

**United Nations Development Programme
Office of Audit and Investigations**



*Empowered lives.
Resilient nations.*

Investigation Guidelines: Social and Environmental Compliance Unit

11 November 2022

Table of Contents

Table of Contents	2
1. Background, Purpose and Principles	5
1.1 UNDP Accountability Mechanism	5
1.2. Purpose of the Guidelines	5
1.3 Policy Basis and Evidentiary Standard	6
1.4. Principles.....	7
1.4.1. Accessibility.....	7
1.4.2. Effectiveness	7
1.4.3. Transparency	7
1.4.4. Independence.....	8
1.4.5. Commitment from UNDP	8
2. Submission of Complaints.....	9
3. Threats or Instances of Retaliation, Retribution, or Violence.....	9
4. Registration and Eligibility.....	10
4.1 Registration	10
4.2 Preserving the Record.....	10
4.3. Determining Eligibility of a Complaint.....	11
5. Developing Terms of Reference for the Compliance Review Investigation.....	12
6. Compliance Review Investigation.....	12
6.1. Investigation Standards	13
6.2. The Roles of UNDP Country Offices/Units and UNDP Staff/Consultants during Investigations	13
6.3. The Role of the Administrator.....	14
6.4. The Draft Compliance Review Report.....	14
6.5. Receiving and Reviewing Public Comments.....	14
6.6. Submission of Final Report.....	15
6.7. The Administrator’s Decision.....	15
6.8. Responding to Non-Compliance.....	15
7. Monitoring and Closure.....	16
8. Advisory Reviews	17
9. Temporary and Pre-emptive Measures	17
10. SECU and the Media	17
11. Annual Report.....	18
12. Responsibility for Updating the Guidelines.....	18
ANNEX I – Complaints related to projects approved prior to 1 January 2015.....	19

Glossary

Accountability Framework – UNDP’s existing Accountability Framework, which applies to all levels of UNDP through Planning & Strategic Direction, Policy & Programme, Results & Performance and Partnership Management.

Accountability Mechanism – this term describes both compliance review processes and alternative dispute resolution processes at international financial institutions and bilateral finance agencies. At the UNDP, the Accountability Mechanism is defined in the Social and Environmental Standards and includes both the Social and Environmental Compliance Unit (SECU) and Stakeholder Response Mechanism (SRM) processes.

Affected Persons – Individuals or groups who are or may be affected by a UNDP supported activity.

Assessment – the evaluation of an allegation by SECU to determine its credibility, materiality and verifiability. All allegations are assessed to determine whether there is a legitimate basis to register, find eligible, and warrant an investigation.¹

Compliance Advice Note – a compliance process undertaken in response to eligible complaints regarding projects approved prior to 31 December 2014, and for which advice is provided to UNDP management.

Case Registry – SECU’s online, publicly accessible register of complaints received, which includes information and documentation relating to each of SECU’s open and closed cases.²

Compliance Officer – a person engaged by SECU to investigate complaints or to advise on technical or policy matters.

Compliance Review Process – the process of accepting and addressing Complaints alleging non-compliance with the social and environmental elements of UNDP’s policies and procedures in an independent, transparent, fair, accessible, and effective manner. SECU must adhere to these principles when investigating Complaints.

Compliance Review Investigation – a detailed investigation and examination of evidence undertaken in response to an eligible complaint filed in relation to a UNDP-supported activity. At the conclusion of a compliance review, a dossier of evidence is assembled to form the basis of findings and recommendations to the Administrator.

Complainant(s) – the person or persons submitting a complaint to SECU.

Days – refers to Business Days, meaning any day other than a Saturday, a Sunday or a holiday observed by the United Nations Development Programme at its Headquarters in New York.

Director, OAI – refers to the Director of the Office of Audit and Investigations (OAI), as envisaged in the Charter of the Office of Audit and Investigations.

Deputy Director, OAI – refers to the Deputy Director of OAI responsible for investigations matters.

Duty of Cooperation – the obligation placed on staff and other personnel to assist in an investigation when requested to do so.

¹ Paragraph 30, “Uniform Principles and Guidelines for Investigations” as endorsed by the 10th Conference of International Investigators (June 2009).

² <https://info.undp.org/sites/registry/secu/SECUPages/SECUSummary.aspx>

Evidence – any type of proof that tends to establish or disprove a fact material to the case. It includes, but is not limited to, oral testimony of witnesses, including experts on technical matters, documents, electronic, audio, video records, and photographs.

Lead Compliance Officer – the Lead Compliance Officer is a person employed or engaged by SECU with significant compliance experience with environmental and social standards, generally, as well as in the context of independent accountability mechanisms, more specifically. The Lead Compliance Officer is endowed with various oversight powers and functions in the Guidelines, and acts as the chief technical expert in the SECU team. If the Lead Compliance Officer is on extended leave, unable to exercise their duties, or the position is temporarily unfilled, the highest-ranking staff member working exclusively for SECU will serve as the Lead Compliance Officer *ad interim*.

Prodoc – the project document for a UNDP project or programme, which includes, amongst other things, a description of the project/programme outputs, expected results, financial planning and management information, and a work plan and budget.

Project Manager – a staff member or other personnel with a supervisory role of a UNDP supported activity.

Personnel – UNDP staff members, international personnel services agreement (IPSA) holders, service contract holders (SCs), individual contractors (ICs), interns, and United Nations volunteers (UNVs)³.

SES – the UNDP’s Social and Environmental Standards effective as of 1 January 2015, which were updated in 2020, with the revision effective as of 1 January 2021⁴.

SECU personnel – any person engaged by SECU/OAI to work on SECU matters including SECU/OAI staff members holding a UNDP Letter of Appointment and any other Personnel engaged under any recognized form of UNDP contracting modality working part or full-time for SECU/OAI.

UNDP-supported activity – any activity that is implemented using funds channeled through UNDP accounts, regardless of implementation modality, and regardless of the size of the UNDP’s contribution relative to any other co-financing partners or partners that contribute in-kind resources or parallel funding. Oftentimes, but not always, such activity is in the form of a project, programme, or partnership.

³ Definition of “personnel” from the UNDP Anti-Fraud Policy.

⁴ <https://www.undp.org/publications/undp-social-and-environmental-standards>

1. Background, Purpose and Principles

1.1 UNDP Accountability Mechanism

1. In June 2014, the United Nations Development Programme (UNDP) adopted mandatory Social and Environmental Standards (SES) for all UNDP-supported activities effective 1 January 2015.⁵ The Organization decided that the SES would be underpinned by an Accountability Mechanism with two key components, a compliance review function carried out by the Social and Environmental Compliance Unit (SECU) and a dispute resolution function facilitated by the Stakeholder Response Mechanism (SRM). The purpose of having an Accountability Mechanism is to hold the UNDP accountable for its performance against its commitments, enhance institutional learning, and to provide avenues for both remedying situations which have led to complaints and for promoting the UNDP's compliance with the SES and other relevant policies in the future.
2. The SRM helps those affected by UNDP-supported activities, governments and other partners jointly resolve concerns and disputes and provides an option for a process of dialogue and negotiation among the Complainant(s) and other stakeholders. A UNDP headquarters function supports the SRM, but it is the UNDP Country Office management that generally leads the dispute resolution, unless Complainant(s) have concerns about the ability of the UNDP Country Office to respond fairly and effectively to the complaint, in which case they have the option to file the complaint directly with the SRM at UNDP Headquarters.
3. SECU functions within the Office of Audit and Investigations (OAI), which is independent from all UNDP bureaux and directorates. The Director, OAI safeguards the independence of SECU and creates an enabling environment for SECU to function free from internal pressures and influence. SECU provides UNDP, and those affected by UNDP-supported activities, with an effective system of independently and objectively investigating alleged violations of UNDP's social and environmental commitments by responding to complaints that UNDP may not be meeting its social and environmental commitments.
4. SECU may also initiate its own investigations under certain circumstances, and provides advice to the UNDP Administrator regarding systemic, institution-wide, or policy issues that it believes its experience and expertise would assist in promoting adherence to the SES and other relevant policies.
5. Any person, group, or representative of a person or group, who is or could be affected by a UNDP-supported activity can approach SECU and/or SRM to address their complaint. If both processes are applicable, the Complainant(s) will be informed that both are applicable and be given the choice to pursue a Compliance Review Process, Stakeholder Response Process, or both.

