DRC CODE OF CONDUCT REPORTING MECHANISM
ANNUAL REPORT 2017

DANISH REFUGEE COUNCIL

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CONTENTS

1. EXECUTIVE SUMMARY

The Danish Refugee Council (DRC) is hereby happy to present its Code of Conduct Reporting Mechanism (CoCRM) Annual Report 2017. The report has been produced by the Secretariat for Risk & Compliance, and endorsed by DRC's Secretary-General, Christian Friis Bach. The report is organised into nine sections, including this Executive Summary, Section 1.

Section 2 offers an introduction to the report. It describes the Code of Conduct and CoCRM together as forming a cornerstone of DRC's commitment to accountability and integrity. The section goes on to outline the scope of the report and some of the terminology employed.

Section 3 details a few key achievements over the course of 2017 in relation to the Code of Conduct and CoCRM. Key achievements focus on the substantial scope of training and awareness-raising activities carried out by the DRC Headquarters (HQ) CoCRM Team (Gate B Team). The section also presents the tone at the top in DRC, establishing a reaffirmed agenda of transparency, accountability and integrity and with a particular focus on combatting sexual harassment, exploitation and abuse.

Before launching into a presentation of the data itself in the report, Section 4 frames and offers a few notes on the data. Data presented in the report is based on a "snapshot" of the online CoCRM database taken on 5 January 2018 extracted following a brief data quality assurance process. Amongst other challenges, numerous issues related to the gaps in and accuracy of the data remain. The use of NAVEX benchmarks against which DRC tracks its performance within certain areas related to the CoCRM are also presented in Section 4.

Section 5 is organised into nine sub-sections and presents numerous data tables and analyses thereof. Both the volume of reports per 100 employees (3.2) and the overall number of reports received (212) have increased in 2017 compared to 2016, most significantly at the Gate B level. One notable concern is that numerous countries either did not register any reports of suspected misconduct on the CoCRM database, or only did so at HQ Gate B level during 2017.

The capacity situation in relation to the CoCRM's Gate B Team to address the number of reports of suspected misconduct received at this level is described in Section 6, whereas Section 7 presents the report's key findings based on Sections 4-6.

Section 8 lists numerous recommendations for CoCRM-related work in DRC over the course of 2018 and beyond.

Lastly, Section 9 touches briefly upon the CoCRM workplan for 2018 and recommends certain additional priorities relative to the original workplan approved in January 2018.

2. INTRODUCTION

A Cornerstone of DRC's Commitment to Accountability and Integrity

The Danish Refugee Council (DRC) has had a Code of Conduct since 2007, and a global Code of Conduct Reporting Mechanism (CoCRM) since 2012. Together, they form a cornerstone of DRC's commitment to accountability and integrity. The Code of Conduct and CoCRM apply to all staff and volunteers in DRC's international operations, including Danish Demining Group (DDG) staff. Anyone, be they an internal or external stakeholder of DRC's work, can submit a complaint or report a suspicion of misconduct via the CoCRM. It thus functions as both DRC's internal whistle-blower mechanism and DRC's external complaints mechanism for suspected misconduct.

Scope

This Code of Conduct Reporting Mechanism Annual Report 2017 comes quite shortly after the Annual Report 2016 was finalised.[1] The Annual Report 2016 was not finalised until December 2017. This was due to an increased workload from incoming reports of suspected misconduct (RSMs) over the year, and the prioritisation of handling this increased intake.

As a result, the Annual Report 2016 presented data on the processing and nature of RSMs from 2016, while the reflections, analyses and lessons learned, as well as recommendations for action, took their point of departure in experiences spanning 2016 and 2017. These experiences and recommendations remain valid for the Annual Report 2017, and will consequently not be repeated in detail here. Rather, this report mainly focuses on the data for RSMs received in 2017 as well as resulting case data and registered on DRC's CoCRM online database.

The United Kingdom-based aid organisation, Oxfam, received substantial international attention during the production of this Annual Report. This attention came due to Oxfam's handling of a case of sexual exploitation in Haiti in 2011. The Oxfam case naturally spurred further internal reflections for DRC in relation to the findings of its CoCRM Annual Report 2016. It has also influenced the production of this Annual Report as well as the Code of Conduct Team's workplan, focus and priorities for 2018. Based on these reflections, this Annual Report also forwards recommendations for change in 2018 and onwards.

Terminology

The report generally uses the term "*report of suspected misconduct*" (RSM) to describe what might otherwise be called a "*complaint*" or "*report*." These three terms are used interchangeably in the report.

Please note that any given RSM may relate to one or more persons suspected of misconduct, i.e. "*subjects*." Each subject of an RSM has a respective case assigned to them. Consequently,

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[1] The Annual Report 2016 is available here and via the following link: https://drc.ngo/media/4288845/cocrm-ar-final_2016_final_december-2017.pdf.

the total figures for RSMs received and subjects/cases in 2017 do not match.[2] An RSM can also concern multiple types of misconduct, which explains why the totals differ.[3]

The Global Code of Conduct Team, based at DRC's Headquarters (HQ) in Copenhagen, Denmark, is responsible for the receipt and processing of RSMs at the global level. This team is referred to as the "*Gate B Team*" throughout the report. Code of Conduct Teams at the country and regional level are referred to as "*Gate A Teams*."

