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**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:  
TORTURE AND DETENTION**

**United Nations Voluntary Fund for Victims of Torture**

**Report of the Office of Internal Oversight Services on the evaluation  
of the United Nations Voluntary Fund for Victims of Torture**

**Note by the Secretariat**

The Secretariat has the honour to transmit to the members of the Commission on Human Rights the report of the Office of Internal Oversight Services on the evaluation of the United Nations Voluntary Fund for Victims of Torture, submitted pursuant to paragraph 39 of Commission resolution 2003/32, which was conveyed to the High Commissioner for Human Rights by the Under-Secretary-General for Internal Oversight Services in September 2004.

## Summary

The present report of the Office of Internal Oversight Services (OIOS) reviews the functioning of the United Nations Voluntary Fund for Victims of Torture (the Fund), with a view to further enhancing its effectiveness. The Fund awards grants to eligible organizations for projects providing psychological, medical, social, legal and economic services to victims of torture.

The report concludes that the Fund is fulfilling its mandate and having a positive impact on victims of torture. OIOS was favourably impressed with the work of the 16 projects reviewed in Rwanda, Chile, Bangladesh, Austria, Canada and the United States, and finds that projects attest to the significance of their Fund grants. The Fund also serves other positive purposes, such as validating, enhancing and serving to protect the work of the organizations working with victims.

However, clarifications and changes in the Fund's policy are needed to improve its effectiveness, and the Fund's Board of Trustees could be better utilized to set strategic priorities and take a proactive approach with donors and other United Nations entities. Further, the Fund's current staffing and management systems are no longer adequate since they derive from a period when the Fund was smaller and had fewer clients. Today, a more streamlined and systematic approach to management is required. Lastly, the Fund could also be improved by taking steps to build the capacity of its grantees and to strengthen its relations with donors.

Opportunities exist for enhancement and expansion of the Fund's work and achievements. The Fund is at present inadequately financed in relation to the needs it meets and to the requests it receives. The key to enhanced funding will be more effective management systems and a clearer demonstration of the Fund's positive impact on victims of torture.

**Report of the Office of Internal Oversight Services on the evaluation  
of the United Nations Voluntary Fund for Victims of Torture**

**CONTENTS**

	<i>Paragraphs</i>	<i>Page</i>
Introduction .....	1	4
I. BACKGROUND .....	2 - 12	4
A. Torture .....	2	4
B. History of the Fund .....	3 - 6	4
C. Administration of the Fund .....	7 - 10	5
D. Funding .....	11 - 12	5
II. METHODOLOGY .....	13 - 19	6
III. EVALUATION FINDINGS .....	20 - 73	7
A. The Fund is having a positive impact on victims of torture .....	20 - 22	7
B. Clarifications and changes in policies are needed to improve the Fund's effectiveness .....	23 - 36	7
C. The Fund's governing body has played a limited role in setting strategic priorities and has not taken a proactive approach with donors and other United Nations entities .....	37 - 42	10
D. Current staffing levels and management systems are no longer adequate to administer the Fund .....	43 - 66	12
E. The Fund could do more to build the capacity of its grantees .....	67	16
F. The Fund's relations with donors are limited .....	68 - 73	17
IV. CONCLUSIONS AND RECOMMENDATIONS .....	74 - 76	18

## **Introduction**

1. In accordance with paragraph 39 of Commission on Human Rights resolution 2003/32, the Office of the United Nations High Commissioner for Human Rights (OHCHR) commissioned the Office of Internal Oversight Services (OIOS) to conduct an independent evaluation of the functioning of the United Nations Voluntary Fund for Victims of Torture (the Fund). OIOS carried out the evaluation in accordance with established United Nations regulations and rules.<sup>1</sup> The objective of the evaluation was to review the functioning of the Fund with a view to further enhancing its effectiveness.

### **I. BACKGROUND**

#### **A. Torture**

2. The problem of torture has been identified by the United Nations as a major abuse of human rights, and torture today remains widespread. The prohibition of torture is covered by article 5 of the Universal Declaration of Human Rights (1948). Subsequently, the prohibition was included in the International Covenant on Civil and Political Rights (1966), the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Declaration against Torture) (1975) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) (1984).