1.2. Purpose of the Guidelines

6. The Investigation Guidelines (Guidelines) explain the process SECU will utilise in investigating alleged violations of UNDP's social and environmental commitments. The Guidelines do not prescribe or attempt to govern the SRM process. The purpose of the Guidelines is to:
 - Inform UNDP's staff, UNDP-supported organisations, and those affected by UNDP-supported activities and their representatives about the procedural processes of SECU;
 - Provide guidance for SECU in order to ensure that investigations of alleged breaches of

⁵ The revised SES came into effect on 1 January 2021 - <https://www.undp.org/publications/undp-social-and-environmental-standards>.

UNDP social and environmental commitments are conducted thoroughly, objectively, transparently, effectively, and with appropriate participation by relevant stakeholders; and

- Inform all stakeholders of the value in strengthening policy compliance for the benefit of UNDP, its intended beneficiaries, development partners, and affected publics.

7. In order to foster consistency and predictability, SECU processes are conducted in accordance with these Guidelines to the extent possible; however, the circumstances of a particular SECU process may require a deviation from the Guidelines in the interest of a fair process to the Complainant(s) or due to delays and factors outside SECU's control. In addition, best practices through practical experience may inform an evolution of specific procedures, which will result in periodic revisions of these Guidelines.

1.3 Policy Basis and Evidentiary Standard

8. The Compliance Review Process for UNDP-supported activities is intended to investigate alleged or potential violations of UNDP's Social and Environmental Standards (SES), the Social and Environmental Screening Procedure (SESP), any UNDP policies or procedures directly related to social or environmental commitments in the context of UNDP-supported activities generally, and social and environmental commitments made by UNDP in the context of a specific UNDP-supported activity.
9. Complaints related to UNDP-supported activities approved after 31 December 2014 and meeting the eligibility criteria (described in paragraph 36) will be investigated through a Compliance Review Investigation. For complaints related to activities approved prior to 31 December 2014, please see Annex I.
10. If the Compliance Review Process outlined in the Guidelines results in findings of non-compliance, SECU will (1) make recommendations to bring the UNDP-supported activities into compliance and (2) make recommendations to prevent, mitigate and/or remedy any harm that results from the breach of UNDP's social and environmental commitments. SECU will refer the recommendations to the Administrator for further action, pursuant to paragraph 51 and 52 of the Guidelines.
11. The Compliance Review Process is a systematic, documented process of objectively obtaining and evaluating evidence to determine whether UNDP-supported activities are in conformance with UNDP's social and environmental commitments. They must be consistent with paragraph 46 of the Charter of the Office of Audit and Investigations.⁶
12. SECU is not akin to a court of law nor does any finding or outcome change any underlying legal responsibility, immunity or liability of the UNDP. Nothing in the Compliance Review Process will be construed as a waiver, express or implied, of the privileges and immunities of UNDP. The UNDP's Standard Basic Assistance Agreement (SBAA) template,⁷ which forms the legal context and is integrated into every project document, provides for recognition of UNDP privileges and immunities by the Host Government and indemnification by the Host Government. The Host Government "bears all risks of operations arising under this Agreement".
13. The Compliance Review Process is an administrative fact-finding process. In assessing facts relevant

⁶ Charter of the Office of Audit and Investigations (October 2017).

⁷ By way of example, see the Standard Basic Assistance Agreement for Mauritius and Seychelles, available here: <https://www.undp.org/mauritius-seychelles/publications/standard-basic-assistance-agreement-sbba>

to social and environmental compliance issues, SECU uses the “preponderance of evidence” standard, which is an assessment of whether a fact is more likely to be true than not true, based on information available to and assessed by SECU.

1.4. Principles

1.4.1. Accessibility

14. SECU seeks to ensure, through ongoing dialogue, that external stakeholders are aware of and know how to access SECU. SECU seeks to protect locally affected communities and, in particular, disadvantaged and vulnerable groups, and to ensure participation of local stakeholders. SECU seeks, also, to help increase awareness at UNDP of issues that have the potential to cause non-compliance with UNDP policies and procedures.

1.4.2. Effectiveness

15. SECU seeks to be effective in responding to and securing remedy for Complainants. Effectiveness is a cross-cutting principle, requiring that SECU, among other things, continuously work to improve upon the ease with which Complainants are able to access and engage with SECU, the length of the Compliance Review Process, the thoroughness of SECU’s findings, and the appropriateness of SECU’s recommendations to both remedy harms caused, where appropriate and determined to be feasible within the context of a given project and relevant resources, and prevent similar instances of non-compliance from occurring in the future.

1.4.3. Transparency

16. The principle of transparency requires public comment and participation in the operations of SECU. To this end, SECU publishes the Guidelines on its website and makes them readily available to those requesting them. In addition, SECU makes public its terms of reference for investigations, factual findings, draft reports, and final reports. SECU also publicizes and conducts outreach activities to raise awareness about the social and environmental Accountability Mechanism amongst the general public, particularly in areas where UNDP-supported activities are implemented.

17. Public disclosure of the facts of each investigation is integral to ensuring the transparency and effectiveness of SECU. As such, SECU will post on its website all conclusions and factual findings of a Compliance Review Process.

18. In furtherance of disclosure SECU administers a website that contains information about the following:

- Compliance Review Process procedures;
- Links to SRM;
- Instructions, in multiple languages, about how to file a request and or a grievance with SRM;
- Links to multiple, accessible avenues to file a Complaint with SECU including email, telephone, mail, smart phone texting applications, social media, and webforms;
- A registry of Complaints, including information about any given Complaint and its status;
- Terms of reference and investigation reports pertaining to each Complaint;
- Other information as reflected in the SECU Disclosure Policy (attached);
- Annual reports describing SECU’s activities.

1.4.4. Independence

19. SECU's independence is reinforced in a number of structural ways:

- OAI reports to the Administrator and functions independently from UNDP-supported activities;
- The Director, OAI is limited to one five-year term with the possibility of extension for one more term, and is barred from re-entry into UNDP after the expiry of their term;
- SECU personnel are hired by OAI;
- The Lead Compliance Officer may not have worked for the UNDP within three years of being appointed to this position and cannot work for the UNDP after their service is complete. This restriction does not apply to anyone fulfilling these duties on an *ad interim* basis.
- SECU will not appoint someone as a Compliance Officer if that person has worked for the UNDP within the previous three years, unless SECU determines that there is no actual, perceived, or potential conflict of interest given the nature of the work that the prospective Compliance Officer undertook, or is undertaking, for the UNDP. A Compliance Officer's failure to notify SECU that they have accepted other work from the UNDP may also lead to SECU terminating its relationship with the Compliance Officer. Compliance Officers cannot be engaged by other UNDP bureaux while engaged by SECU/OAI.
- SECU personnel will uphold and promote the highest standards of ethical and professional conduct, and carry out their duties with integrity, independence and impartiality. To protect the integrity of its processes, SECU will avoid and manage any conflict of interest situations. A conflict of interest occurs when, by act or omission, personal interests interfere with the performance of official duties and responsibilities or with the integrity, independence and impartiality required of SECU personnel. SECU personnel will promptly disclose any potential conflicts of interest to their supervisor, who will evaluate the matter and make a decision with the Lead Compliance Officer as to whether a conflict of interest exists. If an actual conflict of interest exists, a decision will be made by the Director, OAI following the advice by the Lead Compliance Officer and the Deputy Director. as to what that means for the involvement of the SECU personnel in SECU activities. SECU personnel with a conflict of interest pertaining to a particular case will not be permitted to work on that case, and any work that has already been done by that person pertaining to that case will be reviewed retroactively by a senior member of the SECU team. If it is determined that an actual conflict of interest does not exist, but that there may be a perception of a conflict of interest, then a decision will be made by the Lead Compliance Officer, in discussion with the Director, OAI and the Deputy Director, OAI as to whether other action is necessary to mitigate this perception. All decisions made and action taken to address actual or perceived conflicts of interest will be documented and kept on record.