Similarly, RSMs received and cases handled by the Gate B Team fall under the category "Gate B", whereas those received and handled by Gate A Teams at country and regional levels fall under the category "Gate A" in the data tables and analyses below.

3. KEY ACHIEVEMENTS

This *Key Achievements* section focuses on training and awareness-raising activities delivered during 2017. The section concludes with a description of another set of key achievements in 2017 in the form of a reaffirmed agenda for transparency, accountability and awareness-raising anchored in a solid tone at the top set by DRC's top management.

Training and awareness-raising on DRC's Code of Conduct and the possibility to raise concerns via the CoCRM are important activities for both Gate A and B Teams. DRC operates in many fragile contexts around the world where the rights of those it is mandated to protect and assist are often violated by various actors, such as those party to a conflict. It is vital that DRC staff conduct does not contribute to this violation of rights. Training and awareness-raising is a continuous task, and one that is necessary to ensure that DRC staff members are aware of the standards of behaviour the organisation demands of them in the conduct of their work.

The scope and outreach of the trainings and awareness-raising activities in 2017 by the Gate B Team are commendable; all the more so given the fact that so little of the Team's overall time has been available for the delivery of such activities (just 15% – see *Table 14* below). No global registration exists of training and outreach conducted by Gate A, but it is a confirmed fact that training is carried out at both country and regional levels. The focus of the training and awareness-raising activities described below is therefore on those delivered by the Gate B Team.

Training Delivered
Training on establishing and administering the CoCRM was delivered by the Gate B Team to key field and regional staff in: 1) Nairobi, for the East Africa & Yemen Region (EAY); 2) Istanbul, for country operations outside a regional setup (so-called Stand-Alone Operations); 3) Amman, for the Middle East and North Africa Region (MENA); and 4) Abidjan, for the West Africa Region (WA).

Training (training of trainers) on protection against sexual exploitation and abuse (PSEA) was delivered in Abidjan by the WA Regional Office and HQ staff to key WA regional and field staff.

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[2] Cf. *Table 3* and *Table 6* below.
[3] Cf. *Table 3*, *Table 6* and *Table 7* below.

This training was led by the WA Regional Office with support from the Gate B Team and the global Monitoring, Evaluation, Accountability and Learning Team.

Training on the problem and prevention of sexual harassment in the workplace was developed and delivered by the Gate B Team to *all* approximately 120 DRC/DDG staff in Ukraine.[4]

Training on the CoCRM and investigations was delivered to key staff in DRC's operation in Iraq by the Middle East and North Africa Regional Office Gate A Team.[5]

SEA Investigation Training Received
The Gate B Team's capacity to investigate sexual exploitation and abuse (SEA) was enhanced with the Team's successful completion of the Core Humanitarian Standard (CHS) Alliance's course in Geneva on investigating SEA.

Training of Investigators
Prior to 2017, DRC's model for training internal administrative investigators was to hire external training consultants – themselves professional administrative investigators – from a private company, OSACO Solutions, and to organise and provide the training in-house. This approach was extremely resource-heavy, however. In 2017, and following a suggestion from DRC, OSACO Solutions began offering similar courses on the open market and with participation from a wide range of organisations. DRC has since registered staff to be trained as investigators on these courses based upon need. At least seven select DRC staff have since been trained as investigators in connection with two such courses, one in Nairobi and one in Amman.

E-Learning
The development of an eLearning tool for Authorising Officers (i.e. those staff members able to authorise investigations) was completed in 2017. The tool will be fully rolled-out following its Spring 2018 piloting at HQ and field levels.

Transparency, Awareness-Raising and the Tone from the Top
DRC has always had a strong commitment to transparency. This commitment has been reaffirmed and further strengthened with the appointment of the new International Director, Rikke Friis, in Spring 2017 and the arrival of the new Secretary-General in late 2017. The tone at the top continues to extend DRC's commitment to do its utmost to maximise transparency within the organisation and in relation to DRC's external stakeholders. Indeed, the publication of this report on DRC's external website is a direct outcome of this strengthened transparency agenda in DRC. This transparency agenda has strong links to top management's enhanced drive for accountability, integrity and awareness-raising in DRC.

In one clear example of this drive, DRC's Secretary-General, Christian Friis Bach, circulated a *communiqué* to the organisation regarding sexual harassment, exploitation and abuse in November 2017.[6] Couched in DRC's zero tolerance position on sexual harassment, exploitation and abuse, he emphasised the necessity to strengthen equality and respect in

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[4] The same course was delivered to DRC Kosovo and Serbia operations in March 2018.
[5] The same training was delivered to DRC Turkey in January 2018.
[6] This *communiqué* consisted of an email and briefing note. Read the briefing note here or via the following link: https://drc.ngo/media/4288841/policy-briefing-sexual-misconduct-2018-final.pdf.

DRC's work, and to bolster DRC's efforts in combatting sexual and other forms of serious misconduct.

He demanded that all staff demonstrate "the necessary respect for all, regardless of sex and gender, and contribute to ensuring that we all comply with the agreements we have for good conduct."

