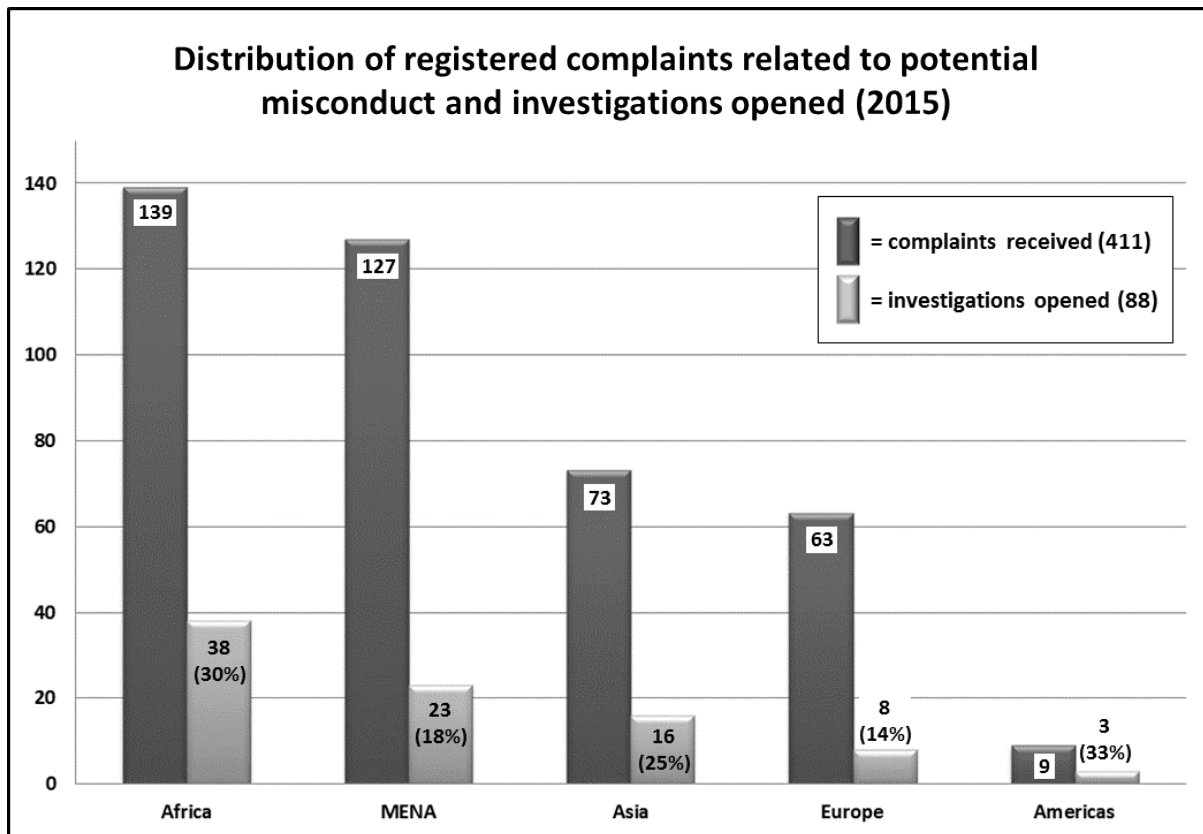


Table 7: Distribution of registered complaints related to potential misconduct and investigations opened (2015)

Not every complaint related to potential misconduct received is finally opened as an official investigation. The decision for opening an investigation is the result of the final assessment of the initial complaint based on an in-depth evaluation of the available facts during ‘Intake’. To be able to assess the complaint the Intake process requires additional information to be obtained to further substantiate the complaint. This process will also guarantee that the likelihood of an effective investigation. Therefore, this filtering process considerably reduces the number of formal investigations opened. As shown in the graph the ratio between complaints registered and investigations opened differs amongst the different regions and ranges from 14% for Europe to 33% in the Americas. The nature of the complaint, the availability of additional information, and the access to additional witnesses can be limited, which are some of the reasons for this variety. To be able to come up with a more qualitative analysis it will be necessary to look into the individual complaints in more details.

