

Evaluation of the Project to Reinforce OHCHR's Capacity to Support Investigative Bodies

Evaluation Report

July 2023

Evaluation Team

David Johnson, Independent Consultant (Team Leader)

Kevin Turner, Senior Programme Management Officer (OHCHR, PPMES)

Aditi Bhola, Associate Human Rights Officer (OHCHR, PPMES)

Agnes Nyaga, Associate Human Rights Officer (OHCHR, PPMES)

An independent evaluation team has prepared this report. The views expressed herein are those of the team and therefore do not reflect the official opinion of OHCHR.

Evaluation Team and Management

The Evaluation Team consists of three members: David Johnson, a former OHCHR staff member and presently an independent consultant with the requisite experience and qualifications, who is Team Leader; and two OHCHR staff members – Kevin Turner and Aditi Bhola -- from the Policy, Planning, Monitoring and Evaluation Service (PPMES). Late in the evaluation, Ms. Bhola took personal leave and was replaced by Agnes Nyaga, also from PPMES. The Evaluation Manager is Sylta Georgiadis, Senior Monitoring and Evaluation Officer in PPMES.

A Reference Group was constituted to serve in an advisory capacity to strengthen the evaluation's substantive grounding and relevance. The Reference Group was chaired by the Evaluation Manager and includes representatives of the following OHCHR entities, as proposed in the Evaluation Inception Report:

- 1) Investigation Support Unit (ISU/ERS)
- 2) Donor and External Relations Section (DEXREL)
- 3) Policy, Planning, Monitoring and Evaluation Service (PPMES)
- 4) Programme Support and Management Services (PSMS), particularly Human Resources Management Section
- 5) Methodology, Education and Training Section (METS)
- 6) Rule of Law and Democracy Section (ROLDS)
- 7) Women's Human Rights and Gender Section (WHRGS)
- 8) Field Office and Technical Cooperation Division (FOTCD)
- 9) Human Rights Council Branch (HRCB)

Acknowledgements

The Evaluation Team would like to express its appreciation for the cooperation provided by the leadership and staff of the ISU and the ERS without whose active support this evaluation could not have proceeded. Appreciation for their time and insights shared is also expressed to the entities represented in the evaluation Reference Group; to the secretariat staff of the seven investigative bodies visited by the evaluation team; to OHCHR staff and external stakeholders interviewed in Geneva; and to all IB staff who responded to the evaluation surveys. A special thanks is accorded to the Evaluation Manager, Sylta Georgiadis, of PPMES whose guidance and expertise was vital throughout the evaluation. Gratitude is also expressed to Federica D'Alessandra, Deputy Director of the University of Oxford's Blavatnik School of Government's Institute for Ethics, Law, and Armed Conflict (ELAC), for information and insight that she shared from the Oxford Study, "Anchoring Accountability for Mass Atrocities".

It should be noted that this report was prepared under the direction of an external consultant and that the contents do not necessarily reflect the views of OHCHR.

Table of Contents

Evaluation Team and Management.....	2
Acknowledgements.....	2
Acronyms and Abbreviations.....	4
Executive Summary.....	5
Background and methodology.....	5
Project inception.....	5
Context.....	6
Overall findings.....	7
Recommendations.....	9
Evaluation purpose and scope.....	14
Evaluation approach and methodology.....	14
1. Introduction.....	16
Context: the evolving investigative mandates.....	16
OHCHR’s evolving response.....	18
Project overview.....	20
Project analytical /results framework.....	20
2. Main Findings According to Evaluation Criteria.....	23
3. Challenges, Good Practices, and Lessons Learned.....	41
Rapid operationalization and recruitment.....	41
Vacancies, surge capacity, and rosters.....	43
Handover and onboarding.....	45
Security.....	46
Training.....	46
Enhancing accountability through information management.....	47
IB integration into OHCHR: Independence, firewalls, and technical support.....	48
Management, reporting lines, and quality control.....	50
4. Overall Findings.....	51
5. Recommendations.....	53
Appendices (available upon request)	

Acronyms and Abbreviations

ACABQ-- Advisory Committee on Administrative and Budgetary Questions
COI – Commission of Inquiry
CTMD – Human Rights Council and Treaty Mechanisms Division
DEXREL—Donor and External Relations Section
DISC – Digital Investigation Support Cell
DPRK – Democratic People’s Republic of Korea
ERS – Emergency Response Section
FFM – Fact-Finding Mission
GA – Gender Adviser
GTA – General Temporary Assistance
HRC – Human Rights Council
HRCB – Human Rights Council Branch
HRMS – Human Resources Management Section
FOTCD – Field Office and Technical Cooperation Division
IBs – (UN HRC-mandated) Investigative bodies
ICL – International Criminal Law
IHL – International Humanitarian Law
IHL – International Human Rights Law
IICOI – Independent International Commission of Inquiry
IIFFM – Independent International Fact-finding Mission
IIIM – International Impartial Independent Mechanism (for Syria)
IIMM – Independent Investigative Mechanism for Myanmar
IMTS – Information Management and Technology Section
ISU – Investigative Support Unit
ITLs – Investigation Team Leaders
METS—Methodology, Education, and Training Section
OMP – (OHCHR) Office Management Plan
OPT – Occupied Palestinian Territory
PBI – Programme Budget Implications
PBRB – Programme and Budget Review Board
PLRFSU – Procurement, Logistics, Registry and Field Support Unit of PSMS
PPMES – Policy Planning, Monitoring, and Evaluation Service
PSMS – Programme Support and Management Services
RB – Regular Budget (of the United Nations)
ROLS – Rule of Law and Democracy Section
SGBV – Sexual and Gender Based Violence
SMT – Senior Management Team
WHRGS – Women’s Human Rights and Gender Section
TESPRDD—Thematic Engagement, Special Procedures, and Right to Development Division
TJO – Temporary Job Offering (less than 12 months)
UNCT – United Nations Country Team
UNITAD – United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL
UNOG – United Nations Office at Geneva
UPR – Universal Periodic Review
VPN – Virtual private network
XB – Extrabudgetary (funds)

Executive Summary

Background and methodology

1. The Investigation Support Unit (ISU) of the Emergency Response Section (ERS) requested this evaluation of a project it has been implementing with other parts of OHCHR just before the project cycle concluded on 31 August 2022. The purpose was to understand “... why and the extent to which intended and unintended results are achieved, and their impact on stakeholders.” The evaluation’s objectives were:
 - a. Identify areas of strength and areas for improvement in the support OHCHR provides to HRC-mandated investigations and similar missions, including in the area of gender and disability integration;
 - b. Produce useful lessons learned and good practices that illustrate successful and unsuccessful strategies in the achievement of results; and
 - c. Produce clear recommendations identifying concrete actions and responsibilities for OHCHR to undertake towards these ends.
2. The evaluation assessed the project in the context of OHCHR’s support to investigative bodies (IBs) since implementation began on 1 January 2020. Although the first phase ended on 31 August 2022, important developments occurring up until 31 December 2022 were taken into account. The focus is on ISU, which is the primary implementing entity. However, significant parts of the project are implemented in cooperation with other entities. The assessment of project results must consider contributions of all relevant entities across OHCHR. This approach aligns with OHCHR’s evaluation policy and practice.
3. The evaluation assessed performance against the following criteria: relevance, coherence, effectiveness, efficiency, impact orientation, sustainability and gender and disability inclusion and integration. In line with OHCHR’s evaluation policy, the evaluation was accompanied by an internal reference team. The evaluation was conducted by a team which was led by an external consultant and included two PPMES colleagues.
4. A primary source of information was the interviews conducted with 83 secretariat staff of IBs, OHCHR staff who support them and relevant external partners. The Evaluation Team undertook three visits: Panama City (16-20 October 2022) to meet with staff of the FFM Venezuela, the Nicaragua Group of Experts, and the Regional Office for Central America; Vienna (30 October-2 November 2022) to meet with staff from CoI Ukraine and OHCHR Examination of Belarus; and Geneva (3-12 November 2022) to meet with staff of COI Syria, CoI OPT/Israel, and Sri Lanka Accountability Project. Meetings were held with ISU/ERS, FOTCD and other OHCHR entities contributing to the project, as well as with the IIMM (Myanmar) and IIM Syria.
5. Two anonymous online surveys were conducted as part of the evaluation: the first for current IB secretariat staff, focusing on the full range of support issues including recruitment, deployment, onboarding, equipment, training, and technical advice and support; the second for current IB Coordinators, focusing on staff management, coordination, and policy issues.¹

Project inception

6. Support to IBs is a critical and high-profile work area for OHCHR. IBs must rapidly respond to human rights crises, with a view to preventing further violations and supporting accountability. The objectives of this project were to ensure the necessary capacity within OHCHR to better conceptualize and

¹ A copy of each survey and the aggregated results is contained in annexes 3 and 4.

immediately operationalise IBs; upgrade investigative techniques to leverage digitalization and other technologies; improve compliance with forensic standards; provide support, including surge capacity, throughout IBs' lifespans; and ensure the proper preservation and archiving of evidence to support criminal proceedings. These objectives also included supporting standing capacity for start-up and strengthened capacity to ensure rapid recruitment of specialised expertise. The goal was to make the IBs more effective and maximize their impact.

7. The ISU was funded by the Government of the Netherlands and established in May 2020 within ERS. In line with OHCHR's policy, funds – including for cost recovery – were redirected to HRMS, METS, ROLDS and WHRGS for their support in implementing parts of the project. In the course of the evaluation, it was reported that not all of these entities had been aware of said cost recovery and thus any implications flowing therefrom. While no project document or results framework existed, the Evaluation Team created an analytical framework² against which to apply the evaluation criteria, on the basis of relevant information available, including in the fundraising proposal and submissions to OHCHR's Programme Budget Review Board.

Context

8. Requirements for supporting Human Rights Council-mandated IBs have changed significantly as mandates have evolved in duration, size and complexity. The Council has frequently created investigative bodies to urgently establish facts surrounding an emerging human rights crisis and to issue public reports. In the 16 years since the Council replaced the Commission, it has created 38 investigative bodies, most often either in the form of a commission of inquiry (COI) or a fact-finding mission (FFM). These bodies were initially accompanied by fairly short mandates, allowing the short-term release of OHCHR staff from regular duties to serve in the IB secretariats. The use of a roster for rapid deployment for up to three months obviated the need for recruitment and its associated delays.
9. Beginning in 2011, the establishment of IBs with 12-month mandates made this staffing arrangement unsustainable. From 2015 onward, 12-month mandates for "independent" IBs became the norm.³ Year-long mandates required dedicated staff to meet the expectations of expanded investigations and lengthier, more detailed reports. Given that OHCHR staff on the Rapid Response Roster could only be released, upon a supervisor's agreement, for a period of three months, IB secretariat staff needed to be formally recruited through processes that lasted several months; this applied for both internal staff and external candidates. Additionally, the evolving mandates of the IBs required increased specialization and skill sets not usually found among OHCHR staff at the time. The challenges associated with timely recruitment for the IBs and steps taken by OHCHR to expedite staffing for those bodies are discussed in detail in section 3 of this report.
10. The period 2015 to 2018 signalled another transformation, namely mandate renewal. Although the number of new IBs established by the Council has remained about the same (2-3 per year), the number of renewed mandates increased significantly since 2016.⁴ Of the 14 IBs established since 2016, 10 remained operational in January 2023. Four were completed during the period: Burundi COI ran for five years; Yemen Group of Eminent Experts ran for four years; Myanmar FFM ran for two and half years; and the OPT COI regarding the 2018 protests ran for 10 months.
11. The trend of renewing mandates created new challenges, including: additional rounds of recruitment; modified mandates requiring new concepts of operations and staff with new specializations; and new budget processes. Although mandates were likely to be renewed, under UN rules the secretariats for

² See table 1, page 19 of this report.

³ See figure 1, page 14 of this report.

⁴ See figure 2, page 15 of this report.

the IBs could only be funded for their current mandates. As a result, the renewed mandates may require almost as much support as a new mandate.

12. The increase in continuing IBs resulted in a significant increase in staff to be recruited, onboarded, equipped, trained, and supported. Although the size of current IB secretariats ranges from 4 to 28 staff, the average is around 18. The number of staff currently serving in the IBs included in this evaluation was constantly fluctuating due to departures and recruitments that follow from the temporary nature of mandates and limited conditions of employment. As of 20 December 2022, the number was 137, considering that the most recent fact-finding mission – Iran, which accounted for 18 approved posts -- was not yet operational.
13. Additional changes to the overall context include the growing complexity in IB mandates and the shift to setting up IB secretariats away from HQ. In regard to mandates, whereas the core mandate of IBs had always been conducting human rights investigations and submitting public reports, there has been increasing emphasis on individual responsibility for criminal acts under International Humanitarian Law (IHL) or International Criminal Law (ICL), including calls for the preservation of evidence, examination of international crimes, and identification of perpetrators. The shift to setting up IB secretariats closer to situations under investigation has been motivated by the need to improve access to affected populations, in particular victims, witnesses and others fleeing situations of extreme insecurity, acknowledging the reality that IBs have been generally unable to gain direct access to countries under consideration.

Overall findings

14. The ISU was set up in this evolving context, which was marked by the global pandemic and consequent UN System-wide hiring freeze. Despite these challenges, the ISU has significantly improved OHCHR's operational support to IBs, in particular through additional capacity focused on more efficient and effective preparation of concept of operations; preparation of outlines of budgetary implications to be submitted to the ACABQ; evaluation and short-listing of suitable candidates to serve as independent experts or commissioners; deployment of a start-up team to work with the newly-appointed experts/commissioners; set up of the secretariat, to support experts/commissioner and manage staff; deploying, equipping, briefing and supporting secretariat staff; and consolidation and expansion of "common services", such as public information and operational support for cutting-edge information management. The Team finds that the project has resulted in good progress in advancing this high-profile work area.⁵
15. The Evaluation Team further finds that there remains room for improvement. Areas to improve relate to critical challenges, namely rapid operationalization, i.e., the swift recruitment and onboarding all core staff; creating a more robust candidate pool which is diverse and gender balanced; ensuring security of staff members and stakeholders; enhancing accountability through information management; resolving conceptual issues around integration with OHCHR, including IB independence and firewalls; and ensuring effective management and quality control. These challenges are further detailed in the following paragraphs.
16. If the principal objective of an IB is to protect human rights in a situation of crisis, then rapid operationalization – through the swift establishment of an IB's staffing – is the *sine qua non* of success. Planning and support for timely deployment of staff to widely varying circumstances requires a coherent, sustained and systematic approach. While ISU's increased capacity for start-up has given a significant boost to the initial stage of support to a new IB, the Evaluation Team calculated an average

⁵ See Evaluation Questions: Effectiveness, pages 26-31, especially table 3.

of four and a half to five months to fully operationalize a new mandate. This period was attributed to the average time it takes to conceptualise a new mandate, recruit and deploy secretariat staff (TJOs).⁶

17. Based on the Evaluation Team’s information gathering, the majority of IB secretariat staff had not received a security briefing upon arriving at their duty station. The Team noted that IB secretariats often undertake missions in various countries, to interview victims, witnesses and others who have fled, and such briefings should be provided in each country. The Evaluation Team identified secure communications as an increasing concern for IBs,⁷ encompassing phones, laptops, VPNs and specialized briefings on mitigating risks. Witness protection remains a top concern for IB secretariats. The Evaluation Team heard from many IB staff who cited a lack of cooperation with local UN offices, in terms of security briefings and other support to identify risks to witnesses and protection networks.⁸
18. The Evaluation Team found that ISU has begun to lay the groundwork for impressive contributions to accountability mandates, in particular through specialized expertise and information management. This has entailed adapting job profiles and competencies for secretariat staff and facilitating the integration of new approaches and technologies for investigating and gathering and archiving evidence. While the effort to integrate international criminal law methodologies holds the potential to strengthen human rights investigations, differing goals of human rights investigations and criminal investigations are not always easy to reconcile. This issue remains a subject of debate among practitioners and experts, including within OHCHR. The Evaluation Team further found that, in the absence of authoritative policy and guidance on this and other related matters, IBs have taken different approaches to reconciling these elements of their mandates.
19. Acknowledging that OHCHR has always supported a broad range of independent mechanisms, the Evaluation Team detected a growing range of divergent interpretations of what IB “independence” means in practice.⁹ The Team concluded that this shift likely dovetails with the growing trend of recruiting secretariat staff from outside OHCHR, especially to take account of the increased focus on criminal accountability. Concomitant to this shift has been the establishment of “firewalls” to regulate interaction between some IB secretariats and OHCHR staff concerned with the same country situation. The Evaluation Team also concluded that this disconnection is generally unfavourable in terms of action to protect human rights in crisis situations, most obviously in relation to basic coordination to ensure that UN staff are not repeatedly interviewing the same persons, but also with respect to larger questions of country engagement strategies. The Team found that varying understandings of fundamental concepts speaks to a need to strengthen the coherence and consistency of OHCHR’s approach.
20. The Evaluation Team found that the locating of some IBs outside HQ has presented new opportunities and challenges.¹⁰ Advantages include better access to situations and populations under consideration and lower costs. Yet it has presented distinct challenges to start up and operations, e.g., procurement of goods and services; relations with host and neighbouring countries and the UN system on the ground; and a range of security implications. It also presents challenges related to management and quality control. Especially for secretariat staff new to OHCHR, collaborating with Geneva-based geographic, thematic and administrative teams is complicated as they do not have established networks with HQ colleagues. This physical separation, combined with the absence of a single, uniform reporting line for secretariat coordinators, has complicated efforts to achieve methodological

⁶ See paras. 71-77 below.

⁷ DISC, “2023-2025 Roadmap for ERS Digital Investigation Support” (28 December 2022), page 8.

⁸ See also para. 36 in the report.

⁹ See paras. 94-98 below.

¹⁰ See paras. 83-88 below.

coherency and consistency and ensure quality control, including with respect to management of IB secretariats.

21. The Evaluation Team finds that OHCHR's dispersed approach to IB support inhibits better performance. Establishing the ISU has centralized some services; however, this process has been partial and other relevant services remain outside its remit. ISU's capacity to coordinate OHCHR's operational support to IBs is thus limited. While there is much substantive and administrative work related to IB support that is analogous to work done by entities across OHCHR, the particularities of IB support – especially acute urgency and visibility – require levels of coherence, effectiveness and efficiency that can only be delivered through a dedicated entity.¹¹ At present, the ISU is at the centre of an internal ecosystem wherein every other entity maintains a broad portfolio of work areas. Diverging visions and competing demands are diluting concerted action and in some cases leading to contradictory messaging vis-à-vis Member States and external partners. Such internal ecosystems may develop naturally in growing organizations and deliver satisfactorily in some situations. Nevertheless, the Evaluation Team finds that OHCHR's present arrangement for IB support is inadequate and, in light of the increasing prevalence and duration of IBs and their evolving mandates, the current approach is not likely to be sustainable far into the future.

Recommendations

22. **The Evaluation Team recommends that OHCHR consolidate its support to IBs into a single dedicated entity.** Such an entity could be characterised as a "Service", e.g., "Investigation Support Service". The below paragraphs note the functions to be centralized into a Service, spanning operational guidance, programme management, administrative, legal – including in relation to criminal accountability, methodological; public information, digital and open-source investigations, evidence management, and forensic services. The Team recommends that the placement of such a Service within the organizational structure be determined through the change management programme recently initiated.
23. **The Evaluation Team recommends that operational aspects, in particular human resources/recruitment, administrative and logistical support, be given increased priority, especially with respect to start up.**¹² One step in this direction would be to build up dedicated programme management and administrative teams in an IB support Service (see recommendation at paragraph 29 below).
24. **The effort to establish IBs as close as possible to the concerned states should be encouraged, taking into account the additional administrative and programme support that effective start-up requires.**¹³ In view of the challenges and shortcomings identified in this evaluation, including in regard to security, the IB support Service needs to adapt and complement its approach to set up and support secretariats away from HQ more efficiently, effectively and securely.¹⁴
25. **The Evaluation Team recommends that IB start-up support be expanded.** OHCHR should have an expanded 'advance' team in place before an IB is established, drawing on rosters and surge capacity as necessary. Given that negotiations to establish an IB typically are ongoing for weeks prior to the

¹¹ See paras. 99-101 below.

¹² The Evaluation Team notes that the proposed Service should support not only IBs established by the HRC and other inter-governmental bodies; it should also support and inform investigations deployed by the HC and, more generally, OHCHR's knowledge around relevant work areas. The Service would, however, be entirely separate from the ERS, which should continue to fulfil its other functional work areas.

¹³ See para. 108 below.

¹⁴ The Evaluation Team highlights the potential for OHCHR Regional Offices to facilitate the setting up of IBs within their respective regions and recommends that this potential be explored within the framework of the recently initiated organizational change management programme.

adoption of a resolution, this should be achievable. The advance team should consist, at least, of a coordinator, analyst/investigator, administrative staff, and – for IBs to be based away from Geneva – a programme officer. The team would benefit from all “common services” and be focused exclusively on the crisis under consideration. Where relevant, the advance team should deploy to the duty station almost immediately, e.g., as soon as possible following the adoption of the resolution – and should give priority to setting up the office space, equipment, institutional arrangements (e.g., relations with the host country and UN system), and staffing that follow from the concept of operations.

26. **The Evaluation Team recommends a renewed and revitalized focus on the use of rosters. A review and updating of proposals for roster management developed for the SMT in 2016 may serve as a starting point for this effort.**¹⁵ To have advance teams in place before an IB is established, OHCHR would need to reconfigure how it conducts human resources/recruitment for IB secretariats. This would be a core function of the IB support Service. The relatively high vacancy rates among IB secretariats,¹⁶ which diminish effectiveness and leads to underspent funds that undermine future resource requests to the ACABQ, should be addressed by systematically filling vacant IB posts with surge capacity, drawing upon a new roster or system of rosters. While noting that the current Rapid Response Roster is inadequate to meet all IB support needs, the Team believes it should be maintained to fill gaps, such as staff leaving prematurely or when specific expertise or assistance is required.
27. **The Evaluation Team recommends the development of internal rosters for the coordinators and lead analysts/investigators, and other priority positions, as required.**¹⁷ As part of its roster management function, the Service could issue vacancy announcements periodically, with successful applicants placed on a roster for a defined period and, pursuant to a policy endorsed by the High Commissioner, subject to immediate release.
28. **The Evaluation Team recommends that coordinators and analysts/investigators seconded from internal rosters should not only form part of the advance teams, but rather should remain with the IB for the duration of its initial mandate.**
29. **The Evaluation Team recommends building up the staffing of the proposed IB Support Service with professional programme management officers and an administrative team** who would be seconded to an advance team for a five-month period for new IBs based away from Geneva. When not seconded to an advance team, they would support IBs within assigned regions.
30. The Evaluation Team adds the following concerning **renewed and revitalized rosters**.
 - a. The Team recommends exploring the possibility to systematically fill IB posts with surge capacity, i.e., from its rosters.¹⁸
 - b. The Team further recommends that OHCHR explore the possibility of using existing Inspira rosters to staff IB secretariats – both for temporary and fixed term posts. An option would be to request

¹⁵ See especially “OHCHR Dedicated Capacity and Staffing Arrangements for Human Rights Inquiries: Follow-up to SMT meeting of 11 May 2016.”

¹⁶ See paras. 78-82 and table 4 below.

¹⁷ The Evaluation Team also recommends that the IB support Service, as part of its roster management function, establish relations with other entities – including across the UN system and potential external partners – that maintain relevant rosters, with a view to facilitating arrangements such as OHCHR’s agreement with UN Women. By way of one example, the Evaluation Team was informed that Interpol maintains an array of rosters that may be relevant to certain IB work areas.

¹⁸ As part of this recommendation, the Evaluation Team suggests exploring the possibility that reducing or eliminating IB secretariat vacancies in this way would allow OHCHR to recover costs related to deploying rostered staff from ‘frontloaded funds’, given that the ACABQ has referred to high vacancy rates among IB secretariats to justify reducing funds and posts from OHCHR’s IB budget requests.

expressions of interest from roster members for 6 to 12-month assignments, indicating that deployments would be on a rapid, surge capacity basis. Such approach would require a dedicated roster manager to ensure that rosters are up to date.

