

# DRC CODE OF CONDUCT REPORTING MECHANISM ANNUAL REPORT 2021



DANISH REFUGEE COUNCIL

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# DRC CODE OF CONDUCT REPORTING MECHANISM

## ANNUAL REPORT 2021

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## 1. EXECUTIVE SUMMARY

The Danish Refugee Council (DRC) is hereby happy to present its Code of Conduct Reporting Mechanism (CoCRM) Annual Report 2021. The report has been produced by HQ's Code of Conduct Team, shared with the CoCRM HQ Intake Committee (consultative process), and endorsed by DRC's Executive Committee. The report is organised into eight 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 2021 in relation to the Code of Conduct and CoCRM, such as: 1) engagement with communities, persons of concern, staff and other stakeholders about the right and opportunity to report resulting in an increased number of reports; 2) the important, continued focus on transparency around Code of Conduct complaints via the external Dashboard<sup>1</sup>; 3) a much stronger organisational awareness raising and outreach to new staff members and managers via mandatory online training; 4) Covid19 Guidelines to keep the Code of Conduct system fully functioning; 5) Development of Code of Conduct Risk Register; and 6) much stronger focus on donor reporting and compliance with the EU General Data Protection Regulation (GDPR).

Section 4 offers a few notes on key findings before the report further presents the data in detail in Section 5. Data presented in the report is based on a "snapshot" of the online CoCRM database as of 13 March 2022. The data was extracted from the database following a brief data quality assurance process. Amongst other challenges, numerous issues related to gaps in, and accuracy of the data remain from previous years.

Section 5 is organised into ten sub-sections and presents numerous data tables and analyses thereof. Both the volume of reports per 100 employees and the overall number of reports received (579 up from 517) have increased in 2021 compared to 2020. The increase in the number of reports of suspected misconduct (RSMs) that DRC witnessed in last year's report thus continued over 2021, with an overall increase of 12% (15.1% at the Gate A (Field) level and 5%<sup>2</sup> at Gate B (HQ) level).<sup>3</sup> DRC interprets this as a sign of increased awareness both inside and outside the organisation about the standards of behaviour demanded of DRC

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<sup>1</sup> Link to external dashboard: <https://gms.drc.dk/viz/coc/>

<sup>2</sup> Note that 30 RSMs have been referred from Gate B to the CoCRM systems at Gate A and Gate A+ after Intake assessment at Gate B.

<sup>3</sup> 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 level are referred to as "Gate A Teams" and Code of Conduct Teams at Regional level are referred to as "Gate A+ Teams".

staff, as well as the overall increased maturity of the CoCRM anchored in a strong tone at the top.

The capacity situation in relation to the CoCRM's ability to address the number of RSMs received at this level is described in Section 6.

Section 7 presents several key lessons learned based on DRC's work related to the Code of Conduct and CoCRM over the course of 2021. Inspired by these and other lessons learned, Section 8 lists recommendations for CoCRM-related work in DRC over the course of 2022 and beyond.



## 2. INTRODUCTION

### A Cornerstone of Accountability and Integrity

The Danish Refugee Council (DRC) has had a Code of Conduct since 2007, and a Code of Conduct Reporting Mechanism (CoCRM) for International Operations 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, volunteers, incentive workers and similar staff members in DRC's International Operations. DRC's implementing partners are required to abide by the Code of Conduct, or to have and employ their own that either meets or exceeds DRC's. 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.

To ensure organisational capacity to manage suspected irregularities and support whistleblower functions, each CoCRM level (Country, Regional, HQ) is required to appoint the following functions:

- A Code of Conduct **Focal Point** to support awareness raising activities and general promotion of the CoC and CoCRM;
- A **Registrar** to register all RSMs;
- An **Intake Committee** (composed of three to six staff) to review reports of suspected misconduct (RSMs) and decide on an appropriate response;
- An **Authorising Officer (AO)** to authorise and manage investigations; and
- **Trained investigator(s)**: a minimum of one trained investigator must be appointed at all CoCRM levels (currently 80 trained investigators across the organisation). At HQ level there is a pool of trained and experienced investigators, including six Core Humanitarian Standard (CHS) approved staff members. DRC will also draw on external expert administrative investigation capacities when necessary.

The process for making complaints is made clear to all staff as part of onboarding process. Information about how to report and the subsequent process is readily accessible to all staff – by consulting the [CoCRM Operations Handbook \(sharepoint.com\)](#) or DRC's webpage [DRC | Code of Conduct](#) online resources where new mandatory Code of Conduct training packages are also available – and advice is available from managers and specialists at HQ. Any staff member that makes an RSM is explicitly advised at the start of the process that they are entitled to protection against retaliatory action. DRC will duly pursue all claims of retaliation. If a complaint concerns an individual involved in DRC's CoCRM, staff are advised to report their concerns to the CoCRM level above the level implicated.



The CoCRM is based on values and guidelines that conform to the core principles of administrative investigations conducted by international humanitarian organisations. Core principles include the:

- Right to due process;
- Right to confidentiality;
- Right to protection against retaliation;
- Right to notification of status; and
- Right to respond to an RSM.

The CoCRM has been designed in a manner that provides for maximum independence by assuring a proper segregation of roles and responsibilities. This also implies that affected management will not in any way be part of running an investigation, and that relevant, non-affected senior management that will take the formal decision on possible disciplinary action has not been involved in the actual investigation.

DRC staff are contractually bound and trained to report any suspicions of misconduct by DRC staff, implementing partners, or other actors related to DRC's mandate, including the staff of other NGOs and donors. As noted above, however, anyone can submit an RSM via the CoCRM. As such, the CoCRM serves to function both as DRC's internal whistle-blower system and as a reporting mechanism to which RSMs from external stakeholders, including beneficiaries, are channelled and handled according to robust due process procedures.

## Scope and Limitations

This CoCRM Annual Report 2021 does not provide descriptions or analyses at the level of individual complaints, cases or regions, nor will it normally address country-specific data. Rather, the focus is at the global aggregate level or according to the split between RSMs handled by the HQ Gate B Team and those handled by Gate A and Gate A+ Teams in the Field.

## 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 individuals suspected of misconduct, i.e. "*subjects*." Each subject of an RSM has a respective case assigned to them. Consequently, for the total number of RSMs received in 2021 and the total number of subjects/cases in 2021, the latter exceeds the former.<sup>4</sup> Similarly, an RSM can also concern multiple types of suspected misconduct, which explains why the total number of subjects/cases is exceeded by the total number of types of misconduct reported.<sup>5</sup>

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<sup>4</sup> Cf. Tables 2-4 & 6 with Table 7 below.

<sup>5</sup> Cf. Tables 7-8 with Table 9 below.

The Code of Conduct Team based at DRC's Headquarters (HQ) in Copenhagen, Denmark, is responsible for the receipt and processing of RSMs at the HQ level that relate to DRC's International Operations. This team is referred to as the "*Gate B Team*" throughout the report. Code of Conduct Teams at Country and Regional levels are referred to as "*Gate A and 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 Gate A+ Teams at Regional levels fall under the category "Gate A" and "Gate A+" in the data tables and analyses below.

The term "people of concern" is preferred to the term "beneficiaries" in this report.

## 3. KEY ACHIEVEMENTS

### 3.1. General observations

#### **The number of reports continues to rise<sup>6</sup>**

This rise is interpreted as a sign that Country Operations are becoming more effective at communicating the right and opportunity to report to beneficiaries, staff and other stakeholders. It also suggests evidence of a global trend observed by DRC and other organisations that people are generally more aware of the standards of behaviour they can expect from humanitarian organisations and their rights and access options to voice concerns if those standards are not met. However, the actual number of reports from persons of concern are still very low in comparison with the number of persons we assist.