He continued to underscore the importance of awareness and understanding of DRC's Code of Conduct, as well as compliance with it and the various ways one can report suspected misconduct. Violations will have consequences, he stated.

He committed all levels of DRC – from the Executive Management Group and Cooperative Committees, to the Code of Conduct Teams and HR – to an increased focus on sexual harassment, exploitation and abuse. At the same time, he urged all staff to consider and discuss with colleagues how DRC can better combat sexual misconduct and raise awareness about the subject. "We have a great responsibility," he stated, "and we are obliged to live up to high ethical and professional standards both in relation to those we help and in relation to each other."

DRC management is responsible for creating and maintaining an environment that prevents sexual harassment, exploitation and abuse. Spurred further by the Secretary-General's *communiqué,* the overall tone at the top on these issues has been especially strong and has been complimented by numerous meetings and training sessions for various levels of staff, including Senior Management itself.
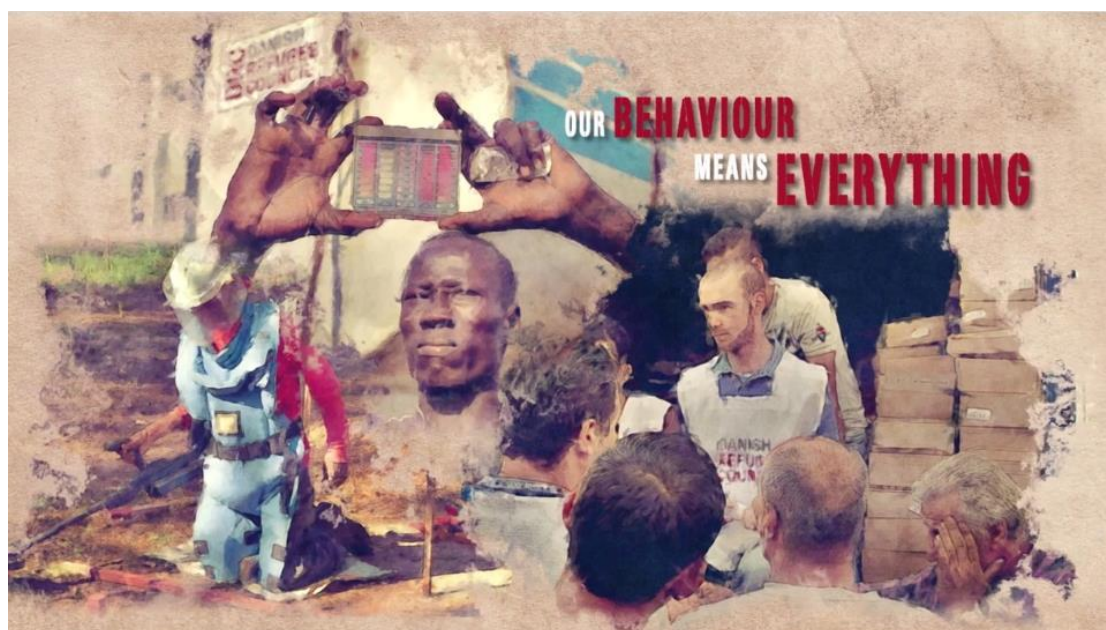
4. NOTES ON THE DATA

The observations made in this report are based on data extracted from the online CoCRM database following a brief data quality assurance process. All data in the report is based on data entries by CoCRM registrars from 1 January 2017 to 5 January 2018. The Gate B Team, the global Compliance and Anti-Corruption Advisor, as well as the Head of Risk & Compliance have access rights to review data input from all operations. Another 13 RSMs received in 2017 have been recorded in the database since 5 January 2018. These RSMs are not included in this report. The data presented herein reflects a "snapshot" of the data in the CoCRM database as of 5 January 2018.

The challenges with the database in terms of data quality and structure identified in the Annual Report 2016 remain. Complaints and case data is regularly revised and updated on the online database. Accordingly, for many cases, any conclusions drawn from corresponding data should be seen as tentative and treated with caution.

The analysis of data in the report is for the most part done at the level of receipt of RSMs and resulting cases, and not on data from cases where suspected misconduct was substantiated (proven). This reflects a conscious decision. This decision reflects the fact that the CoCRM functions first and foremost as a channel to ensure that staff, beneficiaries/persons of concern and other stakeholders can report suspected misconduct to DRC in a safe, accessible, confidential and trusted manner. Furthermore, the decision reflects the position that the CoCRM must follow due process; the focus is thus primarily on this process rather than its outcomes. As such, the report primarily provides insight into: 1) suspected or perceived misconduct, rather than what actual misconduct may have taken place; 2) the ability of the CoCRM to function as an effective channel for stakeholders' grievances and complaints; and 3) the organisation's ability to respond appropriately.

Benchmarks

The Annual Report 2016 introduced the use of global benchmarks to measure the effectiveness and performance of DRC's CoCRM. The benchmarks are retrieved from NAVEX Global. [7] The benchmarks selected for this Annual Report 2017 are: 1) report volume per 100 employees; 2) increase in overall reporting; 3) processing time for a report; and 4) overall substantiation rate for all reports. DRC's performance in relation to these benchmarks is presented in *Table 1* below. More detailed analyses of DRC's performance against these benchmarks is offered in various sections of this report.