- c. The increased focus on internal rosters should provide mobility and career development opportunities for OHCHR staff. While the Team is aware that this will cause temporary vacancies in other parts of OHCHR, it believes that such approach is sustainable if focused on key IB posts. Releasing entities should receive full support in filling resulting gaps.
- d. The Team notes the trend of recruiting outside of OHCHR for IB secretariats and observes that there are often situations where external recruitment is warranted and attaches benefits such as enlarging staff skill sets and bringing diverse professional backgrounds into OHCHR. However, the Team observes that having experience within OHCHR also brings advantages, in particular for key positions, such as coordinators and investigation team leaders, not only with respect to awareness of OHCHR's methodologies, policies and practices, but also in terms of whom to contact to solve administrative, logistical and other challenges that arise. This advantage is multiplied where the IB is set up away from HQ.

31. **OHCHR's Service to support IBs should host dedicated methodological, legal and public information expertise.** These services, as they relate to IBs, are currently dispersed across OHCHR. Yet the reality is that they are required, on an ongoing basis, by IB secretariats, whether in terms of training or guidance and support in relation to manifold situations that arise during an investigation. The Evaluation Team's view is that consolidating these services into one entity will have a catalytic effect that will lead to increased coherence, effectiveness and efficiency. Increased interaction and collaboration among colleagues in a consolidated setting holds the promise of deepening OHCHR's expertise and global leadership in this area. **As an initial step in this direction, the Evaluation Team recommends shifting all existing resources working predominately on IB support to this new Service.**
32. **Information management, criminal accountability and a range of forensic expertise support should remain central to OHCHR's IB support Service.** This includes efforts by DISC and METS to provide capacity-building and standardization across IBs in the use of the latest technical tools and platforms for digital and open-source investigations, digital forensics, information management and archiving.
33. **The Evaluation Team recommends that OHCHR prioritise efforts to secure a regular-budget D1 post to lead this work area.**¹⁹ Leadership on IB support must be strengthened. Main focuses should be ensuring internal quality control and accountability, in terms of performance management, and consistency in OHCHR's dialogue with Member States concerning the establishment, renewal/extension, conclusion, follow up and overall approach to IBs at the Human Rights Council. Another focus should be liaison with experts appointed to IBs, including to manage relations and support methodological consistency. In light of the range of responsibilities, political significance and potential to protect human rights in crisis situations, the Team underlines the continuing need for higher-level leadership on IB support.
 - a. In connection with strengthened leadership on IB support, reporting lines for secretariat coordinators must be consolidated. Coordinators should report to the Chief of the IB support Service, to ensure coherence and consistency in methodological approach and secretariat management. At the same time, Coordinators should report – through a second reporting line –

¹⁹ In light of feedback received from the ACABQ, the post should be funded from the regular budget. See paras. 99-101 below. Work already carried out on this issue (i.e., the 2016 concept note on a proposed OHCHR service for human rights inquires and the proposals and justifications for an XB D1 submitted to the ACABQ in 2018) should be taken into account.

to the Chief of the relevant Geographic Branch, to mitigate risks or negative impact on OHCHR country strategies and maximise protection of victims and witnesses.

34. The Evaluation Team highlights two policy matters that should be addressed at the SMT.

- a. There is a need for conceptual clarity and coherence of approach to IBs' independence. Any circumstances requiring a "firewall" should be explicated and the need for levels of information-exchange appropriate to the specific context should be made clear. This need should place importance on OHCHR's country strategies²⁰
- b. OHCHR's positioning on the ongoing shift toward criminal accountability in IB mandates should be clarified.²¹ A pending sub-item is whether OHCHR should adopt Relativity as the standard platform for use by IBs.²² It is essential that organizational guidelines align with the current state of information systems and are updated accordingly to ensure the optimal use of available technology.

35. The Evaluation Team recommends the following to improve security.

- a. Contact should be initiated at start-up with the senior-level UN official in each country concerned to establish cooperation, such as the provision of security briefings. This should be facilitated at a senior level.
- b. All IB staff must receive briefings and timely assistance to mitigate risks to communications, including from Pegasus and similar spyware.
- c. **Greater attention must be paid to witness protection.**²³ The Evaluation Team welcomes the appointment of Witness Protection Officers (WPOs) in some IBs and recommends that this should be standard practice. The IB support service should have a witness protection focal point with commensurate resources to convene monthly exchange meetings among WPOs, standardize methodology and follow-up on requests received. A review of the procedures and measures contained in the OHCHR policy on the protection of civil society actors²⁴ and a lessons-learned study of recent experience should be undertaken. Protection networks should be identified during start-up. At the end of each cycle, IBs should submit a confidential note on follow-up steps taken or required to ensure protection of any witnesses under threat. In this regard, the Evaluation Team noted the value of setting up IBs where OHCHR already has a presence, in terms of rapidly connecting to existing networks and post-mission follow up.

36. The Evaluation Team recommends OHCHR give increased visibility to its support to IBs. In annual appeals, annual reports and the OMP, IBs should be highlighted along with the treaty bodies, special procedures and UPR as the principal UN human rights mechanisms. This would contribute to a common understanding and appreciation for the crucial role of the IBs and would help to address hesitation within some UN entities to interact with them, including on follow-up to IB recommendations as appropriate to their mandates.

37. For future OHCHR projects, including but not limited to those aimed at strengthening OHCHR's support to IBs, the Evaluation Team emphasizes the following general recommendations with a view

²⁰ See paras. 94-98 below.

²¹ See paras. 92 and 106 below.

²² See para. 93 below.

²³ See para. 105 below.

²³ See para. 105 below.

²⁴ "OHCHR Protection of Civil Society Actors", adopted by the SMT in January 2012. See especially annexes I and II. The policy is supposed to be reviewed every five years.

to implementing OHCHR's commitment to Results-Based Management, and ensuring adequate consultation and transparency in project formulation, implementation and reporting:

- a. To facilitate evaluations, promote transparency, clarify expectations among implementing partners and support better planning, the Evaluation Team recommends that a results framework should be required for all OHCHR project proposals and reviewed for quality control before starting implementation. The framework should be the result of consultation with all OHCHR entities significantly contributing to the project, to ensure an understanding of their expected contribution, including through cost recovery resources.
- b. To better achieve a one-Office approach, the Evaluation Team recommends that a project review committee should be required for any project that relies on significant contributions from implementation partners across Divisions.²⁵ This committee should be a sub-committee of the PBRB, be serviced by the newly established project unit and include the Financial and Budget Section and DEXREL, to review implementation progress and ensure accuracy and transparency in fundraising and the disbursement of funds. Reference to a collaborative committee for periodic review (twice yearly) should be required under section 4 (Programme management /implementation arrangements) of the submissions to the PBRB. Donor reports should be drafted collaboratively among implementing partners, and final reports should be circulated to all project review committee members.

* * * * *

²⁵ A minimum amount of funding and /or number of implementation entities may be specified for this requirement.

Evaluation purpose and scope

The Investigation Support Unit (ISU) of the Emergency Response Section (ERS) requested this evaluation of a project it has been implementing with other parts of OHCHR shortly before the project cycle was completed on 31 August 2022. The purpose of the evaluation, in line with United Nations Evaluation Group guidance, is to understand “... why and the extent to which intended and unintended results are achieved, and their impact on stakeholders.” As stated in the TOR, the specific objectives of the evaluation are to:

- a. Identify areas of strength and areas for improvement in the support OHCHR provides to HRC-mandated investigations and similar missions, including in the area of gender and disability integration;
- b. Produce useful lessons learned and good practices that illustrate successful and unsuccessful strategies in the achievement of results; and
- c. Produce clear and actionable recommendations identifying concrete actions and responsibilities for OHCHR to undertake towards these ends.

Regarding its scope, the evaluation assesses the performance of the project in the wider context of OHCHR’s support to investigative bodies since the project’s implementation beginning 1 January 2020. Although the first phase of the project formally ended on 31 August 2022, important project developments occurring later in 2022 are taken into account. The main focus of the evaluation is on the work of ISU, which is the primary OHCHR entity implementing the project. However, significant parts of the project are implemented in cooperation with other OHCHR entities (all of which have been supported by the project through cost recovery) and thus depend on effective coordination with ISU/ERS. Any assessment of the project results must take into account the contributions of relevant entities across OHCHR.²⁶ This inclusive approach is in line with OHCHR evaluation policy and practice.

Evaluation approach and methodology

A primary source of information and data for this evaluation was the interviews conducted with 83 secretariat staff of the investigative bodies, the OHCHR staff responsible for supporting them, and relevant external partners. To that end, the Evaluation Team undertook three field visits: the first to Panama City, Panama (16-20 October 2022) to meet with staff from the IIFM for Venezuela, the Nicaragua Group of Experts and the OHCHR Regional Office for Central America; the second to Vienna, Austria (30 October-2 November 2022) to meet with staff from the IICOI Ukraine and the HCHR Examination of Belarus; the third to Geneva, Switzerland (3-12 November 2022) to meet with staff of the IICOI Syria, the IICOI OPT/Israel, and the Sri Lanka Accountability Project. Meetings in Geneva were also held with staff of ISU, ERS, METS, FOTCD and other implementing partners as well as with the IIMM (Myanmar) and the IIM Syria. A complete list of the 83 persons interviewed is available on request.

Two anonymous online surveys were administered as part of the evaluation. The first was a survey, administered from 16 December 2022 to 23 January 2023, to all current IB secretariat staff, focusing on the full range of support issues including recruitment, deployment, onboarding, equipment, training, and technical advice and support. A total of 56 out of the then-current 137 IB staff completed the survey. The second survey, administered from 20 to 30 January 2023 to all current IB coordinators, focused on issues of staff management, coordination, and relevant policy issues. A total of 6 out of the then-current 11 IB

²⁶ These include principally PSMS, METS, WHRGS, ROLDS, and the FOTCD Geographic Branches.

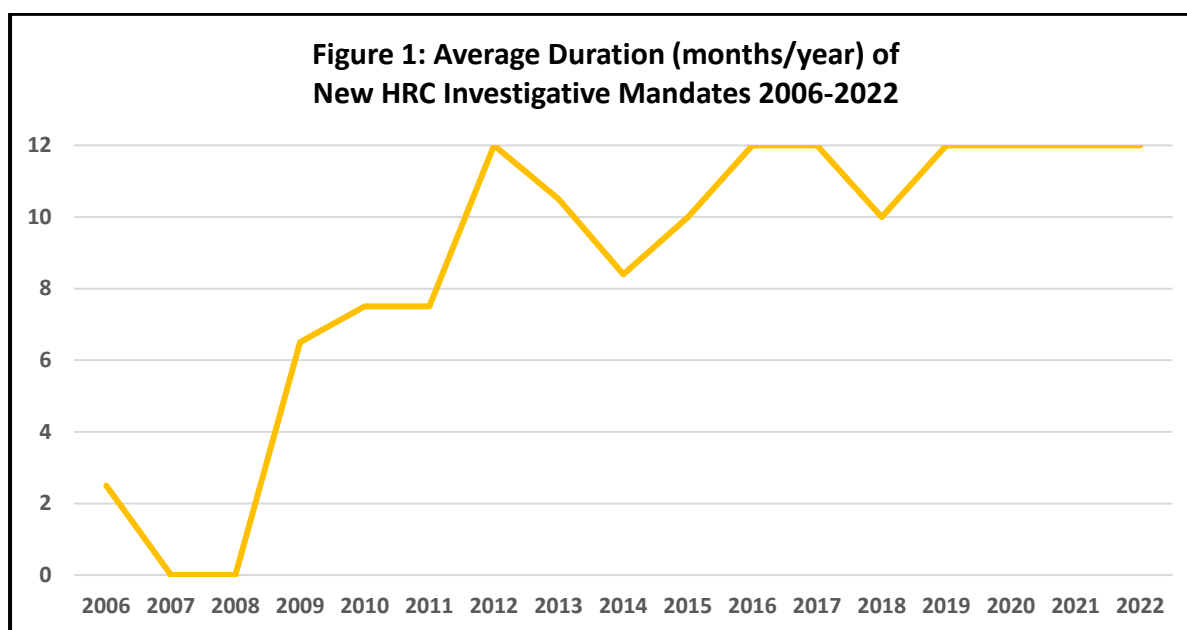
coordinators completed the survey. A copy of each survey and their aggregated results is contained in annexes 3 and 4.

1. Introduction

Context: the evolving investigative mandates

1. The requirements for supporting the Human Rights Council-mandated investigative bodies have changed significantly over the last several years as the mandates have evolved in duration, size, and complexity. Like the United Nations Commission on Human Rights before it, the Human Rights Council has frequently decided to create investigative bodies to urgently establish facts surrounding an emerging human rights crisis and issue public reports. In the 16 years since the Council replaced the Commission, it has created an investigative body – most often either a commission of inquiry or a fact-finding mission -- 38 times.²⁷ In the beginning, these bodies had short-term mandates, as measured by the submission date for their final report to the Council, often only three to six months from the date of its establishment. Since mandates were of a short-term nature, OHCHR was able to provide its own staff for the secretariat by resorting to short-term release from their regular duties, most of whom would be dedicated to the investigation on a full-time basis for only a few weeks during deployment to the field. The use of a roster for rapid deployment of existing staff for up to three months obviated the need for recruitment and its associated delays.

2. This system of staffing that had endured under the Commission of Human Rights started to change under the Human Rights Council in a fundamental way beginning in 2011 with the establishment of two investigative bodies with 12-month mandates.²⁸

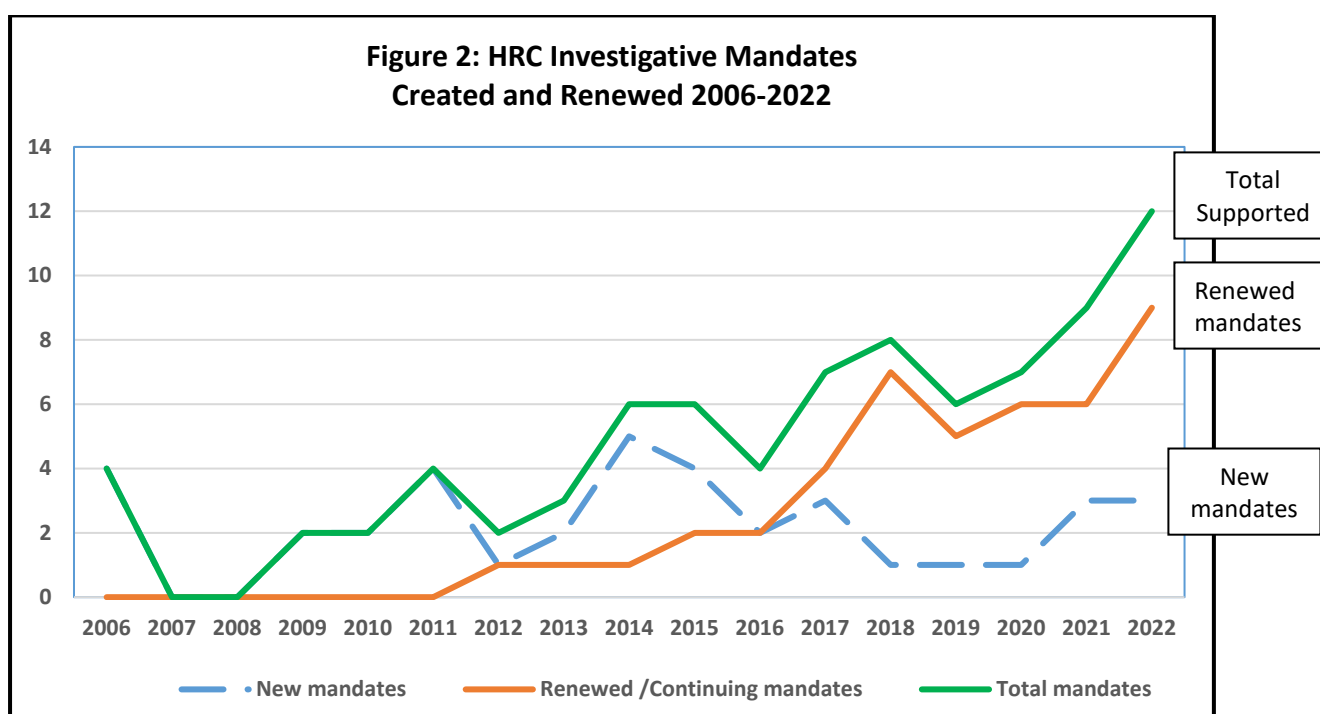


²⁷ See Annex 1 listing all investigative mandates established by the Human Rights Council, 2006-2022,

²⁸ The Independent International Commission of Inquiry on Libya (Feb. 2011) and the Independent International Commission of Inquiry on Syria (Aug. 2011).

3. As shown in figure 1, from 2015 onward, 12-month mandates for “independent” investigative bodies²⁹ became the norm.³⁰ Unlike previous short-term mandates, year-long mandates require permanent staff to meet the expectations of expanded investigations and lengthier, more detailed reports given the increased amount of time allotted. Given that OHCHR staff on the current Rapid Response Roster can only be released, upon a supervisor’s agreement, for a maximum period of three months, IB secretariat staff for year-long investigative bodies must be formally recruited through processes that can take months to complete; this applies for both internal staff and external candidates. Additionally, the evolving mandates of the IBs required increased specialization and skill sets not usually found among OHCHR staff at the time. The notable challenges associated with timely recruitment for the investigative bodies and steps taken by OHCHR to expedite staffing for those bodies are discussed in detail later in this report.

4. The period 2015 to 2018 marked the beginning of another significant transformation in the work of the investigative bodies, namely the likelihood of mandate renewal. Although the number of new investigative mandates established by the Human Rights Council in any given year has remained about the same (on average, two or three new mandates per year), the number of renewed mandates has increased significantly since 2016. This upward trend is shown in figure 2 below.



5. Of the 14 new investigative bodies established starting in 2016, 10 were still operational in January 2023.³¹ Of the four mandates that were completed during this period, one (Burundi COI) ran for five years,

²⁹ Investigative bodies expressly denoted as “independent” in their title differ from investigations and similar activities conducted under the auspices of the HC’s independent mandate under GA resolution 48/141, essentially in regard to who is responsible for the content of the reports, in this case the experts /commissioners rather than the High Commissioner. However, it should be noted that the absence of the word “independent” does not necessarily mean that the High Commissioner is responsible for the contents of the reports. For example, the relatively recent commissions of inquiry on Eritrea and Burundi were “independent” in fact although not in title, as were most commissions of inquiry and fact-finding missions prior to 2009.

³⁰ The only recent investigative mandate of less than 12 months’ duration was the Independent International Commission of Inquiry on the 2018 protests in the Occupied Palestinian Territory, which was created in May 2018 and which presented its final report in February /March 2019.

³¹ At the time of writing, the current IBs and the year in which they were established are: IICOI Syria (2011); Sri Lanka Accountability Project (2015); South Sudan Commission on Human Rights (2016); International Team of Experts for DRC/Kasai (2017); IIFFM Venezuela (2019); IIFFM Libya (2020); Belarus HCHR Examination (2021); IICOI OPT/Israel (2021); ICE Ethiopia (2021); IICOI Ukraine (2022); Nicaragua GE (2022); and the IIFFM Iran (2022). The

one (Yemen Group of Eminent Experts) ran for four years, one (Myanmar FFM) ran for two and half years and one (OPT /2018 protests COI) ran for 10 months.

6. The likelihood of mandate renewal has created another set of challenges for supporting the investigative bodies. They include: an additional round of recruitment following each mandate renewal to replace departing staff; frequently a modified mandate requiring a new concept of operations and some staff with different professional experience and specializations than was previously required; and new budgets drafted for approval. Although mandates are likely to be renewed over the first few years, they can only be funded under UN rules for the span of their current mandate. As a result, a renewed mandate may require almost as much support as a new mandate.

7. The increased number of continuing investigative bodies since 2016 has resulted in a significant increase in the number of secretariat staff to be recruited, onboarded, equipped, trained and supported³². Although the size of current investigative bodies ranges from a low of 4³³ to a high of 28³⁴, the average size of an IB secretariat is currently 18³⁵. The number of staff currently serving in the investigative bodies included in this evaluation is constantly fluctuating due to ongoing departures and recruitments resulting from the temporary nature of the mandates and the limited conditions of employment. As of 20 December 2022, the current number was 137 staff, taking into account that the most recent fact-finding mission – Iran, which accounts for 18 posts -- was not yet operational. The fact that most of the IBs are located in the field away from OHCHR's Geneva Headquarters³⁶ also represents a new challenge for mandate start-up, and providing logistical and other support. The physical separation and dispersion of mandates (in addition to the differing reporting lines for the coordinators³⁷) has also complicated efforts to ensure consistency of practice across IBs, promote their integration with the other human rights mechanisms, and develop country strategies.

8. Adding to these challenges, the past years have seen a growing complexity in the IB mandates, specifically regarding criminal accountability. Whereas the core mandate of the bodies has always been conducting human rights investigations and submitting public reports, there has additionally been an increasing emphasis on facilitating accountability, including by preserving evidence, identifying international crimes and perpetrators, and supporting accountability processes, including criminal prosecutions. This has required adapting job profiles and competencies for secretariat staff and integrating new methodologies and technologies for investigating as well as for gathering and archiving evidence. In some ways, the effort to integrate criminal law methodologies holds the potential to strengthen human rights investigations; in other ways, the differing goals of human rights investigations and criminal investigations are not always easy to reconcile. The issue is still the subject of debate among human rights practitioners and experts, including within OHCHR.³⁸ In the absence of authoritative policy and guidance, the various investigative bodies are taking differing approaches to reconciling these two elements of their mandates.

OHCHR's evolving response

9. There has been increasing attention from donor governments and civil society on OHCHR's ability to effectively support the HRC-mandated investigative bodies, particularly as regards implementing the

OHCHR Accountability Project for DPRK was not included in this evaluation since it is supported as an OHCHR field presence.

³² Investigative mandates may expire or be renewed at any of the three regular sessions of the Human Rights Council each year, depending on when they are to submit their final or primary report.

³³ Team of Experts on DRC /Kasai.

³⁴ Independent International Commission of Inquiry on the Syrian Arab Republic.

³⁵ In terms of approved, rather than encumbered posts. IB vacancy rates are discussed in section 3 below.

³⁶ Eight of the IBs currently operational, accounting for over 100 posts, are not located in Geneva.

³⁷ This issue is discussed in section 3 below, paras. 99 and 100.

³⁸ See, for example, "How to Secure Accountability for Serious Human Rights Violations: Report of the Accountability Roundtable Series (Universal Rights Group, 2022), section II.

accountability elements of their mandates. In 2014, The Hague Institute for Global Justice launched a research project entitled “Fact-Finding to Evidence” looking for ways that human rights fact-finders and criminal prosecutors could more effectively interact with each other without compromising their respective mandates. The project led to the formation of an international Group of Practitioners in Fact-finding Accountability,³⁹ which published recommendations in 2017 that emerged from the discussions held at three international conferences.⁴⁰ First among those recommendations was that OHCHR should establish a small, specialized support team that would: assist in the prompt recruitment and deployment of IB staff; standardize preparatory processes for new IBs and the drafting of their investigative plans; support budget preparation, administration, staff recruitment and training, identification of experts, and information management; manage the archives of completed investigations; and respond to requests for information from UN and other entities.⁴¹ The establishment of the support team was considered key to implementing the remaining recommendations.