1.4.5. Commitment from UNDP

20. Fulfilling SECU's mandate to promote and ensure compliance with UNDP's social and environmental commitments requires active understanding and strong commitment by all UNDP personnel, particularly those in leadership roles and those involved in UNDP-supported activities. UNDP personnel shall participate in all SECU investigations or inquiries with transparency, urgency, and honesty. At times SECU investigations will uncover uncomfortable findings and recommendations for individuals or the organization, but this is part of the process of institutional learning and the delivery of redress and accountability to those who may be harmed by UNDP-supported activities. SECU does not find individuals culpable for wrongdoing – its reviews focus on the organization's impact on stakeholders and corporate policy compliance. It aims to help the organization deliver on its goals of sustainable development.

21. In addition to any other scheduled meetings that may take place between SECU and the Administrator, the Lead Compliance Officer may request, at any time, that the Director, OAI, call

for a meeting with the Administrator to discuss SECU activity, including specific cases.

2. Submission of Complaints

22. Any person or group who is or could be affected by a UNDP-supported activity, is permitted to file a complaint. A representative may also file a complaint on behalf of any person or group. If SECU has any questions about the representatives' role, SECU may request information to confirm that the representative has indeed been chosen by the Complainant(s) and is acting in the scope of the representation and in the Complainant(s)' best interest.
23. Complaints are received by mail, email, telephone, smart phone texting applications, and SECU's dedicated online submission form. Anonymous complaints are not accepted. However, the Complainant(s)' identity will be kept confidential if they so request. Note that after the initial complaint is filed, Complainant(s) may amend complaints, providing additional information or evidence or alleging new violations. Additional Complainants may join a SECU case if their concerns relate to the same UNDP-supported activity or raise similar issues affecting overlapping stakeholders or geographical region(s), and SECU determines such an addition to be appropriate.
24. Investigations may also be triggered on SECU's own initiative by the Lead Compliance Officer, at the request of the UNDP Administrator, or at the request of a non-UNDP funding entity for a particular UNDP-supported activity. For these cases, the investigation would be based on the separate policy guidance attached to these Guidelines, titled "Proactive Investigations by SECU." Disclosure of documents during the proactive investigation will be made in a manner similar to disclosure pursuant to investigations triggered by stakeholder complaints. SECU takes all reports of alleged breaches of social and environmental commitments seriously, and all allegations, received evidence, and proactively sourced information are assessed to determine whether an investigation is appropriate.
25. Please visit www.undp.org/secu, the link at the bottom of UNDP's homepage www.undp.org titled "Submit social or environmental complaint", or email secuhotline@undp.org to report a matter to SECU. The following channels for reporting a complaint to SECU are also available:
 - 25.1. By alternate email to project.concerns@undp.org (which goes to both SECU and SRM)
 - 25.2. By mail addressed to: Social and Environmental Compliance Unit, Office of Audit and Investigations, UNDP, 1 UN Plaza, 4th Floor, New York, NY 10017, USA
 - 25.3. By text message through a variety of applications including SMS, Signal, WhatsApp, Viber, and WeChat to +1 (917) 207-4285. Texts may be sent in any language.
 - 25.4. By phone to +1 (917) 207-4285, please leave a message (in any language).

Complaints should be as specific as possible, describing current or potential adverse impacts that have a plausible causal link to a UNDP-supported activity and, if possible, the UNDP social and environmental standards/commitments that are believed to have been violated. SECU will accept complaints in any language. Note that subsequently prepared documents in response to the complaint will be translated into relevant languages as useful. If the translation involves a locally distinct language not often encountered by UNDP, timeframes for review of submissions and issuance of documents may need to be revised.

3. Threats or Instances of Retaliation, Retribution, or Violence

26. In the event that individuals holding UNDP assignments/contracts (i.e., staff members, interns, UN Volunteers and contractors) fear retaliation as a result of submitting a complaint or cooperating in a SECU investigation, they may report the matter to the Director, Ethics Office at the following email

address: ethicsoffice@undp.org. The UNDP Policy for Protection against Retaliation applies in these cases. In coordination with the Ethics Office, the Legal Office or other UNDP offices, SECU will advise on other measures available where the circumstances fall outside the scope of the Policy for Protection against Retaliation (i.e., when individuals not holding UNDP assignments/contracts fear retaliation). For individuals that hold contracts with other UN entities, SECU will refer the issues to the mandated office of that individual's organization

27. Additionally, if individuals outside the UNDP system fear retaliation or retribution for filing a case with SECU, for providing evidence about a case, for participating in SECU-supported activities such as an outreach event, or for otherwise supporting a SECU investigation, SECU will take such allegations seriously. A separate set of guidelines covering such a contingency is annexed to these Guidelines.
28. Where complaint(s) and SECU activity uncovers immediate concerns regarding the safety or well-being of individual victims of violence, including sexual misconduct, SECU will make appropriate referrals to other entities, including other investigators in OAI, relevant human rights bodies and/or national institutions. SECU will also document and preserve evidence for referral in these situations. When SECU uncovers potential criminal activity, it will make good faith efforts to collect relevant information and share that information with appropriate investigative bodies under conditions that prioritize the safety and privacy of victims and witnesses.

4. Registration and Eligibility

4.1 Registration

29. Complaints will be registered on the Case Registry by SECU within five days of receipt by SECU. If a complaint has been sent to the wrong office, it will be redirected, rather than registered. Concurrent with registration, SECU will acknowledge receipt of the complaint to the Complainant(s). If SECU can immediately determine that the complaint is ineligible, it will notify the Complainant(s) in writing. The registration of the complaint will be accessible to the public through SECU's website. SECU will also inform the SRM and provide it with a copy of the complaint.
30. When a Complainant requests that their name be kept confidential, the name and identifying details shall be removed from the documents uploaded onto SECU's website and from documents provided to the SRM.
31. If a complaint is registrable under either the SECU or SRM processes but it is unclear which path(s) the Complainant(s) wish to pursue, prior to registering the case, SECU and SRM will have an additional 10 days to communicate with the Complainant(s) to clarify needs. If both processes are applicable, the Complainant will be informed that both are applicable, and will be given the choice to proceed with a Compliance Review Process, Stakeholder Response Process, or both. SECU and SRM may separately or together provide this information to the Complainant(s). If the complaint is deemed ineligible for a Compliance Review Investigation, the complaint may still be eligible for a mediation-type process and may be referred to SRM.

4.2 Preserving the Record

32. To mitigate the risk of the destruction or alteration of evidence after stakeholders are made aware of an investigation, SECU will, upon determining a case is registrable but prior to adding the case to the public Case Registry, preserve, as appropriate and to the best of its ability, the record of relevant

websites, documents, news articles, and any other information. Preservation may include downloading documents to SECU's servers, website archiving, taking relevant screen shots, and gathering any other evidence SECU can reasonably gather without deviating from the Guideline's timeframes.