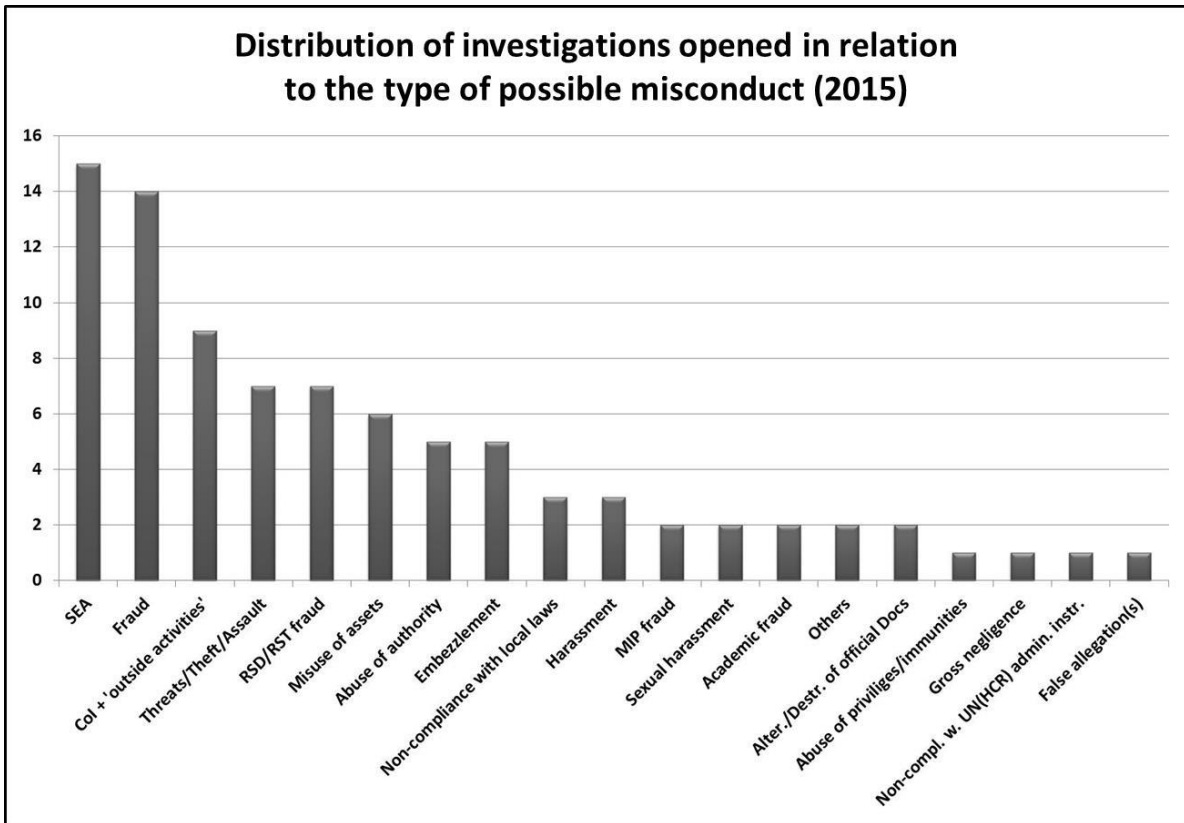


Table 8: Distribution of investigations opened in relation to the type of possible misconduct (2015)

The chart displays the distribution of the 88 investigations referring to complaints of possible misconduct received in 2015 in relation to the alleged type of misconduct. The top two (sexual exploitation and abuse, and fraud,) 29 cases represent around 1/3 of all 88 investigations initiated. It is noteworthy that with regard to UNHCR’s core activities fraud related to resettlement (RST fraud) or refugee status determination (RSD fraud) only was investigated 7 times in 2015, amounting to around 8% of all investigations. SEA and fraud seem to stand out from the distribution.

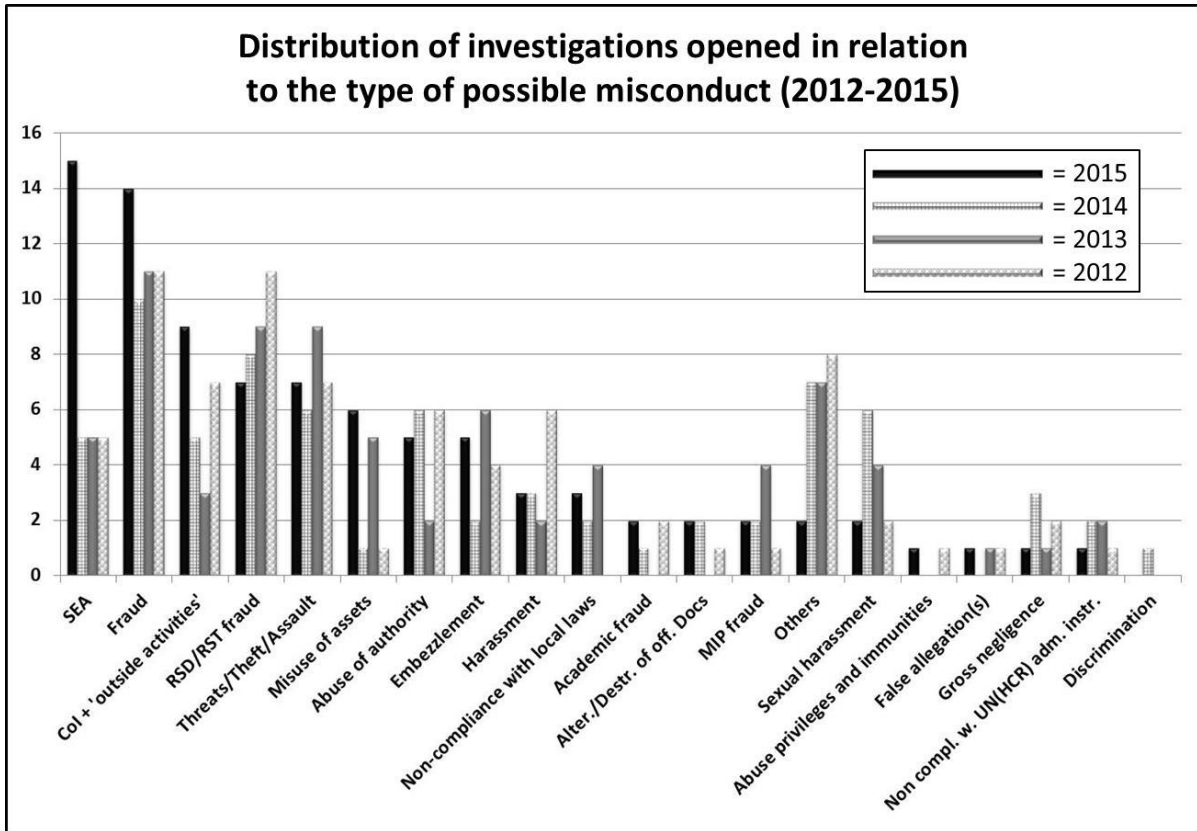


Table 9: Distribution of investigations opened in relation to the type of possible misconduct (2012-2015)

A time related comparison regarding the type of investigations over the last four years (2012 - 2015) reflects the actual 2015 distribution only to a certain degree. It is noteworthy that with regard to fraud, SEA and conflict of interest 2015 has seen a considerable increase in related investigations with a total of 38 investigations compared to 20 in 2014, 19 in 2013, and 23 in 2012. There is one 'outlier' in relation to 'other' investigations, which could possibly explained by the fact that the cases reported in 2015 were easier to categorise within the existing typologies. However, a more qualitative analysis would require to go into the specific cases. Finally, it can be observed that there has been a gradual and constant decrease in investigations related to alleged RSD/RST-fraud. By reviewing the available typologies for investigations these statistics will be able provide a better trend analysis in the years to come.