10. In October 2014, OHCHR senior management discussed the requirements for more effectively implementing the accountability element of IB mandates as well as meeting the growing demands posed by the increasing number of investigations.⁴² At that point, the number of mandates had doubled since 2012 and the number of OHCHR staff temporarily deployed to the field for the investigations had risen from 33 in 2012 to 84 in 2014.⁴³ The senior management consultations were followed-up in 2016 by a draft study and concept note that proposed a new operational service, headed by a D1, with a core capacity to set up and carry out human rights inquiries.⁴⁴ The concept note also proposed a model roster for better managing the temporary deployment of OHCHR staff to the IBs. However, as the average IB mandates lengthened to 12 months by 2016 (see figure 1), it became clear that it was not possible to temporarily deploy existing OHCHR staff for such long periods⁴⁵ and that the IB secretariat staff would have to be formally recruited. The draft concept note was discussed at both OHCHR’s Policy Advisory group in fall of 2015 and the Office’s senior management team in May of 2016, following which a strategy for implementing the proposed model was endorsed.⁴⁶ The UN Controller approved a main element of that strategy – the creation of an extrabudgetary post D1 Human Rights Investigations Coordinator, which was included in OHCHR’s 2018 request to the ACABQ. The proposal failed to gain approval by the ACABQ in December 2018.⁴⁷ Shortly thereafter, a proposal in 2019 to establish a small, specialized team within OHCHR to better operationalize and support the IBs and their evolving mandates received support from the Dutch government and others in the donor community, beginning in 2019.⁴⁸

³⁹ “Practitioners in Human Rights Fact-Finding and International Criminal Prosecutions Propose Practical Steps to Bridge the Hague – Geneva Divide” (Group of Practitioners, 2017). For a list of the 27 participating practitioners, see footnote 23 in “Bridging the Hague-Geneva Divide: Strengthening the Capacity of Human Rights Inquiries to Collect and Preserve Evidence of Legal Responsibility” by Ambassador Stephen J. Rapp (Georgetown Law Human Rights Institute, July 2018), available at

<https://georgetown.app.box.com/s/pfzccq2i2o51lymqbexx8u90o1dp6p478>.

⁴⁰ See “Bridging The Hague – Geneva Divide: Recommendations to Maximize Benefit and Minimize Harm for Human Rights Inquiries and Criminal Investigations at the Same Scenes of Mass Violence”, (Group of Practitioners, 2017), available at <https://www.elac.ox.ac.uk/wp-content/uploads/2022/02/bridgingthehague-genevadivide-finalrecommendations6jan2017revpdf.pdf>.

⁴¹ Ibid, section I.1.

⁴² Minutes of Senior Management Team Meeting No. 2011 (31 October 2014).

⁴³ SMT briefing document on the review of 2013 Decisions of Strengthen OHCHR’s Role in Supporting International Commissions of Inquiry and Fact-finding Missions (31 October 2014).

⁴⁴ “OHCHR Service for human rights inquiries – Concept Note: Draft for Further Discussion and Ideas.”

⁴⁵ The OHCHR Rapid Response Roster foresees the temporary deployment of staff to the field for no more than three months.

⁴⁶ OHCHR Dedicated Capacity and Staffing Arrangements for Human Rights Inquiries: Follow-up to SMT meeting of 11 May 2016.

⁴⁷ Letter dated 14 December 2018 to the Secretary-General from the Chairman of the ACABQ.

⁴⁸ “Reinforcement of OHCHR’s capacity to support investigative mechanisms” (May 2019), hereinafter referred to as the “Statement of Need.”

Project overview

11. Support to the investigative bodies represents a high-profile area of OHCHR's work. The investigative mandates must rapidly respond to emerging human rights crises. Planning and support for the timely deployment of the secretariat staff to widely varying sets of local circumstances requires a coherent, sustainable, and systematic approach. The objectives of the project were to: ensure the necessary capacity within OHCHR to better conceptualize new investigative bodies; immediately operationalise once a body is established; upgrade investigation techniques to better leverage the opportunity that digitization and other new technologies offer; improve compliance with international forensic standards; provide support, including surge capacity, to the IBs throughout their lifespans; and ensure the proper preservation and archiving of collected evidence with a view to supporting eventual criminal prosecution. The project especially aimed to build the standing capacity necessary to start-up a mandate during its initial phase and provide strengthened capacity to ensure the rapid recruitment of specialised expertise. As a result, the work of the IBs would become more effective and have a greater impact.

12. The focal point unit which initiates and coordinates OHCHR support to the investigative bodies is the ERS under FOTCD. ERS bears a range of responsibilities and was, prior to this project, supporting IBs with a three-person team (1 RB, 1 XB and 1 GTA). In May 2019, the High Commissioner circulated a "Statement of Need" to donors describing the challenges in supporting the IBs and proposing additional capacity.

13. The Government of the Netherlands responded positively and on 23 August 2019 signed an agreement to support the project with three donations made later that year. As a result of the contributions, the ISU was established in May 2020 within ERS. As part of OHCHR's cost recovery requirement, some project funds were allocated for cost recovery to the Human Resources and Management Section (HRMS) of Programme Support and Management Services (PSMS); the Methodology, Education, and Training Section (METS); the Rule of Law and Democracy Section (ROLDS); and the Women's Human Rights and Gender Section (WHRGS) of the Thematic Engagement, Special Procedures, and Right to Development Division (TESPRRD), to offset costs for those units to implement work related to the project (e.g., recruitment and onboarding, training, lessons learned exercises, deployment of gender advisers /investigators, etc.). In the course of the evaluation, it was reported that not all of these entities had been aware of said cost recovery and thus any implications flowing therefrom.⁴⁹

14. The Digital Investigation Support Cell (DISC), supported by project contributions, was established within ERS in September 2022. The unit aims to support the IBs and OHCHR field presences in applying new technologies the areas of digital forensics, blockchain investigation, eDiscovery, open-source investigations, and digital evidence handling. Other recently-added expert services in support of the IBs include the recruitment of a Media Officer based in ISU and a Legal Officer based in ROLDS. A full listing of the posts supported under the project is shown in Table 2.

Project analytical /results framework

15. In formal terms, the project to be evaluated does not follow a project format in its presentation. Appreciating that the funding agreement with the Government of Netherlands describes it as an "accountability initiative", the concept proposal and the Statement of Need do not include an analytical framework with elements usually required for results-based planning, such as an outline of expected results (at the output, outcome, and impact levels) along with performance indicators and data sources for monitoring and evaluation. There is no project document or analytical framework which usually provide a basis for monitoring and evaluation.

⁴⁹ While the work was nonetheless delivered, the Evaluation Team seeks to address this particular oversight through its recommendation on a project review committee, paragraph 124.b on page 52 below.

16. OHCHR is committed to being a fully results-based organization.⁵⁰ The purpose of an analytical/results-based framework is to set out the expected results which a project aims to achieve, linking those results with the specific actions and activities that are intended to achieve them, i.e., a results chain.⁵¹ The results chains linking activities to outputs, to outcomes, and to impact, reflect the underlying strategy of a project and establish an agreed-upon framework for monitoring progress in project implementation and evaluating the project at its conclusion. Just as importantly, the analytical framework facilitates the identification of appropriate indicators at the different results levels and are necessary to demonstrate project implementation and test the validity of the underlying project strategy. An analytical framework also provides an opportunity to identify intervening factors or risks external to the project which may affect the expected results.

17. Since no results framework had been created for the project, one was developed by the Evaluation Team for the purposes of this evaluation, based on the initial appeal, the subsequent donor reports and the PBRB submissions to the SMT which further elaborated on project aims.⁵² The framework was subsequently revised and further elaborated following feedback from the Reference Group. The resulting project analytical /results framework for the project is shown in Table 1. While acknowledging that any framework constructed post facto is not perfect, it is important to note that the framework below is fully and exclusively based on language of existing project documentation and has been reviewed and revised by ISU and the project’s cooperating entities. It therefore provides an important tool for this evaluation to assess project results.

Table 1: Analytical framework for Evaluating the Project, “Strengthening OHCHR’s Capacity to Support Investigative Bodies”			
Goal /Expected Impact	Objectives /Expected Outcomes	Actions	Main contributing entities
A. Consistent, predictable, and high-quality deployments and support delivered to the IBs producing effective outcomes.	1. New investigative bodies are (better) conceptualized and prepared 2. Immediate /rapid deployment of experienced start-up staff 3. Investigative mandates are rapidly operationalized 4. Ensure surge capacity to temporarily fill staffing gaps	Establish stand-by capacity of experienced staff: - Senior Human Rights Officer (P5) - Human Rights Officer (P3) - Programme Management Assistant (G5)	ERS /ISU
		Establish an Administrative Cell to coordinate recruitment: - Administrative Officer (P3) - Associate Administrative Officer (P2)	ERS/ISU HRMS PLRFSU IMTS
		Review and streamline recruitment, onboarding, and deployment processes	

⁵⁰ See “OHCHR Evaluation Function”, available at <https://www.ohchr.org/sites/default/files/Documents/AboutUs/Evaluation/EvaluationVisionPolicy.pdf>.

⁵¹ UNEG definition of evaluation in “Norms for Evaluation in the UN System” (UNEG, 2005) page 5; available at <https://unsdg.un.org/resources/norms-evaluation-un-system>.

⁵² See: the Statement of Need; PBRB submissions dated 27 September 2019 and 5 August 2021; and (3) OHCHR donor reports, dated 30 December 2021 and 30 June 2021.

B. Concrete progress made towards accountability for the perpetrators of IHL and IHRL violations	5. Enhanced expert support to IBs in information technology services strengthening IB capacities to collect and preserve evidence for accountability purposes	Establish a Digital Investigation Support Cell (DISC) composed of: - Information Management Officer (P4) - Information Management Officer (P3) - Open-Source Investigator (P3) - Archivist (G5)	ERS/DISC METS, IMTS
		Develop and pilot data collection and archiving platform suitable for accountability purposes (i.e. Relativity)	ERS/DISC/ISU METS, IMTS
	6. Establishment of a pool of expert services in support of IBs	- Recruitment of a Media Officer (P4) - Recruitment of a Human Rights Officer (P4) for stand-by capacity focusing on risk analysis and prevention - Recruitment of a Human Rights Officer (P3)	ERS/ISU
	7. Legal advice and guidance, including those related to accountability mandates, consistently integrated in IBs and effectively supported.	- Recruitment of a dedicated Legal Officer (P4) for IB support in ROLDS - Training, deployment of legal advisor/specialists and provision of continuing advice and support	ROLS ISU/ERS
	8. Gender consistently integrated in IBs and effectively supported	Deployment of gender SGBV specialists, integration into team training, and provision of continuing advice and support	ERS/ISU WHRGS, METS UN Women
	9. Training, methodological tools and guidance continuously upgraded based on previous experiences	Create /update IBs methodological tools	METS, ISU/ERS WHRGS, ROLS,
		Provide start-up workshops, specialized training and advisory support to IB staff	
		Carry out lessons-learned exercises with IBs staff, disseminate results and integrate in tools, training, and advice	
	10. Increased quality control and accountability for OHCHR support across all IBs	Create a D1 post to enhance IB support management	ERS/ISU, Executive Office, FBS
		Review of IB reporting lines	ERS, FOTCD

18. Since there had been only three staff in ERS dedicated to supporting the IBs at the time of the donor appeal,⁵³ a key project intervention (responding to objectives 1 to 6) was to expand the number of staff under a new unit (the ISU) dedicated to supporting the IBs. Together with colleagues in other partner units in OHCHR, the ISU would offer ongoing support to the IBs covering a broad range of mission requirements and professional expertise. As shown in table 2 below, the new additions included staff for an Administrative Cell⁵⁴ within ISU, as well as a Human Rights Officer to strengthen stand-by capacity. Other newly recruited staff (responding to objectives 5, and 6) provide expert services and support available to the IBs in increasingly important and highly specialized areas, such as digital forensics, open-source investigation and evidence archiving for criminal prosecutions. Major expert support services (such as satellite imagery analysis) were provided by staff outside the ISU but within ERS. Their contributions must be taken into account.

⁵³ Two professional and one general service posts were reported, although the Statement of Need, (page 1), refers to only two posts.

⁵⁴ Formerly referred to as the Recruitment and Talent Management Unit.

Table 2: New XB posts created or supported by the project⁵⁵			
A. Posts created by the project			
	Title	Level	Location
1.	Senior Human Rights Officer /Head of ISU	P5	ISU
2.	Human Rights Officer/ ISU	P3	ISU
3.	Administrative Officer /Talent Management	P3	ISU
4.	Associate Administrative Officer /Talent Management	P2	ISU
5.	Information Management Officer	P4	DISC
6.	Information Management Officer	P3	DISC
7.	Human Rights Officer	P3	DISC
8.	Administrative Assistant (Archives)	G5	DISC
9.	Public Information Officer /Media Adviser	P4	ISU
10.	Human Rights Officer	P4	ISU
11.	Human Rights Officer /Legal Adviser	P4	ROLDS
12.	Programme Management Assistant (Sep 2020 - June 2022)	G6	ISU
B. Posts supported by the project			
1.	Human Rights Officer	P3	ISU
2.	Programme Management Assistant (Roster)	G5	ISU

19. The project's funds were also invested in cost recovery for partner units in OHCHR, notably HRMS, METS, ROLDS, and the WHRGS to supplement funding for their activities in support of the IBs. The HRMS (responding to objective 2-4) works closely with ISU on recruitment related aspects of the operationalization of IBs. The WHRGS (responding to objective 7) works closely with ISU and UN Women to ensure that specialized SGBV advisers /investigators were recruited and effectively supported in the IBs. The WHRGS also co-facilitates training workshops organized by METS and develops tools and guidance. METS (responding to objective 8) is responsible for start-up training, developing methodological guidance for secretariat staff and the development of tools, including tech tools, providing real-time advice to investigators and ITLs, and for undertaking lessons learned exercises, the results of which are integrated into subsequent iterations of IB support.

2. Main Findings According to Evaluation Criteria

EVALUATION QUESTIONS: RELEVANCE

(1) To what degree has the project contributed to OHCHR's global priorities, in particular as outlined in the OMP?

20. The project is consistent with the theory of change presented in the OHCHR's Organisational Management Plan (OMP) for 2018-2021 and its 2022-2023 extension, the time frame in which the project was launched and implemented.⁵⁶ Specifically, the theory of change foresees human rights improvement on the ground as the overarching goal of a range of OHCHR interventions organized under six pillars. The

⁵⁵ As of December 2022

⁵⁶ "United Nations Human Rights Management Plan 2018 – 2021, Expanded version" (OHCHR, 2018), page 8., available at <https://www.ohchr.org/en/publications/management-plan/un-human-rights-management-plan-2018-2021-expanded-version>. See also "United Nations Human Rights Management Plan 2022-2023" (OHCHR, 2022), page 33, available at <https://www.ohchr.org/sites/default/files/2022-05/OMP-2022-2023.pdf>.

project aligns with Pillar 1 (Support the UN human rights system), Pillar 3 (Peace and security) and Pillar 6 (Accountability). Among the institutional results listed, the project contributes to the following:

- a. At the international and regional level: International and regional human rights mechanisms and bodies promote and protect human rights effectively; and the international community responds effectively to critical human rights situations and issues.
- b. At the national level: State accountability mechanisms monitor, investigate and redress human rights violations; public support grows for the protection of human rights.

21. Furthermore, the project can be connected to nearly all of the interventions listed in the theory of change: provision of expert advice, facilitating learning and knowledge transfer, raising awareness, monitoring and reporting on human rights situations, human rights advocacy, providing direct protection to members of civil society and human rights defenders, facilitating dialogue between diverse stakeholders, building networks and alliances, and enabling the functioning of the international human rights mechanisms.

EVALUATION QUESTIONS: RELEVANCE
--

(2) To what extent and how has the project contributed to OHCHR's ability to support the Human Rights Council in responding to human rights situations of concern?
--

(3) To what extent and how has the project supported the High Commissioner's efforts to prevent and/or respond to human rights situations of concern?

22. Supporting the Human Rights Council is a core activity of OHCHR. The investigative bodies established by the Council represent a uniquely important international human rights mechanism to protect persons under severe and imminent threat, prevent further violations, focus international attention and pressure on human rights crises, and strengthen accountability for egregious criminal acts. Despite that the majority of these bodies are headed by independent experts who are responsible for the report, secretariats have always been comprised of OHCHR staff, whether existing staff temporarily deployed or – especially since 2011 – staff recruited externally expressly for the IB. During that time, the Council has also requested OHCHR to undertake seven investigative, assessment, or monitoring missions⁵⁷ and established two ongoing accountability projects.⁵⁸ The effort to undertake and/or support all these mechanisms has implicated significant resources, both financial and staff, and represents a high-profile contribution that is closely followed by the media and the international community.

23. Prior to the establishment of ISU, the ability of the Office to adequately support the IBs, especially regarding accountability mandates, was being questioned by a few civil society and Member States' voices. A series of international meetings of eminent jurists and human rights defenders concluded that there was "broad consensus that [the Human Rights Council investigative mandates] require more resources and greater support to ensure they can function efficiently and effectively."⁵⁹ A major research study undertaken from 2020 to 2022 highlighted shortcomings in OHCHR support, noting that "OHCHR is profoundly under-resourced for all of the responsibilities it holds."⁶⁰ The study concluded that adequate support for the IBs could be ensured through either: (1) the establishment of Investigative Support

⁵⁷ Belarus (2021), South Sudan (2015), Libya (2015), Iraq (2014), Sri Lanka (2014), Central African Republic (2013), Syria (2011), and Honduras (2009).

⁵⁸ Sri Lanka (2015) and DPRK (2014).

⁵⁹ "The Future of Accountability Mechanisms: Twenty Recommendations", International Commission of Jurists (December 2021), page 2. Available at <https://www.ici.org/wp-content/uploads/2021/12/GLOBAL-Report-The-Future-of-Accountability-Mechanisms-ENG-2021.pdf>.

⁶⁰ Federica D'Alessandra, Ambassador Stephen J. Rapp, Kirsty Sutherland, and Sareta Ashraph, "Anchoring Responsibility for Mass Atrocities: The Permanent Support Needed to Fulfil UN Investigative Mandates" (The Oxford Institute for Ethics, Law, and Armed Conflict, May 2022), page 92. Available at <https://www.elac.ox.ac.uk/research/anchoring-accountability-for-mass-atrocities/>,

Mechanism, “independent of OHCHR in the same manner as the three investigative mechanisms” [IIM Syria, IIMM and UNITAD]⁶¹; or (2) the establishment of an Investigative Support Division within OHCHR.⁶² Since 2019, there has been continuing discussion among civil society and donor governments on the proposal to establish a Standing Independent Investigative Mechanism that would be functionally independent of OHCHR and which would carry out investigations mandated by the Human Rights Council and other UN bodies.⁶³ In the view of the Evaluation Team, such a transfer of responsibilities would negatively impact other HRC-related programmes and represent a highly visible failure to deliver on one of OHCHR’s core responsibilities.

24. Realizing that the work of IBs was supported by insufficient resources, the Kingdom of the Netherlands offered financial support for a project establishing the ISU. The project was designed to address concerns similar to those highlighted by stakeholders and the international community. Its initial implementation was set back, first by the significant dislocations resulting from the COVID-19 pandemic and thereafter by the UN Regular Budget liquidity crisis, which lasted from early 2020 through the first quarter of 2021. Fortunately, experienced staff had been hired under the project for the ISU just before the system wide hiring freeze. ISU provided critical surge capacity to assist the experts and support an extended start-up of a new investigative mandate (Libya) at a time when the recruitment of secretariat staff was not possible, due to the freeze on Regular Budget. ISU was also able to deploy short-term expertise in digital forensics, open-source investigation, and a media adviser to the IICOI for Syria and expertise on transitional justice to the Commission on Human Rights for South Sudan.⁶⁴ Thus, the creation and expansion of ISU under the project was key to the HRC’s and OHCHR’s response to urgent human rights situations of concern.

25. Some elements of the project – such as the creation of DISC (Digital Investigation Support Cell) -- were just recently established. Interviews of IB secretariat staff indicated a strong interest in such resources to improve investigations and information handling. A recent survey undertaken by DISC on IB information management systems and capacity confirmed the need for a unified approach to digital investigations and information management across the IBs.⁶⁵ It will take time to achieve the project’s transformative goals of fully leveraging information technology to strengthen IB capacities to collect and preserve evidence for accountability purposes. Meanwhile, there are continuing challenges that need to be addressed.⁶⁶ However, it can be said that, had there been no project and consequently no ISU during the 2020 – 2021 pandemic and system wide hiring freeze on regular budget posts, a number of IBs would have been severely set back. Thanks to the availability of project funds, 13 posts were temporarily filled in the secretariats of four ongoing IBs⁶⁷ which averted a suspension in the implementation of their mandates.⁶⁸ The failure to carry out core activities mandated by the HRC would have reflected badly on OHCHR’s credibility and eroded confidence in OHCHR’s ability to adequately support these highly visible human rights mechanisms.

⁶¹ Ibid, page 96.

⁶² Ibid, page 96.

⁶³ See “Options for the establishment of a Standing Independent Investigative Mechanism (SIIM)”, International Commission of Jurists (September 2022), page 3. Available at <https://icj2.wpenginepowered.com/wp-content/uploads/2022/09/Options-for-the-establishment-of-a-Standing-Independent-Investigative-Mechanism-SIIM-26-September-2022-1.pdf>.

⁶⁴ “Strengthening OHCHR’s Investigative Capacity: Final report to the Netherlands”, 30 December 2021.

⁶⁵ “2023-2025 Roadmap for ERS Digital Investigation Support”, 28 December 2022.

⁶⁶ See section 3 below.

⁶⁷ The IBs covering Syria, Libya, South Sudan, and Burundi.

⁶⁸ “Strengthening the capacity of the investigative bodies to undertake Human Rights Council mandated investigations”, PBRB form dated 6 November 2020.

EVALUATION QUESTIONS: COHERENCE

(1) How has the project and its implementation affected, if at all, OHCHR's secretariat support for the Human Rights Council and other relevant inter-governmental bodies?

26. The project has strengthened OHCHR's secretariat support for the Human Rights Council. Just as importantly, the addition of experienced staff to ISU under the project has strengthened support for the start-up phase of the IB. The Evaluation Team was informed that, during the drafting of a mandate, ISU participates in an inter-divisional team that contributes expert advice to Member States on the technical implications of the terminology and phrasing used in the mandate resolution to improve clarity and ensure the desired results are met. The team also assists the HRC secretariat in the preparation of PBIs for initial mandates as well as for mandate renewals. Once a mandate is adopted, ISU coordinates the identification of experts/commissioners process to be appointed by the President of the HRC and advises the High Commissioner on their selection, and coordinates the development of the concept of operations which will serve as the basis for budgetary submissions for approval by the ACABQ. The increased staffing of ISU provided by the project has played a critical role in strengthening these services.

EVALUATION QUESTIONS: COHERENCE

(2) How has the project and its implementation interacted with other efforts undertaken by OHCHR to address these situations?

27. The project has created new capacities and synergies that enhance OHCHR's work in monitoring and documenting human rights violations worldwide. These capacities include, in particular, information technology services (Objective 5 in the project analytical framework), and risk analysis and assessment (included in Objective 6 of the project analytical framework).⁶⁹ The project supplemented and expanded the support provided by the Information Management and Data Analytics Unit, which had been established in 2017 with a view to develop and implement an information management strategy using the latest technologies applied to human rights field work and analysis.⁷⁰ The project supported the work on satellite imaging, GIS/mapping, data visualization, and information management. The unit has also helped to develop and implement an information management strategy for FOTCD and OHCHR field presences, working closely with Emergency Response Teams in regional offices. The work of this unit across different types of OHCHR presences and operations serves as an example of catalytic synergies supported by the project that have widening circles of impact beyond the original project objectives.