4.3. Determining Eligibility of a Complaint

33. Within thirty-five days from registration of a Complaint, SECU shall reach a conclusion about eligibility of the Complaint and inform the Complainant(s) of the decision. If SECU is unable to determine eligibility within this timeframe, SECU will communicate to the Complainant(s) the reasons for delay and the expected date for the determination.
34. SECU will apply eligibility criteria to ensure the mechanism is accessible to all stakeholders potentially affected by UNDP-supported activity while also ensuring that a plausible causal relationship exists between UNDP's involvement and the alleged harm. If the Complainant does not allege any specific non-compliance, SECU will evaluate the Complaint itself to determine if the complaint raises issues of potential non-compliance with UNDP's social and environmental commitments.
35. During the eligibility phase, SECU may consult the Complainant(s), UNDP staff, and project sponsors, as well as request and review any relevant documents. If a complaint is determined to be ineligible, SECU will provide the Complainant and the public a clear and detailed explanation of the reasons for the determination. If the complaint is found to be eligible, it will then move to the Compliance Review Investigation stage (see Section 6).
36. In order to be eligible a complaint must:
 - (1) Relate to an activity supported by UNDP. When UNDP's support to an activity has ended, but impacts can fairly and reasonably be traced to UNDP's involvement, SECU will accept complaints that are likely to provide institutional learning, prevent future mistakes and abuses, or support resolution of concerns of communities;
 - (2) Raise actual or potential issues relating to compliance with UNDP's social and environmental commitments; and
 - (3) Reflect that, as a result of UNDP's noncompliance with its social and environmental commitments, the Complainant(s), other stakeholders, or the environment may be or have been harmed.
37. If the harm or potential harm to the Complainant(s), other stakeholders, or the environment has, or appears to have, ceased after the filing of the complaint, but before SECU's eligibility determination, the complaint may still be declared eligible with a view to further establishing, during the Compliance Review Investigation, whether the harm or potential harm has in fact ceased, and/or with a view to learning lessons for future institutional strengthening and/or prevention of similar harms.
38. The following complaints will be excluded from SECU's Compliance Review Processes:
 - 1) Any complaint that is filed fraudulently or for malicious purposes. Note that SECU may continue on its own initiative to investigate a complaint that was filed with malicious intent but otherwise merits an investigation;
 - 2) Complaints that raise only issues of fraud, corruption or procedural abnormalities in a procurement process will not be processed by SECU, but will be forwarded to the appropriate

- units of the OAI;
- 3) Complaints that neither implicitly nor explicitly raise issues of potential non-compliance with UNDP's social and environmental commitments in UNDP-supported activity;
 - 4) Complaints relating to alleged individual crimes that are referred to the OAI Investigation Section for possible investigation, and to relevant national authorities for prosecution, as appropriate. Note, however, that evidence of such allegations may impact the risk appraisal process of a project and the ability of UNDP to manage such activity risks, and thus be relevant evidence for a compliance investigation. SECU does not make findings of individual criminal conduct in its reports;
 - 5) Complaints by Complainant(s) who have already raised the same issue with respect to the same activity with SECU, unless significant new information is available or there has been a significant change in circumstances;
 - 6) Anonymous complaints.
39. The Lead Compliance Officer will reach a conclusion about the eligibility of the complaint, and seek approval from the Director, OAI to either close the case or pursue a compliance process. The Lead Compliance Officer will either:
- Close the case because eligibility criteria in paragraph 36 are not met or the complaint is of a type listed in paragraph 38; or
 - Prepare a plan for a Compliance Review Investigation, including terms of reference and timeframe, setting forth the steps to assess the factual basis of the allegation(s).

5. Developing Terms of Reference for the Compliance Review Investigation

40. Within twenty days of determining that a complaint is eligible, SECU will develop a draft term of reference (ToR) and discuss the draft ToR with the Deputy Director and the Director, OAI and thereafter publicly release the ToR.
41. Staff, Complainant(s), and other interested parties may provide comments on the ToR at any time. SECU will consider them as the ToR can be amended at any time prior to issuance of the draft report. UNDP staff, Complainant(s), and the public will be informed of any substantive changes made to the ToR during the investigation.
42. When developing the ToR, or at any point during the Compliance Review Investigation, SECU may seek consent from the UNDP Country Office or relevant business unit concerned that certain facts alleged by the Complainant(s) are commonly agreed to amongst the stakeholders and do not therefore need to be established as part of the evidence-gathering process. Such an agreement will reduce the length of the investigation and could reduce the need for time-consuming steps such as on-site visits, documentation review, and follow-up requests. Any commonly agreed to facts will be recorded in the ToR and reflected in the compliance review report. The decision to pursue and accept any such agreement is at the sole discretion of the Lead Compliance Officer and may be done only if it is determined to be in the best interest of the Complainant(s) and UNDP.

6. Compliance Review Investigation

43. Upon publication of the ToR, SECU will initiate the Compliance Review Investigation. The investigation will commence as soon as possible and will include the following steps:
 - Notify the Complainant(s) and other potentially-affected persons that the investigation process has been initiated;
 - Interview those people with relevant information including, for example, both the Complainant(s)

- and Project Manager of the activity at issue;
- Obtain documents and other related evidence;
- Evaluate information and evidence;
- Conduct on-site visits and interviews with persons located in-country;
- Timely completion of the investigation, as well as completion of earlier steps of a Compliance Review Process will be a priority, even while recognizing the range of valid reasons for delay beyond the targets in the ToR. If such justifiable delays occur at any point in the Compliance Review Process, all key stakeholders will be notified, and if a major delay is foreseen, a note will be posted on the online SECU Case Registry.
- A delay does not in any way prejudice the disposition of the case, or otherwise disqualify SECU from proceeding with its investigation if and when it chooses to proceed.

6.1. Investigation Standards

44. The general principles set out in the *Uniform Principles and Guidelines for Investigations* apply to all compliance investigations, including the SECU Compliance Review Investigation⁸. These principles include the following:

- SECU will maintain objectivity, impartiality and fairness throughout the investigative process and conduct its activities competently and with the highest levels of integrity;
- SECU will perform its duties independently from those responsible for, or involved in, operational activities and from staff members liable to be related to an investigation;
- SECU investigations will be free from improper influence and fear of retaliation;
- SECU personnel will disclose to a supervisor in a timely fashion any actual, potential, or perceived conflicts of interest;
- Appropriate procedures will be put in place to investigate allegations of misconduct on the part of any SECU personnel;
- SECU will take reasonable measures to protect as confidential any non-public information associated with an investigation (see attached Public Disclosure SOP);
- Investigative findings will be based on facts and related analysis, which may include reasonable inferences, especially when requests for evidence go unfulfilled;
- At the start of each new phase of an investigation, steps will be taken to notify key stakeholders of the progression of the case, their opportunities to provide input and comments if applicable, and to establish appropriate communication modes;
- All investigations conducted by SECU are administrative in nature.

6.2. The Roles of UNDP Country Offices/Units and UNDP Staff/Consultants during Investigations

45. UNDP Country Offices and Units, as well as UNDP Staff and other Personnel, play an important role during SECU investigations. Their support and cooperation in providing documentation relating to the project is a basic requirement. Country Offices should also assist SECU to conduct field visits, obtain necessary information, and meet with relevant stakeholders, as requested by SECU. In circumstances where SECU/OAI determines that UNDP personnel are not fully cooperating with its investigation or are withholding requested documentation, SECU may, in compliance with all applicable OAI policies, access UNDP-owned physical and digital assets to obtain documentation relevant to its mandate.

46. Maintaining actual and apparent independence is important for SECU's work. As such, it is important that UNDP Staff and other Personnel respect SECU's independence during investigations,

⁸ Uniform Principles and Guidelines for Investigations, 10th Conference of International Investigators (2009).

particularly with regard to determining meetings, interviews, and access to information.

6.3. The Role of the Administrator

47. The UNDP Administrator makes the final decision regarding what steps, if any, the UNDP will take upon receipt of SECU's final compliance report to bring a project into compliance, provide redress to affected communities, and take steps to apply lessons learned corporately. SECU recognizes the role of the Administrator and their executive staff in responding to and providing oversight over all UNDP-related matters, and attendant organizational risks. Once an investigation is at a stage where SECU is confident that it has fully identified all issues in a case, usually just prior to the final fact checking phase, SECU will offer to provide to the Administrator or their staff designee an oral briefing about the case based on the draft factual document. The oral briefing will not focus on any of SECU's key compliance findings or recommendations but will rather focus on the facts of the case and the emerging major compliance issues. SECU will neither solicit nor receive any substantive feedback from the Administrator and their staff prior to the report being made available openly in the public comment period.