#### **B. History of the Fund**

3. The Fund was established in 1981 by General Assembly resolution 36/151 of 16 December 1981. The mandate of the Fund is to receive “voluntary contributions for distribution, through established channels of assistance, as humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of torture and to relatives of such victims.” The Fund provides grants to eligible entities, typically non-government organizations (NGOs), for projects offering psychological, medical, social, legal and economic services to victims of torture.<sup>2</sup>

4. Resolution 36/151 provided that the Fund should “be administered in accordance with the financial regulations of the United Nations by the Secretary-General, with the advice of a board of trustees composed of a chairman and four members with wide experience in the field of human rights, acting in their personal capacity, to be appointed by the Secretary-General with due regard to equitable geographic distribution and in consultation with their Governments”. The Fund’s Board of Trustees met for the first time in March 1983.

5. Since its inception, the history of the Fund has been one of general growth and stability. Over the past five years, the budget has grown from approximately \$5.2 million in 1999 to \$7.1 million in 2003. Donations have been received from 68 different Governments and from a small number of individuals. In 2003, grants were awarded to over 200 projects in all regions of the world.

6. Two significant changes to the Fund have occurred since its establishment. First, priority is no longer given to victims from countries that have been the subject of United Nations resolutions on torture, as was the case when the Fund was first established. Second, the need for confidentiality has changed. When the Fund started, some of its grantees were working in repressive States, and the requirement of confidentiality in order to protect staff and patients was paramount. However, while individual clinical confidentiality still exists, grantees are no longer as concerned about protecting their identity. Since the Fund started publishing a list of supported projects in 1998, only one grantee has asked for its identity to be withheld.

### **C. Administration of the Fund**

7. The Secretary-General administers the Fund through OHCHR. The Fund's secretariat is a part of the Treaties and Commission Branch in OHCHR; this branch reports directly to the High Commissioner. Currently, day-to-day activities of the Fund are administered by the Secretary of the Fund (a part-time staff position), and a staff allocation equivalent to approximately two full-time personnel.

8. The work of the secretariat follows the Fund's current grant cycle. Between September and November, the Fund receives grant requests, both ongoing and new. These are screened between December and May, with summaries and recommendations prepared for the Board, which has historically met in May. Following the Board meeting, the secretariat conveys its decisions and arranges for payments to grantees. The secretariat is then responsible for follow-up regarding other aspects of the payment of grants, and for occasional assessment missions carried out by OHCHR field staff of or, more recently, by the secretariat staff themselves.

9. The secretariat also answers requests for information from grantees, potential applicants, donors and other branches in OHCHR. It provides briefings for other stakeholders during the sessions of the Commission on Human Rights or its Sub-Commission on the Promotion and Protection of Human Rights. It also prepares reports for the Secretary-General and the Commission.

10. The Board meets once annually for two to three weeks, examining reports by the secretariat on each new or ongoing application that meets the Fund's programming criteria. Each year the Board has considered more than 2,300 pages of documents, on the basis of which it adopts recommendations to the Secretary-General. From time to time, the Board may also consider policy issues for the Fund's administration. In addition, it holds a consultation meeting with donors during the course of its annual deliberations.

### **D. Funding**

11. All Member States are encouraged to contribute to the Fund, which can also receive donations from individuals and organizations. In 2003, the Fund was supported by contributions from 39 Governments, 1 NGO and 9 individuals. Most donors make voluntary contributions to the Fund directly, without pledging in advance.

12. In accordance with United Nations rules governing voluntary contributions, the Fund earmarks 15 per cent of annual expenditure as a reserve for the following year, and 13 per cent is the rate set for programme support. After the deduction of reserve and programme support costs, \$6.9 million were allocated in grants in 2002 and \$7.1 million in 2003.

## II. METHODOLOGY

13. Along with evaluation officers, the OIOS team also included a physician with technical expertise in the treatment of torture victims, and an expert in NGOs and management. The following five methods were used for this evaluation: (i) a review of 46 project files; (ii) interviews with 19 stakeholders; (iii) an analysis of Fund programme data from 1999 to 2003; (iv) visits to 16 projects receiving grants; (v) a survey of all 200 projects that received a grant in 2003. The team also reviewed and commented on proposed new guidelines for the Fund.