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<sup>6</sup> A monthly updated dashboard with key statistics on the CoCRM continues to be available on the DRC website (see the [online dashboard](#), ). This dashboard allows external stakeholders and the general public to follow the development on some key CoCRM indicators over the years. Furthermore, minor but important adjustments were made to the CoCRM database which have made it easier to track and extract certain information related to complaints and cases.

## **The organisation continues to focus on training(s) and dissemination**

Beyond the training of management and of staff directly involved in complaint and case handling processes, DRC has widely disseminated its Code of Conduct trainings including as part of the on-boarding process for new staff members. The roll out in 2020 of several mandatory online training packages for new staff members and managers, including training packages for face-to-face training at field level (rolled out in in 2019 – now available in 6 languages) has had a great impact on the understanding of the CoCRM and the obligations for staff to live up to the standards of behaviour demanded by DRC’s Code of Conduct.

As of 15<sup>th</sup> March 2022, the mandatory online Code of Conduct induction course for employees was taken 5.927 times (incl. 1.890 times over 2021) and the mandatory Code of Conduct Induction Course for managers online was taken 833 times (incl. 311 times over 2021).

The DRC in person PSEAH Training has been released in 2021. It was tested in 4 countries before its formal roll-out in the last quarter of 2021. The Code of Conduct Team Gate B is promoting it together with the relevant HR and accountability teams in HQ via periodic induction meetings and a PSEAH workspace.

## **The capacities of the CoCRM are monitored “in real time”**

Following the outbreak of the COVID 19 crisis, the Gate B team focused on taking steps to keep the Code of Conduct Reporting Mechanism as fully functional as possible. The guidelines and recommendations issued by Gate B team to help the CoCRM to continue to function whilst adapting to Covid restrictions in all of DRC’s operations remained applicable in 2021. The County Operations remained advised, if necessary, to adapt to the situation by having remote Intake Committee meetings, conducting remote investigations and to continue to register complaints, to assess complaint, and to investigate complaints to the extent possible. This was achieved without compromising DRC Code of Conduct guidelines, procedures, and core principles such as confidentiality, impartiality, fairness, and due process.

The Code of Conduct Team has maintained its CoCRM Capacity Risk Register, which maps the degree of implementation of the reporting mechanism at all gates (at HQ, Regional and Country levels). The CoCRM Risk Register is shared every month with relevant staff and managers in DRC, which includes all directors in operations, regions and HQ. It has allowed the Code of Conduct Team to cause relevant directors to solve any capacity gap rapidly. In addition, the Code of Conduct Team has started to send stress test e-mails to all Gates individually to assess their responsiveness. This test is achieved on a bi-annual basis and has been maintained in 2022.

## **The Code of Conduct Team is involved in sectorial approaches**

Internationally DRC has actively participated in the CHS Recertification Audit (RA), and the CHS PSEAH Investigations Working Group (IQTS) in charge of reviewing the “book of knowledge” drafted by CHS regarding PSEAH investigations. In Denmark, DRC has been active in the Safeguarding Network managed by Global Focus.



## **And continues providing technical support internally**

Internally, the Code of Conduct Team Gate B provided technical support to DRC's CHS focal point and the global MEAL unit to finalize a framework of DRC's broader approach in relation to the design, implementation, monitoring and evaluation of DRC's global Community Feedback Mechanisms (CFMs). The global CFM Guidance and Toolkit promotes the role of community-based feedback channels to receive non-sensitive feedback such as operational or programmatic complaints and distinguishes these as separate from DRC's official CoCRM, which aims to address breaches of practice or behaviour. With recognition that safeguarding and other forms of misconduct may be shared through CFMs, the document outlines how they should be well linked to DRC's official CoCRM channels to be processed differently to ensure they are handled separately, carefully and confidentially.

The CFM guidance has been finalized and is being rolled out. Acknowledging that the CFM and the CoCRM may overlap in some instances but rather contribute to each other's functioning, the CFM guidance has established effective referral tracks with the CoCRM.

## **The reporting of allegations to donors will be streamlined**

Triggered by the Oxfam scandal of 2018, DRC has experienced unprecedented levels of scrutiny from Donors with regard to DRC's contractual obligations to report to suspected misconduct to effected donors. The bigger Donors (ECHO, FCDO/DFID and USAID) rightly take this issue incredibly seriously, particularly reports of SEA. The Gate B Team have been deeply involved in the preparation of donor reports and dealing with detailed donor follow up. This successful process agreed at HQ level ensures transparency and compliance within the limits required by confidentiality, survivor centred approach and privacy regulations.

This process is being formalized internally and has now reached its final stage of review before release. This document will translate the successful practice of reporting achieved at Gate B to the other Gates A (countries) and A+ (regions).

Living up to the new GDPR regulations have been on the agenda for not only the Code of Conduct Team, but also for HR and the Legal advisors in HQ trying to get a deeper understanding and being able to apply it also because we are working with third party actors (US, UK, UN) where GDPR does not apply. Donors often requests personal data that potential put DRC in danger of breaching GDPR regulations. The work to agree on what could be shared will continue in the coming years.

## **The integration of Denmark in the CoCRM**

DRC has recently implemented the EU Whistleblower Directive and Danish Whistleblower Law. The CoCRM is therefore now opened to report of concerns or suspicions of infringements occurring in Denmark and potentially involving DRC staff in Denmark. Any staff of DRC (and other groups of individuals), including in international operations, can make such report in the CoCRM.

## 3.2. Survivor-centred approach in Code of Conduct report-handling mechanisms

In 2019 a Safeguarding and Child Safeguarding Policy was developed together with HR and rolled out as a component of the increased focus on Safeguarding. The Safeguarding Policies are de facto DRCs PSEA Policies, and it is also the umbrella for a survivor centred approach, which is a crucial element of safeguarding. Based on the Survivor-centred Research Paper prepared by an EU volunteer in 2019, the Code of Conduct Team Gate B has applied the core principles of the Survivor-centred approach into the daily work since 2020. The elements applied are:

### **Safety**

The safety and security of the survivor is the number one priority. Survivors have a right to information about the process, which we always ensure. Safety and protection from reprisals, harassment and retaliation are taken into account, but DRC is challenged by reality of actually providing such protection, which is the case for other organisations as well. This is an area where DRC needs to improve, but nobody can realistically ensure safety and protection for survivors outside of DRCs influence and responsibility.

### **Do no harm**

No action should be taken that would worsen the situation of a survivor of SEA/H, which means that we sometimes must stop an investigation if it would worsen the situation.

### **Respect**

Survivors' perspectives and wishes (self-determination) and best interests are taken into account for all actions which notably includes the decision to investigate, or the services offered to them.

Survivors are treated with empathy, dignity and respect throughout the process, demonstrating belief and trust, whilst at the same time applying due process principles of neutrality and objectivity.

### **Confidentiality**

Survivors have a right to privacy and confidentiality, so that information is not disclosed without informed consent, ensuring that issues will be handled in confidence in every aspect of case handling.

## Non-discrimination

Equal and fair treatment to anyone in need of help due to a SEAH incident. No limitations on who reports or when they report. An individual can report a concern or incident at any time after it happens. Everyone is able and encouraged to report.

## Professionalism

Investigations need to be timely and professional and **timebound at key stages**. The decision of the intake committee regarding SEAH happens no later than 7 calendar days after the date of receipt. RSMs are systematically acknowledged, information regarding the decision of the intake committee and the investigation outcome is shared with Survivor.