28. Another potentially transformative unit, one directly resulting from the project, is DISC, which was established within ERS in September 2022 to work with the IBs to complement their investigative and accountability capacities. DISC, which is supported by project funds and which was planned at the outset of the project,⁷¹ focuses on applying the latest advances in technology to digital investigation and evidence management, the latter being a key consideration in pursuing accountability. The unit recently reached out to all the IBs and conducted a stocktaking and analysis of the environment, systems, tools, processes, practices, and resources relating to digital investigation and evidence handling carried out by the IBs. The inquiry resulted in a three-year plan to bring coherence across the IBs and develop the tools, resources, and experience to improve human rights investigations and ensure the proper preservation and storage of information and evidence with a view to maximizing their use in future accountability processes. The further standardization and professionalization of digital investigations and evidence management across the IBs should have a catalytic impact on the other work being carried out by OHCHR, including monitoring or assessment missions requested by the HRC, Secretary-General or Member States. Since DISC has only just begun, it is not possible to assess its impact on the IBs, or

⁶⁹ See table 1 on page 19 above.

⁷⁰ It should be recalled that the need for proper information management across the IBs was one of the functions highlighted in the 2017 recommendations of the abovementioned Group of Experts.

⁷¹ See objective 5 in the results framework, table 1 on page 19 above.

the extent to which it will build upon and complement the work being carried out in this area by METS. Currently, there are major differences in approach between the two entities that need to be resolved by senior management, including guidance on the tools and platforms to be used in digital investigations and evidence management.

29. Cost recovery from the Dutch funds supported the work of several other OHCHR units that work on the IBs and the issues raised by their mandates. The Women's Human Rights and Gender Section (WHRGS) received cost recovery funds from the Dutch contribution, which was used to support a Human Rights Officer who is the focal point of assistance to the SGBV Investigators and Gender Specialists in the IBs. The WHRGS HRO liaises with UN Women, which seconds gender officers and provides guidance and support to IB SGBV investigators and Gender Specialists. While OHCHR benefits from the fact of having these key staff on secondment, UN Women benefits from the experience gained from staff who served in human rights crises and emergency situations. Most importantly, victims of SGBV are now better served and protected owing to the strengthened capacity and professionalization that has resulted from the support received through project cost recovery funds. WHRGS also convenes regular online meetings with all participating IB gender specialists to share experience and guidance aimed at developing an effective and consistent approach to integrating gender across all IBs.

30. Cost recovery funds were directed to ROLDS for its part in supporting IBs. ROLDS briefs experts and commissioners on legal aspects of their mandates, especially in regard to accountability and transitional justice. ROLDS helps to identify and facilitate the rapid recruitment of legal advisers. It also provides ongoing support to IBs, including by convening regular peer group discussions of IB legal advisers to ensure a common understanding and approach across all IBs. ROLDS is presently revising its online tool for training legal advisers and is hosting the P4 Legal Adviser, recruited on 1 May 2023 under the Dutch funds, who will provide training and continuing advice to IB Legal Advisers (Objective 7 of the project analytical framework).⁷²

31. HRMS also benefitted from funds through cost recovery, although not in measure to the workload represented by the project. Expediting recruitment, despite time-consuming UN requirements and limitations, has always been a primary challenge for IBs, and HRMS has worked closely with the ISU Administrative Cell to address this challenge. This aspect of the project is discussed in greater detail in section 3 below along with recommendations to improve performance.

32. METS also benefitted from project funds through cost recovery, part of which supported a study on implementing the preservation of evidence in IB mandates. The study reviewed practice by all relevant investigative bodies, including the IIMM, IIIM, ICC, and civil society organizations, with a view to setting out a direction for OHCHR. The resulting discussion paper⁷³ aimed at clarifying the policy, methodology and resources (skills, job profiles, tools, training) as well as the implications of such mandates at the crossroads between human rights and criminal investigations work. The findings of the study were used to inform OHCHR's internal discussion on these issues and address some of the proposals for additional or alternative IB support mechanisms.⁷⁴ METS has since undertaken staff training and a number of other related follow up activities.

⁷² See table 1 on page 19 above.

⁷³ "Discussion paper on 'evidence preservation and sharing' mandates of OHCHR-supported/led investigative bodies and options to address gaps" (METS, March 2022).

⁷⁴ Such as, for example, a Standing Independent Investigative Mechanism (SIIM), as proposed in the Oxford Study and advocated by the International Commission of Jurists.

EVALUATION QUESTIONS: COHERENCE

(3) To what degree has the project and its implementation interacted with other UN entities concerned with the same crisis situations?

33. The project interacts with other UN entities concerned with the same or similar crisis situations. Information and evidence gathered by the IBs may be shared by OHCHR with UN and other entities for the purpose of informing criminal investigations of individuals for war crimes and other violations of IHL and ICL. These entities include the ICC's Prosecutor's Office, the IIM-Syria, the IIMM (Myanmar) and national prosecuting authorities. It should be noted that, in the past, the usefulness of evidence gathered by the IBs for accountability purposes, was limited owing to gaps in the way that it was collected and organized, and how documentation was archived, particularly as regards recording the chain of custody.⁷⁵ In this connection, the project has played a critical role in helping the IBs to meet international standards for archiving evidence under their accountability mandates, including through the introduction of the Relativity platform in cooperation with the three UN independent investigative mechanisms. Meeting these standards, to the extent possible within a human rights investigation, is an ongoing effort that should be strengthened with the establishment of DISC and its operational support on online investigations, information management and the preservation of evidence.

34. The ISU oversees OHCHR's human rights deployments to crises, for purposes of early warning and prevention and responding quickly to emergency situations. This includes ISU staff participating directly in deployments and the management of the OHCHR rapid response roster to identify staff for surge deployment. The project has provided resources for OHCHR's contingency fund and ensures financial support for emergency deployments, including to the IBs for start-up and unforeseen staffing gaps. These deployments include short- and medium-term field monitoring and investigation leading to public reporting and advocacy, response to humanitarian emergencies, support to human rights monitoring during elections, and deployment of surge capacity to existing presences during extraordinary situations. During the implementation period of 2020 to 2022, the project supported numerous deployments including to Bolivia (OHCHR FP), Yemen (OHCHR FP), and Myanmar (remote monitoring following the 2021 coup).

35. ISU and the Women's Human Rights and Gender Section partner with UN Women on the secondment of experienced SGBV /gender advisers (GAs) and investigators to serve in IB secretariats. The arrangement, which is discussed further below, ensures that the necessary expertise is available and integrated into each of the IBs so that human rights violations and crimes concerning sexual and gender-based violence are properly investigated and recorded, which is one of the objectives of the project.⁷⁶

36. Interaction between the IBs and UN Country Teams is not consistent. The Evaluation Team was informed that many UN agencies were reluctant to be associated with the human rights investigations, which may be perceived as politically sensitive. It should be noted that there have been instances of positive engagement of IBs with UNCTs. In Myanmar, for example, the IIFFM met with the UNCT and discussed the implications of their recommendations for the Resident Coordinator and the UN agencies. It should also be noted that the IB reports often contain recommendations for the international community, including the United Nations, and that many of those recommendations involve capacity-building and other activities in which UN agencies are engaged. They may also call on UN agencies to avoid certain vendors with connections to persons and organizations implicated in serious and systematic human rights abuses.⁷⁷ The Evaluation Team was unable to determine how systematically IB recommendations are being followed up by OHCHR desk officers and field presences or how the work of

⁷⁵ Interview with staff from a UN independent investigative mechanism.

⁷⁶ See Objective 8 in table 1 above on page 19.

⁷⁷ This requirement is in conformity with the "UN Supplier Code of Conduct", adopted in 2017 by the UN High Level Management Committee – Procurement Network.

the IBs is being integrated into OHCHR country and regional strategies. A question raised in the course of the evaluation centred on the extent to which the work of IBs affects the High Commissioner’s engagement strategies in relation to the situation under investigation. This question encompassed several lines of enquiry, such as with respect to OHCHR’s ongoing advocacy and initiatives to address urgent human rights concerns on the ground, as well as potential competition for resources to support such engagement.

EVALUATION QUESTIONS: EFFECTIVENESS
(1) How is progress in implementing the project being measured?
(2) To what degree have the objectives outlined in the funding proposal been achieved?

37. As at 30 March 2023, ISU had issued three reports to the donor on the progress in implementing the project.⁷⁸ In most cases, the project objectives that were identified in the 2019 appeal and restated or further elaborated in the reports essentially mirrored or collected the outputs, such as, for example, the establishment of a pool of expert services (Objective 6). It was reported to the Evaluation Team that, while requests for contributions to the reports were made to OHCHR’s other entities contributing to the project work area, the final reports were not consistently shared. As highlighted in the previous sections, project funds were shared with HRMS, METS, ROLDS, and WHRGS through cost recovery making them partners in the project. However, it was reported to the Evaluation Team that not all entities were involved in project reporting nor was there an intra-divisional arrangement, such as a project review committee, to provide periodic oversight and review of the project implementation, reporting, and the disbursement of funds.

38. The project has two long-term goals or expected impacts: (1) Consistent, predictable and high-quality deployments and support delivered to the IBs producing effective outcomes; and (2) Concrete progress made towards accountability for the perpetrators of IHL and IHRL violations. Achievement of those goals will take time and depend, in part, on improving collaboration and prioritization among the many OHCHR entities supporting the IBs and on OHCHR positioning vis-a-vis ongoing shift toward criminal accountability in IB mandates. Additionally, there are external and environmental factors outside of the control of OHCHR. The effectiveness of the accountability mandates depends in large part on the determination of Member States, domestic and international accountability processes, and other actors to pursue prosecution of IHL and ICL crimes and the subsequent requests that may be received by OHCHR for supporting documentation. It was not possible for the Evaluation to document trends in the number of accountability-related requests received by the IBs as there is no centralized monitoring of this function. It can be inferred, however, that the achievement of the project objectives represents an important step toward creating the conditions where the goal of greater accountability is more likely to be achieved. In any event, only three years have passed since the project implementation began, including almost a year when no RB recruitments for the IBs could be undertaken, which significantly affected project implementation. Under those circumstances, it would be unrealistic to expect that the project had fully achieved all its goals. The focus of the evaluation assessment is therefore on the project objectives.

39. As noted in paragraphs 15-17 above, in the absence of a results framework accompanying the project, the Evaluation Team constructed one directly based on the content of the initial appeal and the subsequent reports (see table 1). The objectives as listed in that framework are reproduced in table 3 below along with an assessment as to whether they have been achieved. It should be noted that the lack of baseline data for some objectives (notably those aiming to improve or “enhance” support) makes it difficult to measure the extent of any improvements. In some cases, the Evaluation Team had to rely on

⁷⁸ The following donor reports were shared with the Evaluation Team: an interim report dated June 2020; an interim report dated 30 June 2021; and a final report (covering the completion of the first phase of the project) dated 30 December 2021.

anecdotal evidence as to what performance had been before the project. In other cases, the availability of strengthened, dedicated support to IBs was considered an indicator of improvement.

Table 3: ACHIEVEMENT OF THE PROJECT OBJECTIVES	
OBJECTIVES /EXPECTED OUTCOMES	EVALUATION ASSESSMENT AND COMMENTS
1. New investigative bodies are (better) conceptualized and prepared	The recruitment of project-supported staff in early 2020 strengthened OHCHR's capacity to provide technical advice to members of the Human Rights Council drafting resolutions on investigative mandates. The improved capacity also bolstered ISU's effectiveness in convening and coordinating relevant OHCHR units in drafting the IBs' concept of operations, identifying appropriate posts for recruitment, preparation budget projections for the PBI and requests for submission to the ACABQ, identifying candidates for experts /commissioners for the mandates and following up in these and other related matters. Since the project implementation began in January 2020, there have been seven new IBs established ⁷⁹ and 22 mandate renewals, representing an increase over the previous three years. Coordinators interviewed and surveyed generally viewed the number of staff provided was not adequate (the Evaluation Team was told that the ACABQ regularly reduces the number of IB posts requested by about a third) but agreed that the profiles of the staff recruited were appropriate to the mandate. ⁸⁰ There remains room for improvement in preparing for and operationalizing new and renewed mandates. However, the level and quality of support has improved since the project began.
2. Immediate /rapid deployment of experienced start-up staff	The first two project recruitments completed in 2020 tripled the capacity of ISU to support the IBs. The ability to reinforce the secretariat was especially important for the Libya FFM, which was established in June 2020, during the months-long UN Regular Budget hiring freeze. The added capacity had a major impact when three new mandates were established in 2021 and another three were added in 2022. While most coordinators indicated that the handover had been adequate overall, there were nonetheless problems that might have been avoided by a lengthier overlap between coordinators or the start-up team and the coordinator or more thorough follow-up. The recruitment of an additional five IB support staff in ISU and DISC in late 2022 should help to improve start-up support and handover for future new mandates. However, there are indications that more attention is needed in the handover phase when the secretariat is deployed, particularly regarding administrative matters. ⁸¹ Data collected by the Evaluation Team indicates that start-up teams and /or surge deployments for new mandates may be required for up to five or six months ⁸² . Accordingly, there needs to be a strategy to ensure that implementation is underway during this period with a sufficiently large and experienced start-up team, bolstered by the temporary deployment of OHCHR staff, whether from the Rapid Response Roster or a newly conceptualized roster system. ⁸³

⁷⁹ The new mandates focused on Libya, Belarus, OPT /Israel, Ethiopia, Ukraine, Nicaragua, and Iran.

⁸⁰ See question 10 in the Coordinator's Survey in annex 4 below.

⁸¹ Discussed further in section 3 below.

⁸² Particularly when fixed-term rather than temporary recruitments are being made.

⁸³ The need for expanded use of rosters is further discussed in section 3, paras. 78-82 below.

<p>3. Investigative mandates are rapidly operationalized</p>	<p>Among the elements concerned with rapidly operationalizing an investigative mandate, the key factors are administrative-related and among those the most time-consuming is recruitment. A major aim of the project was to expedite recruitment while meeting the regulatory requirements of the UN system – a system of checks and balances designed to promote the integrity of the recruitment process rather than its speed. The primary tool put in place by the project was the establishment of the Talent Management Unit (later renamed the Administrative Cell) within ISU with dedicated staff who, with the support of HRMS, focus on reviewing the thousands of applications received yearly for over a hundred positions advertised annually for the IB secretariats. Recruitment – as well as logistics, another key element in operationalizing mandates - involves shared responsibilities among numerous UN entities. Perhaps the most significant impact of the project-supported Administrative Cell is the increased diversity of the candidates recruited in terms of their profiles, skill sets, and experience, particularly as relevant to implementing the accountability element of the IB mandates. This positive trend is supported by the fact that, of the 56 IB staff who responded to the evaluation staff survey, only 43% came with an OHCHR background.⁸⁴ In the 2020 Oxford Survey, when IB staff were asked whether the recruitment process yielded staff with the requisite expertise and skills, almost 70% disagreed. When the same question was given in the Coordinator’s Survey, only one of the six respondents disagreed. While this cannot be considered compelling evidence given the small number of coordinators responding (6 of the 11 current coordinators), taking into account additional feedback received from interviews, there are indications that improvement has been made in recruiting staff better suited for the human rights investigative and accountability mandates.</p>
<p>4. Ensure surge capacity to temporarily fill staffing gaps</p>	<p>The Evaluation Team learned that unforeseen circumstances, such as staff leaving prematurely in order to take up another post, sometimes leaves gaps in IB secretariats at critical times such as during the drafting of the report.⁸⁵ Given the short and unstable contracts held by most IB staff, it is not surprising that more than half of the 56 respondents to the IB Staff Survey indicated that they had recently applied for another post.⁸⁶ When staff depart unexpectedly, there may not be sufficient time remaining to recruit a replacement. Candidates applying for some posts, such as Legal Adviser or Reporting Officer, may have to pass written tests, further extending recruitment times. Another problem arising is when a suitable candidate cannot be identified in the initial round of recruitment and the post needs to be re-advertised, but with an even shorter contract period which discourages candidates to the point where the post may not be filled during the current cycle. These may be among the reasons for the</p>

⁸⁴ See question 4 in the IB staff survey, annex 3 below.

⁸⁵ See “Report of the independent international fact-finding mission on the Bolivarian Republic of Venezuela” (20 September 2022), A/HRC/51/43, para. 8: “Moreover, the Mission’s capacity to carry out in-depth investigations beyond the current areas of focus was further curtailed by staffing concerns. Unstable and short-term contractual arrangements, linked to unexpected staff transfers, resulted in significant staff turnover. There is an urgent need for the Office of the United Nations High Commissioner for Human Rights (OHCHR) to find a solution that ensures that recruitment processes are compatible with the temporary character of mechanisms as the Mission, in order to allow that it can fully develop its investigative potential.”

⁸⁶ See question 9 in the IB Staff Survey, annex 3 below.

	<p>relatively high vacancy rate experienced by the IBs. It is not clear how this chronic problem is being addressed. ISU has recently developed a pool of common services to support IBs in some key areas such as legal advice, information management, and media advice (see objectives 5, 6 and 7 below). However, there remain other key areas where there is often a critical need, such as support for programme administration /logistics in the beginning of a cycle or drafting the report near the end. It would be advisable to ensure that OHCHR’s internal rosters, whether the current Rapid Response Roster or another future roster system, include staff with data analysis and report drafting skills. Such assistance could even be provided remotely, for example near the end of the mandate when work pressures intensify.</p>
<p>5. Enhanced expert support to IBs in information technology services strengthening IB capacities to collect and preserve evidence for accountability purposes</p>	<p>The Information Management Officer was recruited in 2020 with a view to support IBs in the collection and preservation of evidence for use in future accountability processes, including criminal proceedings. To that end, a pilot project with the Relativity Platform was launched with the Libya FFM.⁸⁷ The use of the Relativity platform, which has since spread to several other IBs, is discussed in section 3 below.⁸⁸ The recent establishment of DISC marks an expansion of the former Information Management and eDiscovery Cell to provide operational support to IBs in the following areas:: (1) Digital evidence strategy, standardization, and capacity building; (2) eDiscovery, including using the Relativity platform; (3) Online open-source investigation; (4) Digital forensics; (5) Blockchain investigation; and (6) Archiving. The unit of four staff aims to update the IBs’ (and OHCHR’s) approach to fact-finding and investigation to take better advantage of the new technologies available and to assist the IBs in aligning with the requirements of mandates that increasingly stress the element of individual accountability and collection and preservation of evidence. To that end, DISC just recently concluded a stocktaking of the IBs capacities and a needs assessment survey of the IB Information Managers and Analysts. It is anticipated that DISC will significantly expand ISU operational support on information management already in place and facilitate a more informed and consistent approach across IBs to digital investigations and archiving evidence. It is unfortunate that this unit was established too late in the project to assess its performance.</p>
<p>6. Establishment of a pool of expert services in support of IBs</p>	<p>The pool of expert services available to IBs as foreseen in the project are: Media Officer; Administrative Officer; and Administrative Assistant specialized in archiving. All the functions are important to the IBs and some (Media /Communications and Administration) cover areas where the ACABQ has not approved posts requested for IBs. While the objective has been achieved in the sense that the relevant staff have been recruited, it is too early to assess their effectiveness or impact.</p>
<p>7. Legal advice and guidance, including those related to accountability mandates, consistently</p>	<p>Legal Advisers are recruited for all IBs and supported by ROLDS,⁸⁹ which assists in the selection and recruitment and provides ongoing support. The recruitment of a dedicated Legal Adviser at the P-4 level, which is supported by the project, was being carried out only at the time of the</p>

⁸⁷ Donor Report of 30 December 2020, page 5.

⁸⁸ See paragraph 93 below.

⁸⁹ ROLDS benefitted from project funds through cost recovery.

integrated in IBs and effectively supported.	evaluation. ⁹⁰ The Evaluation Team found a generally favorable view of OHCHR’s support in this area. The presence of the dedicated focal point in ROLDS facilitates a more consistent approach across IB mandates to legal issues, particularly as regards accountability-related questions. ROLDS is presently developing a tool for training IB Legal Advisers which should be finalized in 2023. The strengthened support for IBs will be especially critical in the case of any Legal Adviser posts falling vacant ⁹¹ .
8. Gender consistently integrated in IBs and effectively supported	Actions towards this objective are implemented by WHRGS, which is supported by the project through cost recovery funds. The gender focal point works with the IBs on a daily basis and co-facilitates the METS start-up workshop for new mandates. Interviews conducted with Gender Advisers during the field visits and information gathered through the survey also indicated that this objective has been achieved.
9. Training, methodological tools and guidance continuously upgraded based on previous experiences	Delivered by METS, which benefitted from some project support. METS continuously provided start-up workshops, and developed guidelines, methodology options papers, and guidance notes for use by IBs. METS also coordinates a monthly online forum for IB Investigation Team Leaders to discuss challenges and share experiences and good practices. Lessons-learned exercises (“After Mission Reviews”) are also held for IB staff at the completion of mandates, although not systematically during 2021 and 2022.
10. Increased quality control and accountability for OHCHR support across all IMs	The failure to consolidate support and ensure consistency through quality control within a single centralized entity under a high-level D1 leadership, as initially foreseen in the OHCHR SMT endorsed strategy of 2016, continues to undermine effective coordination and coherence. The reporting lines of the coordinators remain dispersed among different entities lacking the capacity to provide authoritative guidance, and significant substantive disagreements among entities on policy issues remain unresolved. These challenges are discussed further in section 3 below.

EVALUATION QUESTIONS: EFFECTIVENESS

(3) What, if anything, has inhibited implementation of the project?

(4) What specifically has supported achieving these objectives?

(5) What remains to be achieved?

40. There were a number of factors that inhibited project implementation, chief among them being the system-wide hiring freeze that began in 2020 and lasted over one year as a result of the UN liquidity crisis. The IBs were severely impacted by the freeze and required even more support from ISU, which re-oriented project resources to ensure certain IBs could fulfil their mandates. ISU devoted considerable resources to managing this unforeseen emergency, developing contingency mitigation measures, deploying emergency capacity and preparing the recruitment of an extraordinarily high number of suitable candidates to be deployed to the IBs as soon as the freeze was lifted.⁹²

⁹⁰ See the responses to question 21.6 in the IB Staff Survey in annex 3.

⁹¹ The issue of vacancy rates in the IBs is discussed under “recruitment” in paras. 78-82 below.

⁹² Donor report June 2021, page 13.

41. Another challenge inhibiting project implementation was the significant increase in the number of new and renewed mandates that ISU supports. Whereas in 2017 that number stood at a then-record high of eight new and continuing IBs, by the end of 2022 that number had increased 50% to a record high of 12 IBs.⁹³ This put ISU in the difficult situation of building up capacity as its workload not only spiked quantitatively, in terms of IBs to be supported, but also qualitatively in terms of new and enhanced services for the project to put into place. That the project achieved as much as it did under those circumstances owes much to the ability of ISU and ERS staff to adapt to the challenging circumstances, and press ahead where possible. This required prioritization of the most strategic and urgent tasks, based on knowledge and experience gained over many years along with a strong commitment to project goals.

42. Another factor inhibiting project implementation has been the fragmentation of informational input resulting from the dispersion of the coordinators' reporting lines and management responsibilities. The absence of a D1 level manager focused on the investigative function has resulted in the coordinators reporting exclusively to the relevant Geographic Branch, none of which has a comprehensive overview of all systemic challenges, best practices, or lessons learned. This situation undermines efforts to ensure quality control and has led to inconsistent approaches, not only in relation to managing the coordinators, but also in terms of managing relations with the independent experts. OHCHR attempted to address the issue with the 2018 proposal for a D1 Coordinator for the Investigative Bodies, to be funded through extrabudgetary resources, which was not approved by the ACABQ. The effective provision of support to the IBs requires coordinated efforts of implementing partners across all OHCHR divisions and parts of that support depend on other UN entities. The ISU and the project's main cooperating entities (all of which are sections)⁹⁴ are headed at the same level (P5) and some disagreements among them have lingered without authoritative resolution. The continuing challenge posed by this situation is discussed further in section 3 below.

43. Although much has been accomplished since project implementation began in 2020, much remains to be achieved in the project as indicated in table 3 above. The interviews and surveys conducted by the Evaluation Team highlighted continuing challenges, as well as good practices and lessons learned. These are discussed in section 3 below, along with the Evaluation Team's recommendations.