6.4. The Draft Compliance Review Report

48. After completing its Compliance Review Investigation, making findings and proposed recommendations, but prior to finalizing the draft report, SECU will invite a review of the facts in the report by the Complainant(s) and the responsible UNDP business unit, both to ensure the accuracy of the fact-finding effort as well as to determine that no essential evidence has been left out. Only the sections of the Draft Compliance Review Report related to the underlying evidence and factual assertions will be shared at this time. Findings related to compliance with UNDP policies, and related recommendations, will not be included to encourage stakeholders to focus on the evidentiary elements of the case only at this stage. Any feedback submitted during this fact checking review shall be included alongside the draft report that is subsequently published for public commenting unless explicitly deemed confidential and exempt from disclosure under UNDP's Information Disclosure Policy.
49. Following this fact checking review, upon the recommendation of the Lead Compliance Officer, the Director, OAI, will authorize the public release of the draft report. Comments may be provided on the draft report by any interested person for twenty days. The report will include:
 - A discussion of the procedural steps taken to address the complaint;
 - Any relevant factual findings, including any findings of non-compliance;
 - Recommendations to bring UNDP into compliance with social and environmental commitments and/or to prevent, mitigate, and remedy harm to the Complainant(s); and
 - A framework for monitoring implementation of any recommended actions that the UNDP Administrator decides to take in response to the Complaint.

6.5. Receiving and Reviewing Public Comments

50. SECU will compile and review comments received during the public comment period. SECU will create a comments matrix that includes all comments except those deemed privileged, confidential, or sensitive. SECU will respond to comments in an efficient and transparent manner, and will post on its website the comments matrix (including SECU's responses) alongside the final report.

6.6. Submission of Final Report

51. Within twenty-five days of receiving comments on the draft report, SECU will issue to the Director, OAI, a final compliance report signed by the Lead Compliance Officer, including findings and recommendations, and input from the responsible UNDP management unit, Complainant(s) and other stakeholders. The Director, OAI will accordingly have the benefit of all comments and input received, including SECU's responses, when reviewing the report. SECU will notify the public that this has been done.
52. The Director, OAI, will review, clear, and submit the final compliance report to the UNDP Administrator within ten days, with a copy sent to the Complainant(s), key stakeholders, and relevant business units such as the Country Office, and release it to the public. This process may be delayed by exigent circumstances or reasons, and in situations with significant delay, SECU will make public the reasons for such delays with an updated timeline.

6.7. The Administrator's Decision

53. After receipt of the final compliance report, the UNDP Administrator will expeditiously make a final decision in writing regarding what steps, if any, UNDP will take to bring the UNDP-supported activity into compliance and/or prevent, mitigate or redress any harm to the Complainant(s), other affected persons, or the environment, as appropriate. If the Administrator's decision takes longer than 30 days, SECU will periodically inform its stakeholders of the case's status. SECU will forward the UNDP Administrator's decision to the Complainant(s), publicly release the decision on its Case Registry, and announce the decision to key stakeholders.
54. When the Administrator decides not to adopt recommendations made by SECU's compliance report, the Administrator should include reasons in its written decision which should clearly explain why any recommendations were not accepted and acted upon.

6.8. Responding to Non-Compliance

55. There are numerous options to encourage compliance with UNDP's social and environmental commitments. Such options include:
 - Case-specific and UNDP-wide recommendations for improving implementation;
 - Revisions to the UNDP-supported activity and project or screening documents;
 - Action by the Administrator, where harm to affected people is imminent, to stop UNDP's financial disbursements or other support to an activity pending the outcome of SECU's Compliance Review Process;
 - Permanent suspension of any financial disbursements by the UNDP Administrator, assuming that the activity is not otherwise able to comply with the UNDP's social and environmental commitments;
 - Decision by the UNDP Administrator to prevent, mitigate or remedy any harm caused by a UNDP-supported activity, and to restore Complainant(s), other affected stakeholders, or the environment to a pre-harm state, in collaboration with the implementing partner. In crafting and responding to recommendations, SECU and the Administrator should consider the range of measures that may be necessary to restore stakeholders to a pre-harm state, including through financial compensation (where the circumstances and financial resources allow for it); restoration of rights, including rehabilitation through medical, psychological, legal, and/or social services; and acknowledgments of non-compliance (such as apologies);
 - Decision by the UNDP Administrator to afford activity benefits to Complainant(s) or other

stakeholders in situations where they have been wrongfully excluded from the benefits of the activity (i.e., in situations where they would have benefited had the UNDP complied with its social and environmental commitments) or where such benefits would address harms SECU has found to be caused by prior UNDP-supported activity;

- Include in underlying legal documents provisions indicating that breach of social and environmental policies are material breaches of the activity agreements.

56. In all cases the UNDP Administrator has the ultimate authority to rule on the remedy. The Compliance Review Process is not a court of law, and thus does not create any legally enforceable responsibility, immunity, or liability for the UNDP or affiliated organisations.

7. Monitoring and Closure

57. In cases where UNDP is found to be in compliance by the investigation from SECU, SECU will close the investigation.

58. In cases where UNDP is found to be out of compliance and the Administrator directs staff to undertake remedial measures, SECU will keep the case open and monitor the situation until actions taken by UNDP assure SECU that UNDP is addressing the noncompliance.

59. In most cases, Management will develop an Action Plan reflecting the decisions of the Administrator, which SECU will consider in the drafting of its monitoring plan. If the proposed Management Action Plan faces difficulties in achieving compliance, SECU may seek clarification of the Plan or the Administrator's decision. SECU's monitoring may involve desk review, correspondence with the affected communities, progress reports from the Country Office or relevant business unit, and onsite inspections, as appropriate.

60. SECU will consult with the Complainant(s) in the development of its monitoring plan as necessary. SECU will also conduct individualized outreach to provide intended beneficiaries of any recommendation with relevant updates from its monitoring. Any progress or monitoring reports which SECU produces or which are submitted to SECU by the relevant Country Office or business unit will be publicly disclosed on SECU's Case Registry. Where recommendations are not implemented, SECU will seek written explanations from the relevant Country Office or business unit, and will publicly disclose those explanations on its Case Registry.

61. When UNDP completes the steps to bring the project into compliance, SECU will close the case and notify the key stakeholders. SECU also reserves the right to deem steps in the Management Action Plan, where they have become moot, as the basis for closing a case, or to close a case when there is no reasonable expectation of further action to be taken. Before closing the case and where appropriate, SECU will discuss the outcomes of monitoring with the Complainant(s) and the business unit to ensure that they have had an opportunity to learn what has occurred as a result of the complaint.

62. SECU's monitoring process is an iterative and adaptive process. The circumstances of a particular monitoring exercise may require a deviation from the Guidelines in the interest of a fair process to the Complainant(s) and to support UNDP's institutional learning and compliance with social and environmental policies. In addition, best practices through practical experience may inform an evolution of specific monitoring procedures.

63. When closing a case, SECU will prepare a closure note describing the monitoring process carried out by SECU, key facts regarding the completion of the Administrator's decision, and the reasons for closing the case. The closure note will be signed by the Lead Compliance Officer, and submitted

to the Director, OAI, for their review. SECU will post the closure note to its online Case Registry and share it with key stakeholders.

64. Any findings or actions taken by SECU during its monitoring phase or as a result of case closure does not prejudice a Complainant from filing a new complaint with SECU if they believe UNDP is not meeting applicable social and environmental standards. Such a complaint must allege new facts and/or relate to different UNDP-supported activity from the original complaint.
65. SECU makes public the current status of all compliance review cases, including the monitoring phase, as part of its annual report to the Administrator and on the SECU public case registry.