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[7] NAVEX is a commercial, global IT solution to support, among other things, the tracking of reporting to ethics hotlines. Please see https://www.navexglobal.com/en-us/resources/benchmarking-reports/2017-hotline-incident-management-benchmark-report for more information about the benchmarks selected for this report.

Table 1

Benchmark	NAVEX	DRC
Report volume per 100 employees[8]	1.4	3.2[9]
Increase in overall reporting	56% since 2010	91% since 2015
Processing time (calendar days)	42	36
Overall substantiation rate	40%	45%

5. DATA ANALYSIS

5.1. General Observations

Table 2 below records the number of reports of suspected misconduct (RSMs) registered on the CoCRM database. It does not represent a record of responses to or outcomes of RSMs received.[10] Responses and outcomes are presented later in *Table 10* and *Table 11*.

Table 2

	2015	2016	2017
RSMs Registered - **Gate A**	85	126	137
RSMs Registered - **Gate B**	26	57	75
RSMs Registered - **TOTAL**	111	183	212

The volume of reports per 100 employees rose from 2.9 to 3.2, or 11% from 2016 to 2017. This relative increase is also reflected in the overall numbers of RSMs received in 2017. The data from the CoCRM database shows an increase of RSMs reported to Gate A (9%) and Gate B (32%) from 2016 to 2017. The overall increase from 2016 to 2017 is 15%. The overall increase is much more moderate that the increase experienced from 2015 to 2016 (65%). If this moderate growth continues over 2018 and 2019, it could be an indication that the intake of reports is reaching a level more equal to the effort invested into outreach and development. It is, however, too early to say. In addition, and as the report later shows, there are still numerous countries that do not register any RSMs on the database.[11] Although entry of RSMs in the global CoCRM database is just one element of a fully-functioning CoCRM, it is nevertheless from this database that data for CoCRM annual reports is extracted. Thus, if the CoCRM is robustly roll-outed and implemented in both those countries that do not register

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[8] It should be noted that NAVEX includes policy enquiries as well for in its benchmark, whereas DRC does not. The number of employees used to calculate the benchmark in DRC is taken from prognosis figures in DRC's 2017 Infographics. The calculation for 2017 is 212 RSMs / 6,582 staff members * 100 = 3.2.

[9] This figure was 2.9 for in 2016.

[10] RSMs are not always investigated. There is a range of options depending on the nature if the report: referral to management (or HR), record for information, suspension (if it is not possible to investigate) and investigation.

[11] See *Table 4* below.

any RSMs on the database *and* those countries with high risk and low reporting, we may again observe a steep increase in RSMs registered like that between 2015 and 2016.

5.2. Number of Reports of Suspected Misconduct by Country

Table 3 below records the number of RSMs registered on the database by country and Gate.

Table 3

Country	Gate A	Gate B	Grand Total
Lebanon	28	2	30[12]
Nigeria	7	12	19
Iraq	9	5	14
Greece	9	4	13
Uganda	12	1	13
Afghanistan	8	4	12
Kenya	10	2	12
Yemen	9	3	12
Somalia	8	3	11
South Sudan	6	2	8
Central African Republic	-	6	6
Serbia	5	1	6
Syria	2	4	6
Jordan	4	1	5
Tanzania	4	1	5
Ivory Coast	4	-	4
Tunisia	-	4	4
Turkey	1	3	4
Ukraine	3	1	4
Georgia	-	3	3
Iran	-	3	3
Ethiopia	3	-	3
Liberia	1	2	3
Mali	1	2	3
Niger	1	1	2
Kosovo	2	-	2
DR Congo	-	1	1
Denmark	-	1	1
Burundi	-	1	1
Myanmar	-	1	1
Sudan	-	1	1
Grand Total	**137**	**75**	**212**

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[12] Lebanon was an original pilot country for the CoCRM. Thus, the high number of RSMs in Lebanon does not necessarily reflect that Lebanon has a unique challenge when it comes to misconduct compared to other countries. It is likely that the relatively high number of RSMs received rather reflects that the CoCRM is robustly rolled-out, implemented and used in the country.

In total, 31 countries registered RSMs on the database over 2017. Two of these RSMs, however, came from countries not normally covered by the Code of Conduct and CoCRM. These two countries were Burundi, in which DRC has no country operation, and Denmark. Subtracting these two countries from list, a total of 29 countries normally subject to the Code of Conduct and CoCRM setup registered RSMs in 2017, which is the same number as in 2016.

Table 4 below shows which countries did not register a single RSM on the database in 2017 (left-hand column), and which countries only registered RSMs at Gate B (right-hand column).

Table 4[13]

No RSMs Registered	Registered at Gate B Only
Algeria	Central African Republic
Bangladesh (new operation)	Democratic Republic of Congo
Burkina Faso	Georgia
Cameroon (new operation)	Iran
Colombia	Myanmar
Djibouti (under Ethiopia)	Sudan
Libya	Tunisia
Macedonia (under Serbia)	
Pakistan	
Vietnam	

It is a concern that 10 countries appear not to have registered any RSMs. This could be a sign that no suspicions of misconduct have arisen (unlikely, especially for those non-registering countries that are not small operations) or that the implementation of the CoCRM has not been fully realised (more likely). There could be different resaons for this, including the fact that some of these country operations are newly established and have not yet finalised their setup and fully defined their workflows.