EVALUATION QUESTIONS: EFFICIENCY

(1) How efficient has the Investigations Support Unit been in using the human, financial and intellectual resources at its disposal to achieve its targeted outcomes?

(2) To what degree do the results achieved justify the resources invested in them?
--

44. The 2019 agreement signed by the Government of the Netherlands and OHCHR to support the project resulted in three donations made later that year totalling USD 2,352,940. According to the agreement, the project began on 1 January 2019, although project funds were not received and allocated until much later that year. The project was to be completed by 31 December 2020, but a no-cost extension from 1 January 2021 to 30 June 2021 was approved because implementation had been significantly and adversely affected by the COVID-19 pandemic. A second agreement in support of the project was signed with the Dutch on 2 December 2020, resulting in an additional contribution of USD 2,247,195. This part of the project, which aimed at tangible improvements in the area of accountability, began on 1 January 2021 and was to be completed by 31 December 2021. A no-cost extension for this part of the project was approved with the completion date of 30 June 2022. In addition to the financial support provided by the Netherlands, the project received support from other donors.

⁹³ This figure includes the Iran FFM but not the DPRK Accountability Project.

⁹⁴ HRMS, IMTS, METS, PLRFSU, ROLDS, and WHRGS.

45. The first phase of the project in 2020 focused mostly on managerial matters to lay the necessary foundation for project delivery. Some funds were deployed almost immediately after they were received, notably to recruit additional staff for the ISU (a P4 and a P3). Funds were also used to provide logistical support to the Group of Eminent Experts in Yemen, deploy additional capacity to support the International Commission of Inquiry for Mali,⁹⁵ and support to the Libya FFM. Additionally, remote operational and substantive support and advice was provided to the Commission on Human Rights in South Sudan; to the Commission of Inquiry on Burundi; to the COI Syria, and to the Commission of Inquiry on Mali, regarding data analysis and investigation planning; and, to the Fact-Finding Mission on Venezuela, with regard to its establishment and start-up.

46. Overall, the disbursement of project funds was characterized by significant under expenditure for the first 18 months of the project which coincided with the global pandemic and the UN liquidity crisis. Consequently, less than 38% of the initial Dutch donation had been used by 30 November 2020.⁹⁶ It should be noted that almost 15% of the total funds received from the Government of the Netherlands was directed to cost recovery for the main implementing partners (HRMS, METS, ROLDS, and WHRGS) and for the OHCHR Contingency Fund, which was used to support the surge deployment in 2022 of two staff to Ukraine and one to Afghanistan.

47. Considering the high relevance of the project and the results achieved as demonstrated above, the resources invested in the project are undoubtedly justified. The project responds to critical needs in human rights crises and key parts of it are transformational for OHCHR, upgrading not only its support for the IBs but also enhancing its capacity for carrying out core activities in the areas of investigation, information management, facilitating accountability, and emergency response.

EVALUATION QUESTIONS: EFFICIENCY
(3) How effectively does the Investigations Support Unit monitor and evaluate the performance and results?
(4) Is relevant information and data systematically collected and analysed to feed into management decisions?

48. One of the key objectives of the project is to rapidly operationalize the investigative mandates (Objective 3) and, to that end, a Talent Management Unit (subsequently renamed Administrative Cell) was established in 2021. The unit monitors the recruitment of all IB staff and is responsible for recording the dates for each step in the recruitment of its staff, showing the time taken for each of the 10 steps required between the adoption of the resolution and the entry on duty date for each of its recruited staff. The Evaluation Team was provided with the recruitment spreadsheets for 2021 and 2022, which are discussed in section 3 below.

49. Another performance monitoring tool, one that covers all aspects of IB support, are the lessons learned exercises (“After Mission Reviews”) that are carried out at the completion of a mandate. These exercises are carried out by METS and the recommendations and good practices emanating therefrom made available to IB coordinators as part of their induction, including into the METS-produced ‘Coordinator’s Induction Packet. The recommendations and good practices are also integrated into training (e.g., Start-up Workshops) and methodological guidance that is regularly disseminated to Secretariat staff, for example during the METS-led Investigation Team Leader monthly meetings. They are also used in METS briefings that are systematically undertaken with the IBs’ experts. The results of After-

⁹⁵ The International Commission for Mali received its mandate from the Secretary-General and reported to the Security Council.

⁹⁶ “Strengthening OHCHR’s Investigative Capacity: Financial Report of Income and Expenditure for the period 1 January 2019 – 30 November 2020”.

Mission Reviews which have policy or strategic implications are brought to the attention of relevant senior managers for appropriate action.

50. Despite these laudable efforts to track key performance data and to record valuable good practice and lessons learned, it is unclear how performance data are analysed and fed into senior management decisions. Different reporting lines for different coordinators means that information reaching OHCHR management is partial and fragmented. While both the Chief of ERS and the Geographic Branches and Section Chiefs report to the Director of FOTCD, it may be unrealistic to expect – from a position overseeing close to a hundred field presences and at least half of OHCHR’s staff – to exercise the required regular oversight role for IB coordinators and staff. From the information available to the Evaluation Team, it appears that the last time support to the IBs was discussed by the SMT was in May 2019, before the project began. It is hoped that the analysis and recommendations of this evaluation will facilitate an updated high-level review of the IBs, the OHCHR structures and policies supporting them and the relation of the IBs to OHCHR’s mission and engagement strategies.

EVALUATION QUESTIONS: EFFICIENCY

(5) How has the project and its implementation interacted with other parts of OHCHR concerned with human resources and administrative matters relevant to the deployment of such missions.
--

51. The operationalization of new mandates – and their continuation on renewal – depends in large part on effective coordination between ISU and certain sections within PSMS. HRMS plays an especially crucial role and coordinates closely with ISU and its Administrative Cell on IB recruitments, which number over 100 posts yearly given the short-term nature of the temporary contracts held by most IB secretariat staff. It should be noted that supporting the investigative mandates poses a significant burden on administrative services, notably the HRMS, the Information Management and Technology Section (IMTS), and the Procurement, Logistics, Registry and Field Support Unit (PLRFSU). Interviews with IB staff and responses to the evaluation survey highlighted numerous shortcomings in these areas, discussed in detail in section 3, which may require additional resources dedicated to IB support. These shortcomings are critical insofar as they result in significant “downtime” for IB staff who already have very limited time to carry out their extensive, high-profile work under difficult circumstances.

EVALUATION QUESTIONS: IMPACT ORIENTATION

(1) To what degree is the project strengthening the Human Rights Council’s efforts to protect human rights in crisis situations?
--

52. The creation of an investigative mandate is a primary tool of the HRC in dealing with an emerging human rights crisis. The IBs have a greater capacity for investigation and a higher profile than the appointment of a special rapporteur, another of the Council’s tools for the protection of victims of serious and systematic human rights abuse. The IBs occupy a crucial niche among the human rights mechanisms, focused on near-term results and contributing substantially to medium- and long-term solutions, reinforced by the follow-up to its recommendations by other UN mechanisms. In the three years since the project began in 2020, the HRC has convened in emergency sessions seven times on different human rights crisis and decided to create an IB on three of those occasions.⁹⁷ Four other IBs were created by the HRC during the same period.⁹⁸ Clearly, IB mandates are important for the HRC. They are also important for the profile and reputation of OHCHR and the United Nations. Most importantly, IBs are important – even life-saving – for the thousands of victims, shining the light of international concern through monitoring and reporting while raising the cost for abusive governments and perpetrators to continue. A recent study of the IBs observed that they are often the first, and sometimes the only, official act of

⁹⁷ OPT /Israel, Ethiopia, and Iran.

⁹⁸ Libya, Belarus, Ukraine, and Nicaragua.

political or legal accountability⁹⁹. There appears to have been at least several dozen requests from prosecuting authorities to the IBs for information useful for criminal investigations.¹⁰⁰ As recently summarized by a leading human rights INGO, “There is broad consensus among stakeholders that Accountability Mandates [of the HRC] contribute significantly towards individual criminal responsibility for serious human rights violations – as well as State responsibility - and form an integral part of the human rights and international criminal justice architecture.”¹⁰¹

53. Supporting the HRC, including IBs, is a core activity of OHCHR, as noted by the ACABQ.¹⁰² However, given the way in which the IBs are established, responding as they do to unforeseen emergency situations, OHCHR was not structured in a way to maximize its operational support for these bodies. Before the project began in 2020, ERS had only three staff (two professional and one general service) who, among other tasks, coordinated and ensured operational support for the eight IBs at the time and their 100+ secretariat staff /posts.¹⁰³ That they accomplished as much as they did is a testament to their competence and their commitment to the UN mission.

54. In retrospect, the project commenced at a critical time to meet even increased demands (in terms of new mandates added) and major environmental constraints (the global pandemic and the UN hiring freeze). Just as importantly as helping to meet those demands, the project notably strengthened OHCHR’s capacity to provide operational support for the accountability mandates through, for example, the targeted recruitment of staff with the requisite training and experience in IHL /ICL investigation and the acquisition of appropriate digital technologies to support improved investigation and archiving.

EVALUATION QUESTIONS: IMPACT ORIENTATION

(2) To what degree is the project strengthening OHCHR’s ability to protect human rights in crisis situations? Please share examples of an individual’s or community’s rights being protected.

55. Although most of the current IBs are “independent” mandates – meaning that although their secretariat and support is provided by OHCHR, the independent experts /commissioners are responsible for the reports – OHCHR mandates emanating from the HRC have played an important role. In the past, the HRC has often called upon OHCHR to field fact-finding, investigative or assessment missions¹⁰⁴, three of which were followed up by IBs that OHCHR had recommended: the Independent International Commission of Inquiry on Syria, Sri Lanka Accountability Project, and South Sudan Commission on Human Rights. Two current IBs are OHCHR-led operations mandated by the Human Rights Council¹⁰⁵ that are directly supported by ISU and other OHCHR units and have benefited from the additional capacity and services provided under the project. The additional ISU capacity provided by the project strengthened the OHCHR response in all of the crisis situations identified by the HRC as well as the Commission of Inquiry on Mali, a mandate of the Secretary-General that was supported by ISU.

⁹⁹ Ted Piccone, “United Nations Human Rights Commissions of Inquiry: The Quest for Accountability”, (The Brookings Institution, 2017). pages 3 to 5. Available at <https://www.brookings.edu/research/u-n-human-rights-commissions-of-inquiry-the-quest-for-accountability/>.

¹⁰⁰ Based on anecdotal evidence. Unfortunately, centralized statistics on requests received and responses are not currently maintained.

¹⁰¹ “Options for the creation of a Standing Independent Investigative Mechanism (SIIM)”, International Commission of Jurists (Sept., 2022), page 3.

¹⁰² Cited as the reason for rejecting OHCHR’s request in 2018 for an D1 XB post to coordinate support to the IBs.

¹⁰³ “Reinforcement of OHCHR’s capacity to support investigative mechanisms: Statement of Need (August 2019), page 1.

¹⁰⁴ For example, for Syria (2011), CAR (2013), Sri Lanka (2014), Iraq (2014), Libya (2015) and South Sudan (2015).

¹⁰⁵ Namely, the Sri Lank Accountability Project and the Belarus Examination. The OHCHR Accountability Project DPRK was also established pursuant to a HRC mandate.

56. The project also supported the timely and effective deployment of human rights officers for several emergency response activities through the use of OHCHR Contingency Fund. Through these deployments, the capacity of the UN country teams and/or OHCHR field presences were significantly strengthened in times of humanitarian or other emergency situations.¹⁰⁶ In this way, the improved capacity made available to IBs also improved capacity of OHCHR to carry out its protection work.

57. There are numerous examples in the project donor report where the project-supported surge capacity of OHCHR was deployed in emerging crises. They include:¹⁰⁷

- the deployment of a surge team to Kyrgyzstan in 2020 after violent protests with many casualties broke out over disputed elections. The OHCHR mission monitored the situation with a view to prevent further violence. The team helped establish an Early Warning and Information Management Platform within the OHCHR Regional Office, an information management tool to assist the Office with information-gathering and early warning analysis.
- following escalating armed conflict in Tigray Province in Ethiopia, a six-person surge team was deployed to the region, interacting with refugees, documenting human rights abuses therefore informing and reinforcing UN advocacy with the Government, including on allowing unimpeded access to IDPs. The findings of the mission were further outlined by the High Commissioner in her public statement issued on 22 December 2020. The surge team also worked with the UNCT to develop a human rights-based approach to much-needed humanitarian assistance for those affected by the conflict.

58. An aspect of impact orientation relates to the work of regional and country offices in crisis situations. While the Evaluation Team was not able to comprehensively review the cooperation level between IBs and regional or country offices, it observed that there was scope for improving the coordination and information flow between them in order to strengthen OHCHR's ability to protect human rights in crisis situations.

EVALUATION QUESTIONS: IMPACT ORIENTATION

(3) To what extent does the project contribute towards the promotion of accountability?

59. The project, which is regarded as “Accountability Initiative”, contains three main objectives relating to accountability: strengthening IB capacities to collect and preserve evidence for accountability purposes (Objective 5); establishment of a pool of expert services, including archiving aimed at facilitating an effective response to requests from prosecuting authorities (Objective 6); and the provision of a consistent approach to legal advice and guidance to IBs, including on accountability issues (Objective 7).¹⁰⁸ The work carried out to achieve those objectives is ongoing but sufficiently advanced to note that it has already positioned IBs as well as OHCHR to better respond to accountability requests for documentation while, at the same time, improving information management, and upgrading investigative capacity and methodology.

60. The main vectors for achieving these inter-related accountability objectives are the recruitment by ISU of an Information Management Officer in 2020 and the creation of DISC in 2022 to further expand support in this area. Currently, DISC works with the IB Information Management Officers to support them with the latest software and digital technology appropriate for their needs and following up directly with IMTS on issues of licensing and procurement. It should be noted that METS also provides training, guidance, and methodological support on information management issues.

¹⁰⁶ Donor Report to the Netherlands of 30 December 2021, page 8.

¹⁰⁷ Ibid, pages 6-7.

¹⁰⁸ See table 3 above.

61. The Evaluation Team was informed in its interviews of the usefulness of convening a regular online meeting for certain occupational groups (such as for coordinators, gender advisers, ITLs and Legal Advisers) to ask questions, exchange views, and share experiences. Since April 2023, DISC has replicated this good practice by convening monthly meetings with IB Information Management /Evidence Officers under a newly-launched Digital Data Knowledge Forum to advise and mentor new staff and identify emerging challenges as well as best practices and lessons learned. A dedicated forum on the Relativity platform for information management and eDiscovery has also been created recently as for exchanges among IB Information Management /Evidence Officers and their counterparts in the three independent investigative mechanisms (i.e., IIM, IIMM, UNITAD).

62. From the interviews conducted, the Evaluation Team found that the work of the IBs is greatly valued by the independent investigative mechanisms, in terms of establishing basic facts and patterns which assist the mechanisms in developing a more effective investigation strategy that builds upon the information that has been already gathered. The efforts being made under the project to upgrade and sharpen investigative capacity of the IBs and bring their information management systems more in line with relevant international practice should further enhance the value of the IBs contribution to accountability institutions, authorities, and mechanisms.

EVALUATION QUESTIONS: SUSTAINABILITY

(1) Are the changes, results and achievements effected through the project likely to be sustained?
--

(2) What factors would favour or inhibit sustainability?
--

63. The changes, results, and achievements of the project have been brought about largely through the enhancement of support capacity in OHCHR, specifically with the establishment of the ISU. The successes of the project are likely to be sustained as long as they are built upon. It is important to note that of the nine posts currently allocated to ISU, only one is regular budget and the remaining eight are extra-budgetary, most of which are supported by the project. For DISC, all four of its allotted posts are extra-budgetary and supported by the project. Without the project, OHCHR would be struggling to support the current 12 investigative mandates with a single regular budget post along with whatever part-time assistance could be extended by other staff in ERS. The sustainability of the project would be enhanced if OHCHR were able to convert some of the current extra-budgetary posts into fixed-term regular budget posts. This aligns with the observation made by the ACABQ that supporting the investigative mandates of the HRC constitutes a core activity of OHCHR which should not be supported through extra budgetary resources.¹⁰⁹ Although each IB results from a specific set of unforeseen circumstances and individual IBs can be considered as temporary responses, it is clear the investigative mandates have grown and evolved over the last 10 years.¹¹⁰ Taken together, they have become a major and permanent human rights mechanism with a unique mission to address many of the most serious emerging human rights crises and to facilitate accountability for many of the worst human rights abuses. These unique features account for the high visibility accorded to the IBs and their close association with the credibility of OHCHR and the UN.

64. Converting these posts into RB posts is neither a quick nor an easy process. Over the short-term, the continuation of the project will depend on donor support. In the meantime, OHCHR needs to give more visibility to the IBs, highlight its commitment to supporting them generally and the initiatives represented by this project specifically. Efforts to highlight the work of IBs and thereby sustain the achievements of

¹⁰⁹ Letter dated 14 December 2018 to the Secretary-General from the Chairman of the ACABQ.

¹¹⁰ See figure 2, on page 15 above.

the project can begin with raising the profile of IBs in the OHCHR annual appeal. The 2022 annual appeal¹¹¹ does not appear to contain any reference to IBs nor its specific funding requirements.¹¹²

65. Another perspective on the sustainability of the project relates to work conducted further to IBs' recommendations, in terms of OHCHR's efforts to bring forward their recommendations, either on the ground or through advocacy, and achieve lasting human rights impacts. While the Evaluation Team was not able to comprehensively review all such efforts, it was able to observe widely differing viewpoints on the extent to which complementarity in approach, at a general level, between an IB and OHCHR's overall engagement strategy would be desirable or appropriate. Such viewpoints extended from insistence on an absolute 'firewall' between IB secretariats and OHCHR staff, to a view that the High Commissioner's scope to act independently was arguably being affected by the proliferation of IBs. Between those two extremes is a more generally expressed view that ongoing exchange of information between IBs and OHCHR staff, while respecting confidentiality measures, would strongly favour the promotion and protection of human rights. The Evaluation Team noted that this is an additional area where increased coherence, by way of an institutional policy or position endorsed at the senior level, would be critical. This issue is further discussed in section 3 below.

EVALUATION QUESTIONS: GENDER AND HUMAN RIGHTS (DISABILITY INCLUSION) INTEGRATION
(1) Within the framework of the project, to what extent did the Investigations Support Unit plan and achieve results that contribute to gender equality and disability inclusion?
(2) What strategies relevant to the integration of gender and human rights (disability inclusion) could be adopted by the Office for future interventions in the areas covered by the project?

66. As discussed under "Effectiveness", Objective 8 (Gender consistently integrated in IBs and effectively supported) above, the project objectives in the area of gender integration are assessed as having been achieved. The lead responsibility for implementing this part of the project lies with the WHRGS, where a designated focal point works closely with IB Gender Advisers or SBGV investigators. The Evaluation Team found that this work area has delivered positive results. The work of the WHRGS in the IBs was integrated into the work of other implementing partners. For example, the Gender Focal Point also participates in several sessions of the start-up workshop for new mandates.

67. Regarding disability inclusion, it should be noted that this requirement was adopted by OHCHR after the project had already been launched. There is, therefore, no element specifically addressing persons with disabilities.

68. A unique feature of the gender integration component of the project is that it depends, to some degree, on the active participation of another UN entity, UN Women, which works with OHCHR in identifying suitable candidates for recruitment and sponsors the staff through secondment for the initial recruitment IB Gender Advisers or SBGV investigators. The arrangement represents a mutually beneficial arrangement that broadens the experience of UN Women's staff while offsetting support costs for OHCHR. It should be noted that this is a particularly difficult area for investigators who may suffer "burnout" from the stress of interviewing so many victims who have suffered through such devastating and heartrending circumstances.¹¹³ The effective cooperation with UN Women helps to address the relatively high turnover in this professional specialty which always addresses a crucial concern in every IB mandate.

¹¹¹ "United Nations Human Rights Appeal 2022", available at <https://www.ohchr.org/sites/default/files/2022-01/AnnualAppeal2022.pdf>.

¹¹² Ibid. See Subprogramme 4 in "Overview Regular budget allocation and extrabudgetary requirements for 2022.", page 42.

¹¹³ This was confirmed in interviews with several Gender Advisers /SBGV investigators.

69. In relation to gender and disability inclusion, OHCHR's support to IBs is encompassed within the Organizational Effectiveness Action Plans (OEAP) outlined in the High Commissioner's Management Plans (OMP), including the 2022-2023 extended OMP. In this regard, the Evaluation Team observed that recruitment for IB secretariats has been governed by the OEAP on Diversity and Inclusion and therefore conducted taking into account OHCHR's commitment to achieving gender balance and representation of diverse nationalities and other backgrounds. The Evaluation Team was informed that, in several cases, recruitment memos for IB secretariats were sent back from the Executive Office, citing the need to align all recruitments with this particular OEAP. It was observed that this has become an additional factor limiting speed of concluding recruitment processes. Separately, the Evaluation Team was found that, to the degree that OHCHR's counsel is solicited by the HRC President in relation to appointing independent experts to serve as commissioners, priority is placed on ensuring gender balance within IBs.

70. The success of partnering with UN Women offers an encouraging example that might be followed in other areas of the IBs' work, for instance regarding Child Rights Advisers /Investigators which are required in many of the IBs. **The possibility of securing the cooperation of UNICEF in identifying and even sponsoring these IB staff should be explored. More broadly, the UN Women example suggests that OHCHR should give further consideration to the use of rosters to support more effective start-up and operationalization of IBs.**

3. Challenges, Good Practices, and Lessons Learned

Rapid operationalization and recruitment

71. Investigative bodies are put in place in response to crises so it is critical that they are operational as soon as possible. There are many tasks to be carried out at the initial stage of a new mandate and they have benefitted from the increased capacity of ISU. These include: (1) preparation of a concept of operations wherein the number and profiles of secretariat staff are identified, based on an analysis of the requirements of the mandate; (2) outlining of budgetary implications to be submitted to the ACABQ; (3) short-listing and outreach to suitable candidates to serve as independent experts or commissioners; (3) deployment of a start-up team to work with the newly-appointed experts/commissioners; (4) identifying a coordinator to work directly with the experts/commissioner and manage staff; and (5) deploying, equipping, briefing and training of secretariat staff. A main focus is inevitably recruitment, since this has been the most time-consuming requirement. The challenge was emphasized in the 2019 project appeal and it features prominently in the project's objective 2 ("Investigative mandates are rapidly operationalized"). To this end, a Recruitment and Talent Management Unit – later renamed as the Administrative Cell -- was established within ISU to "review and streamline recruitment".