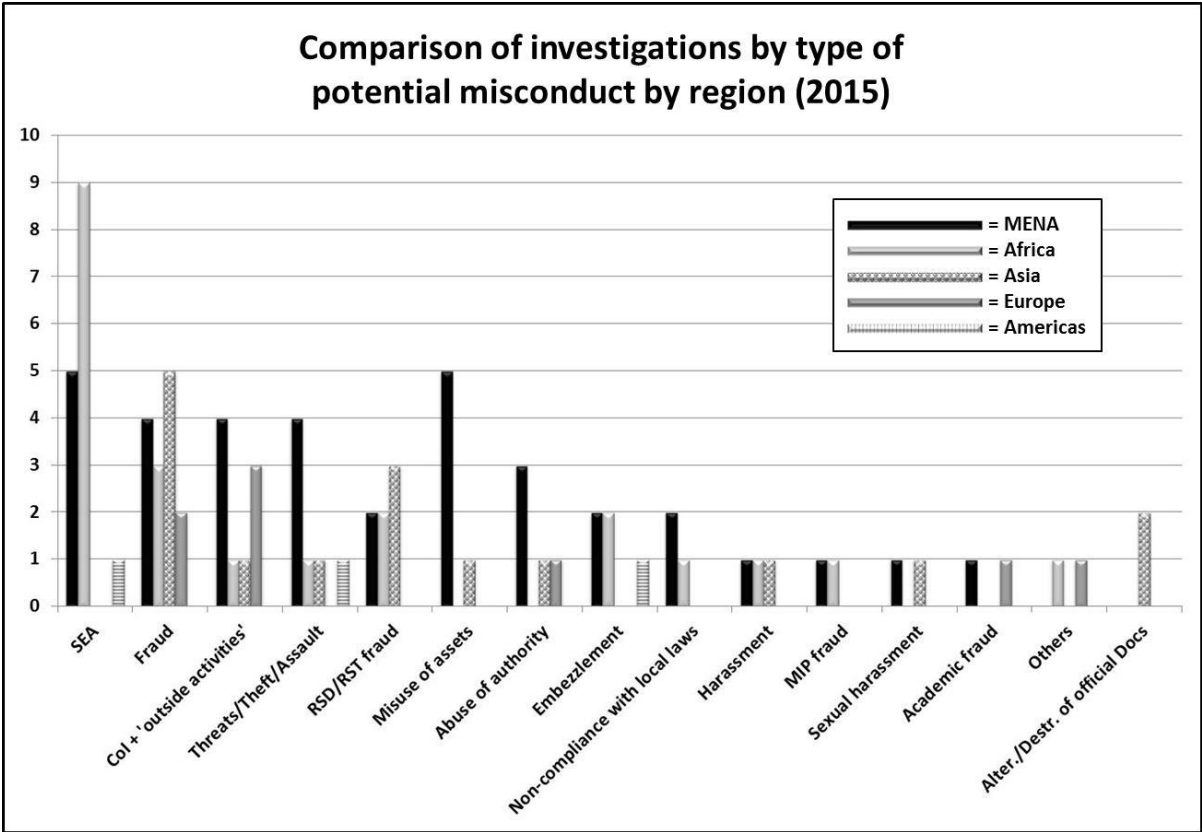


Table 10: Comparison of investigations by type of potential misconduct by region (2015)

This chart illustrates to the reader that there were no common patterns when it comes to the distribution of the individual types of investigation if looked at through the regional lens. The distribution of types of investigations is completely heterogeneous. To which extent the actual clustering or de-clustering of typologies (e.g. 'Threat/Theft/Assault') of possible misconduct under the same type of investigation will influence the displayed distribution remains to be seen.

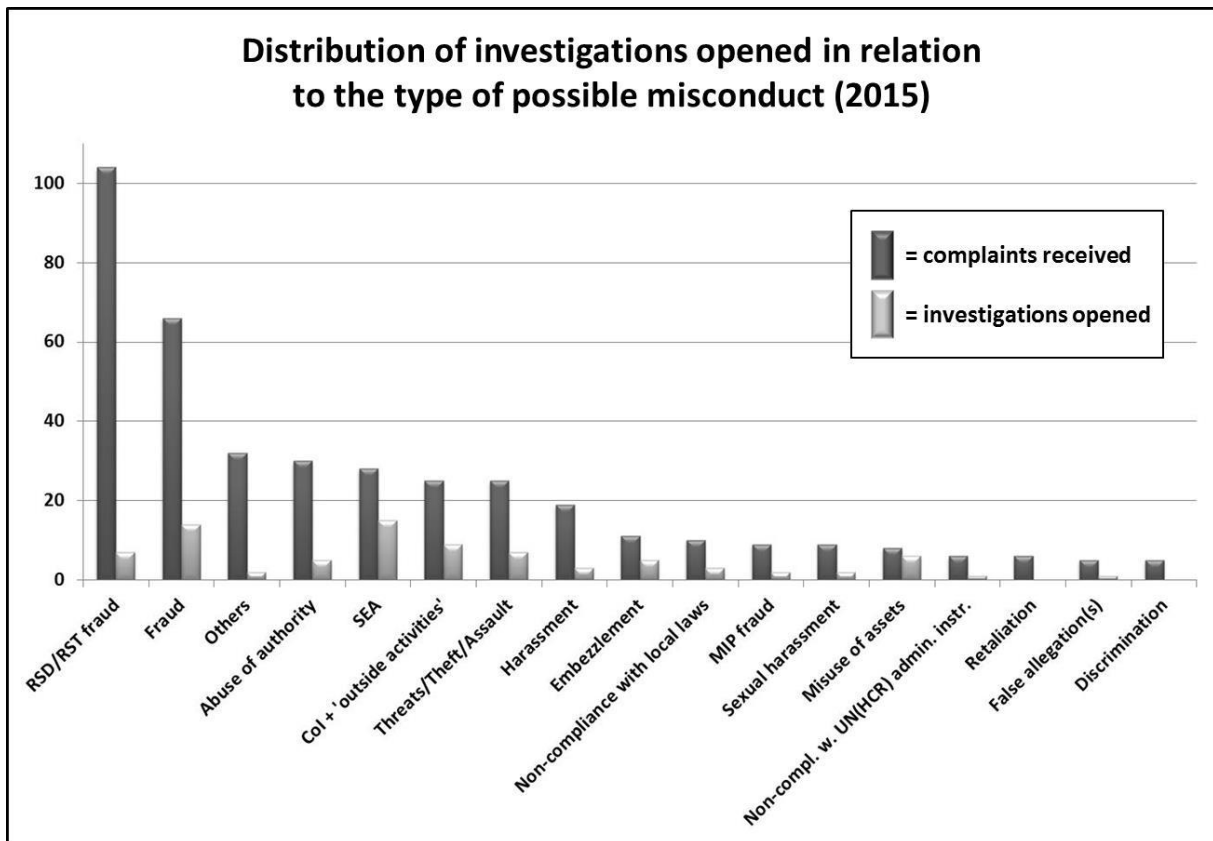


Table 11: Distribution of investigations opened in relation to the type of possible misconduct (2015)