14. OIOS also conducted an independent audit of the Fund in 2004, and this evaluation incorporates the major findings of that audit. The audit reviewed in detail 35 of the 199 functional projects that received grants during the period 2001-2003.

15. *Review of project files.* OIOS selected a sample of 46 projects that received a grant in 2003: 30 were selected randomly and 16 were selected since these projects were visited by the evaluation team. For each project selected, the team reviewed the current project file using a structured review form. Each file contained the application for the 2003 grant and the secretariat review of that application; nearly all also contained a project report and case studies.

16. *Stakeholder interviews.* OIOS interviewed 19 stakeholders, including representatives from nine donor countries, nine OHCHR staff (including staff working directly with the Fund as well as staff in the OHCHR finance and fund-raising offices) and the Special Rapporteur on the question of torture. Donors were asked about their perceptions of how the Fund is administered and for their suggestions as to how it could be improved. Staff were asked about the history of the Fund, current administrative procedures, future plans for improvements and how the Fund fits into the wider OHCHR programme.

17. *Analysis of Fund programme data.* OIOS analysed Fund data for the years 1999 to 2003. Specifically, it analysed trends in contributions (by donor and by region) and trends in grants (by region) for that five-year period.

18. *Project visits.* OIROS selected a non-random sample of 16 projects based on the following criteria: regional location, amount of grant, duration of grant and type of services offered. The projects selected represent a good cross-section for each of these criteria. These projects were visited and were in Chile, Bangladesh, Austria, the United States of America, Canada and Rwanda. During these visits, team member(s) examined offices and/or facilities, conducted interviews with project staff, reviewed project reports and/or databases (if available) and met with victims of torture.

19. *Project survey.* OIOS conducted a survey by e-mail of all 200 projects that received a grant in 2003. The survey was conducted during March/April 2004. A total of 134 projects responded to the survey (a response rate of 67 per cent). No attempt was made to validate the projects' responses to the survey.

### **III. EVALUATION FINDINGS**

#### **A. The Fund is having a positive impact on victims of torture**

20. Based on visits to 16 projects and the results of the project survey, OIOS is of the view that the Fund is having a positive impact on victims of torture. Overall, the projects were found to be well managed and successfully assisting victims of torture. Typically, the staff of grantee organizations are hard working and dedicated, often volunteering their time or working for minimal compensation. Most of the projects take a multidimensional approach to their work by offering complementary therapies and services. Many are using innovative treatments and protocols; some also actively advocate for the human rights of victims. Individual victims consistently stressed that the services they received helped them to rehabilitate and move on with their lives.

21. Furthermore, grantees attest to the importance of money received from the Fund. According to the project survey, 13 per cent of projects say that they could not survive without United Nations funding. An additional 56 per cent say that a reduction in such funding would have a detrimental effect on their operations, resulting in fewer clients and fewer services.

22. Lastly, the non-financial importance of the Fund should not be overlooked. Repeatedly throughout the project survey, as well as during the team's visits to projects, grantee staff stressed that a contribution from the United Nations endorses and enhances their work with victims of torture. Such funding also provides projects with greater credibility, and this can be used to attract other donors. In some cases it also provides protection in countries where such work may not be welcome.

#### **B. Clarifications and changes in policies are needed to improve the Fund's effectiveness**

##### **Application of definition of torture**

23. The staff of the Fund are not consistent in how they apply the definition of torture across projects. Fund guidelines refer to the definition of torture as outlined in article 1 of the Declaration against Torture. Other documents, such as the report of the Secretary-General on the Fund (A/57/268, para. 6), state that a different definition "according to any more favourable interpretation by the [Human Rights Committee], the Committee against Torture, the Committee on the Rights of the Child, [or] any other component United Nations body" could also be accepted if it were more favourable to victims. Staff say that they use the definition that is most favourable to grantees. While OIOS does not disagree with this approach, the Fund should be clear and consistent regarding the types of clients it will support, so that any decision made for one project is in accord with decisions made in comparable situations in another project.

24. Staff at several of the projects visited stated that they did not understand how the Fund applied the definition of torture. Further, the client case studies assessed as part of the file review suggest that the Fund applies the definition of victims of torture inconsistently. As a result, some applicants may inadvertently define themselves as torture treatment centres when in fact they are mostly helping victims of war or societal violence.