That seven country operations only registered RSMs via Gate B raises similar concerns. However, the fact that reports are nevertheless raised at Gate B shows that complainants are at least in some way able to access the CoCRM, even though this may not be at the country level. There is a need to ensure that the Code of Conduct and CoCRM are robustly rolled-out and implemented in these combined 17 countries. Insomuch as use of the CoCRM database can be seen as an indicator of a full roll-out and implementation, data extracted from it should increasingly reflect that this need is being met.

5.3. Who is Reporting?

The following table shows data on the types of reporting persons (complainants) submitting RSMs registered at Gates A and B respectively in 2017:

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[13] Despite their appearance in *Table 3*, Denmark and Burundi are excluded from *Table 4* based on the fact that DRC is not operational in Burundi and the fact that the Code of Conduct and Code of Conduct Reporting Mechanism, according to its current status, does not normally apply to DRC in Denmark.

Table 5

Complainant Type	Gate A	Gate B	Grand Total
Staff - Current	68	27	95
Management	16	25	41
Staff - Former	14	12	26
Others	11	8	19
Beneficiaries	18	-	18
Contractor	3	2	5
Implementing Partner	4	-	4
None	1	-	1
IGO (UNHCR)	-	1	1
Authority	1	-	1
Joint	1	-	1
Grand Total	**137**	**75**	**212**

The table shows that the range of complainants is quite wide, which could be taken as an indication that the possibility to report is indeed actually used by the intended target groups. The number of RSMs received from beneficiaries/persons of concern remains rather low, however. The CoCRM 2018 workplan aims to address this challenge.

5.4. Who are the Subjects?

The following table presents data on the types of subjects suspected of misconduct according to RSMs registered at Gates A and B respectively in 2017. These figures refer to the number of cases, not the number of complaints received, as there can be multiple subjects/cases per RSM. Each case refers to one person who is a subject of the complaint received and particular form(s) of misconduct suspected by the subject.

Table 6

Subject Type	Gate A	Gate B	Grand Total
Management - Current	30	46	76
Frontline Staff - Current	62	11	73
Support Staff - Current	34	10	44
Unidentified	9	5	14
Others	9	2	11
Support Staff - Former	2	4	6
Implementing Partner	5	-	5
Frontline Staff - Former	3	1	4
Management - Former	2	1	3
HQ Staff	-	1	1
Grand Total	**156**	**81**	**237**

The high number of complaints against management continues from 2016. This tendency can be explained by the fact that staff use the CoCRM as a channel for raising grievances in relation to management decisions and contractual issues (e.g. terminations, performance issues and

benefits). The Annual Report 2016 reflected on this tendency in detail. This report will therefore not offer new perspectives.

The high number of complaints against frontline staff continues to be a concern, especially when compared with the fact that few beneficiaries/persons of concern appear to be amongst those that report. It should be noted that the reporting person is not always the victim of misconduct and that beneficiaries/persons of concern sometimes use DRC staff members or another organisation to report on their behalf.

5.5. Types of Misconduct

The following table shows data on the types of misconduct registered at Gates A and B respectively in 2017, presented in descending order according to the number of times they were reported:[14]

Table 7

Type of Misconduct	Gate A	Gate B	Grand Total
Other	47	28	75
Corruption	41	23	64
Abuse of Authority	38	14	52
Workplace Harassment	21	16	37
Theft	24	1	25
SEA	6	16	22
Sexual Harassment	12	7	19
Assault	8	2	10
Violence	4	2	6
Not Applicable	5	-	5
Retaliation	2	2	4
Blank	15	-	15
Grand Total	**219**	**115**	**334**

With reference to the *Table 6* above regarding subject types, the types of misconduct in relation to which management staff most often find themselves subject of an RSM are, in descending order: 1) abuse of authority; 2) workplace harassment; and 3) corruption. To varying extents, however, management staff can of course be the subject of virtually all types of misconduct.

The high number of reports where the type of misconduct is categorised as "other" can reflect of number of things. "Other" can be an indication that staff, beneficiaries/persons of concern and other stakeholders use the CoCRM to raise issues that are not related to any of the forms of misconduct covered by the CoCRM system, or that the reports do not concern suspicions of misconduct at all, but rather other concerns (e.g. staff grievances, programme/operational issues and complaints, queries about entitlements, other organisations etc.).

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[14] Note that more than one type of misconduct can be linked to a given complaint and case. The number of times types of misconduct have been tagged (319 not including blanks) does not therefore correspond to the number of complaints received (212) and subjects suspected (237).

Sexual Harassment, Exploitation and Abuse

DRC holds sexual harassment, exploitation and abuse to constitute particularly egregious forms of misconduct, not least of all because of the severe impact such misconduct can have on its survivors. The presentation of related data here reflects this position. As of 5 January 2018, 39 RSMs received during 2017 had been registered online in relation to sexual misconduct (i.e. to either sexual harassment, sexual exploitation and abuse, or a combination of these). Gate A registered 17 of these, whereas Gate B registered 22.[15] The 39 RSMs received and registered in relation to sexual misconduct in 2017 represent a significant increase to the 17 received and registered in 2016. In 2016, Gate A registered 12 of the 17, whereas Gate B registered 5. The overall increase in RSMs related to sexual misconduct from 2016 and 2017 is thus nearly 130%, whereas RSMs of this nature increased 50% and 340% at Gate A and B respectively from 2016 to 2017.