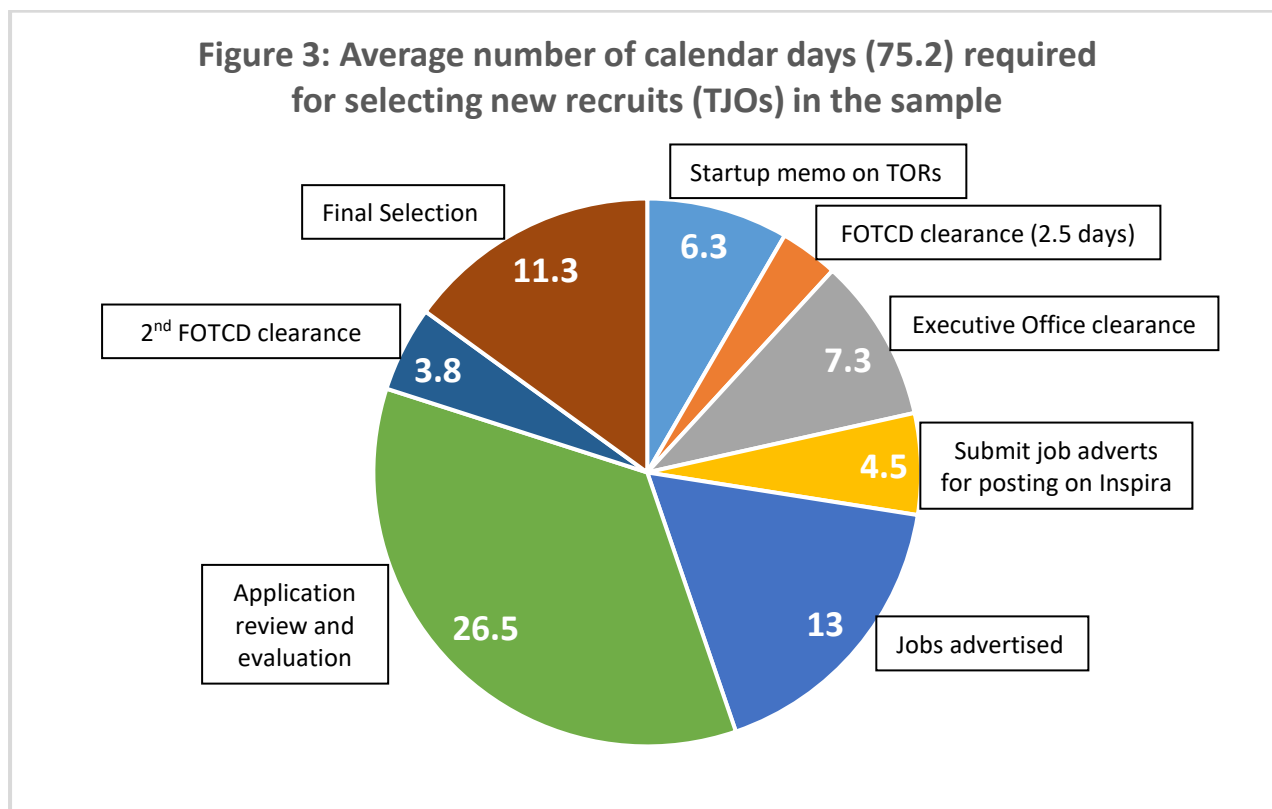
72. The Evaluation Team researched the results of project support for recruitment in several ways: (1) interviews conducted with staff in the IBs, ISU and HRMS; (2) the IB staff survey, focusing on the respondent's experience; (3) the Coordinators' survey to obtain an assessment from the managers' perspective; and (4) a sample of cases as recorded in the recruitment data spreadsheets provided by ISU. The recruitment spreadsheet templates were well structured to provide tracking of the progress for each recruitment through the many stages of the process. The Evaluation Team identified a small sample of cases where all the stages benchmarking the recruitment process were recorded with the aim of tracking the number of days required for each step in the process, including the desk review and evaluation carried out by ISU in coordination with the hiring manager¹¹⁴.

¹¹⁴ It is to be noted that these recruitment timelines did not contain information on the reasons why some recruitment stages took longer than others. For example, the Evaluation Team was informed that some positions,

73. The research sample above consisted of 33 recruitments recorded in the recruitment spreadsheets, of which four took place in 2021 and 29 took place in 2022, covering nine different job types in seven different IBs. All recruitments were for TJOs (RB funded posts of less than one-year duration, for which no interviews were required). The results from the sample are shown in figure 3.

74. The average number of days required for recruitments (75.2 calendar days or about two and half months) was for the final selection of the candidate. The Entry on Duty dates – a key date in the process - were missing from most of the cases in the sample. This is an important omission since the selected candidates may no longer be available to deploy within the required time frame, requiring further evaluation, approval, and candidate contact.

75. While each step in the recruitment process as summarized in Figure 3 represents a fixed requirement, there are areas in which improvements can be made. For example, an online test was recently developed to filter qualified candidates thus lowering the number of applications to be vetted and thereby potentially reducing time at the start-up phase. Further reductions could be made by quicker responses to approval memos submitted to FOTCD and the Executive Office.¹¹⁵ Approval times over the end of the year holidays were sometimes especially long.



76. Recruitment and deployment times were explored in interviews with IB staff and through the surveys. The Evaluation Team found that the average time from application to job offer was 2.8 months. The estimated time between receipt of a job offer and arrival at duty station was an average of 1.2 months.

i.e. the Media Officer/Adviser, is generally advertised with all the other positions even though the actual recruitment and onboarding is concluded at a later stage, closer to the reporting period to the HRC.

¹¹⁵ The initial memos approved by FOTCD for the Ukraine IICOI took less than one day, demonstrating that rapid turnaround was possible.

Adding deployment time to recruitment times amounts to about 4 months from application to arrival at duty station. An additional 20 calendar days represents the average amount of time from the establishment of a new mandate to posting job offerings (figure 3), indicates that it takes between four and a half to five months to operationalize a new mandate. This typically amounts to almost half of the time allotted until the submission of its report.¹¹⁶ IBs having renewed mandates fare better, since some of their staff continue and there is no need to approve continuing job descriptions.

77. Limited time available for carrying out a new mandate is further shortened owing to time dedicated to: the start-up workshop (3 days); time waiting for equipment to arrive or be procured; and resolving administrative matters, such as waiting for an email account and access to OHCHR's internal networks.¹¹⁷

Vacancies, surge capacity, and rosters

78. Temporary Job Offerings (TJOs) are the standard for IB secretariat staff. Yet they are inherently unattractive to many applicants, since contract duration and benefits are limited. It is not surprising that 82% of the respondents to the IB staff survey held RB temporary contracts. Fifty-three per cent of those respondents had recently applied for other positions, whether in OHCHR or elsewhere, likely in search of more stable employment or advancement in grade. Still, surprisingly for the Evaluation Team, most of the coordinators with whom the Evaluation Team interacted did not consider staff turnover and vacancies to be a problem, which may indicate that chronic understaffing has become a new normal.¹¹⁸

Table 4: IB staffing and vacancy rates (December 2022)

Note: The actual size of each IB secretariat was calculated using the staffing tables provided by ISU for the purpose of administering the evaluation staff survey. The final figure (23.4%) does not include the Iran mandate, which was still under recruitment at the time.

Investigative Body	Secretariat size: Posts Approved	Secretariat Size: Encumbered posts at December 2022	IB Post vacancy rate (Dec. 2022)
1. Independent International Fact-finding Mission on the Islamic Republic of Iran	(18)	Under initial recruitment	NA
2. Independent International Commission of Inquiry on the Syrian Arab Republic	28	23	17.9%
3. The United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel	18	11	38.9%
4. International Commission of Human Rights Experts on Ethiopia	15	12	20%
5. Commission on Human Rights in South Sudan	20	16	20%
6. International Independent Commission of Inquiry on Ukraine	24	23	4.2%

¹¹⁶ This takes into account that the draft must be submitted sufficiently in advance of the HRC session to be edited and translated. This estimate is supported by the recent experience of the Ukraine IICOI, established on 4 March 2022, which held its start-up workshop in mid-July when most staff were present.

¹¹⁷ These issues are further discussed below.

¹¹⁸ Nevertheless, the lack of sufficient staff during report drafting had recently posed a severe challenge for one IB, to the extent that the commissioners insisted on raising the matter in its report to the HRC. See footnote 84 on page 28 above.

7.	International Team of Experts on the Democratic Republic of the Congo (Kasai)	4	2	50%
8.	Group of Human Rights Experts on Nicaragua	9	8 ¹¹⁹	11.1%
9.	Independent Fact-Finding Mission on Libya	18	10	44.4%
10.	Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela	14	9	35.7%
11.	OHCHR examination of the human rights situation in Belarus	15	15	0%
12.	OHCHR Sri Lanka accountability project	14	8	42.9%
TOTALS		179	137	23.4%

79. The short duration of temporary contracts is a source of difficulty for IB and support staff. However, longer-term contracts, when available, present another set of challenges, insofar as they can entail a 10-month process to advertise, recruit and deploy staff. The Evaluation Team interviewed three IBs where the extension of their mandates had allowed for fixed term appointments. Two reported severe problems with long-term vacancies that followed from the extended recruitment processes. The third IB overcame this problem by retaining a mixture of temporary and fixed-term positions, thereby maintaining sufficient staffing to ensure continuity. While fixed-term positions are highly desirable, notably in terms of job security, staff retention and benefits, the priority of ensuring continuity of operations should factor strongly into decisions concerning transitioning IB secretariats to fixed term posts.

80. The Evaluation Team noted some progress in recruitment under the project, when compared to IB staff responses to the 2020 survey by the Oxford Institute for Ethics, Law, and Armed Conflict.¹²⁰ The survey disseminated in the context of this evaluation showed that coordinators generally considered that the recruitment process was efficient and yielded staff with the requisite knowledge and experience. Further, staff profiles have diversified significantly, as mandates have evolved toward greater specificity: there are presently over 20 different job descriptions for IB secretariat positions. In tandem, the proportion of staff with a background in OHCHR has decreased. The majority (over 57%) of IB staff survey respondents had other human rights experience or professional backgrounds, such as from other UN entities, NGOs, international tribunals, academia, and national courts and law enforcement.

81. As shown in table 4, information gathered by the Evaluation Team suggests that the vacancy rate for IBs – as of December 2022 – was just over 23%. For some IBs, it was significantly higher. Overall, there were 42 posts unencumbered in 11 IBs, representing a significant shortfall in capacity. The high vacancy rate means that part of the funds allocated to the IBs by the ACABQ go unspent, a fact which has been marshalled by the ACABQ to regularly reduce the amount of funds and posts requested by OHCHR.¹²¹

82. A solution to this problem would be to systematically fill vacant IB posts with surge capacity charged against the approved posts, drawing upon a new roster or system of rosters. The Evaluation Team observed that the current OHCHR rapid response roster may be a part of the solution, but as it is presently designed it is not fit for this purpose.

¹¹⁹ The vacant post (Media Officer) was budgeted to begin the following month.

¹²⁰ See table 3, objective 3 on page 19 above.

¹²¹ A typical example is the request for the IICOI OPT/Israel, which received only 18 of the 25 requested posts.

Handover and onboarding

83. The research carried out by the Evaluation Team with secretariat coordinators indicated that handover from the start-up team was considered adequate. However, multiple interlocutors suggested that **more foundational work should be produced by the start-up team, such as research and assessment of previous records. It was also suggested that there should be a longer period of overlap during the handover for IBs not based at HQ, in order to assist with staff on-boarding and other administrative issues.**

84. The Evaluation Team encountered many complaints concerning inadequate on-boarding in IBs based away from Geneva. The most common complaint was the lack of communication from HQ and a general lack of awareness of whom should be contacted at HQ regarding specific issues. An especially egregious example was the lack of health insurance coverage for IB staff going on mission to a war zone. There is therefore a risk that the effectiveness of the IBs in the critical initial stage is being undermined by a lack of adequate on-boarding.

85. Setting up an IB outside of HQ requires considerable investment of time and effort, especially for staff who have been recruited from outside OHCHR and/or do not know who to contact at HQ. One good practice identified by the Evaluation Team was a succinct “Induction Package of Administrative Issues” developed for the IICOI for Syria. The 5-page document provides basic information, for example concerning where to find information in OHCHR’s intranet and contact information for responsible staff. **The document would usefully serve as a basis for a more elaborate Standard Induction Package to be developed for all incoming IB staff. The package should include information on staff rights and benefits, which are often not communicated to staff, especially those serving outside Geneva or New York.**¹²² In the absence of improved dissemination of such information and an active effort on the part of administrative support staff to properly inform colleagues, many current IB staff may find themselves in similarly unfortunate and inexcusable situations.

86. A Programme Support Officer within the IB secretariat – including the start-up team – responsible for all administrative follow-up is essential for IBs based away from Geneva. Although the ACABQ has not always endorsed OHCHR’s requests for these positions, experience has shown that they are crucial to the rapid operationalization and effective functioning of any field office, particularly one such as an IB with a specific mandate and very tight timeframe. The present system, lacking dedicated programme support, has shortcomings. The Evaluation Team encountered Programme Support Officers who had not been adequately inducted and who had to learn for themselves who to contact at HQ for specific problems. One relayed that his effectiveness was limited because he was a GS staff and thus not taken seriously by HQ.¹²³ However, these issues reportedly have been addressed through the recent establishment of an Administrative Cell and its coordinating role.

87. A related challenge for rapid operationalization concerns equipment, including office furniture, computers, phones and access to OHCHR and UNOG servers. The Evaluation Team found many cases where the on-boarding process was inadequate and resulted in a significant loss of time, when staff were not able to concentrate on or, in some cases, even carry out their work. In many cases, IB staff had to use personal computers or telephones for lengthy periods while waiting for UN equipment, thereby exposing the work of the IB as well as themselves and all of their personal and professional contacts to possible

¹²² In this connection, the Evaluation Team encountered one colleague near retirement age who had never been informed that staff on contracts of over six months’ duration were eligible for a pension contribution from the Organization. Consequently, after many years of UN service in challenging field missions, he has no pension.

¹²³ The Evaluation Team wished to highlight this case, which may be exceptional but has an important negative impact on the IBs’ operations.

compromising surveillance. IB staff were asked in the evaluation survey how long it took for key equipment or access to arrive and their responses are summarized in table 5.

Table 5: Essential equipment and access wait times for IB staff surveyed¹²⁴			
	Less than 1 week (% and number of staff)	Average time for staff waiting for more than one week	Longest time taken
OHCHR phone	40% (22 staff)	24 days (60%, 33 staff)	3 months
OHCHR laptop	45% (25 staff)	39 days (55%, 27 staff)	5 months
OHCHR email	36% (20 staff)	19 days (64%, 34 staff)	7-8 weeks
Access to VPN	9% (4 staff)	48 days (91%, 30 staff)	4 months
Office furniture	69% (37 staff)	30 days (31%, 15 staff)	5 months

88. While noting that there are still significant delays affecting the IBs and their operationalization, it must be acknowledged that – under present institutional arrangements – the provision of equipment and IT services involves UN entities and processes outside OHCHR’s control. **Confronted with this challenge, support to the IBs should be given the top priority by OHCHR given their crucial, high-profile mandate and the very limited time allotted for their work. Consideration should also be given to expanding OHCHR’s administrative capacity dedicated to supporting the IBs.**

Security

89. According to the Evaluation Team’s information gathering, the majority (57%) of IB secretariat staff had not receive a security briefing upon arrival at their duty station. Considering that the far majority (85%) of such staff were not based at HQ, the absence of an effective security briefing is cause for concern. Further, since IBs operate not only in their duty station but also in other countries where refugees, asylum seekers and others fleeing crises are located, IB secretariat staff must be effectively informed and updated concerning potential risks to witnesses – as well as to themselves. In that connection, multiple IB staff with whom the Evaluation Team engaged cited a lack of cooperation with local UN offices, in terms of identifying potential risks to witnesses and possible protection or support networks. An additional area of concern was insecure communications, including phones and laptops. A recent survey carried out by DISC revealed that six IBs had no malware control in place.¹²⁵ Many staff raised the need for specialized briefings on mitigating the risks to IT and communications. One IB struggled with HQ for months to obtain a virtual private network (VPN), which is essential for secure online investigations, and eventually decided to pay the cost out-of-pocket. Another IB was unable to obtain mobile phone protection from the UN against the Pegasus spyware and therefore approached external experts for assistance. There are improvements to be made regarding security for IBs.

Training

90. The Evaluation Team observed widespread appreciation for the workshop organized primarily by METS at the beginning of an IB mandate, which serves not only as an overview of the methodology, guidelines, and resources, but also as a consensus-building exercise to develop an investigation strategy. Presently, the workshop spans three days, which some staff observed was inadequate for staff lacking a

¹²⁴ See question 13 in the IB Staff Survey (annex 3). Of the 56 respondents to the IB staff survey, not all answered every question, which accounts for the differences among staff totals. Delays are expressed in calendar rather than business days.

¹²⁵ DISC, “2023-2025 Roadmap for ERS Digital Investigation Support” (28 December 2022), page 8.

solid background in OHCHR’s monitoring, investigative and reporting methodologies. One option to consider would be lengthening the initial workshop to cover topics more in-depth, depending on the depth of experience of the participating staff. Another option would be to place higher priority on deploying existing OHCHR staff – whether through a roster system or recruitment processes, who already have such knowledge and experience. This would allow the initial workshop to deepen its focus on understanding the country under consideration and developing an investigation strategy.

91. While the majority of respondents to the staff survey indicated that they had completed the mandatory training modules available on INSPIRA, several indicated that they had not. Among the reasons given was the fact that some modules (including the final module for “Human Rights Responsibilities”) will not download properly if staff are not using a Firefox internet browser.¹²⁶ Other UN agencies and even peace missions offer the training modules on their own servers to ensure access through commonly used browsers. Since many IB staff are recruited with no prior experience in OHCHR, it is important that the human rights and other training modules be completed. **OHCHR should host the training modules on its servers to ensure access for IB and other OHCHR staff.**

Enhancing accountability through information management

92. Since accountability elements began to be integrated more regularly in the IB mandates in 2011,¹²⁷ there has been a lively debate on the extent to which an IB can further a potential criminal investigation as part of its human rights investigation.¹²⁸ Considering the importance and implications of the issue, and that the project is framed as an accountability initiative, the Evaluation Team met with colleagues from the IIMM (Myanmar) and the IIM Syria, two Geneva-based UN independent investigative mechanisms, to discuss the interaction of those mechanisms with the IBs and how it might be improved. There were two main takeaways from the meetings. The first was that a human rights investigation is not a substitute for a criminal investigation, nor will it ever be. The constraints on public reporting required under a criminal investigation alone would preclude the core mandate of monitoring and reporting in a human rights investigation. With their narrow focus on individual responsibility, criminal investigators spend much of their time with a select few victims and witnesses compared to the larger number of victims and witnesses engaged by human rights investigators, who routinely focus on events and patterns of human rights (not criminal law) abuses and violations. The second main takeaway was that, despite their differing mandates, the IBs continue to provide key information to criminal investigators, who often rely on human rights reports to sharpen the focus and scope of their initial investigations. Criminal investigations build on human rights investigations and the IBs are actively engaged in that process. Furthermore, human rights investigations should not be curtailed because of accountability considerations, such as the difficulty of establishing criminal responsibility for certain human rights abuses.

93. Although IBs cannot carry out criminal investigations themselves, they can implement the accountability elements of their mandates through more effective information management and archiving of documentation for eventual use by criminal investigators. Under the project, a number of steps have been taken to ensure that information collected by the IBs is usable by subsequent

¹²⁶ The Evaluation Team Leader also experienced this problem and was told by the INSPIRA support staff that he needed to install and use the Firefox internet browser run the final module.

¹²⁷ HRC resolution S/51-1 of 25 Feb. 2011, establishing the International Commission of Inquiry on Libya, directed the Commission “where possible to identify those responsible, to make recommendations, in particular, on accountability measures, all with a view to ensuring that those individuals responsible are held accountable”. Accountability elements were also contained in the mandates of the COIs for Cote d’Ivoire and for Syria adopted later that year.

¹²⁸ For a good summary of the current debate on the issue, see Universal Rights Group, *supra*. footnote 39 (page 16).

accountability mechanisms and criminal investigators.¹²⁹ The move to the Relativity eDiscovery platform may be considered the most important and consequential development. Experts in the use of Relativity¹³⁰ praise its capabilities, while noting that significant preparation invested in tailoring the platform is key to optimising its use. It was procured in view of its use by major criminal investigation entities.¹³¹ Nevertheless, the Evaluation Team noted that there are criticisms of Relativity, not only those stemming from its associated high costs.¹³² Although Relativity contains important investigative capabilities beyond information management, a few IBs continue to prefer SharePoint. At present, the choice to use Relativity or SharePoint or both is left to the IBs. The Evaluation Team noted that situation has changed somewhat with the recent launch of DISC, which is positioned to provide in-depth guidance and backup to Information Management Officers using Relativity and other digital investigation tools.

IB integration into OHCHR: Independence, firewalls, and technical support

94. Although the Human Rights Council and its predecessor, the Commission on Human Rights, have been establishing investigative bodies since at least 1975¹³³, it was only beginning in 2009¹³⁴ that the Council began incorporating the term “independent” into the title of some of the IBs, apparently to better distinguish them from mandates given to OHCHR. The essential difference is who bears responsibility for the content of the report. Of course, investigations have long been entrusted to independent experts or commissioners, rather than the High Commissioner for Human Rights. In this sense, IBs have always been “independent” even if the word does not appear in their titles.¹³⁵

95. Unfortunately, the use of the word “independent” and the recent adoption of a concept of a “firewall¹³⁶” between the IBs and the rest of OHCHR is producing confusion, which is affecting IBs administratively and substantively. It is also affecting OHCHR’s efforts to address the same situations that are under consideration by IBs. The Evaluation Team learned about a situation where a newly-arrived IB administrative assistant would not contact her administrative counterpart in a nearby OHCHR office for advice on a vendor, without going through several time-consuming steps that were preceded by a formal high-level introduction that involved the High Commissioner for Human Rights. Such formal interaction may be apropos for two completely unrelated organizations, which is not the case for OHCHR-supported IBs.

96. The disconnect between some IBs and HQ strongly emerged throughout the evaluation, including in the results of the IB staff survey. As shown in table 6 below, less than a quarter of IB secretariat staff had been in touch with HQ colleagues. One reason, as noted elsewhere in this report, was that many IB staff come from outside OHCHR and are unfamiliar and unaware of how the Office is organized and who is responsible for what.¹³⁷ Another factor may be the relatively high percentage of contacts that are rated by IB staff as “unfavorable” (see table 7). While the sample from the survey is relatively small and there

¹²⁹ See the discussion of Objective 5 under the assessment of “effectiveness”, pages 29 above.

¹³⁰ The Evaluation Team interviewed three persons who have used the platform for several years.

¹³¹ Most notably, the IIMM, the IIM Syria, and the ICC Prosecutor’s Office.

¹³² See “Information Management for Investigations”, note by METS of 11 February 2022. It should be noted that OHCHR currently shares the cost of licensing for Relativity with the UN independent investigative mechanisms.

¹³³ The establishment of the Ad-Hoc Working Group to inquire into the human rights situation in Chile, Feb. 1975. Two previous IBs (Mozambique COI, 1973 and South Vietnam FFM, 1963) were established by the General Assembly. See the chronological list of IBs available at <https://libraryresources.unog.ch/factfinding/chronolist>.

¹³⁴ The Independent International Commission of Inquiry on the Gaza Conflict was established by HRC S-9/1 on 12 Jan. 2009.

¹³⁵ The IBs for South Sudan, Ethiopia, and Nicaragua are current examples.

¹³⁶ A main concern behind a “firewall” is to be clear that the IB operates independently of any presence OHCHR may have in the target country.

¹³⁷ These impediments were cited in the comments of many IB staff interviewed or surveyed.

are no baseline values to compare the numbers with, the effective integration of the IBs into the OHCHR support system is an important objective. The Evaluation Team’s findings suggest that there is considerable room for improvement.