### **Treatment of family members**

25. OIOS identified the treatment of family members as another issue requiring clarification. When the Fund was set up, its mandate not only included victims of torture, but also their family members. The reference to family members, however, is currently applied in a broad context. For example, one file reviewed referred to a client who was the adult sister of a victim of torture but who had not been emotionally close to him at the time of the torture, with no link drawn between the health problem for which she was being treated and the torture of her brother.<sup>3</sup> While the existence of such a link is not a policy requirement, if the Fund is to help survivors of torture with a limited budget, it needs to clarify which family members it is prepared to support.

### **Grants for additional activities**

26. While training of in-house project staff is currently allowed under the guidelines, it has been given a lower priority than direct treatment to victims. However, training is necessary in order for any project to function properly, and regular and systematic training will make the staff of the project more effective, thus using the Fund's resources more efficiently. Staff at the projects visited stressed the need to ensure that their personnel were well trained in treating victims of torture.

27. The proposed new Fund guidelines prohibit money from being used on studies, research and newsletters. The Fund's prohibition on research is understandable, given funding constraints, as the results of such projects can only be measured in the long term and the benefits to survivors of torture are (by definition) not clear at the outset. However, OIOS believes it might be appropriate for the Fund to support additional materials such as newsletters to educate other providers of care to victims of torture.

### **Grant allocations**

28. There is a geographical imbalance in Fund grants.<sup>4</sup> As illustrated in table 1, in 2003 more than half of the money (59 per cent) went to projects in the group of Western European or other States (WEOG). Visits to projects in this region revealed that services to victims, all of whom were immigrants, focused not only on treating the direct consequences of their torture, but also on helping them to adjust to a new society. Between 1999 and 2003, the number of projects funded in WEOG, Africa and Eastern Europe increased, while they remained steady in Latin America and Asia.

**Table 1**  
**Grants paid in 2003 by region (US\$)**

Region	Total grants	% of total
Africa	761 000	10.7
Asia	696 000	9.8
Eastern Europe	558 800	7.8
Latin America	915 000	12.8
WEOG	4 207 000	58.9
Total	7 137 800	100

29. Some donors express concern about the current geographical imbalance in grants; two, in particular, suggest that the Fund should focus more on projects in countries with a high incidence of torture. Secretariat staff also acknowledge that the geographical imbalance of projects is a concern. However, they say that wider promotion of the Fund might result in greater unmet expectations.

30. The Fund historically has always been responsive rather than proactive, in the sense that support is only given to NGOs that apply. In fact, most grantees (58 per cent) say they first learned about the Fund from another NGO. Little initiative has been taken to promote the Fund in those regions or countries that may have an unmet need. Some countries with undoubted needs receive little or no funding. The Fund will need additional donor support, however, if it is to continue supporting existing projects while also seeking projects in new countries.

#### **Admissibility**

31. Current procedures used to validate the credentials of applicants are limited. Since 2003, references have been checked, and there is now a programme of staff visits to all new applicants as well as to NGOs that have received support. OIOS endorses these initiatives. However, there is still a risk that the Fund will be approached by unscrupulous applicants, although there is no evidence to suggest that such applicants are more common to the Fund than to other donors. One of the OIOS team's visits to a new applicant revealed the project to consist of little more than a dusty room with a cot and a chair, although it must be clarified that this particular application was still under review. There must be strong mechanisms to establish the bona fides of applicants, and to ensure that the money being granted by the Fund is actually being used to help survivors of torture.

32. The file review revealed other issues regarding the admissibility of NGOs. As previously noted in paragraph 24, some organizations may have been describing themselves as working with survivors of torture when in fact they were treating other types of victims. Additionally, there is little evidence in the files of the secretariat verifying that anticipated matching funding had actually been paid, although beginning this year it is requesting proof of payments, which is commendable.

### **Funding formula**

33. The current funding formula of awarding a grant of up to one third of a project's budget may no longer be viable as applications to the Fund continue to increase. As the Fund is responsive in how it grants money to projects, the amounts provided relate only to the amount requested. There is no assessment of either clinical need or need for humanitarian, legal and financial aid, so there is no evaluation of the most effective use of the limited money available. In some years all projects, including the smallest ones, received less than they requested. In fact, staff at several of the projects visited said that they did not understand the fluctuations in the size of the grants they were awarded, although this is not to imply that they wished to challenge the grant awarded.