## 4. KEY FINDINGS IN THE DATA

### 4.1. General observations

1. The number of RSMs received has increased from 449 in 2019, 517 in 2020 to 579 in 2021 (see Section 5.1). The number of RSMs containing allegation(s) of sexual misconduct (SEAH) has increased from 48 in 2020 to 88 in 2021 (see Section 5.6).
2. Persons of concern has become the third highest category that complain (see Section 5.3), but the number of complaints from persons of concern is still very small in comparison with the number of persons DRC is reaching. Such evolution is very positive. It is assessed that this evolution is supported by DRC's efforts to disseminate the Code of Conduct and its values. Such evolution is therefore expected to last in the coming years.
3. The high number of complaints against managers in international operations (formerly "management"), programme staff in international operations (formerly "frontline staff") and support staff in international operations (formerly "support staff") continues to be a focus area (see Section 5.4).
4. The high number of complaints against management in international operation continues but the number of complaints has gone down from first to the second group most complained about (see Section 5.4).
5. The majority of the subjects complained about are males. This is a highly proportionate number relative to the overall gender split of staff in DRC's International Operations (see Section 5.5).
6. Corruption, including fraud, continues to be the most frequent type of misconduct reported (see Section 5.6)
7. The number of cases linked to RSMs received in 2021 that went to investigation has slightly decreased from 149 in 2020 to 139 in 2021. Investigations at Gate B have increased from 58 in 2020 to 74 in 2021 (see Section 5.7).

8. The number of cases recorded “blank” is decreasing and notably at Gate A where it has decreased from 117 in 2020 to 90 in 2021. Such number still has great impact on the data quality (See Section 5.7).
9. The number of cases referred to management have increased from 158 in 2020 to 227 in 2021 (see Section 5.7).
10. DRC’s substantiation rate has moderately changed from 32% in 2018, 34% in 2019, 30% in 2020 and 29% in 2021 (see Section 5.8).
11. The processing time for investigations has slightly increased from 90 to 94 days but continues to be at an acceptable level (compared to 132 in 2019) given the increasing number of RSMs received and the increasing number of investigations conducted (Section 5.9).

## 4.2. Note on the data

The data used in this report is based on an extract from DRC’s online CoCRM database following a brief data quality assurance process. All data in the report is based on data entries by CoCRM Registrars in relation to RSMs received by DRC in 2021 between 1 January 2020 and a cut-off date of in March 2021. The data presented herein reflects a “snapshot” of the data in the CoCRM database as of 13 March 2022. Consequently, the data here may differ from that shown on DRC’s public [online dashboard](https://gms.drc.dk/viz/coc) (gms.drc.dk/viz/coc) that provides an overview of certain elements of CoCRM-related data.

The challenges with the online CoCRM database in terms of data quality and structure identified in previous years CoCRM Annual Reports remain. The data is regularly revised and updated on the online database, and interpretation of the data fields by the Registrars entering the data is not always consistent. Accordingly, any conclusions one may draw from the data should be understood as tentative, open to potential change and correction, and treated with caution rather than as representing firm facts.

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 solely in relation to data from cases where the suspected misconduct has been substantiated (proven). This reflects a conscious decision based on the fact that the CoCRM functions first and foremost as a channel to ensure that staff, 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 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 – this is compounded by the fact that the report contains data in relation to both closed *and* still open, ongoing complaints and case handling from 2020; 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.

## 5. DATA ANALYSIS

### 5.1. General Observations

#### Number of registered RSMs

Table 1 below records the number of RSMs registered on the CoCRM database. It does not represent a record of responses to or outcomes of RSMs received.<sup>7</sup> Responses and outcomes are presented later in Table 10 and Table 11.

Table 1

Gate	2017	2018	2019	2020	2021
Gate A	147	255	286	317	365
Gate A+	6	8	14	24	29
Gate B	78	106	149	176	185
<b>Total</b>	<b>231</b>	<b>369</b>	<b>449</b>	<b>517</b>	<b>579</b>

DRC received 517 reports in 2020<sup>8</sup> and 579 in 2021 which represents a 12 % increase in reporting and further confirmation of the upward trend in reporting that DRC has experienced since 2016:

Table 2

Year	2019	2020	2021
Increase in overall reporting	134% since 2016 / 23% since 2018 <sup>9</sup>	17.5 % since 2019	12.0 % since 2020

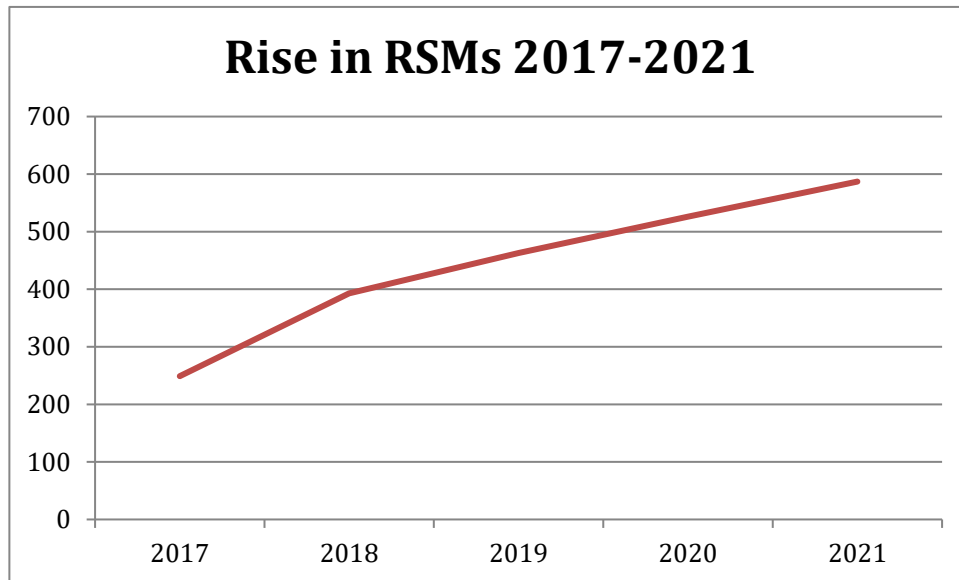
<sup>7</sup> RSMs are not always investigated. There is a range of options depending on the nature of the report, e.g. Referral to Management (or HR), Record for Information, Case Suspension (if it is not possible to investigate), and Investigation.

<sup>8</sup> All data in the 2019 report is based on data entries by CoCRM Registrars in relation to RSMs received by DRC in 2020 between 1 January 2019 and a cut-off date of in March 2020. The data presented herein reflects a “snapshot” of the data in the CoCRM database as of 3 March 2020. Consequently, the data here may differ from that shown on DRC’s public [online dashboard](https://gms.drc.dk/viz/coc) (gms.drc.dk/viz/coc) that provides an overview of certain elements of CoCRM-related data including data extracted after 13 March 2020 for this report.

<sup>9</sup> See Table 1 above.



Image 1 illustrates the increase in the number of RSMs year on year since 2016.



### Report volume per 100 employees

DRC’s average report volume per 100 employees of 6.8 for 2021 represents a continuation of the trend upward that has been observed every year since 2016.

Table 3

Year	2019	2020	2021
Report volume per 100 employees <sup>10</sup>	Average: 5.3 <sup>11</sup>	Average: 5.8	Average: 6.8 <sup>12</sup>

<sup>10</sup> DRC’s “irregular workers” (incentive workers, volunteers, casual workers and similar) are not counted as employees when calculating report volume. This approach may need revision as irregular workers are subject to DRC’s code of conduct and DRC employs thousands (data on numbers unavailable) of irregular workers. If irregular workers were included the volume per 100 would be significantly impacted.

<sup>11</sup> This figure was 2.9 for 2016, 3.2 for 2017, 5.2 for 2018, 5.3 for 2019 and 5.8 for 2020.

<sup>12</sup> The calculation for 2021 is 579 RSMs / 8,445 staff members (as of 13 March 2020) \* 100 = 6.8.