The overall comparison between complaints registered and investigations opened in 2015 is displayed in the chart above. 41% of all complaints related to possible misconduct (170 out of 411) received refer to either RSD/RST-fraud or fraud. Only 7% of all complaints related to possible misconduct registered refer to SEA cases. Regarding the ratio between complaints registered and investigations opened the picture is slightly different. Only 7% of received complaints related to potential RSD/RST-fraud were opened as formal investigations after going through the intake-process. A much higher ratio could be observed for potential fraud cases; here the respective ratio equals 21%. An even higher ratio applied to potential SEA cases where more than every second reported complaint was followed up by a formal investigation.⁴ Regarding 'conflict of interest' the ratio related to formal investigations also was quite high, with almost 4 out of 10 complaints being investigated.⁵ It also seems to be easier to follow-up on allegations referring to the misuse of assets, where 6 out of the registered 8 were turned into a formal investigation.

⁴ So far, the investigation Service has not systematically investigated cases of possible SEA when the incident involved individuals linked to external partners.

⁵ In this context it needs to be highlighted that there has been a change in policy regarding possible SEA cases. Towards the end of 2015 it was decided that the intake process will be limited to establish additional basic facts and to turn the case into an investigation due to the sensitive nature of such complaints. Therefore, it is expected that the ratio of 4 to 10 will further increase in the future.

8.4 Regional observations

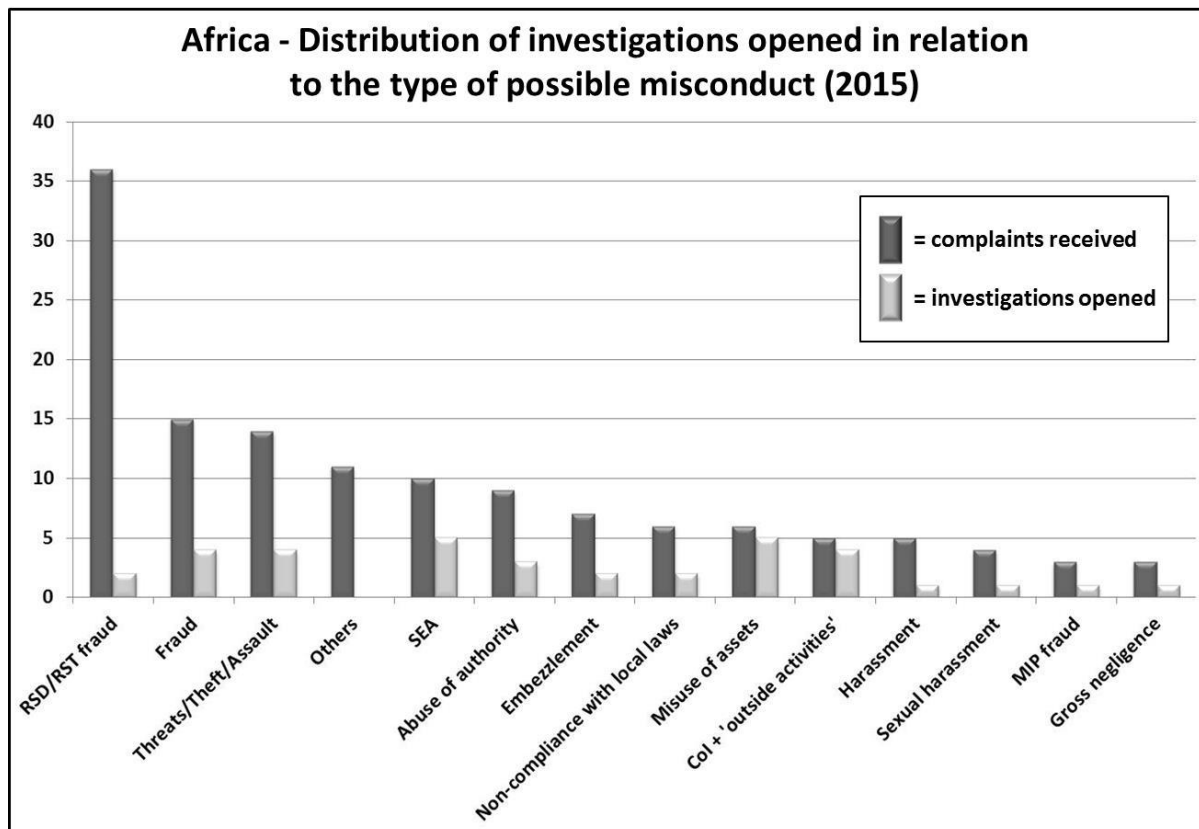


Table 12: Africa - Distribution of investigations opened in relation to the type of possible misconduct (2015)

65 out of 139 complaints received from Africa in 2015 are covered by 3 different complaint types related to possible misconduct: RSD/RST-fraud, fraud, and Threats/Theft/Assault, which equates to around 47% of all complaints received. However, with regard to SEA only there were just 7% of all complaints received referring to this type of possible misconduct. Overall the ratio between complaints received and investigations opened was just below 3 in 10 (30%).

18 of 41 investigations in Africa in 2015 are clustered around SEA (5), the misuse of assets (5), fraud (4), and conflict of interest (4). The overall distribution related to the types of investigations is similar to the overall distribution of types of investigations for 2015. Out of the existing 36 complaints related to RSD/RST-fraud (19% of all complaints registered for Africa) only 2 complaints could be substantiated during the assessment process. RSD/RST-fraud only represented around 5% of all investigations initiated in Africa. However, it needs to be remembered that RSD/RST-fraud in general only represented a little over 7% of all investigations.