34. There is a wide range in the size of grants awarded. In 2003, the largest grant was \$300,000 and the smallest was \$5,000. The average grant awarded in Africa was approximately \$27,000, compared with about \$49,000 in WEOG. In 2003, the average administrative cost to the Fund per application was approximately \$4,000.<sup>5</sup> While Commission resolution 2003/32 called for support to small projects, and although there are few other donors providing small grants for projects serving victims of torture, given the relatively high average administrative cost, the Fund may want to consider restricting applications for smaller grants.

35. As already noted, the Fund has provided up to one third of the costs of each project it approves. Its policy on how the balance is to be met, however, has varied. Frequently, "in-kind" costs, such as the contributions of volunteer staff, have been allowed. While in-kind contributions are commendable and should be encouraged, their monetary value in one country may be very different from that in another, putting applicants in low-income countries at a severe disadvantage in relation to those in developed countries. In the latter, for example, the in-kind "value" of a volunteer psychologist would be high, and could be used to request a much higher cash grant from the Fund than would be the case elsewhere.

36. Finally, it would benefit both the secretariat and grantees to be able to reduce the administrative costs involved in servicing the Fund. One solution would be multi-year project support for known applicants, such as those that have received funding for 10 or more years (nearly one third of grantees in 2003). This would reduce the time spent on administration on both sides, since there would be only one application every three years. Grantees would need to recognize that such money would be consequent on the Fund's receiving adequate donor support each year.

### **C. The Fund's governing body has played a limited role in setting strategic priorities and has not taken a proactive approach with donors and other United Nations entities<sup>6</sup>**

#### **Role**

37. Historically, the role of the Fund's Board of Trustees has been largely confined to approving individual projects. The Board has concerned itself with project approvals, discussing and approving each individual project supported by the Fund. However, both donors and staff have suggested that the Board should become more involved in policy deliberations and in fund-raising. One possibility would be for the Board to provide guidance on how to prioritize grants in order to address the geographical imbalance previously discussed in paragraph 28.

38. It is usual for the board of trustees of other United Nations funds to devote its attention to matters of policy, leaving management decisions to staff. For example, the OHCHR Voluntary Fund for Technical Cooperation in the Field of Human Rights changed the primary function of its Board in 1998 from one of project approval to one of policy deliberation. A Project Review Committee comprised of OHCHR staff meets to review and approve individual technical cooperation projects, while the Board meets twice a year for three or four days to discuss regional funding strategies and other thematic issues.

### **Membership**

39. Both the size and composition of the Fund's Board have remained static. There are only five members of the Board, an insufficient number given that at times in past years only three of the five members have been present at Board meetings. This is perhaps understandable in a Board made up of busy professionals, but it does not serve the Fund very well. Also, there have been no term limits, and therefore turnover among Board members has until very recently been limited, some having served for more than 20 years.

### **Meeting schedule**

40. Traditionally, the Board has met once a year in May. This date was originally set to coincide with the schedule of the Committee against Torture (CAT), so that the two could meet simultaneously. That date, however, has a major impact on the cycle of Fund projects, as will be discussed later in this report (paras. 45-48). During its meetings, the Board has made itself available to visitors from organizations it has funded. This may be useful, but it is limited to those organizations with the funds to visit Geneva at the time of the Board meeting. Many organizations with worthy programmes are never heard from directly.

### **Interaction with donors and other United Nations entities**

41. While the Board has taken on some donor-related responsibilities, apart from a brief meeting with donor representatives at the May Board meeting, this remains largely ad hoc. The Board could assume a more proactive role with donors, arranging meetings with groups of regional representatives in Geneva, visiting officials in donor capitals for fund-raising purposes or utilizing video conferencing. The Board could also consider the possibility of inviting two or three organizations to make presentations at each meeting, at the Fund's expense. This would provide better first-hand communication, and could be combined with the donor meeting to illustrate the impact of the Fund.