The increased level of reporting in DRC year-on-year may be attributed to a number of possible trends:

- Increased management tone at the top;
- Maturing Code of Conduct and CoCRM setups supported by ongoing awareness-raising and training mean more employees recognise the need to report suspected misconduct and know how to do so;
- Employee confidence that reporting will make a difference in the organisation;
- More media attention including the MeToo movement – and therefore employee and stakeholder awareness of –rights, whistle-blower protections, lawsuits and awards;
- Greater awareness amongst people and communities of concern about the standards of behavior demanded of DRC staff, how to report, as well as increased trust in the reporting system.

The continuous rise in number of RSMs received between 2019 and 2021 could be an indication that the intake of RSMs is reaching a level more equal to the effort invested into outreach and development. The level of maturation of the mechanism should not obscure the fact that the ability to adapt to local contexts is as much important as to build a well-structured mechanism. As the report shows in *Table 3* below, there are still some Country Operations that have only register a limited number of RSMs on the database.<sup>13</sup>DRC expects the rise in number of RSMs to increase again in 2022<sup>14</sup>.

### Status of RSMs in the CoCRM database:

*Table 4* provides an overview of the status of RSMs in the CoCRM database as of 13 March 2022.

*Table 4*

RSM Status	Gate A	Gate A+	Gate B	Total
Open	56	12	10	78
Closed	309	17	175	501
<b>Total</b>	<b>365</b>	<b>29</b>	<b>185</b>	<b>579</b>

<sup>13</sup> See *Table 5* below.

<sup>14</sup> Although the impact of Covid-19 might have a dampening effect.

At Gate A and A+ there is a high percentage of open case at the time of the annual report, contrasted to Gate B where only a small number of cases remain open. One explanation may be that a Gate B resources have been devoted to processing and investigating the cases whereas the other gates are struggling with lack of adequate resources to process the cases. In 2019 approximately one-fifth of the overall RSMs received were still open at the time of the annual report writing and it was the same in 2020. Open RSMs represent only 15.6% of the RSMs in 2021. Open cases may contribute to a number of gaps in the data at the time of reporting, especially in the area of outcomes.

## 5.2. Number of Reports of Suspected Misconduct by Country and Region

Table 5 below presents the number of RSMs registered on the database by Country Operation Gate A (Country level) and A+ (Regional level).

Table 5

Country	Gate A	Gate A+	Gate B	Total
Colombia	81		10	91
Iraq	37	2	9	48
DR Congo	31		13	44
Uganda	25	3	10	38
Yemen	34	1	2	37
Afghanistan	23		9	32
Myanmar	25		6	31
Bangladesh	14		16	30
Central African Republic	2	5	12	19
Nigeria	4	1	13	18
South Sudan	11		7	18
Burkina Faso	13	1	2	16
Tanzania	4		10	14
Turkey	10		4	14
Ukraine	11		2	13
Libya	3	3	7	13
Cameroon	8	3	1	12
Sudan	4	1	6	11
Niger	5	4	2	11
Greece	2		8	10
Lebanon	1		9	10
Somalia	5		5	10
Kenya	1	2	4	7
Jordan	3	1	3	7
Ethiopia	4		3	7

Bosnia and Herzegovina	1		6	7
Syria		1	2	3
Senegal			1	1
Kosovo			1	1
Mali		1		1
Djibouti			1	1
Serbia	1			1
Burundi			1	1
Guatemala	1			1
Georgia	1			1
<b>Total</b>	<b>365</b>	<b>29</b>	<b>185</b>	<b>579</b>

In total, 36 Country Operations registered RSMs on the database over 2021 which is a small increase from 33 Country Operations in 2020. It is notable that a group of 8 countries (Iraq, Bangladesh, Afghanistan, Myanmar, Colombia, DR Congo, Yemen and Uganda) continue to receive a very high number of RSMs in 2021. In 2021 reports in Greece have doubled in contrast to 2019. These operations have invested substantial efforts into promoting the Code of Conduct and CoCRM, working with it and boosting the tone at the top.

Table 6 below shows which Country Operations did not register any RSMs on the database in 2020, and which Country Operations only registered RSMs at Gate B.

Table 6<sup>15</sup>

No RSMs Registered	Registered at Gate B Only
Algeria	Burundi
Denmark	Djibouti
Mexico	Kosovo
Peru	Senegal (regional office only)
Tunisia	
Venezuela	

**Note:** no country has A+ only reports in 2021.

It is a concern that 6 Country Operations did not register any RSMs in 2021. There could be different reasons for this: some of these Country Operations are very small (Algeria, Tunisia), others are new (Venezuela, Peru, Mexico) and the CoCRM has only been recently activated in Denmark.

That 4 Country Operations only registered RSMs via Gate B raises similar concerns. However, they are also mainly small operations (Djibouti, Kosovo) or only the location of the regional office (Senegal). The Senegal CoCRM is therefore currently merged with the West Africa

<sup>15</sup> Denmark is registered with a very limited number of RSMs based on the fact that the Code of Conduct and CoCRM, according to its current status, does not normally apply in Denmark. Following the implementation of the EU Whistleblower Directive in December 2021, the CoCRM is now fully integrating Denmark.

Regional Office CoCRM 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. It is also important to note that some RSMs registered at Gate B may have been originally received at Gate A level and then escalated..

The Country Operations with reporting challenges vary from year to year. This can also be observed when comparing 2020 and 2021. This maybe an indication that the size of the operations, capacities, focus and operational conditions (e.g. funding) at Country levels influence the number of reports raised.

### 5.3. Who is Reporting?

The following *table 7* shows data on the types of complainants submitting RSMs registered at Gates A, Gate A+ and B respectively in 2021:

*Table 7*

Complainant Type	Gate A	Gate A+	Gate B	Total
DRC Int. Op. - Current Programme Staff	106	4	17	127
DRC Int. Op. - Current Management	56	4	44	104
Persons of Concern	78		20	98
DRC Int. Op. - Current Support Staff	44	7	27	78
Anonymous	37	5	28	70
Other External Stakeholder	12	1	12	25
DRC Int. Op. - Former Programme Staff	13	1	8	22
Vendor	7	2	6	15
DRC Int. Op. - Former Support Staff	1	3	10	14
Implementing Partner	3		5	8
DRC Int. Op. - Former Management	2	1	5	8
DRC DK - Current Staff	2	1	2	5
Public Authority	4			4
Donor			1	1
<b>Total</b>	<b>365</b>	<b>29</b>	<b>185</b>	<b>579</b>

It is encouraging to see that so many reports come from Programme Staff in International Operations because we are relying upon them to report suspicions of misconducts in the field and remote areas.



The fact that the management in International Operations remains the second highest category demonstrates their trust and use the CoCRM, which is essential to ensure that it is adequately promoted within the organization.

The Persons of Concern now are the third highest category that complain (fifth highest category in 2020) but there needs to be a continuous organisational effort towards building Persons of Concern’s awareness of the CoCRM as well as ensuring their safe and trusted access to it to have had an effect. The number of complaints raised by Persons of Concerns is very small in comparison with the number of persons DRC is reaching, assisting and interacting with. The actual number of Persons of Concern raising complaints may on the other hand be underestimated as Registrars may mistakenly register the information relating to the person reporting the complaint of the Person of Concern.

Anonymous complaints still form a significant proportion of complaints. They are often difficult to process because the reporting person(s)’ lack of willingness to participate prevents the intake committee and the investigative team from collecting all necessary information, potential evidence and leads.

## 5.4. Who are the Subjects?

The following *table 8* presents data on the types of subjects suspected of misconduct according to RSMs registered at Gates A, A+ and B respectively in 2021. 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 the subject of the complaint received and particular form(s) of misconduct suspected by the subject.