8. Advisory Reviews

66. SECU may on its own initiative provide Advisory Reviews to the UNDP Administrator regarding systemic, institution-wide, or policy issues (including providing input on the development or revision of UNDP policies and guidelines) that it believes need to be addressed, based on lessons learned from investigating social and environmental non-compliance in specific cases, and other experience and sources. SECU will also consider requests from the UNDP Administrator for Advisory Reviews on social and environmental compliance issues.
67. Advisory Reviews provide systemic, not project-specific advice, thereby preserving SECU's independence and impartiality to receive complaints on any specific project.
68. Advisory Reviews may be addressed to the Administrator, relevant Country Offices/Units, relevant Bureaux/Departmental directors, and/or external stakeholders, as appropriate.
69. SECU will informally consult with the relevant target audience and other key stakeholders during the development of an Advisory Review to ensure that its advice is relevant and informed by good practices and the latest developments in the subject area.
70. Once SECU has prepared a draft Advisory Review, SECU will issue to the Director, OAI, the draft Advisory Review for the Director's review and approval, and the Director, OAI will then share the Advisory Review with the Administrator for their consideration. The Advisory Review will also be publicly disclosed.

9. Temporary and Pre-emptive Measures

71. Notwithstanding the procedures set forth above, if at any time after receiving a Complaint SECU identifies imminent, irreversible harm to the Complainant(s), other affected people or the environment, SECU may propose to the Director, OAI that they recommend to the Administrator that UNDP take interim measures pending completion of a Compliance Review Process. The Country Office may be contacted informally and directly regarding interim relief where time is of the essence. The Lead Compliance Officer may also recommend to the Director, OAI that outside experts be employed to secure evidence rapidly to inform such a step. Such interim measures could include suspending financial disbursements or taking other steps to bring UNDP into compliance with its social and environmental commitments, or to address the imminent harm. SECU will endeavor to consult potentially affected people on these measures, depending on time and related constraints.

10. SECU and the Media

72. SECU investigations are public in nature, and therefore there will be circumstances when the media

is interested in its investigations or findings. As appropriate, SECU will seek guidance from the Bureau for External Relations and Advocacy (BERA), and/or other relevant units within UNDP in order to engage with the media in a manner consistent with UNDP policies, procedures and best practices. SECU endeavors to be as transparent as possible.

11. Annual Report

73. SECU will report at least annually to the UNDP Administrator on the functions, operations and results of the Compliance Review Process. Such annual reports will also be made available to the public and to other stakeholders. Alongside the submission of its annual report, the Director, OAI will invite the Administrator to meet periodically with the SECU team to discuss its caseload and activity.

12. Responsibility for Updating the Guidelines

74. The Director, OAI has approved the Guidelines, and the Lead Compliance Officer is responsible for keeping the Guidelines up to date, as approved by the Director, OAI.

ANNEX I – Complaints related to projects approved prior to 1 January 2015

1. SECU determines the project start date from the existence of a signed and dated Prodoc, the latest date at which a signed substantive revision has been approved, or, if such documentation is unavailable, the latest date that a substantive revision or Prodoc should have been signed.
2. Complaints related to projects approved prior to 31 December 2014 will be investigated through a Compliance Review Investigation process (i.e. the same process for other investigations set out in the Guidelines) if UNDP has committed to providing a Compliance Review Process for social and environmental commitments made by UNDP in the context of the specific funding activity, and these complaints meet the eligibility criteria described in paragraph 36 of the Guidelines.
3. For other projects approved prior to 31 December 2014, two possibilities for processes exist: (1) the Lead Compliance Officer can determine that a Compliance Advice Note could strengthen the effectiveness of the UNDP supported activity, address harms to communities, and/or otherwise enhance UNDP's effectiveness, and, if so, inform requestors that this option is available and that the Note would provide advice that may assist UNDP Management in improving policy compliance in the project; and (2) the Stakeholder Response Mechanism (SRM) may assist the Complainant. If both options are available, the Complainant can choose which option(s) to pursue, or both.
4. The Compliance Review Investigation process for pre-2015 projects or programmes for which UNDP has committed to provide compliance review, will apply commitments reflected in the project or programme document, and, for Forest Carbon Partnership Facility (FCPF)-related projects, the Common Approach to Environmental and Social Safeguards for Multiple Delivery Partners.
5. The Compliance Advice Note process for pre-2015 projects that are determined by the Lead Compliance Officer to meet the criteria for a Compliance Advice Note will apply commitments in existence when the project was approved. A Compliance Advice Note process follows the same principles for Compliance Review Investigations set out in the Guidelines, except that SECU does not make recommendations to bring the project back into compliance with commitments and/or to prevent, mitigate or redress harm, nor does it set out a framework for monitoring implementation of recommended action. Compliance Advice Notes rather provide advice on bringing UNDP into compliance with social and environmental commitments, and advice on how to address harms to impacted people or the environment, and/or on how to improve UNDP effectiveness. The Administrator is not expected to make a decision on Compliance Advice Notes, though can do so at their discretion. If the Administrator were to make a formal decision in response to a Compliance Advice Note, SECU would monitor that decision to the extent that its mandate allows.

Title	SECU Public Disclosure Policy
Date of Issue	XX 2022

Introduction

1. SECU's approach to transparency and public engagement is in compliance with UNDP's transparency policy.⁹ As such, SECU will make all appropriate public documents¹⁰ available through public disclosure¹¹ via SECU's website and available upon request.
2. This SOP describes the methodology that SECU will use to disclose information relating to the social/environmental issues within its purview, as well as the results of its investigations.

Rationale

3. Public involvement is fundamental to SECU's work. As such, SECU will provide access to information in a timely manner, and strengthen public participation in decision making in order to:
 - a. Enhance the quality and impact of UNDP's decisions;
 - b. Contribute to public awareness about social and environmental issues; and
 - c. Provide the public, particularly project-affected parties, with the opportunity to express its concerns about UNDP development projects.¹²

Public Documents

4. Public documents include:
 - a. Complaints, posted after the Eligibility determination (subject to '**Restrictions on Public Disclosure**' below.);
 - b. Eligibility determinations
 - c. Draft and final reports;
 - d. Closure / non-eligibility notices submitted to Complainant(s);
 - e. Terms of Reference;
 - f. The Administrator's decision;
 - g. Management action plans in response to the Administrator's decision;
 - h. Monitoring Report;
 - i. Advisory Review;
 - j. Annual Report; and
 - k. Written materials, pictures, recordings and other information gathered for purposes of an investigation, except for those covered in paragraph 10 below.
5. Other Documents that SECU may make public if available and not confidential
 - a. Relevant Project Document(s)
 - b. Relevant UNDP Policies
 - c. Relevant Social and Environmental Screening Procedures
 - d. Relevant Due Diligence Documents
 - e. Indigenous Peoples Plans, Environmental Impact Assessments, Resettlement Plans, and other plans developed to ensure UNDP-supported activity is executed in a manner consistent with the

⁹ See UNDP Disclosure Policy: http://www.undp.org/content/undp/en/home/operations/transparency/information_disclosurepolicy/.

¹⁰ See paragraph 4 for definition of public documents.

¹¹ See paragraph 5 for definition public disclosure.

¹²This SOP draws upon Aarhus, *Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters*, 25 June 1998.

- SES and other relevant policies
- f. Any other non-confidential documents that SECU believes will assist the public in understanding the case

Transparency and Public Engagement

6. Transparency and public disclosure of information are fundamental to SECU.
7. SECU will publish and disseminate an annual report detailing and summarising the outcomes of its investigations and related policy documents.
8. SECU recognises that it is essential that the general public meaningfully participate in its activities in order to improve social and environmental compliance. SECU, thus, encourages the general public to address any grievances it may have related to social and environmental compliance through using SECU's various methods of communication. See paragraph 25 of SECU's Investigation Guidelines for details on how to file a complaint.
9. SECU will make a concerted effort to publicise its work, particularly in areas where UNDP is engaged in development projects, in order to increase awareness about its activities amongst the general public.