42. Both staff and donors have suggested that there should be greater synergies between the Fund, CAT and the Special Rapporteur on the question of torture. Currently, the Board's interaction with these entities is limited. The same could be said for greater synergies and strengthening of cooperation between the Fund and operational United Nations agencies in the field, such as the United Nations Development Programme (UNDP), whose field offices could be used to assist and to evaluate Fund projects (see para. 55).

**D. Current staffing levels and management systems are no longer adequate to administer the Fund**

**Staffing**

43. Feedback obtained from the project survey regarding assistance received from current staff is favourable. A majority of respondents (82 per cent) rate staff responsiveness as “excellent” or “good”. Further, 85 per cent are satisfied with the assistance they receive from staff with the application process and 91 per cent are satisfied with the assistance they receive with their reporting.

44. This positive feedback notwithstanding, current staffing levels for administering the Fund are not adequate. The Fund is managed by a part-time Secretary, two full-time staff, one Junior Professional Officer or associate expert and one intern, with occasional inputs from other staff. While the current staffing manages to service some 200 projects, the Board of Trustees and the donor community, on a subject as complex as torture, it does so with significant overtime and nearly unmanageable workloads, as mentioned in paragraphs 47 and 49. One significant drawback of this understaffing is that it does not permit the development of new tools, enhanced management systems and strategic planning. It is envisaged that in the future, the two full-time project officers will devote some time to other work in OHCHR (while maintaining primary responsibility for Fund activities), and that individuals in other sections may be assigned some projects to review and monitor. This is a commendable idea, in that it allows for cross-fertilization and ensures better corporate memory and broader understanding of the Fund. However, even with the streamlining and administrative changes suggested in this report (which in some cases are offset by suggestions for additional work), this use of additional OHCHR staff may not be enough. Additionally, since staff are responsible for the administration and oversight of grants, some training in financial analysis would be beneficial.

**Funding cycle**

45. The current funding cycle is problematic for grantees and creates a number of serious problems. Applications to the Fund are due in November for the following year. Funding decisions are made by the Board at its meeting in May for the calendar year in question.<sup>7</sup> Decisions are then communicated to grantees in June or July, and funds are transferred in August, or occasionally later if there are questions. This means that large amounts of the funding are retroactive. A grantee must either use “other” funds until the Fund money arrives, or it must spend all of the Fund money within as short a period as three or four months.

46. The current funding cycle was one of the primary concerns raised by respondents in the project survey; throughout the survey, grantees repeatedly raised the difficulties it causes them. These include operating without funds or having to borrow funds for the bulk of the year, difficulties with budgeting and planning processes, and a time lag between notification of grant approval and the actual receipt of monies. Staff at all of the projects visited by the OIOS team raised the same issues.

47. Further, a single annual funding cycle creates extreme peak workloads around a single decision-making period. The Fund’s staff acknowledge that this places a burden on them, and it also means that if an eligible NGO misses the deadline, it must wait a full year for its application to be considered.

48. OIOS concludes that it makes little sense to fund a project seven or eight months into its putative life. The current difficulties experienced by NGOs and Fund staff arise primarily because the funding cycle for the Fund is built entirely around the May Board meetings and the Board's practice of approving each and every project.

#### **Application and reporting processes**

49. The current application and reporting process follows the Fund's funding cycle. As discussed in paragraph 45, applications and interim reports are required in November, with a final narrative and audited financial report due by 1 February. This process is time-consuming for the Fund's staff, requiring them to work significant overtime to complete papers in time for Board meetings. Follow-up for missing documentation also becomes burdensome, especially given the lack of a computerized tracking system.

50. While three fourths of respondents to the project survey say the application and reporting processes are clear, they raise concerns about the timing of the reporting requirements. In particular, some projects report difficulty with closing their books and having them audited and dispatched to Geneva in the first four weeks of January.

#### **Management information systems**

51. Most of the management information systems currently used by the Fund for tracking the approval-funding-reporting process are manual and ad hoc. OIOS was able to do an analysis of historical funding trends, donor contributions and similar data only through its own examination of voluminous unsorted data provided by the Fund. Also, narrative file information on projects is not linked in any way with the financial accounting database maintained by OHCHR, and historical data on individual projects are maintained only in hard copy files.