Table 8

Subject Type	Gate A	Gate A+	Gate B	Total
DRC Int. Op. - Current Programme Staff	152	9	27	188
DRC Int. Op. - Current Management	53	12	108	173
Unidentified	58	2	37	97
DRC Int. Op. - Current Support Staff	43	10	31	84
Incentive workers/volunteers/irregular - Current	36		11	47
Not Subject to CoC	18			18
Implementing Partner	7		9	16
DRC Int. Op. - Former Support Staff	4	1	7	12
DRC Int. Op. - Former Management		2	10	12
DRC Int. Op. - Former Programme Staff	5	1	4	10
DRC DK - Current Staff	4	1	3	8
Incentive workers/volunteers/irregular - Former	3		2	5
<b>Total</b>	<b>383</b>	<b>38</b>	<b>249</b>	<b>670</b>

Management no longer is the group most complained about (second highest category). They remained mostly complained about at HQ level. Not only an allegation is not a proven breach, but it should be noted that the CoCRM may be also used to raise less serious concerns (see Table 10 below).

## 5.5. Subject Gender

Updates to the database have enabled DRC to more meaningfully collect and extract data related to subjects' gender, provided the information is known and entered into the database by Registrars (else it is recorded as Unknown).

*Table 9*

Gender	Gate A	Gate A+	Gate B	Total
Female	82	12	45	139
Male	219	19	160	398
Other	82	7	44	133
<b>Total</b>	<b>383</b>	<b>38</b>	<b>249</b>	<b>670</b>

The figures show that the majority of subjects are male, but since the majority of male staff (expats and national staff) in DRC's International Operations are also male, this points to a highly proportionate relation between staff gender and subject gender.

## 5.6. Types of Suspected Misconduct

### General observation

The following table shows data on the types of suspected misconduct registered at Gates A, Gate A+ and B respectively in 2021, presented in descending order according to the number of times they were reported.<sup>16</sup>

<sup>16</sup> 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 (1009 not including blanks) does not therefore correspond to the number of RSMs received (579) and subjects suspected (670).

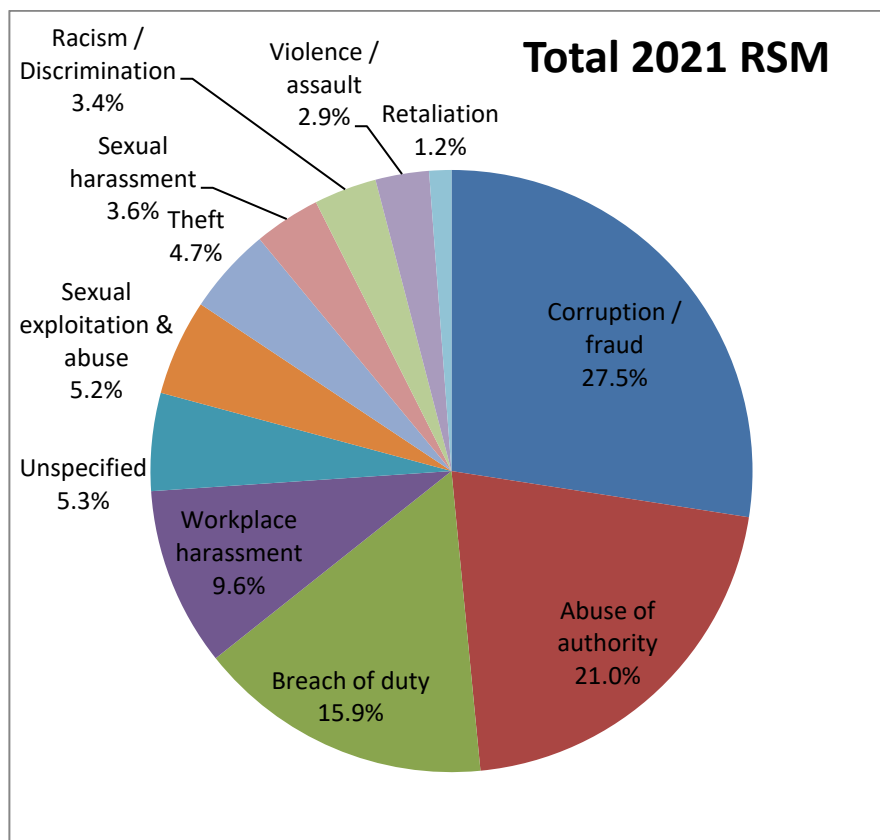
Table 10

Type of Misconduct	Gate A	Gate A+	Gate B	Total
Corruption / fraud	168	24	85	277
Abuse of authority	120	16	76	212
Breach of duty	84	8	68	160
Workplace harassment	48	10	39	97
Unspecified	40	1	12	53
Sexual exploitation & abuse	5	2	45	52
Theft	42	4	1	47
Sexual harassment	6	1	29	36
Racism / Discrimination	11	4	19	34
Violence / assault	25	1	3	29
Retaliation	7	2	3	12
<b>Total</b>	<b>556</b>	<b>73</b>	<b>380</b>	<b>1009</b>

With reference to *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) corruption; 2) abuse of authority; and 3) Breach of duty. This is consistent with findings in 2020. The number of reports on Sexual harassment and Sexual exploitation & abuse amounts to 16 compared to 25 RMSs in 2019 and 10 RMSs in 2020. A continuity can thus be observed and the absence of significant increase should be linked to the management training released in 2020, greater awareness and investigations that have removed managers who are misbehaving.

The 5% reports where the type of misconduct is categorised as “Unspecified” reflect a number of things. “Unspecified” can be an indication that: 1) staff, beneficiaries 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, but rather other concerns, such as staff grievances, programme/operational issues and complaints, queries about entitlements, other organisations etc.; or 2) the reports do not concern suspicions of misconduct at all, or concern forms of suspected misconduct that might be captured more broadly by some form of breach of duty, such as the failure to report misconduct, failure to abide by DRC safety requirements, breach of confidentiality, and so on.

The percentage split of misconduct types is illustrated in *Image 2* below.



## Management

Table 10a

Type of Misconduct	Gate A	Gate A+	Gate B	Total
Abuse of authority	23	8	58	89
Corruption / fraud	18	9	40	67
Breach of duty	11	5	40	56
Workplace harassment	14	5	30	49
Racism / Discrimination	3	3	8	14
Unspecified	6		4	10
Sexual exploitation & abuse	1		8	9
Sexual harassment	1		6	7
Retaliation	1	2	3	6
Violence / assault	3			3
Theft	1		1	2
<b>Total</b>	<b>82</b>	<b>32</b>	<b>198</b>	<b>312</b>

The types of misconduct in relation to which programme staff in international operations most often find themselves subject of an RSM are, in descending order: 1) abuse of authority, 2) corruption and fraud; and 3) Breach of duty.

## Programme – ex Frontline

Table 10b

Type of Misconduct	Gate A	Gate A+	Gate B	Total
Abuse of authority	62	6	2	70
Corruption / fraud	49	7	5	61
Breach of duty	42	2	7	51
Workplace harassment	25	1	3	29
Unspecified	22		1	23
Theft	16	1		17
Sexual exploitation & abuse	1	2	12	15
Sexual harassment	2	1	10	13
Violence / assault	10	1	1	12
Racism / Discrimination	4	1	1	6
Retaliation	4			4
<b>Total</b>	<b>237</b>	<b>22</b>	<b>42</b>	<b>301</b>

The types of misconduct in relation to which support staff in international operations most often find themselves subject of an RSM are, in descending order: 1) corruption and fraud; 2) Breach of duty, and 3) Abuse of authority.