Restrictions on Public Disclosure

10. Public disclosure is subject to restrictions. Documents may be kept confidential if one or more of the following events could occur:
 - a. Disclosure could impair the safety of a complainant, witness, SECU personnel, or UNDP staff and personnel;
 - b. Disclosure could undermine SECU's work through, for example, compromising, destroying or manipulating evidence;
 - c. Disclosure could undermine the confidentiality of a parallel criminal or wrongdoing investigation that involves similar parties; and
 - d. Disclosure could compromise an individual's due process rights.
11. When the name of an individual must remain confidential due to the reasons outlined in paragraph 10, or the individual requests confidentiality while filing a complaint, SECU will redact the documents accordingly; however, SECU will make the remainder of the information available as long as this does not compromise the safety of an individual or compromise an investigation.
12. SECU must justify non-disclosure or redaction through a memorandum that will be made public when the information no longer implicates any of the concerns as enumerated in paragraph 10.

Confidential Documents

13. SECU will not release or cite any document that has been properly designated as confidential. SECU will attempt to ensure that UNDP personnel involved in an investigation are aware of their responsibility to positively identify any such confidential documents and communications in line with UNDP's information disclosure policy and this SOP.
14. UNDP's system of designating documents as confidential is sometimes ambiguous and contradictory. Where no one is identifiable as a document's owner, or where documents are inconsistently deemed confidential, SECU will exercise its best judgment. SECU defines "document owner" as either 1) the signatory a document affecting its approval, or 2) the director of the business unit from which the

document was originally created or signed.

Updated, Timely, and Accessible Information

15. SECU will ensure that it updates all relevant information relating to social and environmental compliance investigations in a timely fashion, and this information is available on its website.

This SOP is effective immediately.

Helge S. Ostveiten
Director, OA

Title	Interview Guidelines
Date of Issue	XXX

1. This Standard Operating Procedure describes how SECU will conduct interviews and gather testimonial evidence.

Purpose of Interviews

2. Interviews are aimed at obtaining testimonial evidence. Testimonial evidence refers to the recollection evidence from individuals who have knowledge or expertise relating to an event or issue under investigation.

Confidentiality

3. The interview process is “on the record”. Only in justifiable instances as outlined in SECU’s disclosure policy will an interview be treated as confidential in SECU records and reporting.

Basic Requirements

4. All interviews shall be conducted in an appropriate environment, at a reasonable time, and for a reasonable duration with breaks as needed.
5. Affected Persons shall receive advance notice of the interviews and full information disclosure prior to the interview.
6. Before conducting an interview of UNDP personnel, investigators shall inform the interviewee of the:
 - Identity and function of the individual(s) conducting the interview;
 - Investigative process and purposes of an investigation;
 - SECU’s rules with regard to conducting an interview; and
 - In the case of UNDP staff and personnel, the duty of all staff and personnel to cooperate.
7. At the end of every interview, the interviewee shall be given the opportunity to provide any additional comments or relevant information.
8. Investigators shall not engage in covert recording of interviewees, nor shall they request others to do so.
9. SECU will take detailed notes documenting the testimonial evidence generated during an interview.

Witnesses

10. A witness is any individual whose statements are transcribed or memorialised by SECU and used as evidence.
11. Any individual with direct or indirect knowledge or expertise of matters relevant to the investigation may be a witness. Types of witnesses include (but are not limited to):
 - Individuals making an allegation;
 - Victims of the alleged act and their representatives;
 - Experts.
12. A written record shall be made of every witness interview, regardless of whether an audio or video recording was also made. Audio or video recordings of witnesses may prove useful to a particular

investigation (for example, where there is limited time and the issues covered are highly specialised or complex and it may therefore be useful to be able to review the recording). The decision to record the witness will be at the discretion of the lead investigator and, if timing permits, in consultation with the Lead Compliance Officer, provided that the witness consents to being recorded.

13. A witness shall be permitted to amend, correct, or offer additions to their testimony at any time prior to the publication of the draft report. In cases where a witness retracts or amends a prior statement for known reasons, investigators may at their discretion preserve the original record of interview and incorporate the witness's corrections and amendments in its compliance review report.

Interpreters

14. An interviewee shall be notified in advance of the interview that they are entitled to the use of an interpreter if the language in which the investigators will conduct the interview is not one that the interviewee speaks natively. The interpreter shall be provided by SECU. The interviewee should not furnish their own interpreter except in exceptional circumstances such as the lack of availability of alternative interpreters and with SECU's approval.

Observers

15. Compliance Officers or investigators may invite an observer to attend the interview if, after considering the cultural context of the interview, they conclude that the observer's presence is in the best interest of the investigation. However, Affected Persons can reject an observer proposed by SECU, in which case the interview of the Affected Person shall proceed without an observer.

This SOP is effective immediately.

Helge S. Ostveiten
Director, OAI

Title	Proactive Investigations by the Social and Environmental Compliance Unit
Date of Issue	XX

Introduction

This document describes OAI/SECU’s approach to proactive investigations to identify possible failures to implement UNDP’s social and environmental commitments. It identifies risk and prioritization factors that will be used in methodologies to identify projects for possible proactive investigations of noncompliance. The Director, OAI may request at any time a proactive investigation. The Lead Compliance Officer will review and approve the initiation of all proactive investigations.

Background

1. In 2010, the Administrator re-enforced OAI’s mandate to conduct proactive investigations, and in response, OAI established a methodology for pursuing and conducting proactive investigations related to financial or other irregularities. Building off this experience, this SOP provides the foundation for an additional methodology that formalizes the process through which projects are selected for proactive investigations related to UNDP’s social and environmental commitments.

Rationale for proactive investigations

2. Experience has shown that it is not effective to rely exclusively on complaints as the driver for investigations. Among other challenges, communities often lack awareness of UNDP commitments and standards, the existence of accountability mechanisms and how to use them, as well as cultural factors, and a limited capacity and resources to formulate a complaint. There are additionally fears amongst many communities of retaliation and reprisals for lodging complaints in societies that restrict civic engagement and the right to object to activities that cause harm or injustice. These challenges create situations in which a UNDP project that is harming a community will not be reported and SECU may not receive requests that merit an investigation and a response by the UNDP Administrator.
3. Proactive investigations are defined as investigations intended to identify and respond to significant potential or actual harm to an individual or community resulting from an existing (but yet unidentified) failure of UNDP to meet its social and environmental commitments.
4. The ability to investigate matters without first having to receive a request is intended to:
 - Allow SECU to respond to high-risk projects before harm occurs to individuals or communities, as well as damage to project success and UNDP’s reputation;
 - Address the situation in which, for a variety of reasons (e.g. cultural, lack of knowledge, fear of retaliation, etc.), impacts are not likely to be reported;
 - Serve as an effective deterrent to avoiding compliance with these commitments;
 - Build a more comprehensive and balanced portfolio of compliance cases at the corporate level across regions and development sectors; and
 - Strengthen UNDP’s credibility with donors.
5. The aim of this procedure is to introduce a data-led component to the identification of projects and/or programmes for which SECU should conduct investigative work without awaiting the receipt of a request for an investigation.
6. This approach to proactive investigations proposes that SECU focus on investigating possible shortcomings in compliance with social and environmental commitments in UNDP-supported activities that have been categorized as ‘high risk’ based on the elements below.

Current Risk Assessments

7. Separate risk based assessments are being conducted for UNDP and/or SECU to identify environmental and social risks/issues associated with a given activity. These assessments include:
 - The Social and Environmental Screening Procedure (SESP);
 - Various forms of Environmental and Social Assessments, e.g., EA, ESIA, SESA, etc. prepared in response to results of the SESP
 - Quality Assurance
 - Risk logs
8. The approach to proactive investigations is designed to be consistent with these risk assessments, using their results and many of the same risk indicators, as appropriate.

Scope

9. The proactive investigations model will consider only projects that would otherwise be eligible for a Compliance Review Investigation if a valid complaint were lodged, and will focus only on issues that fall within SECU's social and environmental mandate.

Methodology

10. The detailed methodology for OAI/SECU's proactive investigations model has been determined by the Lead Compliance Officer in coordination with the Director, OAI and is set out in a separate annex to this SOP. This methodology is periodically updated to reflect lessons learned and best practices as SECU uses the model and runs proactive investigations. The methodology is stored in OAI/SECU's files.