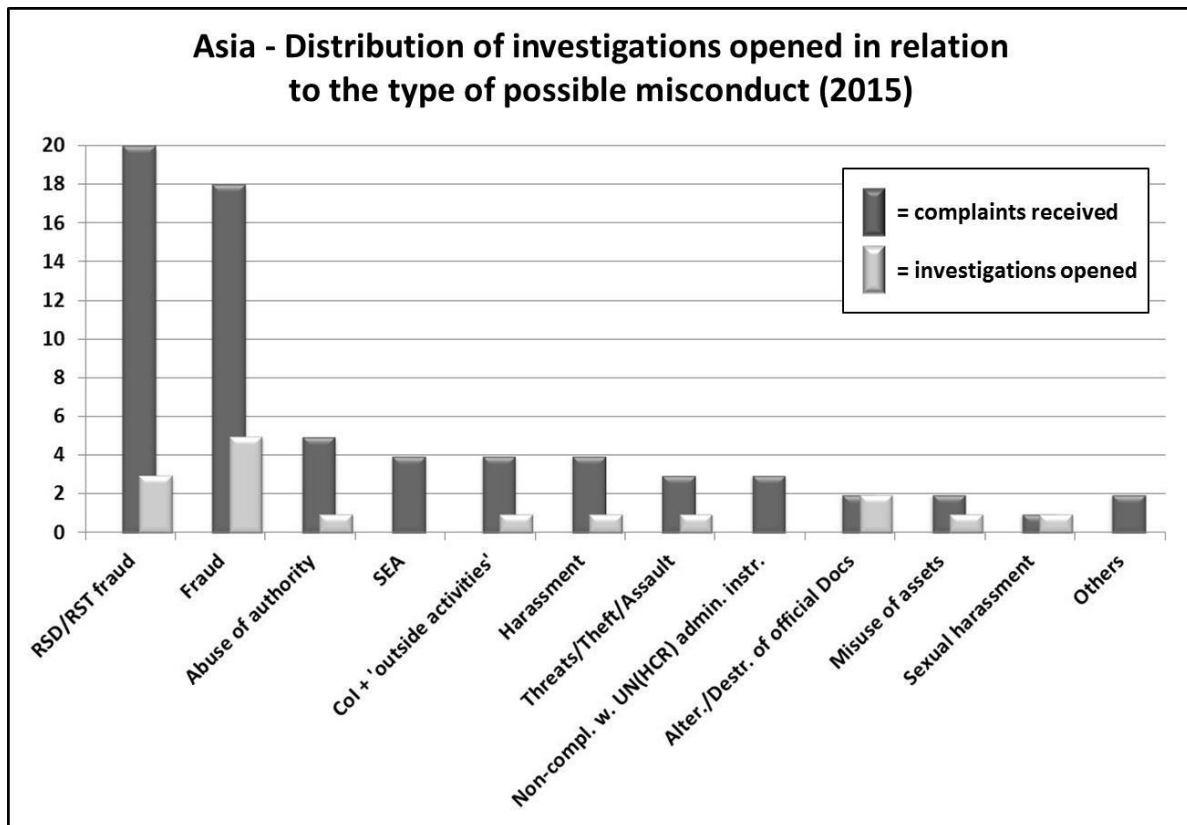


Table 13: Asia - Distribution of investigations opened in relation to the type of possible misconduct (2015)

In 2015 a total of 73 complaints related to possible misconduct were registered by the IGO for Asia. The distribution of the complaint types is again mirroring the overall distribution of complaints received, with the first two: RSD/RST-fraud and fraud representing more than half of all complaints (52%). On average, the ratio between complaints received and investigations opened was 1 in 5 (22%). With regard to RSD/RST-fraud it needs to be noted that although compared to Africa (36 RSD/RST related complaints) only 20 complaints related to RSD/RST-fraud were received for the Asian region 3 investigations compared to only 2 in Africa were opened. A high ratio is attributed to complaints in relation to fraud, where around 3 out of 10 complaints were followed up by a formal investigation.

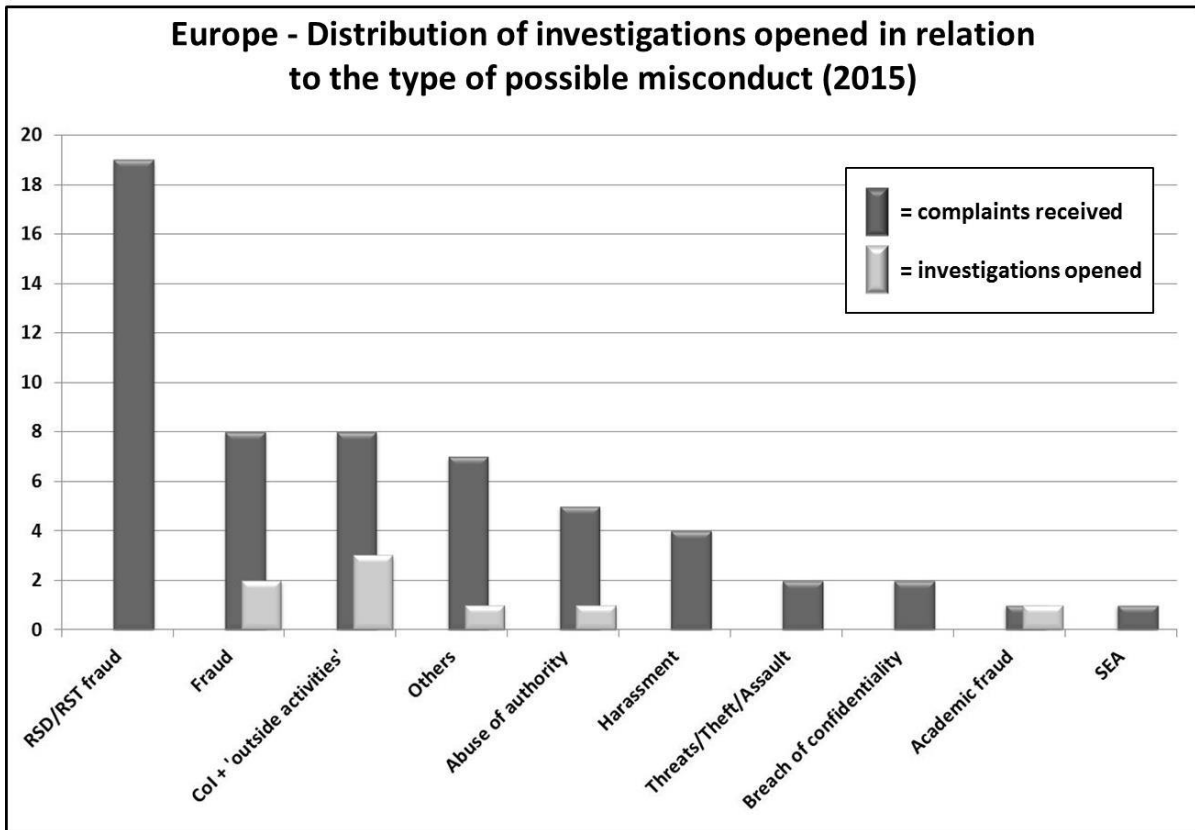


Table 14: Europe - Distribution of investigations opened in relation to the type of possible misconduct (2015)