## Support

Table 10c

Type of Misconduct	Gate A	Gate A+	Gate B	Total
Corruption / fraud	16	5	22	43
Breach of duty	13	1	5	19
Abuse of authority	11	2	4	17
Workplace harassment	5	4	3	12
Theft	8	3		11
Violence / assault	6		1	7
Sexual harassment	2		5	7
Racism / Discrimination	3		4	7
Sexual exploitation & abuse	1		5	6
Unspecified	2	1	1	4
Retaliation	1			1
<b>Total</b>	<b>68</b>	<b>16</b>	<b>50</b>	<b>134</b>



## DRC DK – ex HQ

Table 10d

Type of Misconduct	Gate A	Gate A+	Gate B	Total
Theft	4			4
Abuse of authority	2		1	3
Corruption / fraud	2	1		3
Unspecified			2	2
Breach of duty			1	1
<b>Total</b>	<b>8</b>	<b>1</b>	<b>4</b>	<b>13</b>

The types of misconduct in relation to which DRC staff in Denmark most often find themselves subject of an RSM are related to misconducts that occurred at the time they were employed in DRC’s international operations.

DRC has recently implemented the EU Whistleblower Directive and Danish Whistleblower Law. The CoCRM is therefore now opened to report of concerns or suspicions of infringements occurring in Denmark and potentially involving DRC staff in Denmark. Any staff of DRC, including in international operations, can make such report in the CoCRM.

### Sexual Harassment, Exploitation and Abuse

DRC holds sexual harassment, exploitation and abuse to constitute particularly egregious forms of misconduct, not least because of the severe impact such misconduct can have on survivors. The specific focus on data related to these forms of misconduct here reflects the importance DRC assigns to tackling it.

As of 13 March 2022, 88 RSMs received during 2021 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 11 of these, Gate A+ registered 3 and Gate B registered 74.

The 88 RSMs received and registered in relation to sexual misconduct in 2021 represent an important increase compared to the 48 received and registered in 2020, but is consistent with the 72 RSMs received and registered in 2019. The important increase of cases registered at all levels is a consequence of the enhanced awareness of both staff and managers to combat sexual misconducts.

RSMs related to sexual misconduct over the previous years have gradually increased except for 2020 but the proportion of complaints containing allegations of sexual misconduct out of all complaints has largely remained the same since 2017. It was 16% in 2017, 2018 and 2019, 9% in 2020 and was 15% in 2021. Sexual harassment as a distinct form of sexual misconduct was linked to 9% of RSMs in 2017, 12% in 2018, 6% in 2019, 4% in 2020 and 6% in 2021. SEA was linked to 10% of RSMs in 2017, 8% in 2018, 10% in 2019, 5% in 2020 and 9% in 2021.

DRC launched 47 investigations into suspected sexual misconducts over the course of 2021. 15 of these investigations substantiated the suspected sexual misconduct. Of the remaining 30 investigations, 4 remained open as of 13 March 2022, 3 concluded in an investigation report that proved minor misconduct, not the suspected sexual misconduct and 25 did not substantiate the suspected misconducts (incl. the sexual misconduct) and ended in closure reports (either because the investigation did not find enough factual evidence that the misconducts had occurred or the investigation had to stop at an early stage due to the refusal of the Survivor to consent to it).

The substantiation rate on closed cases related to investigations into sexual misconduct was 44% in 2019, 52% in 2020 and is 33% in 2021. 10 of the 15 cases of substantiated sexual misconduct(s) led to the subject(s) of the investigation being dismissed by DRC. The remaining 5 subjects involved in cases of substantiated sexual misconduct(s), have either received a written warning (1), had already left the organisation when the RSM was reported (2), or have not been offered a new contract before the investigation concluded (2).

The allegations regarding 22 subjects were not investigated. They either involved a subject of concern who was not a DRC staff member at the time of the allegations (8), were referred to management (10), were not eligible for an investigation (4) after a preliminary assessment was conducted or not relating to a misconduct.

The number of RSMs related to sexual misconducts increased as expected after a short decrease in 2020 during the COVID-19 pandemic. It is still expected that the number of RSMs related to sexual misconducts will increase in coming years in correlation with increased training, awareness-raising and participatory activities targeting internal and external stakeholders, including people of concern, about sexual misconduct, DRC's position on it, and how to report it. The hope is that DRC will continue to experience increase trust in the CoCRM system so that DRC will receive and be in a position to address as many issues related to sexual misconduct as possible.

## 5.7. Intake Committee Response

All RSMs are processed by Intake Committees at either Gate A, Gate A+ or Gate B. 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) Referral to Another Organisation; 6) Suspension (refers to the case, not the subject thereof); and 7) Record for Information. Alternatively, Intake Committee’s at Country, Regional and HQ levels might refer RSMs to the Intake Committees of another level, such as HQ-Regional, Country-HQ.

Out of the total of 579 cases opened in 2021 as a result of RSMs, Intake Committees decided on investigation as the appropriate response in 139 cases.<sup>17</sup> “Blank” denotes blanks in the data set.

The following *table 11* shows how many times a given Intake Committee decision was taken by Gates A, Gates A+ and B respectively:

Table 11

Intake Response	Gate A	Gate A+	Gate B	Total
Referred to Management	114	9	104	227
Investigation	57	8	74	139
(blank)	83	3	4	90
Preliminary Assessment	74		2	76
Recorded for Info.	27	2	38	67
Contractual Referred to HR	4		13	17
Referred to Regional CoCRM		11	4	15
Referred to Country CoCRM	11	2		13
More information	4		5	9
Referred to Another Organisation	7		2	9
Case Suspended	1	2	2	5
Referred to HQ CoCRM	1	1	1	3
<b>Total</b>	<b>383</b>	<b>38</b>	<b>249</b>	<b>670</b>

The number of cases linked to RSMs received in 2021 that went to investigation according to Intake Committee responses recorded as of 13 March 2021 has held relatively steady from 149 in 2020 to 139 in 2021.

<sup>17</sup> 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.

However, the number of cases recorded “blank” at Gate A notably has decreased from 117 in 2020 to 83 in 2021 which has great impact on the data quality at Gate A. This improvement is due to an increased effort to train Gate A registrars, which shall be pursued in 2022.

Investigations at Gate B have resumed increasing from 60 in 2019 and 58 in 2020 to 74 in 2021. The overall number of cases referred to management have increased from 146 in 2018, 158 in 2020 and 227 in 2021. Cases are typically referred to management when they concern minor misconduct or are cases where an immediate action is possible, thus investigation is not necessary. The impossibility of investigating due to access and safety concerns, or that the report is determined not to concern misconduct, but rather other types of feedback and complaints would also result in a referral to management.

The Intake Response of “Preliminary Assessment” (PA) is procedurally overwritten by an ultimate Intake Committee response to investigate or another appropriate response. The essence of a PA is to determine if an investigation is merited or not.

## 5.8. Investigation Outcomes & Substantiation Rate

The *table 12* below presents figures related to investigation outcomes. An investigation report means that the case was substantiated (proven).<sup>18</sup> A closure report means that the case was unsubstantiated (not proven). “Blank” indicates a variety of outcomes, such as the case having been suspended, that no report was finalised, that the case is still open, or that the data has simply not been recorded or updated. An example is that a case is started as an investigation and then later referred to management, but in the database, it is still recorded as an investigation. Another example is referral to Country and Regional Office after an initial assessment at Gate B and a different response is then decided by Intake Committee at Gate A or Gate A+.

Table 12

Investigation Outcome	Gate A	Gate A+	Gate B	Total
Not Proven - Closure Report	13	3	40	56
Proven - Investigation Report	8	1	23	32
(blank)	19	1	1	21
<b>Total</b>	<b>40</b>	<b>5</b>	<b>64</b>	<b>109</b>

<sup>18</sup> The CoCRM standard of proof is the “balance of probability”, which requires the facts to establish a likelihood that the subject committed the suspect misconduct of more than 50%.