Conflict of Interest

11. When a complaint is filed in relation to a project for which SECU has completed a proactive investigation, and issues raised in the complaint are the same as issues examined in the proactive investigation, SECU will ensure that the SECU lead investigator(s) in the proactive investigation will not participate in the investigation related to the complaint. The conflict of interest assessment and determination will be made by the Lead Compliance Officer in discussion with the Director, OAI.
12. The proactive investigation report will indicate that results of that report will not preclude or prejudice future consideration of issues raised by a Complainant in the context of the same project.

Periodic updates

13. To keep the risk assessment results relevant and appropriate, risk factors and methodologies will be subject to review, as deemed necessary by the Lead Compliance Officer. A note-to-file on any updates made will suffice, unless there are significant changes that will require an update of this SOP, approved by the Director, OAI.
14. This SOP is effective immediately.

Helge S. Ostveiten
Director, OAI

Title	Guideline to Managing and Responding to Risks of Intimidation and Reprisals in the Context of SECU Activity
Date of Issue	

Introduction

1. This guideline outlines SECU’s approach to managing and responding to risks of intimidation and/or reprisal against individuals or communities requesting and/or participating in an investigation, review, outreach event, or other SECU-supported activity.

Background

2. SECU will take appropriate precautions to provide individuals and communities unhindered access to SECU -- free from any form, or fear, of intimidation or reprisal -, including through the pursuit of appropriate measures to manage intimidation or reprisals against individuals participating in an investigation, review, outreach event, or other SECU-supported activity.¹³ Current research confirms the continuing rise of violent and intimidating threats against those community members who file complaints with international accountability mechanisms such as SECU.
3. Through this SOP, OAI SECU outlines guidelines it will follow to avoid and mitigate any acts of intimidation or reprisal.

Policy

Assess Risks

4. SECU will assess the risks of acts of intimidation or reprisal at various stages in the investigation process, including through approaches described below.
5. Before publicly registering an eligible complaint, SECU will make an initial assessment of risks to complainant(s)/requestor(s) by asking if they have any reason to believe they may be subjected to acts of intimidation or retaliation and assessing other factors that could facilitate reprisals, e.g. political unrest, etc.
6. Risks will be assessed in terms of their likelihood and severity, and will be recorded in SECU’s private case file management systems.
7. If risks are more than negligible, SECU will either delay registering the case until the final eligibility determination has been made, or post notice of the case with anonymous complainants, as appropriate.
8. Before publicly giving notice that a case is eligible for an investigation, SECU will pursue an additional assessment of risks that will include one or more of the following measures, among others:
 - Gather additional information from Complainant(s) and/or other sources, as appropriate

¹³ The 2019 UN Reprisals Guidance Document on Intimidation and Reprisals for Cooperation with the UN, prepared by OHCHR, states “UN policies addressing how the given entity will deal with intimidation and reprisals, or specific sections within broader protection-related policies, are a good practice.”, Section on Headquarters: Role of the head of UN entity, agency or department, p. 27

- Seek information, contacts, and other assistance from relevant UNDP and other UN offices.
 - Seek, through UNDP, other UN offices and other entities as appropriate, assistance in securing information, contacts and other relevant support from UNDP Partners, government officials, other entities, etc.
 - Secure information through online/media/other research
 - Other tasks as deemed necessary and appropriate, and within SECU's limited mandate
9. SECU will continuously discuss and reassess risks with complainants and others. SECU will pay particular attention to factors that suggest higher risk, including the presence of formal or informal security forces, the presence of vulnerable populations, media coverage that indicates threats, a history of oppression, abuse, marginalization, or harassment in the context of the individuals/communities, etc.
10. SECU does not have a mandate to investigate or prosecute any alleged criminal activity in any jurisdiction. All credible evidence of criminal activity by individuals outside the UN system will, following consultations with the Office of Legal Services, be referred to relevant national authorities if the alleged victims give their consent.
11. SECU does not have a mandate to provide security services or financial resources to individuals or communities fearing reprisals or retaliation.

Seek to Prevent Harms and Otherwise Respond to Risks

12. After risks that may arise in connection with filing a complaint or providing evidence in a compliance investigation have been assessed, SECU will discuss and identify with complainants and other relevant individuals appropriate measures to prevent intimidation and reprisals and otherwise take action in response to these risks to minimize their likelihood or severity. Measures will include actions or precautions taken by other entities, including UNDP offices, UNDP partners, other UN agencies, government entities, other funding entities, private sector organizations, and civil society organizations.
13. As appropriate, SECU will identify preventative and response measures that are specific to each case and responsive to its risk assessment – in consultation with relevant stakeholders as necessary. Such measures will be sensitive to gender, race, ethnicity, age, disability, sexual orientation and/or gender identity.
14. SECU may pursue certain measures that are within its powers and mandate to minimize and address risks to stakeholders who engage with SECU during its investigations or other activities. These measures include, but are not limited to, the following:
- Safeguarding the confidentiality of complainants and stakeholders, including through maintaining their anonymity consistent with existing SECU operating procedures, not using photographs without the express consent of those photographed, not filming/recording meetings without consent, exercising caution related to use of electronic correspondence and phone calls, and exercising caution relating to meeting locations.
 - Requesting feedback, guidance, and support from UNDP e.g., UNDP Management, UNDP Country Office, etc., for measures that help provide a safe enabling environment for the investigation.
 - Attention given to means and timing of communication, location and timing of meetings, predictability to outside parties of meeting time and location, means of transportation, use of intermediaries, use and selection of interpreters, facilitators and

other vendors, use of specialized intermediaries for people with special needs, maintaining a low profile, etc.

- Referrals to UN bodies as appropriate, such as UN human rights bodies, to help create conditions that prevent reprisals, e.g., reports and statements from UN human rights bodies, support from UNDP Security, and the UN Department of Safety and Security, etc.
 - Referrals to relevant actors so that they may take whatever voluntary measures they deem appropriate to address intimidation and/or retaliation, including, for example, public statements that acknowledge the risks, indicate intolerance for such risks, and demonstrate a willingness to act to avoid such risks. In making these referrals, SECU will not express any opinions as to what measures may be appropriate in the circumstances, as any voluntary measures taken shall be at the discretion of the relevant entity concerned.
15. If, despite the adoption of certain measures, a threat materializes, SECU will take appropriate action consistent with its mandate as an accountability mechanism within the UN system. SECU will also immediately notify and seek guidance and support from the UNDP Country Office, UNDP Resident Representative, UNDP Management, UN Security, and/or other relevant UN entities as appropriate.
16. SECU will consider the matter active until the safety of the person facing retaliation appears assured.
17. If the safety and security of SECU stakeholders cannot be assured, SECU may choose to suspend investigatory activities until it can be reasonably certain that restarting these activities will not further exacerbate such risks to stakeholders.

Research and Ongoing Measures

18. Outside the context of a specific case or event, SECU will contribute to and participate in, as appropriate, initiatives that address the risk of and respond to intimidation and retaliation, including the following:
- Collaborating with UN bodies, e.g., UN Special Procedures, UN Human Rights Council, etc. as they perform investigations, make recommendations, and/or adopt relevant measures;
 - Contributing to the efforts of other international accountability mechanisms (IAMs) and the IAM Secretariat to identify effective measures for preventing and responding to intimidation and reprisals, and to encourage the adoption of such measures by other mechanisms.
 - Training for SECU personnel to identify and appropriately handle risks of retaliation and reprisals.
 - Training for SECU personnel to plan and execute fieldwork in a manner that maintains a low profile, uses trusted service providers, reduces risk exposure during meetings/interviews, minimizes media coverage, etc.
 - Raising public and government awareness of this issue, its significance, and UNDP's attention to it.
 - Raising UNDP's attention to this issue, and offering suggestions for institutional capacity building and responses to reprisals.
 - Public reporting on the SECU website of reprisals and actions taken in response.

This SOP is effective immediately.

Director, OAI