52. Furthermore, administrative procedures for managing the Fund are not well documented. The Fund's staff have no written guidelines for processing applications and reports, relying primarily on memory. This creates serious vulnerability in a Fund that has only two regular staff. The problem is also evident in the files reviewed. The OIOS team noted that documentation in the files was inconsistent. The team also noted a lack of consistency and clarity in the criteria used to award grants. In one example, a project had applied for, and was given, a substantially increased grant, but there was no documentation justifying the reason for the large increase.

53. Donors have asked whether the Fund can provide an analysis of trends in the use of torture. However, the data maintained by the Fund are limited. Because the Fund is largely responsive, and because it is involved with only a small proportion of organizations working with victims of torture (globally and within many individual countries), its beneficiaries do not comprise a representative global cross-section of victims. It would not be possible, therefore, to use data from the Fund to prepare a comprehensive report on trends among, or numbers of, victims of torture.

### **Monitoring and evaluation systems**

54. Monitoring and evaluation, at both the Fund and project levels, are insufficient. One reason for this is that there are too few staff, and another is that the most pressing priority has been the processing of grant applications. Monitoring and evaluation are important for two reasons. The first is to verify that expenditures have been made according to plan, and that objectives have been achieved. The second has to do with learning. Knowledge-sharing resulting in improvements is important between and among organizations, as well as to the Fund and its donors. During interviews with donors, several stressed the importance of strengthening monitoring and evaluation to OIOS.

55. The secretariat has started a process by which projects are visited to assess the way funds are being used, and for the Fund to gain feedback about the way its operation affects the individuals it was set up to serve. More specifically, the Fund has sought to address monitoring and evaluation by:

- Arranging visits of secretariat or United Nations field staff to selected individual projects (it is planned that all projects will have been visited once by 2005); and
- Requesting visits to projects by United Nations human rights officers in relevant field presences.

While these improvements are commendable, occasional site visits cannot substitute for systematic results-based evaluation and impact assessments. OIOS recognizes that this would require additional resources and that there is no standard assessment protocol for measuring the effectiveness of treatments for victims of torture. However, some organizations are beginning to develop such methodologies and the Fund could be a clearing-house for these.

56. Project visits revealed considerable interest in, but lack of knowledge about, the Fund's work on the part of other United Nations entities in the field. Field visits by Fund staff could be used not just to meet with grantees, but to inform, and perhaps train potential evaluators in the Fund's aims, objectives and procedures, and in the use of a common evaluation framework.

57. In addition, grantees do little evaluation of their own, although some have welcomed assistance in developing tools to do this. There were few references to outcomes in the files; in these few instances, simplistic and general terms were used. Furthermore, few of the projects visited had any comprehensive self-evaluation system; for some, this consisted of basic monitoring or retreats to review past activities and lessons learned.

### **Communications**

58. Communication between the Fund and the entities with which it interacts is uneven. The Fund has a wide range of communications responsibilities, including with:

- Applicants and grantees;
- The Board of Trustees;

- Donors;
- Other staff in OHCHR and other United Nations agencies; and
- The public.

59. While most grantees appear satisfied overall with the responsiveness of Fund staff, some do raise other concerns. Nearly one fourth say that, in particular, the timeliness of their communication with the secretariat is “poor” or “very poor”. On another point, staff at many of the projects visited said they do not receive an explanation regarding the amount of their grant. It is important for the Fund to communicate with grantees in a clear and timely fashion, and to explain the basis for the amount that has been granted.

60. Many within the United Nations family are unclear about the Fund’s operations. Some donors express the opinion that communication between the Fund and the donor community can be improved. These donors say that they are most likely to be forthcoming if needs and trends in Fund activities are convincingly explained, and if the impact of the Fund’s work is documented in third-party evaluations and internal reports that address donor concerns. Both the Board and OHCHR as a whole have a role to play in explaining the Fund to donor representatives in Geneva and in donor capitals.

61. The Fund’s secretariat produces annual reports of the Secretary-General on the Fund. While these reports cover all the relevant facts and figures for the year in question, they do not convey a sense of the Fund’s impact (although the reports corresponding to the tenth and twentieth anniversaries of the Fund included additional information). Staff have discussed the possibility of producing a book for the Fund’s twenty-fifth anniversary in 2006. OIOS believes that any document produced should be a streamlined account stressing the Fund’s impact on victims of torture.