Table 6: Overview of IB staff contact with OHCHR colleagues		
<u>Survey Question 20</u> : Have you requested and received advice, information, or support from:	% responding “yes”	% responding “no”
FOTCD Geographic Desk	30%	70%
OHCHR Regional Office	22%	78%
Special Procedures Branch	25%	75%
Human Rights Council Branch	22%	78%
UPR Branch	6%	94%
Human Rights Treaties Branch	10%	90%
OHCHR Executive Office	24%	76%

Table 7: Quality of IB staff contact with OHCHR colleagues		
<u>Survey Question 21</u> : Please rate the support and advice received from OHCHR in the following areas	Number /percent rating “favorable”	Number /percent rating “unfavorable”
Country context and human rights situation	18 /72%	7 /28%
Identifying NGO /Civil society partners and networks	13 /65%	7 /35%
Thematic human rights issues	16 /76%	5 /24%

97. Similar to the idea of “independence”, the “firewall” principle is differentially interpreted and sometimes counterproductive and impractical to implement. For example, the IICOI Ukraine must coordinate country missions with the OHCHR HRMM in Ukraine to avoid covering the same area at the same time. The same applies to the Group of Experts on Nicaragua, where the HRC resolution establishing the IB calls on the High Commissioner to strengthen monitoring and engagement of the same situation.¹³⁸ Obviously, if teams of investigators from the two entities show up at or near the same time, victims, witnesses and others will question the credibility not only of OHCHR but also the UN. In another situation relayed to the Evaluation Team, a “high-value” witness refused to be interviewed by the IB as s/he had already been interviewed by another OHCHR entity. Reason would dictate that there should be sharing of information on a need-to-know basis in an organization that routinely deals with confidential and “sensitive” information.¹³⁹ The “firewall” in place for IBs contrasts sharply with the situation for Special Procedures mandate holders, who also deal with urgent, high-risk, and high-profile cases and who may interact not only with OHCHR field presences but also with UNCTs. The Evaluation Team observed unanimity among current coordinators with whom it engaged concerning the need to clarify the relationship between IBs and OHCHR.¹⁴⁰ Presently, there is a significant difference in understanding and approach to OHCHR, depending on the IB coordinator. The most experienced coordinators interact more closely with OHCHR colleagues to maximize information flow, and reinforce common concerns and strategies – while avoiding duplication or contradictions in messaging. The Evaluation Team also observed strong consensus among current IB coordinators concerning the need to strengthen information exchange and engagement strategy between IBs and OHCHR.¹⁴¹ In this context, the Evaluation Team noted that this drift in understanding of the independence of HRC-mandated investigative bodies appears to be

¹³⁸ See A/HRC/RES/49/3 establishing GHREN, paras. 17 and 19.

¹³⁹ The sharing of information within OHCHR should be covered in the witness consent form.

¹⁴⁰ Question 15.9 in the Coordinators’ Survey (see annex 4).

¹⁴¹ Question 14 of the Coordinators’ Survey (see annex 4).

another unintended result of the otherwise positive shift over the past several years toward recruiting more IB secretariat staff from outside OHCHR.

98. The Evaluation Team found that this disconnection and the varying understandings of fundamental concepts such as IB independence and operational firewalls speaks to a need to further strengthen the coherence and consistency of OHCHR's overall approach to supporting IBs. An additional element of concern regarding overall coherence and consistency follows from the lack of clarity on who leads OHCHR's engagement with Human Rights Council Member States with respect to IBs. As noted above, a cross-divisional OHCHR team contributes expert advice to Member States on the technical implications of the terminology and phrasing used in relevant resolutions. However, the Evaluation Team heard different views on whether Division Directors, Geographic Branch Chiefs, Geographic Section Chiefs, Human Rights Council Branch Chief or ERS or ISU Chiefs should be participating in Member State dialogues concerning IB establishment, renewal/extension, conclusion or follow up.

Management, reporting lines, and quality control

99. A common problem faced by IB coordinators is the lack of understanding by some experts /commissioners regarding the management of secretariat staff. Although the OHCHR Handbook clearly states that the coordinator is responsible for managing staff, the message is not being effectively communicated by OHCHR senior management, nor is it being effectively enforced. In one of the IBs, the independent experts /commissioners are requiring all secretariat staff to submit weekly reports listing what they have done. This has not been a problem with more experienced experts /commissioners, yet it is nonetheless a serious problem for some IB coordinators and it is not readily resolved through the current system for supporting and managing the IBs. The current system is characterized by the lack of a single official – of sufficient experience and authority/level – who actively manages all coordinators and engages all experts/commissioners. At present, most IB coordinators (who are at the P5 level) report to the D1 Chief of Branch for the geographic region in which their mandate is located.¹⁴² As a result, the coordinators for the current 12 mandates report to four different chiefs. This situation results in a general lack of coherence in terms of managing staff performance and OHCHR's interactions with the independent experts who serve on the IBs.¹⁴³

100. Given the present diffusion of management responsibilities for the IBs, it is not surprising that management problems, such as the role and responsibilities of coordinators and experts /commissioners, may linger without resolution. Coordinators interviewed or responding in the survey indicated that their links to their first reporting officer were relatively weak.¹⁴⁴ The problem is not that constant authoritative guidance and supervision is required; instead, the problem is that guidance and management backup may not be forthcoming when needed, such as when a first-time coordinator or a first-time expert/commissioner arrives who needs guidance on expectations or established management practices. The ambiguity regarding overarching authority and responsibility for supporting the IBs has also meant that some disputes or frictions among the various HQ sections from different divisions have gone unresolved.

101. Another problem raised in meetings with senior management is related to the fact that the methodological support for the IBs (METS) and the operational support (ISU/ERS) are completely separate and located in different divisions. Collaboration between the two entities has become strained and cooperation has been undermined by the lack of agreement on some issues, most notably regarding

¹⁴² The single exception is a coordinator who reports to a D1 head of an OHCHR regional office.

¹⁴³ It should be noted that despite these formal responsibilities, the IBs do not appear in the organigrammes for the geographic branches.

¹⁴⁴ See the aggregated responses to question 6 in the Coordinator's Survey (annex 4).

approaches to information management. These differences need to be resolved in order to facilitate a unified and consistent approach to supporting the IBs. Normally, differences at the P5 level are resolved at the DI level but in this case, with two entities in different divisions, problems require negotiation between the D2 Division heads and possibly a final decision taken at the next higher level, namely the DHC or the HC. Clearly, this is impractical as managers at that level should not be called upon to sort out differences that would normally be resolved at a lower level.

4. Overall Findings

102. The ISU was set up in an evolving context that was marked by the global pandemic and UN System-wide hiring freeze. Nevertheless, the ISU has significantly improved OHCHR's operational support to IBs, in particular through additional capacity focused on more efficient and effective preparation of concept of operations; preparation of outlines of budgetary implications to be submitted to the ACABQ; short-listing and outreach to suitable candidates to serve as independent experts or commissioners; deployment of a start-up team to work with the newly-appointed experts/commissioners; set up of the secretariat, to support experts/commissioner and manage staff; deploying, equipping, briefing and supporting secretariat staff; and consolidation and expansion of "common services", such as public information and operational support for cutting-edge information management. **The Team finds that the project has resulted in good progress in advancing OHCHR's work to support IBs, especially with respect to accountability.**

103. **The Evaluation Team further finds that there remains room for improvement.** Areas to improve relate to critical challenges, namely rapid operationalization, i.e., the swift recruitment and onboarding all core staff; ensuring security of staff members and stakeholders; enhancing accountability through information management; conceptual issues around integration with OHCHR, independence and firewalls; and management and quality control. These challenges are further detailed in the following paragraphs.

104. If the principal objective of an IB is to protect human rights in a situation of crisis, then rapid operationalization – through the swift establishment of an IB's staffing – is the sine qua non of success. Planning and support for timely deployment of staff to widely varying circumstances requires a coherent, sustained, and systematic approach. **While ISU's increased capacity for start-up has allowed for the prompt deployment of a core team in the initial stage of the establishment of a new IB, the Evaluation Team calculated an average of four and a half to five months are needed to fully operationalize a new mandate. This period was attributed to the average time it takes to conceptualise a new mandate, recruit, deploy and equip secretariat staff.** There have been recent cases where key priority positions were in place within two to three months showing that it is possible to further reduce operationalization timelines. In this connection, consideration should be given to expanding OHCHR's administrative capacity dedicated to supporting the IBs.

105. Based on the Evaluation Team's information gathering, the majority of IB secretariat staff may not have received a **security** briefing upon arriving at their duty station.¹⁴⁵ The Team noted that IB secretariats often undertake missions in various countries, to interview victims, witnesses and others who have fled, and such briefings should be provided in each country. The Evaluation Team identified **secure communications** as an increasing concern for IBs, encompassing phones, laptops, VPNs and specialized briefings on mitigating risks. **Witness protection** remains a top concern for IB secretariats but only a few IBs have dedicated witness protection officers. Although relevant procedures and witness protection measures are contained in policy guidance available to the IBs, the policy has not been reviewed and

¹⁴⁵ This was the case for 57% of the respondents to the IB Staff Survey (annex 3, question 15).

updated since its adoption in 2012.¹⁴⁶ Additionally, the Evaluation Team heard from many IB staff who cited a lack of cooperation with local UN offices, in terms of security briefings and other support to identify risks to witnesses and protection networks. The reluctance of some UNCTs to engage with the IBs appeared to be related to concerns of host government “sensitivities” and a lack of understanding of the IBs as important UN human rights mechanisms.

106. **The Evaluation Team found that ISU has begun to lay the groundwork for impressive contributions to accountability mandates, in particular through specialized expertise and information management.** This has entailed adapting job profiles and competencies for secretariat staff and facilitating the integration of new approaches and technologies for investigating and gathering and archiving evidence. While the effort to integrate criminal law methodologies holds the potential to strengthen human rights investigations, differing goals of human rights investigations and criminal investigations are not always easy to reconcile. This issue remains a subject of debate among practitioners and experts, including within OHCHR. The Evaluation Team further found that in the absence of authoritative policy and guidance on this and other related matters, IBs have taken different approaches to reconciling these elements of their mandates.

107. Acknowledging that OHCHR has always supported a broad range of independent mechanisms, the Evaluation Team detected a notable shift in understanding of what “**independence**” means in practice. The Team concluded that this shift likely dovetails with the growing trend of recruiting secretariat staff from outside OHCHR, especially to take account of the increased focus on criminal accountability. Concomitant to this shift has been the establishment of “**firewalls**” to regulate interaction between some IB secretariats and OHCHR staff concerned with the same country situation. The Evaluation Team also concluded that this disconnection is generally unfavourable in terms of action to protect human rights in crisis situations, most obviously in relation to basic coordination to ensure that UN staff are not repeatedly interviewing the same persons, but also with respect to larger questions of country engagement strategies and follow-up to IB recommendations. **The Team finds that varying understandings of fundamental concepts speaks to a need to strengthen the coherence and consistency of OHCHR’s approach.**

108. **The Evaluation Team observed that the shift to locating IBs outside HQ has presented new opportunities and challenges.** Advantages include better access to situations and populations under consideration and lower costs. Yet it has presented distinct challenges to start up and operations, e.g., procurement of goods and services; relations with host and neighbouring countries and the UN system on the ground; and a range of security implications. It also presents challenges related to management and quality control. Especially for secretariat staff new to OHCHR, collaborating with Geneva-based geographic, thematic and administrative teams is complicated as they do not have established networks with HQ colleagues. This physical separation, combined with inconsistent reporting lines for secretariat coordinators, has complicated efforts to achieve methodological coherency and consistency and ensure quality control, including with respect to management of IB secretariats.

109. **The Evaluation Team finds that OHCHR’s dispersed approach to IB support inhibits better performance.** Establishing the ISU has centralized some services; however, this process has been partial and other relevant services remain outside its remit. ISU’s capacity to coordinate OHCHR’s operational support to IBs is thus limited. While there is much substantive and administrative work related to IB support that is analogous to work done by entities across OHCHR, the particularities of IB support – especially acute urgency and visibility – require levels of coherence, effectiveness and efficiency that can only be delivered through a dedicated entity. At present, the ISU is at the centre of an internal ecosystem wherein every other entity maintains a broad portfolio of work areas. Diverging visions and competing demands are diluting concerted action and in some cases leading to contradictory messaging vis-à-vis

¹⁴⁶ “OHCHR Protection of Civil Society Actors”, adopted by the SMT in January 2012. See especially annexes I and II. The policy is supposed to be reviewed every five years.

Member States and external partners. Such internal ecosystems may develop naturally in growing organizations and deliver satisfactorily in some situations. Nevertheless, the Evaluation Team finds that OHCHR's present arrangement for IB support is inadequate and, in light of the increasing prevalence and duration of IBs and their evolving mandates, the current approach is not likely to be sustainable far into the future.

5. Recommendations

110. **The Evaluation Team recommends that OHCHR consolidate its support to IBs into a single dedicated entity.** Such an entity could be characterised as a "Service", e.g., "Investigation Support Service". The below paragraphs note the functions to be centralized into a Service, spanning operational guidance, programme management, administrative, legal – including in relation to criminal accountability, methodological, public information, digital and open-source investigations, and evidence management services. The Team recommends that the placement of such a Service within the organizational structure be determined through the change management programme recently initiated.

111. **The Evaluation Team recommends that operational aspects, in particular human resources/recruitment, administrative and logistical support, be given increased priority,** especially with respect to start up. A step in this direction would be to build up dedicated programme management and administrative teams in an IB support Service (see recommendation at paragraph 117 below).

112. **The effort to establish IBs as close as possible to the concerned states should be encouraged, taking into account the additional administrative and programme support that effective start-up requires.** In view of the challenges and shortcomings identified in this evaluation, including in regard to security, the IB support Service needs to adapt and complement its approach to set up and support secretariats away from HQ more efficiently, effectively and securely.¹⁴⁷

113. **The Evaluation Team recommends that IB start-up support be expanded.** OHCHR should have an expanded 'advance' team in place before an IB is established, drawing on rosters and surge capacity as necessary. Given that negotiations to establish an IB typically are ongoing for weeks prior to the adoption of a resolution, this should be achievable. The advance team should consist, at least, of a coordinator, an analyst/investigator, administrative staff, and – for IBs to be based away from Geneva – a programme officer. The team would benefit from all "common services" and be focused exclusively on the crisis under consideration. Where relevant, the advance team should deploy to the duty station almost immediately, e.g., as soon as possible following the adoption of the resolution – and should give priority to setting up the office space, equipment, institutional arrangements (e.g., relations with the host country and UN system), and staffing that follow from the concept of operations.

114. **The Evaluation Team recommends a renewed and revitalized focus on the use of rosters. A review and updating of proposals for roster management developed for the SMT in 2016 may serve as a starting point for this effort.**¹⁴⁸ To have advance teams in place before an IB is established, OHCHR would need to reconfigure how it conducts human resources/recruitment for IB secretariats. This would be a core function of the IB support Service. The relatively high vacancy rates among IB secretariats, which diminish effectiveness and leads to underspent funds that undermine future resource requests to the

¹⁴⁷ The Evaluation Team highlights the potential for OHCHR Regional Offices to facilitate the setting up of IBs within their respective regions and recommends that this potential be explored within the framework of the recently initiated organizational change management programme.

¹⁴⁸ See especially "OHCHR Dedicated Capacity and Staffing Arrangements for Human Rights Inquiries: Follow-up to SMT meeting of 11 May 2016."

ACABQ, should be addressed by systematically filling vacant IB posts with surge capacity, drawing upon a new roster or system of rosters. While noting that the current Rapid Response Roster is inadequate to meet all IB support needs, the Team believes it should be maintained to fill gaps, such as staff leaving prematurely or when specific expertise or assistance is required.

115. **The Evaluation Team recommends the development of internal rosters for the coordinators and lead analysts/investigators, and other priority positions, as required.**¹⁴⁹ As part of its roster management function, the Service could issue vacancy announcements periodically, with successful applicants placed on a roster for a defined period and, pursuant to a policy endorsed by the High Commissioner, subject to immediate release.

116. **The Evaluation Team recommends that coordinators and analysts/investigators seconded from internal rosters should not only form part of the advance teams, but rather should remain with the IB for the duration of its initial mandate.**

117. **The Evaluation Team recommends building up the staffing of the proposed IB Support Service with professional programme management officers and an administrative team who would be seconded to an advance team for a five-month period for new IBs based away from Geneva.** When not seconded to an advance team, they would support IBs within assigned regions.

118. The Evaluation Team adds the following concerning **renewed and revitalized rosters**.

- a. The Team recommends exploring the possibility to systematically fill IB posts with surge capacity, i.e., from its rosters.¹⁵⁰
- b. The Team further recommends that OHCHR explore the possibility of using existing Inspira rosters to staff IB secretariats – both for temporary and fixed term posts. An option would be to request expressions of interest from roster members for 6 to 12-month assignments, indicating that deployments would be on a rapid, surge capacity basis. Such approach would require a dedicated roster manager to ensure that rosters are up to date.
- c. The increased focus on rosters should provide mobility and career development opportunities for OHCHR staff. While the Team is aware that this will cause temporary vacancies in other parts of OHCHR, it believes that such approach is sustainable if focused on key IB posts. Releasing entities should receive full support in filling resulting gaps.
- d. The Team notes the trend of recruiting outside of OHCHR for IB secretariats and observes that there are often situations where external recruitment is warranted and attaches benefits such as enlarging staff skill sets and bringing diverse professional backgrounds into OHCHR. However, the Team observes that having experience within OHCHR also brings advantages, in particular for key positions such as coordinators and ITLs, not only with respect to awareness of OHCHR's methodologies, policies and practices, but also in terms of whom to contact to solve administrative,

¹⁴⁹ The Evaluation Team also recommends that the IB support Service, as part of its roster management function, establish relations with other entities – including across the UN system and potential external partners – that maintain relevant rosters, with a view to facilitating arrangements such as OHCHR's agreement with UN Women. By way of one example, the Evaluation Team was informed that Interpol maintains an array of rosters that may be relevant to certain IB work areas.

¹⁵⁰ As part of this recommendation, the Evaluation Team suggests exploring the possibility that reducing or eliminating IB secretariat vacancies in this way would allow OHCHR to recover costs related to deploying rostered staff from 'frontloaded funds', given that the ACABQ has referred to high vacancy rates among IB secretariats to justify reducing funds and posts from OHCHR's IB budget requests.

logistical and other challenges that arise. This advantage is multiplied where the IB is set up away from HQ.

119. **OHCHR's Service to support IBs should host dedicated methodological, legal and public information expertise.** These services, as they relate to IBs, are currently dispersed across OHCHR. Yet the reality is that they are required, on an ongoing basis, by IB secretariats, whether in terms of training or guidance and support in relation to manifold situations that arise during an investigation. The Evaluation Team's view is that consolidating these services into one entity will have a catalytic effect that will lead to increased coherence, effectiveness and efficiency. Increased interaction and collaboration among colleagues in a consolidated setting holds the promise of deepening OHCHR's expertise and global leadership in this area. **As an initial step in this direction, the Evaluation Team recommends shifting all existing resources working predominately on IB support to this new Service.**

120. **Information management, criminal accountability and a range of digital forensic expertise support should remain central to OHCHR's IB support Service.** This includes efforts by DISC and METS to provide capacity-building and standardization across IBs in the use of the latest technical tools and platforms for digital and open-source investigations, digital forensics, information management and archiving.

121. **The Evaluation Team recommends that OHCHR prioritise efforts to secure a regular budget D1 post to lead this work area.**¹⁵¹ Leadership on IB support must be strengthened. Main focuses should be ensuring internal quality control and accountability, in terms of performance management, and consistency in OHCHR's dialogue with Member States concerning the establishment, renewal/extension, conclusion, follow up and overall approach to IBs at the Human Rights Council. Another focus should be liaison with experts appointed to IBs, including to manage relations and support methodological consistency. In light of the range of responsibilities, political significance and potential to protect human rights in crisis situations, the Team underlines the continuing need for higher-level leadership on IB support.

- a. In connection with strengthened leadership on IB support, reporting lines for secretariat coordinators must be consolidated. Coordinators should report to the Chief of the IB support Service, to ensure coherence and consistency in methodological approach and secretariat management. At the same time, Coordinators should report – through a second reporting line – to the Chief of the relevant Geographic Branch, to mitigate risks or negative impact on OHCHR country strategies and maximise protection of victims and witnesses.

122. **The Evaluation Team highlights two policy matters that should be addressed at the SMT.**

- a. There is a need for conceptual clarity and coherence of approach to IBs' independence. Any circumstances requiring a "firewall" should be explicated and the need for levels of information-exchange appropriate to the specific context should be made clear. This need should place importance on OHCHR's country strategies.
- b. OHCHR's positioning on the ongoing shift toward criminal accountability in IB mandates should be clarified. A pending sub-item is whether OHCHR should adopt Relativity as the standard platform for use by IBs. It is essential that organizational guidelines align with the current state of information systems and are updated accordingly to ensure the optimal use of available technology.

¹⁵¹ In light of feedback received from the ACABQ, the post must be funded from the regular budget. Work already carried out on this issue (i.e., the 2016 concept note on a proposed OHCHR service for human rights inquires and the proposals and justifications for an XB D1 submitted to the ACABQ in 2018) should be taken into account.

123. **The Evaluation Team recommends the following to improve security.**

- a. Contact should be initiated at start-up with the senior-level UN official in each country concerned to establish cooperation, such as the provision of security briefings. This should be facilitated at a senior level.
- b. All IB staff must receive briefings and timely assistance to mitigate risks to communications, including from Pegasus and similar spyware.
- c. **Greater attention must be paid to witness protection.** The Evaluation Team welcomes the appointment of Witness Protection Officers (WPOs) in some IBs and recommends that this should be standard practice. The IB support service should have a witness protection focal point with commensurate resources to convene monthly exchange meetings among WPOs, standardize methodology and follow-up on requests received. A review of the procedures and measures contained in the OHCHR policy on the protection of civil society actors¹⁵² and a lessons-learned study of recent experience should be undertaken. Protection networks should be identified during start-up. At the end of each cycle, IBs should submit a confidential note on follow-up steps taken or required to ensure protection of any witnesses under threat. In this regard, the Evaluation Team noted the value of setting up IBs where OHCHR already has a presence, in terms of rapidly connecting to existing networks and post-mission follow up.

124. **The Evaluation Team recommends OHCHR give increased visibility to its support to IBs.** In annual appeals, annual reports and the OMP, IBs should be highlighted along with treaty bodies, special procedures and the UPR as the principal UN human rights mechanisms. This would contribute to a common understanding and appreciation for the crucial role of the IBs and would help to address hesitation within some UN entities to interact with them, including on follow-up to IB recommendations as appropriate to their mandates.

125. **For future OHCHR projects, including but not limited to those aimed at strengthening OHCHR's support to IBs, the Evaluation Team emphasizes the following general recommendations** with a view to implementing OHCHR's commitment to Results-Based Management and ensuring adequate consultation and transparency in project formulation, implementation and reporting:

- a. To facilitate evaluations, promote transparency, clarify expectations among implementing partners and support better planning, the Evaluation Team recommends that a results framework should be required for all OHCHR project proposals and reviewed for quality control before starting implementation. The framework should be the result of consultation with all OHCHR entities significantly contributing to the project, to ensure an understanding of their expected contribution, including through cost recovery resources.
- b. To better achieve a one-Office approach, the Evaluation Team recommends that a project review committee should be required for any project that relies on significant contributions from implementation partners across Divisions.¹⁵³ This committee should be a sub-committee of the PBRB, be serviced by the newly established project unit and include the Financial and Budget Section and DEXREL, to review implementation progress and ensure accuracy and transparency in fundraising and the disbursement of funds. Reference to a collaborative committee for periodic

¹⁵² "OHCHR Protection of Civil Society Actors", adopted by the SMT in January 2012. See especially annexes I and II. The policy is supposed to be reviewed every five years.

¹⁵³ A minimum amount of funding and /or number of implementation entities may be specified for this requirement.

review (twice yearly) should be required under section 4 (Programme management /implementation arrangements) of the submissions to the PBRB. Donor reports should be drafted collaboratively among implementing partners, and final reports should be circulated to all project review committee members.

* * * * *

Evaluation of the Project to Reinforce OHCHR’s Capacity to Support Investigative Bodies

Management responses to the evaluation recommendations

Overall comments on the evaluation:

OHCHR welcomes the findings of the evaluation, especially the acknowledgement that the Investigation Support Unit (ISU) has made good progress in advancing and achieving the objectives intended under the project and that, overall, the evaluation finds that **“the project has resulted in good progress in advancing OHCHR’s work to support IBs, especially with respect to accountability”**.

OHCHR appreciates the positive assessment on some of the practices that ISU and other implementing partners have put in place, such as the deployment of start-up teams, as well as the delivery of specialised common services to support the work of investigative bodies, including in the area of information management, digital investigations and archiving evidence. OHCHR further appreciates that the evaluation finds a positive trend towards enlarging the diversity of staff with experience and specialties required for accountability and preservation elements of the mandate.

OHCHR acknowledges that further areas of this work require improvement and upgrading, as highlighted in the evaluation, and it supports fully the recommendations outlined below.