The substantiation rate 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 on closed cases divided by the total number of RSMs that were closed as substantiated or unsubstantiated.

DRC’s substantiation rate has changed moderately from 32% in 2018, 34% in 2019, 30% in 2020 and 29% in 2022.<sup>19</sup>Substantiation, as such, is not the goal for DRC, however, but rather to consistently ensure due process and fair investigations according to DRC’s principled CoCRM framework and Investigation Guidelines. The percentage in substantiation rate can also be misleading, as the difference between the absolute numbers used in the calculation are not that great statistically speaking. Variations between smaller numbers yield more dramatic variations in percentages. Nevertheless, an investigation is a very resource-demanding process that should be administered with care. DRC should therefore seek to analyze and explain if there is a significant drop in substantiation rate (which is not the case in 2021) and there should be an increased focus on data quality regarding Investigation Outcome.

## 5.9. Case Closure Times

DRC’s data has observed a continuation of the upward trend in 2021. Investigations can be lengthy and properly conducted professional investigations are generally more time consuming. Their length could certainly be reduced with additional resources at all levels of the organisation.

### Time taken to close investigations

Table 13.1 Time taken to close an investigation<sup>20</sup> 2020

Gate	30 days or less	Over 30 days	Average days	Median days
A	10	22	92	74
A+	1	0	N/A	N/A
B	1	23	88	77
<b>Total</b>	<b>12</b>	<b>45</b>	<b>90</b>	<b>77</b>

<sup>19</sup> DRC divides “the number of overall reports that are...substantiated by the total number of reports that are investigated and that were closed as substantiated and unsubstantiated.”

<sup>20</sup> DRC’s figures are calculated from when the decision to investigate is made which is typically a week after a report is received.

Table 13.2 Time taken to close an investigation<sup>21</sup> 2021

Gate	30 days or less	Over 30 days	Average days	Median days
A	6	11	63	36
A+	0	3	110	113
B	1	17	122	138
<b>Total</b>	<b>7</b>	<b>31</b>	<b>94</b>	<b>98</b>

## Case closure times

The following tables show, by Gate, the number of calendar days passed between the date a case (or “RSM”) is received and the date the RSM was closed in the database in 2020 and 2021.

Table 13.3 Case closure times for 2020.

Gate	30 days or less	Over 30 days	Average days	Median days
A	46	93	74	59
A+	1	2	33	37
B	54	68	54	52
<b>Total</b>	<b>101</b>	<b>163</b>	<b>64</b>	<b>46</b>

Table 13.4 Case closure times for 2021.

Gate	30 days or less	Over 30 days	Average days	Median days
A	77	66	53	26
A+	1	6	81	87
B	99	67	46	23
<b>Total</b>	<b>177</b>	<b>139</b>	<b>50</b>	<b>26</b>

So far as DRC’s case and investigation closure times for 2020 and 2021 are concerned, the following is noted:

- i. DRC’s average of 64 days in 2020 has fallen to 50 days in 2021. Whilst still high, 50 days does mark a significant reduction on the 2019 average (82) particularly as in 2021 DRC dealt with 579 cases which is significantly rise from 449 in 2019 and 517 in 2020.
- ii. Although the case closure times trending downward is explained by the important number of RSMs referred to Management (see Section 5.7 above), it also demonstrates that the RSMs are actually and effectively referred by the Registrar, which allows Management to take follow-up actions.

<sup>21</sup> DRC’s figures are calculated from when the decision to investigate is made which is typically a week after a report is received.

- iii. The slight increase of the investigation closure times from an average of 90 days in 2020 to 94 days in 2021 hides a more significant increase at Gate B (HQ) level (88 days in 2020 and 122 days in 2021). This increase is due to the handling of more sensitive and complex cases requiring the full-time monopolization of one investigator. The investment in resources is a key answer to this upward trend.

## 5.10. Losses

The online database requires RSMs to be categorised according to one of three loss types: reputational, financial or a combination of reputational and financial. Registrars can only select one option. Arguably, all suspected misconduct can carry an element of potential reputational and financial loss with it. Accordingly, the type of loss that is ultimately recorded can be subjective. The figures related to financial losses reported below are exclusively related to cases of misuse of DRC funds and other assets, including corruption, fraud and theft.

Extracting accurate data from the database on financial losses related to suspected and proven misconduct was identified as a multifaceted challenge in the Annual Report 2016. The Code of Conduct Database is not a financial tool and has limited capacity to include more sophisticated data.

Consequently, it is still not possible to provide reliable figures on actual total losses as a result of misconduct in 2021. The tables below simply show what is registered in the database in 2021, *Table 14* for number of RSMs per type of loss and Gate, *Table 15* for the estimated and actual financial losses in Danish kroner. Some cases are still not concluded and therefore the actual financial losses are not available. We will endeavour together with Finance to increase the focus on reliable financial data when it comes to quantifiable financial losses.

*Table 14*

Type of Loss	Gate A	Gate A+	Gate B	Total
Reputational	158	6	93	257
(blank)	136	13	69	218
Reputational & Financial	56	8	21	85
Financial	15	2	2	19
<b>Total</b>	<b>365</b>	<b>29</b>	<b>185</b>	<b>579</b>

*Table 15*

Gate	Estimated Loss (DDK)	Actual Loss (DDK)
A	291,374	91,100
A+	64,648	0
B	2,000,000	0
<b>Total</b>	<b>2,356,022</b>	<b>91,100</b>

## 6. CAPACITY SITUATION

The stability of the resources that followed the increased in 2019 at Gate B, has just enabled the team to process and investigate the increasing number of RSMs DRC continues to receive. This stability has however impacted the ability of the Code of Conduct Team in HQ to develop the mechanism and build on investigative resources.

The resource allocation at Gate A and Gate A+ according to the required CoCRM staffing setup outlined towards the beginning of the Introduction section of this report is in general not adequate, meaning that Gate A and Gate A+ Field Teams experience challenges: i) the absence of dedicated resources and ii) the high turnover possibly combined with iii) a high number of RSMs or iv) a lack of experience and familiarity of practice and procedures.

Investigation resources were mobilised from Internal Audit, and from outside the organisation to help address the capacity gap. In addition, HR and Programme Division capacities were directed towards addressing some of the more systemic challenges DRC faces regarding prevention and detection of misconduct, such as Safeguarding measures in the employment cycle and participation of people of concern in the design, implementation and monitoring of effective CoCRM setups in the many contexts in which DRC operates.





## 7. LESSONS LEARNED

This section reports major lessons learned from activities and interactions taking place outside of and around the processing of complaints. The lessons learned are derived from case handling as well as other organisational processes and external audits that, in one way or another, link to the Code of Conduct, CoCRM, and the values, staff and operations of the organisation.

Actions to follow up on the lessons learned are summarized below. Section 8 offers recommendations for tasks to be carried out that are of a more ongoing, day-to-day nature.

### **Staff-turnover significantly reduces the full-functioning of the CoCRM**

As reported in 2019 and 2020, the current organisational model for the CoCRM is still challenged by high turnover of staff holding key roles for the organisation on top of their normal assignment, making it difficult to sufficiently maintain quality in related processes. Conversely, any structural change would remain ultimately vain without a dedicated Safeguarding and CoC workforce.

The ability of Gate B (HQ) to keep up with onboarding, training and supervision of Intake Committees, Registrars, Authorising Officers and Investigators at Gate A and Gate A+ level is challenged by the very decentralised CoCRM organisational model. Considering the nature of the competencies necessary for administering the CoCRM at country and regional levels, it is difficult to maintain an appropriate level of quality, which in turn is likely to affect due process and result in an undesirable variation in interpretations of organisational values and principles.