Also Europe specific statistics reflect the general distribution of complaints with RSD/RST-fraud, fraud, and conflict of interest representing 35 of 62 complaints, equaling 56% of all complaints received. However, with regard to resulting investigations the figures show a slightly skewed distribution. Overall around 1 in 7 misconduct related complaints received could be turned into a formal investigation, 8 out of 62 complaints. Due to the low number of investigations run in a 'European' context (8) it would be unrealistic to make any statements regarding the distribution of these investigations.

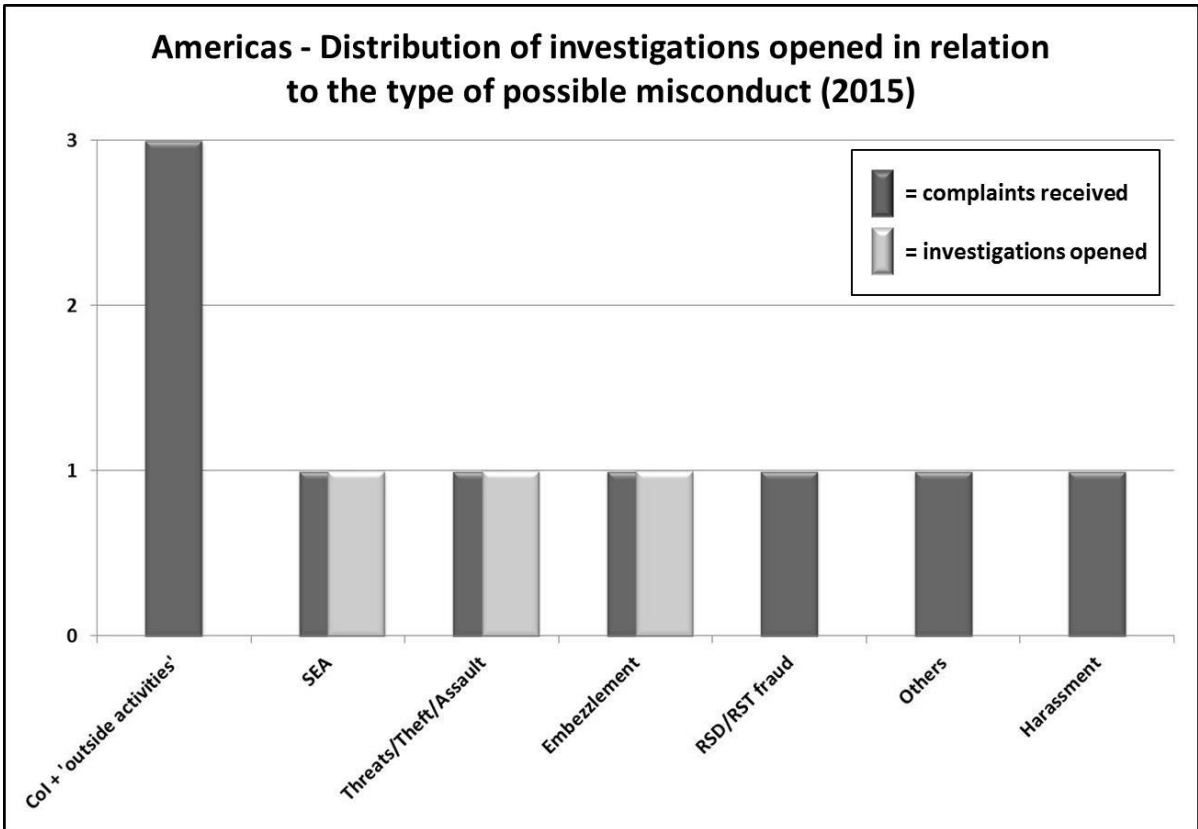


Table 15: Americas - Distribution of investigations opened in relation to the type of possible misconduct (2015)

Figures for the Americas are low with a total of 9 complaints and 3 initiated investigation. Although the chart displays the actual distribution of the cases it is impossible to make any statement regarding these figures. There might be a variety of reasons that are leading these low figures, one being the fact that the lowest number of UNHCR employees deployed (500), which refers to just 4% of all employees. Still the number of complaints received from The Americas is low. If there was a general relationship between the number of UNHCR employees and the number of complaints received the number of complaints received would have been around 21.