Underreporting is nevertheless still a risk. Indeed, increased efforts in awareness-raising and training in relation to the Code of Conduct, the CoCRM and sexual misconduct in particular have likely contributed to increased reporting in 2017. The number of reports is expected to increase in coming years in correlation with increased awareness and training in the organisation, and then to eventually stabilise. The hope is that DRC will subsequently experience a drop in the number of RSMs related to sexual misconduct – not because of underreporting, but because this form of misconduct is being effectively combatted in the organisation. An ongoing tone at the top like that described earlier in this report will be instrumental in combatting both underreporting, and sexual misconduct itself.

5.6. Complaint Processing Time

This year's report introduces a new performance benchmark in the form of the total time taken to process an RSM counted in calendar days. The benchmark refers to the time it takes for an RSM to travel from receipt and registration, to Intake Committee response and follow-up measures, to closure in the system. It does not relate to the amount of work effort invested in processing an RSM, only the duration of the whole process.

The NAVEX benchmark is a median[16] processing time of 42 calendar dates to fully process an RSM from receipt to closure. DRC's calculation of the processing time is divided into two steps: 1) from the receipt of the complaint and until it has been processed at an Intake Committee meeting; and 2) calendar days from Intake Committee response until the case is concluded and closed. There are seven options within the range of possible Intake Committee responses: preliminary assessment, investigation, referral to management, referral to HR, suspension (refers to the case, not potential subject thereof), referral to another organisation, and recorded for information (see *Table 10* below).

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[15] More up-to-date figures related to sexual misconduct have recently been published on the DRC website. These are available here and via the following link: https://drc.ngo/media/4497315/information-on-sexual-harassment-exploitation-and-abuse-2017.pdf.

[16] The median is distinct from the average. It is the value separating the higher half of a data set or a probability distribution, from the lower half. For a data set, the median may be thought of as the "middle" value. The median denotes or relates to a value or quantity lying at the midpoint of a frequency distribution of observed values or quantities, such that there is an equal probability of falling above or below it.

Table 8 shows the number of complaints grouped according to Gate and the number of calendar days passed between when the RSM was received and when the Intake Committee meeting was held to decide upon a response to the complaint:

Table 8

Gate	Pending/blank	7 days or less	8-14 days	Over 14 days	Average days	Median
Gate A	29	62 (26 same day)	15	32[17]	15	6
Gate B	2	51 (6 same day)	10	11[18]	8	5
Grand Total	**31**	**113 (32 same day)**	**25**	**43**	**12**	**6**

The following table shows, by Gate, the average number of calendar days passed between an Intake Committee meeting decision to investigate a complaint and the completion of the investigation assignment:[19]

Table 9

Gate	30 days or less	Over 30 days	Average days	Median
Gate A	22	18	32[20]	30
Gate B	8	9	52[21]	34
Grand Total	**30**	**27**	**38**	**30**

5.7. Intake Committee Response

All RSMs are processed by Intake Committees at either Gate A or Gate B. As noted above, there are seven standard options within the range of possible Intake Committee responses: 1) preliminary assessment; 2) investigation; 3) referral to management; 4) referral to HR; 5) suspension (refers to the case, not potential subject thereof); 6) referral to another organisation; and 7) recorded for information. Out of the total of 212 RSMs received in 2017, Intake Committees decided on investigation as the appropriate response in 93 cases (44% of

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[17] At Gate A, 70% of RSMs received are treated by an Intake Committee meeting within two weeks, while 86% are within a month. There are four noteworthy outliers in the data. Two of these outliers represent processing times of 76 and 115 days respectively. The remaining two represent processing times of 146 days each.

[18] At Gate B, the ambition is to hold Intake Committee meetings within seven days of any RSM registered at Gate B. Noteworthy exceptions to this ambition relate to four complaints. For each of these, more than three weeks passed from the time the report was received to the Intake Committee meeting being held. For two of them, more than one month had passed, i.e. 52 days and 75 days respectively.

[19] These figures exclude extreme outliers in the data of investigation durations that are either less than two or over 70 days.

[20] There are four noteworthy outliers in the data at Gate A. These outliers represent 4 investigations which, according to the data, took 73, 92, 103 and 119 days respectively to complete. At the other end of the spectrum, we find two investigations related to the same complaint which, according to the data, took just one day to complete.

[21] There are 4 noteworthy outliers in the data at Gate B. These outliers represent four investigations. According to the data, two of these took 72 and 140 days respectively to complete, whereas the remaining two related to a single complaint each to 164 days to complete.

the time).[22] "Other" is indicated when an Intake Committee outcome does not correspond with any of the seven standard options according to which an Intake Committee may decide. "Pending Intake Response" means that an Intake Committee meeting response for a given complaint registered in the database had not yet been entered, either because the meeting had not yet been held or the data had simply not been entered as of 5 January 2018. "Blank" denotes blanks in the data set.

