

Main changes in Revision 1 of UNHCR/AI/2018/10 Administrative Instruction on Protection against Retaliation (AI on PaR): Explanatory notes.

Pursuant to Section 20.2 of UNHCR/AI/2018/10, the Ethics Office shall review and assess its terms and implementation, and, considering lessons learned, may make recommendations to the High Commissioner for updating it. The revision was needed to:

- ✓ Ensure the Ethics Office fully benefits from the Inspector General's (IGO) investigative expertise, to increase the accuracy and efficiency of Ethics Office determinations in response to retaliation complaints, and thereby allow the Ethics Office to focus on preventing retaliation.
- ✓ Address protection limitations based on the contractual class of personnel facing risks of retaliation for having engaged in a protected activity.
- ✓ Owing to the specific circumstances faced by victims of alleged sexual misconduct, address protection gaps to respond to their specific needs in line with the Victim Centered Approach (VCA).
- ✓ Correct oversights in UNHCR/AI/2018/10.

The revised Administrative Instruction introduces the following changes and additions:

- ✓ Amended procedures for conducting preliminary reviews of requests for protection against retaliation:
 - Under UNHCR/AI/2018/10 the Ethics Office conducts fact finding for the purposes of determining whether a prima facie case of retaliation has been established within 30 days.
 - The revised Administrative Instruction requires the Ethics Office to refer preliminary reviews to the IGO for fact finding. The IGO in turn shall seek to complete the fact-finding enquiry within 30 days and communicate its findings to the Ethics Office for determination. The Ethics Office will inform the complainant within seven days of receiving the IGO preliminary review findings.
- ✓ Clarification of the roles and responsibilities of the Ethics Office, IGO in processing retaliation cases.
- ✓ Clarification of the roles and responsibilities of the Field Security Service (FSS) with respect to duty of care measures where there is an imminent security risk to personnel.
- ✓ Explicitly mentioning that an informal resolution can be sought at any stage.
- ✓ Explicitly mentioning that an individual may self-refer themselves to the Ethics Office on retaliation matters.
- ✓ Explicitly mentioning that the Ethics Office can recommend that individuals at risk of retaliation and victims of alleged sexual misconduct who have yet to engage in a protected activity be temporarily reassigned or change reporting lines as a preventative measure.
- ✓ Expanding the scope of the Administrative Instruction so that it applies to interns.
- ✓ In keeping with ST/SGB/2017/2/Rev.1, the action or inaction by UNHCR on recommendations by the Ethics Office for interim protective measures, may constitute a contestable administrative decision under chapter XI of the Staff Rules if it has direct legal consequences on the staff member's terms and conditions of employment.
- ✓ In view of the updates mentioned above we also propose to extend the validity of the document to end-July 2027.