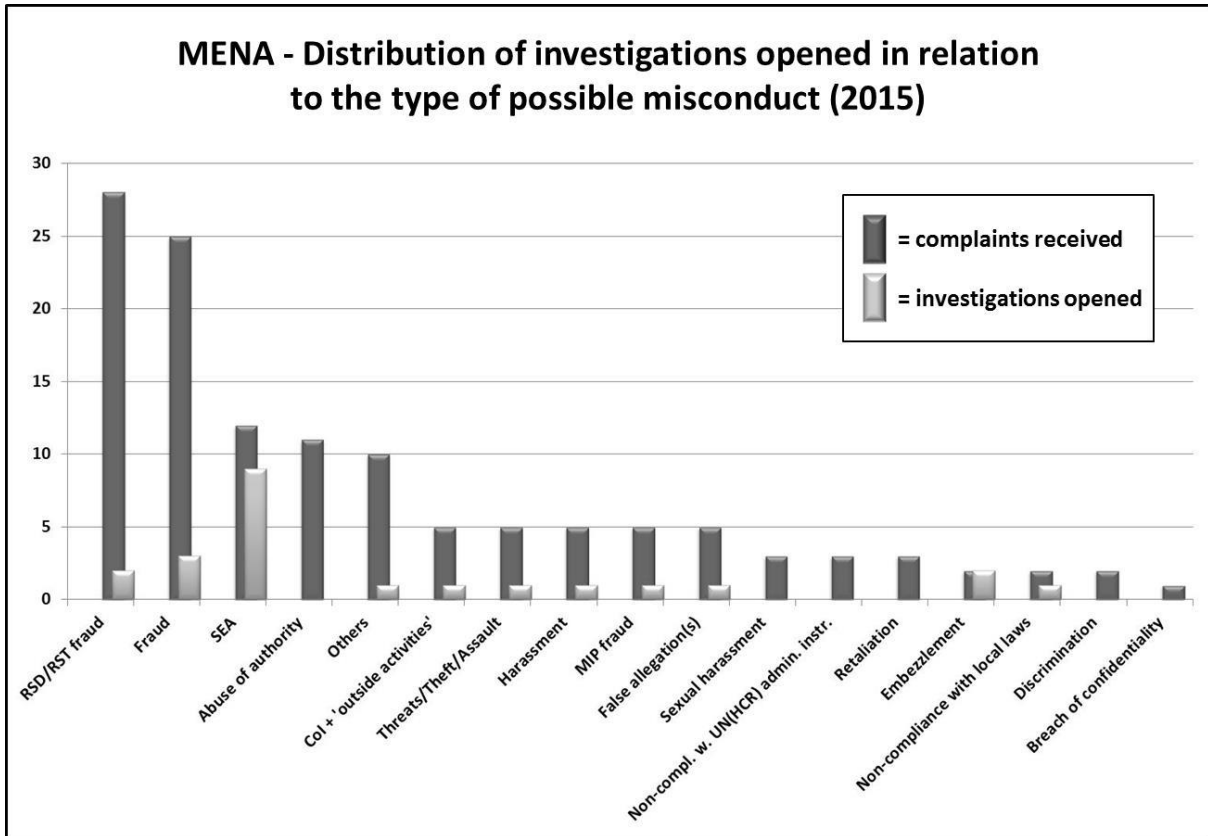


Table 16: MENA - Distribution of investigations opened in relation to the type of possible misconduct (2015)

RSD/RST-fraud, fraud, and SEA represent the top three types of complaints related to possible misconduct for the MENA region in 2015. These types of complaints represent more than half (51%) of all complaints received (65 out of 127). Having received 28 complaints regarding RSD/RST-fraud the IGO investigated 2 cases. In relation to SEA in 3 out of 4 complaints it was decided to follow-up the case by opening a formal investigation (9 out of 12), where the overall ratio between complaints received and investigations opened was just above 18% (23 out of 127).

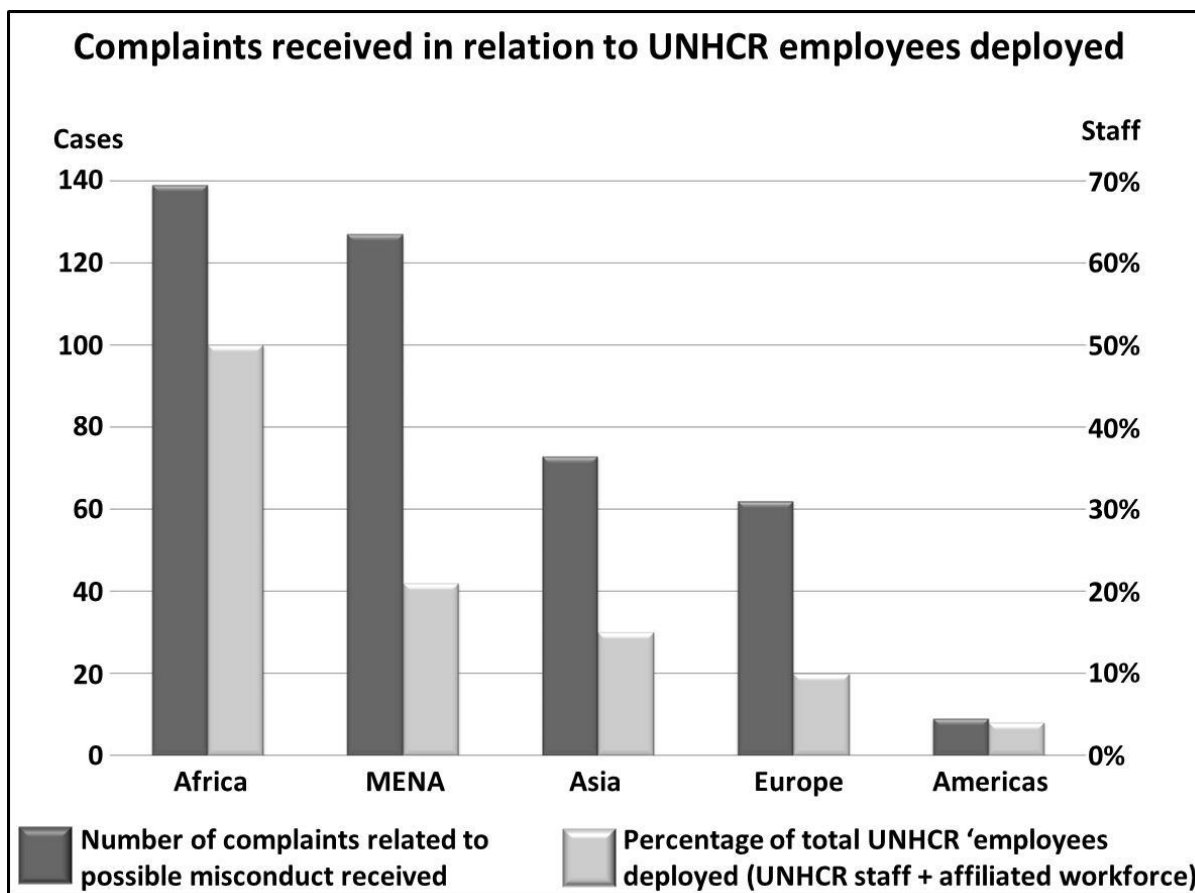


Table 17: Misconduct related Complaints received in relation to UNHCR employees deployed

Another interesting perspective can be obtained when comparing the number of complaints received per region against the actual percentage of UNHCR employees (UNHCR staff and affiliated workforce) deployed in these regions. The starting point has to be the region with the highest number of complaints. The overall figure of UNHCR employees was around 12600.⁶ Africa with 139 complaints represents 50% of UNHCR employees deployed in the region. This means that on average in Africa per 45 UNHCR employees 1 complaint was launched. If that ratio was consistent the number of complaints in the other region would have been as follows: (a) 58 complaints against 127 complaints received from the MENA region in 2015; (b) 42 complaints from Asia compared to 73 complaints received; (c) 28 expected cases in Europe versus 62 complaints received; and (d) around 22 cases for the Americas, compared to 9 received in 2015. From this perspective it seems that there are three clusters: the Africa cluster that provided the actual ratio which is not reflected in any other region; the MENA/Asia/Europe cluster, where there seems to be a certain level of 'over-reporting' compared to Africa; and the Americas cluster which shows quite some 'under-reporting' compared to Africa and especially the other three regions.