The following table shows how many times a given Intake Committee decision was taken by Gates A and B respectively:

Table 10

Intake Response	Gate A	Gate B	Grand Total
Investigation	71	22	93
Minor Referred to Management	22	27	49
Recorded for Information	15	16	31
Other	13	4	17
Contractual Referred to HR	3	6	9
Suspended	6	3	9
Pending Intake Response	3	2	5
Referral to Another Organisation	1	1	2
Preliminary Assessment	1	-	1
Blank	21	-	21
Grand Total	**156**	**81**	**237**

5.8. Investigation Outcomes & Substantiation Rate

The table below presents figures related to investigation outcomes. An investigation report means that the RSM was substantiated (proven).[23] A closure report means that the RSM was unsubstantiated. "Other/blank" indicates a variety of outcomes, e.g. that the case was suspended, that no report was finalised, that the case is still open, or that the data has simply not been updated.

Table 11

Investigation Outcome	Gate A	Gate B	Grand Total
Investigation Report	33	9	42
Closure Report	15	11	26
Investigation Pending	2	1	3
Other/blank	21	1	22
Grand Total	**71**	**22**	**93**

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[22] Please note that any given RSM may relate to one or more persons suspected of misconduct, i.e. "*subjects*." Each case is delimited to just one subject. Intake Committee responses are spurred by RSMs, but relate to and are counted according to number of subjects/cases.

[23] The CoCRM standard of proof is "balance of probability", which means more than 50% likelihood of either or not misconduct took place. NAVEX might include data from organisations which use the standard of "beyond reasonable doubt" which is higher. The concept of "partially substantiated" included in the NAVEX benchmark most likely evens out the issue of different standards of proof in the benchmark.

The NAVEX substantiation rate benchmark is calculated by dividing the number of overall reports that are substantiated (either fully or partially) by the total number of reports that were closed as substantiated, partially substantiated, and unsubstantiated. In the DRC context, this translates into the number of investigation reports (42 fully substantiated) divided by the total number of reports referred to investigation by Intake Committee (93 substantiated or unsubstantiated).

DRC's substantiation rate is 45%, which is slightly higher than the NAVEX benchmark of 40%. Although there is a slight difference between the two, one might reasonably conclude that the quality and effort of DRC's investigative efforts are comparable to the global average. If DRC's substantiation rate was much higher or lower, it could raise concerns over the quality of DRC's investigative process, e.g. that it was flawed, biased, overzealous and not followed according to the standards set in the Investigation Guidelines. In such cases, effort would have to be invested into an in-depth analysis of the cause of a lower or higher substantiation rate.

5.9. Losses

The online database requires RSMs to be categorised according to one of three loss types: reputational, financial or reputational and financial. Users can only select one option. Arguably, all suspected misconduct carries with it an element of reputational and financial loss. Accordingly, which category is ultimately chosen is subject to interpretation. The figures related to financial losses reported below are exclusively related to cases of misuse of funds (misconduct as defined in detail by the DRC's Anti-Corruption Policy, including fraud and theft).

Extracting accurate data from the database on financial losses was identified as a multifaceted challenge in the Annual Report 2016. Some of these challenges are technology-driven, whereas others are workflow-related. The workflow-related challenges are in scope for improvement over 2018, whereas technology-related challenges are linked to DRC's current financial system. This financial system will be replaced when DRC moves to a global Enterprise Resource Planning (ERP) system for its business intelligence needs on 1 January 2019. The ERP system will allow the recording and segregation of different loss types globally across the organisation.

Unfortunately, as a consequence of current challenges, it is not possible to provide reliable figures on actual total losses as a result of misconduct in 2017. The tables below simply show what is registered in the database.

Table 12

Gate	Estimated Loss (DDK)	Actual Loss (DDK)
Gate A	291,740	100,881
Gate B	77,500	-
Grand Total	**369,240**	**100,881**

The following table shows data on the number of times a particular type of loss was registered at Gates A and B respectively in 2017:

Table 13

Type of Loss	Gate A	Gate B	Grand Total
Reputational	70	59	129
Reputational & Financial	28	15	43
Financial	14	-	14
Blank	25	1	26
Grand Total	**137**	**75**	**212**

6. CAPACITY SITUATION AT GATE B (HQ)

The CoCRM Gate B Team follows recognised quality standards for its work, which aim at ensuring due process, confidentiality and objectivity throughout the entire cycle of receiving and processing a complaint, and regardless of whether or not an actual investigation is pursued in response to it. Nevertheless, investigations are arguably one of the most sensitive and challenging elements of the CoCRM cycle, especially in terms of ensuring due process and confidentiality. Investigation Guidelines were established in 2013, defining standards and methods for the investigative process that the Gate B Team follows diligently.

On average, an investigation process requires 3 weeks' full-time work from the investigator. This 3 weeks' full-time work is often spread out over a longer period of time, however, as there are often periods of waiting for responses, documents etc. (see *Table 9* above). In addition, the work and support of the Authorising Officer and Intake Committee members adds an extra week of full-time work to the process. *Table 14* below provides an overview of tasks and time spent on average in a given investigative process, as well as an estimate of the total time spent by the CoCRM Gate B Team on investigations.

