



JOINT INSPECTION UNIT
of the United Nations System
CORPS COMMUN d'INSPECTION
du Système des Nations Unies

CHECK AGAINST DELIVERY

3 May 2021

STATEMENT TO THE FIFTH COMMITTEE OF THE GENERAL ASSEMBLY

Second part of the 75th resumed session

Agenda item 154

Introductory statement on the JIU report “Review of the state of the investigation function: progress made in the United Nations system organizations in strengthening the investigation function”

A/75/719 (JIU/REP/2020/1)

Introduced by Inspector Gönke Roscher, Vice-Chair of the Joint Inspection Unit

Mr. Chair, distinguished delegates,

Thank you for the opportunity to introduce the “Review of the state of the investigation function: progress made in the United Nations system organizations in strengthening the investigation function” prepared by the Joint Inspection Unit, as contained in document A/75/719 and available under the symbol JIU/REP/2020/1. The comments of the Secretary-General and those of the Chief Executives Board for Coordination are contained in the document A/75/719/Add.1.

The JIU review examined the current state of the investigation function in the United Nations system organizations and the progress made since 2011. The investigation function had been previously reviewed by the JIU in 2000 (JIU/REP/2000/9) and 2011 (JIU/REP/2011/7). The objectives of the 2020 review were to assess the adequacy of arrangements for the investigation function in the United Nations system organizations; to identify gaps as well as good practices and lessons learned; and to explore opportunities for improved cooperation and coordination.

The current review found that while considerable progress has been made, several shortcomings and weaknesses still persist, in addition to new challenges that have emerged. A strong, independent and appropriately resourced investigation function is key for combatting misconduct; mitigating the related reputational and financial risks; ensuring individual and organizational integrity and accountability; and maintaining confidence in the institution. The findings reaffirm the need to strengthen the investigation function in order to safeguard the expected levels of accountability and integrity within the United Nations system organizations.

Based on the review findings, the report makes ten formal recommendations, nine of which are addressed to the legislative bodies and one to the executive heads of the participating organizations. The recommendations aim at enhancing the independence and capability of the investigation function and achieving greater system-wide coherence and cooperation. In addition to the formal recommendations, the report makes 27 informal recommendations addressed to legislative bodies and executive heads for further improvement of the investigation function.

It is a stated goal of the JIU to assist the legislative bodies of the participating organizations in the United Nations system to meet their governance responsibilities. The findings and recommendations in this review provide the legislative bodies with the basis for decisions that will strengthen the investigation function, accountability and integrity.

Mr. Chair, distinguished delegates,

Allow me to briefly highlight a few key findings of the report.

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, such as human resources management or investigative panels composed of laymen.

The resulting risks from this fragmentation are that independence, impartiality and objectivity of investigations and related activities are not assured; that different criteria and standards are applied; that it can cause conflict of interest situations; and has negative consequences in terms of quality, accountability and trust (recommendation 3).

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

A lack of structural autonomy and operational independence of the investigation function 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 and objective discharge of investigation responsibilities. The degree of independence was assessed against 14 indicators such as, among others, term limits, post-employment restrictions; unrestricted access to the legislative body of the head of the internal oversight/investigation function and the authority to open investigations without prior approval of the executive heads. The result of this exercise shows that in many United Nations system organizations, the independence of the investigation function still needs to be strengthened (recommendations 4, 5 and 6).

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 taken remedial measures, capacity and resources (financial and human) have not kept pace. These resource limitations result in an increasing number of backlogged cases and lengthening of the average duration of investigations.

This situation impedes swift action to hold perpetrators accountable for their wrongdoing. It can also have a negative impact on perceptions, such as that misconduct is not properly addressed, and for the reputation of organizations. Such perceptions make it challenging to maintain a culture of ethics and integrity in the organizations (recommendation 10).

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 frameworks of organizations complemented by more investigation-specific policies and procedures.

The review found that in some organizations, the overarching policy frameworks need further updating so as to strengthen coherence and the enabling environment in which the investigation function operates and to mitigate related risks resulting from incongruity and incoherence (recommendations 1 and 2).

5. The investigation function is faced with new demands and particular challenges.

The investigations of complaints of sexual harassment and sexual exploitation and abuse receive a high degree of attention. They require a special skill set of investigators and a requisite investigation capacity. The CEB Task Force on Addressing Sexual Harassment has developed a model policy on sexual harassment which organizations adopted. One of the sub-groups of the Taskforce is dealing with sexual harassment-related investigations. The review stresses 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 integrity and promote system-wide coherence.

6. 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 often 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. In contrast, the situation in the United Nations specialized agencies is less than satisfactory. Lacunae such as absence of such policies or incompleteness of policies in place continue to exist. The review suggests considering the working draft from United Nations Representatives of Investigative Services for the development of a policy and modalities for the investigation of allegations against executive heads (recommendation 7).

Furthermore, the review found that in the handling of allegations made against heads and personnel of internal oversight offices/investigation function, the relevant policies of a number of organizations contain gaps and need to be updated including establishing formal procedures (recommendation 8).

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

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 (recommendation 9).

Mr. Chair, distinguished delegates,

My final comments relate to some reactions from participating organizations as compiled and summarized by CEB in the document A/75/719/Add.1.

Organizations indicated that they welcome the report and its findings, noting that it provides a useful update on the state of the investigation function, and 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.

At the same time, they noted 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.

The JIU noted that some recommendations are only partially supported by some organizations. In this regard, we would like to point out that the recommendations were formulated to address specific shortcomings and deficiencies identified in the course of the review.

We acknowledge that a one-size-fits-all approach may not be feasible. This, however, should not impede the participating organizations to find ways to strengthen their investigation function based on the findings and recommendations made in this review, in particular those related to the fragmentation of investigation responsibilities and the independence of the investigation function.

Thank you very much for your kind attention, and I would welcome any comments or questions you may have.