⁶ Data available from the document 'UNHCR's People Strategy (2016-2021)'.

There is more in-depth analysis required to research if there is a real difference regarding the complaint mechanism in these three clusters or if the visible differences are simply random. For the time being it is also too early to properly attribute over-, respectively under-reporting.

9. Proactive Investigations

The Proactive Investigation Function within the Investigation Service of the IGO is established based on the findings of the independent peer review undertaken in 2013 by OLAF (l'Office Européen de Lutte Antifraude). OLAF recommended the establishment of a 'Strategic and Operational Intelligence Support Capability' to (1) deal more effectively with uncertainty; (2) provide timely warning of threats; (3) support operational activity by analyzing incidents; (4) enable a more elaborated risk management, and (5) allow the IGO to initiate specific proactive investigations. The primary goal of a proactive investigation is to detect and disrupt misconduct rather than searching for evidence. Proactive investigations complement investigations based on reported misconduct. Proactive investigations are about the acquisition and collation of information, including processing, analyzing and interpreting of such information. It needs to be understood that proactive investigations might not produce factual evidence and can be limited by the availability of only circumstantial information. The success of proactive investigations will depend on the ability to obtain the respective information. In addition, to allow targeted proactive investigations a close cooperation with Enterprise Risk Management, the Controller's Office and OIOS is envisaged. First results are expected to become visible in 2016.

10. Focus section - SEA

In 2015, the IGO received a total of 17 complaints related to SEA (13 against UNHCR staff, 1 against a UN staff and 3 against staff working for UNHCR under a UNOPS contract.). 6 allegations were closed at the complaint level (no formal investigation opened). The IGO opened 11 investigations out of which 5 were closed as unsubstantiated. 2 allegations were substantiated and the reports are currently for disciplinary sanction. 4 cases are still under investigation. In comparison, in 2014, the IGO received a total of 16 allegations with 9 allegations against UNHCR staff and 7 against affiliated workforce. 15 unsubstantiated cases were closed as of 31 December 2015 and one case was substantiated. The majority of the allegations for 2015 concern exchange of money, employment, goods or services for sex (10 allegations). In the majority of cases, the

perpetrators reportedly requested sex in exchange for resettlement.

As to the regional trends, 10 allegations originated from Africa, 6 from MENA and 1 from the Americas. Of the 17 total allegations (UNHCR, UN and UNOPS), 9 involved Persons of Concern in an urban setting and 8 involved Persons of Concern in refugee/IDP camps.

In addition, the IGO received another 8 SEA related complaints which were referred to an implementing partner as the subject was a staff member of those partners.

11. Management Implication Reports (MIR)

Management Implication Reports (MIR) are an additional tool available to the Investigation Service to address management related issues that become obvious during an investigation and that did not amount to misconduct but rather encompassed issues that range from weak leadership/management practices to failure to comply with existing policies, procedures and guidelines. MIRs also highlight systemic weaknesses and flaws, as well as possible policy gaps which may affect specific operations or which may be relevant for UNHCR operations globally. In 2015, a total of 11 MIRs were issued. Core issues within these MIRs addressed the following management related shortcomings: (a) Financial Transactions; (b) Conflict of Interest; (c) Admin Procedures; (e) Asset Management; and (f) Abuse of authority. The IGO has received timely responses and compliance reports to 10 of the 11 MIRs to date. The 1 outstanding MIR is pursued by the Investigation Service.

12. Outlook

For the reporting period the Investigation Service of the IGO was in a position to handle the incoming workload. Especially establishing the Intake function has helped over the last years to develop a more robust framework for the evaluation and the assessment of incoming complaints. In line with the recommendations from OLAF the Investigation Service will continue to further professionalize its activities, which will focus on additional specialization and expertise. In this context the Investigation Service will also continue to identify available training opportunities to improve existing expertise. The regionalization of the Investigation Service with dependencies in Bangkok and Nairobi has proven to be successful, as the regional component allows for a closer interaction at the same time resulting in a greater awareness regarding the mandate of and the possibilities provided for by the Investigation Service. Possible resource needs should take into account the recommendations made OLAF in 2013 reflecting the observed trend as outlined in this report.

Protection/Assistance related complaints represent the bulk of incoming complaints to the Investigation Service (see chapter 8.2 (Protection/Assistance related complaints)). The follow-up regarding these complaints is done by the responsible regional bureau. To further improve the effective use of available resources the Investigation Service will explore options to develop a closer cooperation with the Ombudsman's and the Ethic's Office as many complaints received seem to be linked more to managerial issues rather than possible misconduct. Another aspect to be addressed will be the possible 'fast tracking' of investigations related to possible misconduct where (a) the misconduct has already been admitted or (b) the actual misconduct is of a minor nature.

As the overall activities of UNHCR as well as the budget are increasing there should also be the need for a functioning oversight mechanism that will be able to timely follow up on potential misconduct. UNHCR emergency operations will represent a specific challenge as such operations are by definition the most vulnerable. Taking this challenge into account, the Investigation Service will put an emphasis on establishing a framework for proactive investigations focusing on possible fraud in addition to the focus on SEA. With regard to fraud it will be inevitable that the Investigation Service will also focus in its data analysis on implementing partners and vendors. Working more on proactive investigations will also help to obtain a clearer picture in relation to fraud related 'dark figures' as outlined in chapter 4 (Limitations) of this report.