Table 14

Tasks, average per case	Work days	Resources 2017	Work days
ToR & Investigation Plan	0.5	Investigations Conducted in 2017	22
Organisation of Interviews	1		
Documents Retrieval & Review	2	Annual Workdays per Person	220
Interviewing and Processing	3	CoC Investigation Time Spent	297
Analysis and Reporting	3		
Management Follow-up, Support and Queries	2	Resources in Team, 1.5 FTE	330
Travel	2	Remaining for Prevention, Training etc.	**33**
Total work days	**13.5**	**in % remaining work time**	**15%**

The 2017 resource setup in the CoCRM Gate B Team was equivalent to 1.5 full-time staff members. The receipt of RSMs also increased by 32% at Gate B during 2017 compared to 2016. This means that the time remaining for the Gate B Team to engage in activities focusing

on prevention, training, awareness-raising, coaching and policy improvements, for example, was just 15% of the Team's total available time in 2017 – even less than it was in 2016 (26%).

This challenge has been partly addressed via the workplan and resource setup for 2018, but remains an issue which needs to be monitored closely and adjusted on an ongoing basis.

7. SUMMARY OF KEY FINDINGS

- Reports of sexual harassment, exploitation and abuse are on the rise. Increased training and awareness-raising will likely result in increased reporting for a while still.
- Data input on the online database continues to be inadequate and extracting data is problematic.
- The trend of increased reports at both Gates A and B continues.
- Numerous countries either registered no RSMs on the CoCRM database or only did so at Gate B. This is a concern insomuch as it can in certain cases reflect a less than optimal implementation of the CoCRM at country and regional level.
- Very low levels of reports from beneficiaries continue to be a concern.
- Controlling for staff grievance-related complaints received against management, frontline staff remain the main subject type of RSMs received and registered in 2017.

8. RECOMMENDATIONS

As mentioned in the introduction to this report, the recommendations based on the data for 2017 are almost identical to those made in the Annual Report 2016, with very small variations. The recommendations are repeated here in condensed form:

1. Operations should prioritise the implementation of the CoCRM standards, taking point of departure in the revised Operations Handbook policy and volume published in early 2018. A Compliance Self-Check exercise should be performed over the summer to provide data on the specific quality standards and minimum operational procedures which are lacking implementation. Training should be organised to address generic global challenges.
2. Operations should increase efforts to train frontline staff and inform beneficiaries/persons of concern and other stakeholders about DRC's Code of Conduct and their rights and possibilities to raise a complaint.
3. Gate B should continuously be evaluated on the adequacy of the resources setup.
4. To mitigate the high proportion of complaints against management, it is recommended that management receive training on effective management skills and the Code of Conduct.
5. Potential underreporting of sexual misconduct, including sexual harassment and sexual exploitation and abuse (SEA) is still a concern. Programme and protection staff should be mobilised more broadly in the prevention of and protection against SEA.

6. The CoCRM database needs to be enhanced/updated, or replaced with a more modern system. Extracting reliable data is problematic.
7. The exchange of data between the CoCRM and the financial system is non-existing, and not supported by a workflow that allows for the capturing of such data. This should be fixed with a mix of workflow improvement and IT systems support (ERP and improved CoCRM system solution).

9. WORKPLAN FOR 2018

The 2018 workplan was endorsed by DRC management in January 2018. A number of developments have unfolded since then, however. Amidst DRC's reaffirmed drive for strengthening transparency, accountability and integrity in the organisation, the Oxfam case of sexual exploitation and abuse (SEA) drew international attention, including DRC's. The case sparked further critical reflection on DRC's own systems and setup. These developments affect the prioritisation of tasks in the 2018 workplan, but not the overall focus areas or tasks identified. These are the recommendations for adjusting the 2018 workplan:

1. It is recommended that the review of a better IT solution to improve the global tracking of RSMs is prioritised. Experience has consistently demonstrated that extracting case information and general business intelligence from the system is a time-consuming and uncertain exercise, so much so that it cannot adequately support the ambition of greater transparency and proactive reporting to donors and authorities. Accurate and timely data is considered a crucial element in facilitating adequate management response to suspected misconduct. It is likely also an important contributing factor to improving prevention of misconduct in the first place.
2. It is recommended that the proactive transparency activities foreseen for the second half of 2018 are initiated a soon as possible in order to follow up on the decision to report summary SEA case figures and the CoCRM Annual Report 2016 on DRC's external website. Again, transparency and open communication are likely to be significant factors in prevention. Openly stating the boundaries of the organisation and the consequences of transgressions will facilitate awareness amongst staff and can serve as a deterrent.

Both recommendations have resource implications which are being evaluated with management simultaneously with the publication of this report.

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WE ARE ALL RESPONSIBLE

DRC DANISH REFUGEE COUNCIL

Danish Refugee Council, Headquarters
Borgergade 10, 3rd floor
1300 Copenhagen K., Denmark
Tel: +45 3373 5000
Fax: +45 3332 8448
Email: drc@drc.dk

If you want to file a report or concern about potential misconduct, please write to:
c.o.conduct@drc.dk