Regions that have been able to invest in permanent positions in charge of CoCRM functions have been able to supplement Gate B activities to maintain an effective mechanism at all levels of the organisation. In that regard, the potential role that regions can play in the future CoCRM's architecture is inspiring as their involvement will certainly help to improve resilience and achieve professionalisation.

On the other hand, turnover issues should not make DRC lose sight of the inclusion principle and notably appoint national staff members at key roles (Intake Committee member, Registrar, Investigator).

### **Professionalization is a key objective to uphold to improve the CoCRM**

The Code of Conduct functions in many aspects already constitute a full-time profession and expertise that is involved in strategic areas (donors relations, risk and compliance, programming).

Donor focus continues to increase regarding the reporting on serious cases, which the Team have responded to in a professional and comprehensive way. DRC will shortly release guidance in this area which will aim at adopting a consistent and effective approach to the reporting of misconducts to the donors at all levels of the organisation. The Code of Conduct teams at all levels will be formally involved in the process, which is likely to slightly increase their workloads.

Donors are also focusing on the professionalisation of investigations notably regarding SEAH. DRC has participated in the PSEAH investigations project led by CHS and funded by FCDO. Although all investigators of the Code of Conduct Team in HQ are SEAH certified investigators and that all SEAH investigations are monitored from HQ, permanent and trained investigative resources are missing at field level to ensure that these sensitive RSMs are handled in a timely and compliant manner.

Living up to the new GDPR regulations and to a Survivor Centred Approach when processing RSMs, investigating them or reporting them to donors also requires having a deep understanding of the area also because we are working with third party actors (US, UN) where GDPR does not apply. Similarly, internal reporting mechanisms and internal investigations are more and more captured by local legislations (e.g. EU Whistleblower directive, due process best practices and regulations) which requires to secure expertise.

## **Training and awareness increase visibility, accessibility and trust**

Training and awareness raising of DRC staff are vital in the view to disseminate the standard of behaviour expected from staff and to create trust in the mechanism, hence to cause the mechanism to be used.

The persistent increase in the number of RSMs – in addition to being an indicator of increased awareness of the right and how to complain – is also a sign that some DRC staff members do not understand the values of the organisation and how to interpret and enact them in their daily interactions with each other and people of concern.

The roll out of online training has had impact on the understanding of the values of the organisation, how to interpret and enact them in their daily interactions with each other and people of concern. Code of Conduct online trainings for employees and managers have been developed and roll out. They count among the trainings that must be achieved as part of the onboarding of all new DRC staff. An in-person PSEAH training has also been developed in 2021 and is being rolled out. Developing an online PSEAH training appears an important project based on the success of the previous mentioned Code of Conduct trainings.

Although online trainings are easily available, the arrangement of in person trainings - notably for irregular workers and persons of concern – the roll out and dissemination of these training opportunities requires centralisation and dedication of multiple resources at different levels of the organisation.

Management's awareness is also central. Not only the management will ensure that the CoCRM has the sufficient resources and capacities in place for the mechanism to work but it has the responsibility to act upon a referral to management or upon an investigation and in that regard, it is essential that management adheres to DRC's CoCRM rules and procedures. Building on management awareness is allowing an effective "follow-up" to happen and which should further serve visibility around the CoCRM.

## 8. RECOMMENDATIONS

The recommendations below are based on our knowledge on processing the cases, interaction with colleagues and different external assessment done by donors and Core Humanitarian Standard (CHS) identifying minor and major adjustments that would be relevant to implement. The few presented here have been selected to represent the diversity of efforts that are both required and seen as reasonably achievable objectives to reach in practice within a one-year timeframe.

### **Adapting Code of Conduct Unit (HQ) resources**

It is recommended to ensure that the Code of Conduct Unit in HQ is adequately resourced to handle the increasing number of RSMs received (29% increase between 2019 and 2021) and of investigations which have become more complex.

Adequate resourcing should also be assessed based upon the necessary additional development activities and projects that must be pursued in 2022:

- i) Revising and globalizing the Code of Conduct policy
- ii) Developing an PSEA policy in coordination with the accountability team
- iii) Translating sectorial investigation best practices into the Code of Conduct investigation guidelines (e.g. administrative investigation guidelines, investigation survivor centred approach).
- iv) Rolling-out and disseminating of Code of Conduct and PSEA in person trainings.
- v) Developing an PSEA online training that would be forming a milestone in DRC's approach to awareness raising, understanding and a cultural change regarding sexual misconduct.
- vi) Developing, rolling-out and providing internal investigation trainings.

## **Adopting a sustainable CoCRM system with stronger regional set-up**

It is recommended to ensure that the CoCRM's vulnerabilities are addressed by i) removing the added workload and the stress of add-on tasks on existing country offices resources while placing the bulk of the administration of RSMs at Regional level in order to ii) streamline and professionalize the "Safeguarding & Code of Conduct" sector:

- i) Opting for a two-layer mechanism only (moving from 3 to 2 layers): the intake committees at country levels should be cancelled and intake committees at regional levels should be in charge of processing RSMs as a principle (except for most serious cases which will remain at HQ level).
- ii) The monitoring of investigations should follow this two-layer structure, hence Authorizing Officer should only be appointed at Regional and HQ levels.
- iii) Professionalising the Code of Conduct functions at regional level: the regions should assign the functions of Registrar, Authorizing Officer, and CoC Focal Point to permanent position(s) of Regional "Safeguarding & Code of Conduct" advisors in charge of monitoring/conducting investigations and advising regarding the dissemination of internal CoC, PSEAH or investigation trainings.

Such new CoCRM structure would allow the regions to play a more important role in addressing CoCRM compliance gaps as identified through different Risk assessments (Risk Register, CHS Audits, compliance checks, Code of Conduct Advisory Reports produced through CoC investigations etc.), to harmonize the handling of RSMs globally, to focus on data quality and doing so to improve the quality of the information reported to donors.

## **Strengthening safeguarding activities with a greater role for countries**

It is recommended to ensure that the adaptation of the CoCRM architecture as recommended above is implemented with a view to strengthen safeguarding activities at field level:

- i) Professionalising the remaining Code of Conduct functions (Registrar, CoC Focal Point, Investigator) at country levels (where it is possible):
  - a. The countries should produce their best efforts to assign the functions of Registrar, CoC focal point and eventually investigator, to permanent position(s) of country "Safeguarding & Code of Conduct" specialists (full-time or part time) notably in charge of registering complaints, rolling out in person safeguarding trainings but also in charge of improving communication with and participation of people of concern in the CoCRM.
  - b. Where impossible notably due to the size of the operation, countries of the same region should alternatively produce their best efforts to pool their safeguarding and Code of Conduct resources together in a view strengthen

- safeguarding resources at field level and avoid status quo where it is possible.
- ii) Country “Safeguarding & Code of Conduct” specialists would hold the functions of PSEAH focal points (which are currently distributed from one operation to another either to protection, GBV, Risk & Compliance or other staff) as PSEAH is embedded in DRC’s Code of Conduct and intertwined with investigation activities.
  - iii) Investigation resources should be maintained at country level and efforts should be made towards a specialisation of practice: “Safeguarding & Code of Conduct” specialists at country level would specialise in PSEAH investigations (under the monitoring of HQ’s authorizing officer) while additional trained investigative resource(s) should be available to investigate fraud and workplace misconducts (under the monitoring of Region’s or HQ’s authorizing officer depending upon the severity of the RSM).
  - iv) Causing country operations to systematically integrate “Safeguarding & Code of Conduct” in programme proposals and other application for financing in order to meet donors enhanced requirements and find funding opportunities to professionalise DRC’s Safeguarding & Code of Conduct sector.
  - v) Providing “Safeguarding & Code of Conduct” specialists with protected employment status or at least longer-term / permanent employment contracts to enhance protection against retaliation, risk of conflict and in order to allow capacity building.



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