I. Start-up, surge, and rosters

Recommendation 1.1: The Evaluation Team recommends that operational aspects, in particular human resources/recruitment, administrative and logistical support, be given increased priority, especially with respect to start up. A step in this direction would be to build up dedicated programme management and administrative teams in an IB support Service. (para. 111)

Recommendation 1.2: The Evaluation Team recommends that IB start-up support be expanded. OHCHR should have an expanded ‘advance’ team in place before an IB is established, drawing on rosters and surge capacity as necessary. Given that negotiations to establish an IB typically are ongoing for weeks prior to the adoption of a resolution, this should be achievable. The advance team should consist, at least, of a coordinator, an analyst/investigator, administrative staff, and – for IBs to be based away from Geneva – a programme officer. The team would benefit from all “common services” and be focused exclusively on the crisis under consideration. Where relevant, the advance team should deploy to the duty station almost immediately, e.g., as soon as possible following the adoption of the resolution – and should give priority to setting up the office space, equipment, institutional arrangements (e.g., relations with the host country and UN system), and staffing that follow from the concept of operations. (para. 113)

Recommendation 1.3: The effort to establish IBs as close as possible to the concerned states should be encouraged, taking into account the additional administrative and programme support that effective start-up requires. In view of the challenges and shortcomings identified in this evaluation, including in regard to

security, the IB support Service needs to adapt and complement its approach to set up and support secretariats away from HQ more efficiently, effectively and securely.¹⁵⁴ (para. 112)

Recommendation 1.4: The Evaluation Team recommends a renewed and revitalized focus on the use of rosters. A review and updating of proposals for roster management developed for the SMT in 2016 may serve as a starting point for this effort.¹⁵⁵ To have advance teams in place before an IB is established, OHCHR would need to reconfigure how it conducts human resources/recruitment for IB secretariats. This would be a core function of the IB support Service. The relatively high vacancy rates among IB secretariats, which diminish effectiveness and leads to underspent funds that undermine future resource requests to the ACABQ, should be addressed by systematically filling vacant IB posts with surge capacity, drawing upon a new roster or system of rosters. While noting that the current Rapid Response Roster is inadequate to meet all IB support needs, the Team believes it should be maintained to fill gaps, such as staff leaving prematurely or when specific expertise or assistance is required. (para. 114)

Recommendation 1.5: The Evaluation Team recommends the development of internal rosters for the coordinators and lead analysts/investigators, and other priority positions, as required.¹⁵⁶ As part of its roster management function, the Service could issue vacancy announcements periodically, with successful applicants placed on a roster for a defined period and, pursuant to a policy endorsed by the High Commissioner, subject to immediate release. (para. 115)

Recommendation 1.6: The Evaluation Team recommends that coordinators and analysts/investigators seconded from internal rosters should not only form part of the advance teams, but rather should remain with the IB for the duration of its initial mandate (para. 116)

Recommendation 1.7: The Evaluation Team recommends building up the staffing of the proposed IB Support Service with professional programme management officers and an administrative team who would be seconded to an advance team for a five-month period for new IBs based away from Geneva. When not seconded to an advance team, they would support IBs within assigned regions. (para. 117)

Recommendation 1.8: The Evaluation Team adds the following concerning renewed and revitalized rosters.

¹⁵⁴ The Evaluation Team highlights the potential for OHCHR Regional Offices to facilitate the setting up of IBs within their respective regions and recommends that this potential be explored within the framework of the recently initiated organizational change management programme.

¹⁵⁵ See especially “OHCHR Dedicated Capacity and Staffing Arrangements for Human Rights Inquiries: Follow-up to SMT meeting of 11 May 2016.”

¹⁵⁶ The Evaluation Team also recommends that the IB support Service, as part of its roster management function, establish relations with other entities – including across the UN system and potential external partners – that maintain relevant rosters, with a view to facilitating arrangements such as OHCHR’s agreement with UN Women. By way of one example, the Evaluation Team was informed that Interpol maintains an array of rosters that may be relevant to certain IB work areas.

- e. The Team recommends exploring the possibility to systematically fill IB posts with surge capacity, i.e., from its rosters.¹⁵⁷
- f. The Team further recommends that OHCHR explore the possibility of using existing Inspira rosters to staff IB secretariats – both for temporary and fixed term posts. An option would be to request expressions of interest from roster members for 6 to 12-month assignments, indicating that deployments would be on a rapid, surge capacity basis. Such approach would require a dedicated roster manager to ensure that rosters are up to date.
- g. The increased focus on rosters should provide mobility and career development opportunities for OHCHR staff. While the Team is aware that this will cause temporary vacancies in other parts of OHCHR, it believes that such approach is sustainable if focused on key IB posts. Releasing entities should receive full support in filling resulting gaps.

The Team notes the trend of recruiting outside of OHCHR for IB secretariats and observes that there are often situations where external recruitment is warranted and attaches benefits such as enlarging staff skill sets and bringing diverse professional backgrounds into OHCHR. However, the Team observes that having experience within OHCHR also brings advantages, in particular for key positions such as coordinators and ITLs, not only with respect to awareness of OHCHR’s methodologies, policies and practices, but also in terms of whom to contact to solve administrative, logistical and other challenges that arise. This advantage is multiplied where the IB is set up away from HQ. (para. 118)

Management position on recommendations: Accepted

Management comments: The implementation of these recommendations will be undertaken in full complementarity with similar processes already started by the Office with a view to enhance OHCHR support to investigative bodies, including in the context of the Organizational Effectiveness 2.0.

Key actions	Responsibility	Time-frame
OHCHR accepts the recommendations on the renewed focus on the use of rosters and the creation of rosters for core positions needed for starting-up and operationalize investigative bodies and related activities (addressing recommendations 1.4,1.5 and 1.8). The implementation of these recommendations will be undertaken in complementarity with the current HRMS-	HRMS in coordination with ERS-ISU	

¹⁵⁷ As part of this recommendation, the Evaluation Team suggests exploring the possibility that reducing or eliminating IB secretariat vacancies in this way would allow OHCHR to recover costs related to deploying rostered staff from ‘frontloaded funds’, given that the ACABQ has referred to high vacancy rates among IB secretariats to justify reducing funds and posts from OHCHR’s IB budget requests.

<p>ISU joint project on “Building Candidate Pools for OHCHR Investigation Bodies”.</p> <p>The main activities envisaged include:</p> <ol style="list-style-type: none"> 1. Define key staffing positions, TORs, and projected staffing needs and areas of expertise 2. Organise outreach activities to identify potential candidates for IBs 3. Organise webinars to provide information to potential candidates on employment opportunities. 4. Organise targeted roster campaigns 5. Strengthen existing partnerships through collaboration and build new partnerships with a view to facilitate secondment arrangements for specific expertise. <p>The roster campaigns will be open to both internal and external candidates.</p> <p>OHCHR takes on board the recommendation to take into consideration additional operational needs of IBs that are set up far from HQ (addressing recommendation 1.3, 1.6 and 1.7). It additionally notes that the policy of the office is to make every effort to locate IBs as close as possible to the concerned states, stakeholders, partners, and victims- though notes that this is not always possible due to external factors.</p> <p>OHCHR also accepts the recommendation to expand its surge capacity, as necessary (addressing recommendations 1.1. and 1.2). OHCHR has already enhanced the support it is providing to IBs in the fields of investigations, administration, open-source and digital investigations, in addition to legal support provided by the ROL section. Such surge capacity is however limited to existing resources located in HQ, and efforts to expand the capacity of the office to offer surge capacity</p>		<p>Activity 1: Q2 2024</p> <p>Activity 2: Q2 – Q3 2024</p> <p>Activity 3: Q3 –Q4 2024</p> <p>Activity 4: Q3 - Q4 2024</p> <p>Activity 5: Q3-Q4 2024</p>
--	--	---

is being undertaken through its efforts to establish a single, unified, and dedicated capacity to support investigations and ensure accountability for victims of human rights violations and abuses (see point 2 below).		
---	--	--

2. Consolidating and enhancing support services

Recommendation 2.1: The Evaluation Team recommends that OHCHR consolidate its support to IBs into a single dedicated entity. Such an entity could be characterised as a “Service”, e.g., “Investigation Support Service”. The below paragraphs note the functions to be centralized into a Service, spanning operational guidance, programme management, administrative, legal – including in relation to criminal accountability, methodological, public information, digital and open-source investigations, and evidence management services. The Team recommends that the placement of such a Service within the organizational structure be determined through the change management programme recently initiated. (para. 110)

Recommendation 2.2: OHCHR’s Service to support IBs should host dedicated methodological, legal and public information expertise. These services, as they relate to IBs, are currently dispersed across OHCHR. Yet the reality is that they are required, on an ongoing basis, by IB secretariats, whether in terms of training or guidance and support in relation to manifold situations that arise during an investigation. The Evaluation Team’s view is that consolidating these services into one entity will have a catalytic effect that will lead to increased coherence, effectiveness and efficiency. Increased interaction and collaboration among colleagues in a consolidated setting holds the promise of deepening OHCHR’s expertise and global leadership in this area. **As an initial step in this direction, the Evaluation Team recommends shifting all existing resources working predominately on IB support to this new Service.** (para. 119)

Recommendation 2.3: Information management, criminal accountability and a range of digital forensic expertise support should remain central to OHCHR’s IB support Service. This includes efforts by DISC and METS to provide capacity-building and standardization across IBs in the use of the latest technical tools and platforms for digital and open-source investigations, digital forensics, information management and archiving. (para. 120)

Recommendation 2.4: The Evaluation Team recommends that OHCHR prioritise efforts to secure a regular budget DI post to lead this work area.¹⁵⁸ Leadership on IB support must be strengthened. Main focuses should be ensuring internal quality control and accountability, in terms of performance management, and consistency in OHCHR’s dialogue with Member States concerning the establishment, renewal/extension, conclusion, follow up and overall approach to IBs at the Human Rights Council. Another focus should be liaison with experts appointed to IBs, including to

¹⁵⁸ In light of feedback received from the ACABQ, the post must be funded from the regular budget. Work already carried out on this issue (i.e., the 2016 concept note on a proposed OHCHR service for human rights inquiries and the proposals and justifications for an XB DI submitted to the ACABQ in 2018) should be taken into account.

manage relations and support methodological consistency. In light of the range of responsibilities, political significance and potential to protect human rights in crisis situations, the Team underlines the continuing need for higher-level leadership on IB support. (para. 121)

Recommendation 2.5: In connection with strengthened leadership on IB support, reporting lines for secretariat coordinators must be consolidated. Coordinators should report to the Chief of the IB support Service, to ensure coherence and consistency in methodological approach and secretariat management. At the same time, Coordinators should report – through a second reporting line – to the Chief of the relevant Geographic Branch, to mitigate risks or negative impact on OHCHR country strategies and maximise protection of victims and witnesses. (para. 121.a)

Management position on recommendations: Accepted

Management comment:

OHCHR accepts the recommendation to integrate and consolidate OHCHR support to IBs into a single dedicated entity. The implementation of these recommendations will be undertaken in full complementarity with similar processes already started by the Office with a view to enhance OHCHR support to investigative bodies.

OHCHR wishes to inform that efforts to consolidate IB services are taking place under the currently ongoing Organizational Effectiveness 2.0.(O.E. 2.0.) process. The design of the consolidation will be decided in the context of this process.

Under the HC's guidance, OHCHR has developed a comprehensive vision for its work on investigations, including how to best support IBs. This vision also involves structural changes and the establishment of a new Investigations and Accountability structure (Division, or initially Branch) that would strengthen and consolidate existing workstreams, and develop new ones required to ensure that OHCHR is fully equipped with the capacity, expertise and resources to meet current and future demands in the area of investigations and their support to accountability processes.

Key actions	Responsibility	Time-frame
<ol style="list-style-type: none"> 1. Finalise the HC-led proposal for a single, integrated Accountability and Investigation Division within OHCHR 2. Detailed terms of reference and key activities in line with the recommendations will be developed based on the outcome of the ongoing process described above. Reporting lines will be revisited as part of OHCHR 2.0. as well. 	SMT – in the context of OHCHR 2.0. process	Activity 1: Q3 2024 Activity 2: Q4 2024 Q1 2025

--	--	--

3. Other issues

Recommendation 3.1: The Evaluation Team highlights two policy matters that should be addressed at the SMT.

- a. There is a need for conceptual clarity and coherence of approach to IBs' independence. Any circumstances requiring a "firewall" should be explicated and the need for levels of information-exchange appropriate to the specific context should be made clear. This need should place importance on OHCHR's country strategies.
- b. OHCHR's positioning on the ongoing shift toward criminal accountability in IB mandates should be clarified. A pending sub-item is whether OHCHR should adopt Relativity as the standard platform for use by IBs. It is essential that organizational guidelines align with the current state of information systems and are updated accordingly to ensure the optimal use of available technology. (para. 122)

Management position on recommendation: Accepted

Management comment:

Regarding recommendation 3.1. (a) the Office acknowledges the importance of a coherent approach to "firewall" while considering the requirements of individual country's situation.

OHCHR has conducted a study on the implementation of mandates with a preservation of evidence element and has undertaken numerous discussions as way of addressing the ongoing shift towards increasingly expansive and prescriptive mandates. This was undertaken with a view to ensuring that the implementation of such mandates be done in conformity with international legal standards and to maximise the use of collected evidence in judicial proceedings. These discussions fed into the development of a new vision and proposals on OHCHR role on investigations, which are being considered in the context of OHCHR Organizational Effectiveness 2.0.

Regarding the use of Relativity, OHCHR is currently undertaking an assessment on the main information management platforms with a view to identifying those most suitable to support all aspects of investigative bodies' mandates, including preservation of evidence in conformity with international standards and with a view towards enhancing its use in judicial accountability processes.

Key actions	Responsibility	Time-frame
I. As part of the wider discussion on the establishment of a single and integrated entity, PPMES, as the SMT Secretariat, in coordination with ISU and relevant stakeholders, to schedule	SMT and PPMES with inputs from FOTCD/ERS/ISU and TESPRDD/METS	Q2 2024

<p>a discussion on policy and approaches to increasingly expansive and prescriptive mandates, including the ongoing shift toward criminal accountability, and the Office’s positioning.</p> <p>2. Finalise the assessment on information management needs and main platforms in use by investigative bodies. The outcome of the assessment will inform the optimal use of available technology deployed in support of meeting investigative bodies needs- mindful of the ongoing shift towards enhanced focus towards promoting and supporting judicial accountability processes.</p>	<p>and other relevant parts of the house</p> <p>FOTCD/ERS/ISU TESPRDD/METS, IMTS</p>	<p>Q4 2023 (completion of assessment)</p> <p>Q1 2024 (implementation and roll out)</p>
---	--	--

Recommendation 3.2: The Evaluation Team recommends the following to improve security.

- a. Contact should be initiated at start-up with the senior-level UN official in each country concerned to establish cooperation, such as the provision of security briefings. This should be facilitated at a senior level.
- b. All IB staff must receive briefings and timely assistance to mitigate risks to communications, including from cyberattacks and spyware. (para. 123)

Management position on recommendation: Accepted

Management comment:

3.2 (a) Evaluation team recommends that the recruitment of professional Security Officer should be considered for IB operations based on Security Risk Assessment (SRA) of mission mandate, operations modalities and operational environment. SRA should be conducted during preparation of Concept of Operation (ConOps) by OHCHR Safety and Security Section. Deployment of an OHCHR Security Officer is vital for setting up office place and initial assessment of IB operations in a given the region. If mission area for IB is at high-risk area, or IB’s mandate assessed as at high level of sensitivity immediate recruitment of professional Security Officer at P3 level for the whole period of IB mandate should be initiated.

3.2. (b) The Office acknowledges the need for an enhanced expertise and capacity on cybersecurity and digital security. While a Cybersecurity Unit has been established in IMTS

in September 2023, OHCHR plans to include strengthened capacity in this area to provide tailored support for investigation teams in the new structure on Accountability & Investigation.

Currently, the Digital Investigation Support Cell (DISC) within ERS, IMTS and METS have been providing technical, capacity building and operational support to bolster security in handling digital data and conducting open-source investigations in the daily operations of IBs.

Since September 2023, the Cybersecurity Unit (CSU) has further been involved in advising Secretariats of IBs on cybersecurity issues, including the safe use of laptops and mobile devices.

Key actions	Responsibility	Time-frame
<p>Key Action for recommendation 3.2 (a):</p> <ol style="list-style-type: none"> 1. OHCHR Security does preliminary Security Risk Assessment of any IB activity and advises on necessary mitigation measures to be implemented. 2. UN DSS in the country of deployment should be immediately notified on forthcoming mission and coordination of security support initiated by OHCHR Security. 3. In order to start up any IB operations OHCHR Security Officer should be deployed for initial period of two weeks. In case of operations in high-risk area permanent presence of OHCHR professional Security Officer should be considered. <p style="text-align: center;">***</p>	<p>Security and Safety Section and ERS-ISU</p>	<p>Action 1. Q4 2023 – onwards Action 2. Q4 2023 – onwards Action 3. Q4 2023 - onwards</p> <p style="text-align: center;">***</p>
<p>Key Action for recommendation 3.2 (b)</p> <ol style="list-style-type: none"> 1. Continue providing dedicated support to IBs, including training and guidance on security of communications and cybersecurity. 	<p style="text-align: center;">***</p> <p>IMTS – DISC - METS, are responsible for providing technical advice and support</p>	<p>Activity I: Q4 2023 onwards</p>

<p>2. Expand and enhance the presentations to cover other topics with various levels of complexity.</p> <p>3. Provide on-demand advice and guidance.</p>	<p>on cybersecurity solutions at start up and implementation stages,</p> <p>IMTS – METS in cooperation with DISC are responsible for organizing dedicated training sessions on cybersecurity. CSU is responsible for providing the quality of cybersecurity materials and training.</p> <p>ERS-DISC, in cooperation with IMTS and METS, is responsible for operational support, which includes providing guidance on technical measures, assisting in the procurement of tools, setting up and deploying these technical measures, and offering troubleshooting assistance for day-to-day operations.</p>	<p>Activity 2: Q2 2024 onwards</p> <p>Activity 3: Q4 2023 onwards</p>
--	---	---

Recommendation 3.3: Greater attention must be paid to witness protection.
The Evaluation Team welcomes the appointment of Witness Protection Officers (WPOs)

in some IBs and recommends that this should be standard practice. The IB support service should have a witness protection focal point with commensurate resources to convene monthly exchange meetings among WPOs, standardize methodology and follow-up on requests received. A review of the procedures and measures contained in the OHCHR policy on the protection of civil society actors^[1] and a lesson-learned study of recent experience should be undertaken. Protection networks should be identified during start-up. At the end of each cycle, IBs should submit a confidential note on follow-up steps taken or required to ensure protection of any witnesses under threat. In this regard, the Evaluation Team noted the value of setting up IBs where OHCHR already has a presence, in terms of rapidly connecting to existing networks and post-mission follow up. (para. 123.c)

Management position on recommendation: Accepted

Management comment: The appointment of Victims and Witness protection Officers in investigative bodies is subject to the requirements of investigative bodies’ mandates and budget approval. Recognising the importance of ensuring the core necessity for mandates to have the ability and credibility to safeguard their interaction with victims and witnesses, the office aims to include dedicated “Victim and Witness Protection “capacity within the new entity on Investigations and Accountability which will also provide support to investigative bodies. In the shorter term, OHCHR will aim to implement the below activities:

Key actions	Responsibility	Time-frame
<p>1. Initiate meetings with the WPOs of investigative bodies where appointed to exchange on issues and best practices.</p> <p>2. Coordinate an internal lesson-learned exercise of recent experiences also drawing on relevant measures contained in the OHCHR policy on the protection of civil society actors.</p>	<p>TESPRDD/METS in coordination with FOTCD/ERS-ISU and the Secretariats of IBs, Safety and Security Session, ASG on reprisal FPs within OHCHR, CSO Unit, WGHRS, Child and Youth issues unit, and FOTCD geographic sections.</p>	<p>Activity 1: Q1 2024</p> <p>Activity 2: Q1 2024</p>

Recommendation 3.4: The Evaluation Team recommends OHCHR give increased visibility to its support to IBs. In annual appeals, annual reports and the OMP, IBs should be highlighted along with treaty bodies, special procedures and the UPR as the principal UN human rights mechanisms. This would contribute to a common understanding and appreciation for the crucial role of the IBs and would help to address hesitation within some UN entities to interact with them, including on follow-up to IB recommendations as appropriate to their mandates. (para. 124)

Management position on recommendation: Accepted.

Management comment:

Investigative Bodies are already featured in the OHCHR annual reports and the annual appeals. OHCHR is committed to giving further visibility to the work it undertakes in support to Investigative Bodies, including by providing more systematic inputs to the process.

The support provided to Investigative Bodies is aligned with three of the OMP thematic pillars:

1. Strengthen the rule of law and accountability for human rights violations;
2. Increasingly implement the outcomes of the international human rights mechanisms; and
3. Prevent human rights/IHL/ICL violations and abuses and strengthen protection of human rights, including in situations of conflict and insecurity.

Key actions	Responsibility	Time-frame
OHCHR will provide results-based inputs on the support provided to investigative bodies for inclusion in OHCHR annual appeals and annual reports, as appropriate.	DXREL PPMES COM in coordination with FOTCD/ERS-ISU and TESP/DD/METS, ROLDS and WHRGS	Q4 2023 – onwards

Recommendation 3.5: For future OHCHR projects, including but not limited to those aimed at strengthening OHCHR’s support to IBs, the Evaluation Team emphasizes the following general recommendations with a view to implementing OHCHR’s commitment to Results-Based Management and ensuring adequate consultation and transparency in project formulation, implementation and reporting:

- a. To facilitate evaluations, promote transparency, clarify expectations among implementing partners and support better planning, the Evaluation Team recommends that a results framework should be required for all OHCHR project

proposals and reviewed for quality control before starting implementation. The framework should be the result of consultation with all OHCHR entities significantly contributing to the project, to ensure an understanding of their expected contribution, including through cost recovery resources.

- b. To better achieve a one-Office approach, the Evaluation Team recommends that a project review committee should be required for any project that relies on significant contributions from implementation partners across Divisions.^[2] This committee should be a sub-committee of the PBRB, be serviced by the newly established project unit and include the Financial and Budget Section and DEXREL, to review implementation progress and ensure accuracy and transparency in fundraising and the disbursement of funds. Reference to a collaborative committee for periodic review (twice yearly) should be required under section 4 (Programme management /implementation arrangements) of the submissions to the PBRB. Donor reports should be drafted collaboratively among implementing partners, and final reports should be circulated to all project review committee members. (para. 125)

Management position on recommendation: Accepted

Management comment: (a) Recognising the need for an enhanced in-house project management capacity, OHCHR has established a project management support team in PPMES to enhance the Office’s project management capacities.

(b) The Office recognises the need for project reviews and is looking into ways to address this issue as a project review committee may not be the most effective way, as it can add additional layers.

Key actions	Responsibility	Time-frame
<p>(a) The project management team in PPMES is working closely with colleagues in DEXREL and PSMS to support the OHCHR project management function. This includes by:</p> <ul style="list-style-type: none"> - providing substantive support, guidance and quality assurance for project management proposals, project implementation, monitoring and reporting - standardizing the project development and review processes, and developing and rolling out project guidance 	<p>PPMES/DEXREL</p>	

<ul style="list-style-type: none"> - enhancing the capacity of OHCHR staff to manage projects - developing an IT support module for project management - ensuring appropriate internal consultations, checks and reporting for projects covering work by different Divisions <p>(b) PPMES/DEXREL is looking into ways to address this issue of project reviews, including through the 2.0 review.</p>		
--	--	--

^[1] “OHCHR Protection of Civil Society Actors”, adopted by the SMT in January 2012. See especially annexes I and II. The policy is supposed to be reviewed every five years.

^[2] A minimum amount of funding and /or number of implementation entities may be specified for this requirement.