### **Technical expertise**

62. The Fund is supporting organizations that in many cases are dealing with highly technical subjects. None of the secretariat staff or Board members has technical expertise in the treatment and rehabilitation of victims of torture, which is one of the main services provided by projects. The staff also lack expertise in financial auditing and accounting, which is, however, mitigated to some extent by having access to OHCHR staff who are experts in these matters. A roster of technical advisers could also assist Fund staff.

### **Financial management**

63. The OIOS audit found that in 13 of the 35 projects reviewed, grantees did not submit a financial report as required. In the view of OIOS, no new grants should be provided in cases where financial reports for previous grants are overdue.

64. Fund guidelines require grantees to provide a financial report on the grant’s use, an audited financial statement issued by an independent audit authority, or an audit certificate issued by an independent audit authority. OIOS believes these guidelines lack clarity as to the difference between the three documents. It is also not clear whether the audited financial

statement should cover the entire project or only the grant provided by the Fund. Some confusion therefore exists among grantees regarding the form and content of the financial statements. As a result, OIOS noted that in some cases the “audited” financial statements had not been audited by professional auditors but by “independent examiners”, the statements submitted were not in accordance with Generally Accepted Accounting Principles, or the statements did not provide sufficient information as to whether the NGO had complied with conditions of the grant.

65. In 22 cases, approved grants were kept pending for reasons such as the need for additional information or assessment. The Fund’s guidelines do not establish a reasonable time limit up to which an approved grant can be kept “pending”. In the opinion of OIOS, no approved grant should be kept pending beyond one year after approval in order to utilize the funding for other projects.

66. The financial monitoring and follow-up of the Fund needs to be strengthened. There is no comprehensive database containing all the information relating to the approved projects, including the amount of the approved grants. Furthermore, the disbursements of grants are treated as “expenditures” rather than “advances”. Hence, no reconciliation is conducted and it may not be possible for the secretariat to verify whether grants have been fully spent.

#### **E. The Fund could do more to build the capacity of its grantees**

67. The Fund’s role in building the capacity of its grantees is very limited. Currently, the Fund’s primary output is the funding it provides for victims of torture through NGOs. In the project survey, many grantees suggested that the Fund could do more through and for an unrecognized resource: its own clientele. The suggestion that the Fund facilitate the sharing and dissemination of best practices and knowledge was also raised by the grantees visited. All of the organizations supported by the Fund have experience that could be relevant to others. Many are professional bodies of long standing and international repute. Further, many produce newsletters, policy documents, evaluative material, technical information and “how to” manuals. This material is available in a wide range of languages. The Fund is ideally placed to link organizations and their knowledge electronically, thereby building capacities of the organizations it works with. This could add considerable value to its work without great additional cost, for example by:

- Compiling existing norms, tools and techniques for monitoring and evaluation, something noticeably missing from many of the projects reviewed and/or visited in the course of this evaluation;<sup>8</sup>
- Encouraging and facilitating networking among organizations with similar interests on issues of common concern (e.g. therapies, policy development, training, advocacy);
- Creating a clearing-house for best practices;

- Providing information, contacts and methods for raising funds from the public and other institutional sources; and
- Creating a web site with current information on these and other relevant topics, with links to organizations and material of interest to its clientele.

#### **F. The Fund's relations with donors are limited**

68. While the Fund has many donors, the scale of contributions varies greatly. Historically, between 32 and 38 countries have contributed regularly to the Fund. The top four donors over time have been the United States, Sweden (which is no longer a contributor), Denmark and the Netherlands. In 2003, the largest contributors were the United States (\$5 million) and the Netherlands (\$500,000). The seven next largest donors contributed more than \$100,000 each, and 30 countries contributed amounts ranging from \$109 to \$90,000. There is also a regional imbalance in contributions, and in some regions the discrepancy between contributions and grants is large. For example, in 2003 Latin America contributed \$10,109 while projects in the region received grants totalling \$915,000.

69. Fund data indicate that there is no linkage between donations made by a Government and the amount received by NGOs in that country, as illustrated in table 2, which contrasts contributions with grants for selected WEOG countries.

**Table 2**

#### **Contributions from and grants to NGOs in selected Western European and other countries, 2003 (US\$)**

Country	Contributions	Grants
Australia	0	100 000
Denmark	283 668	40 000
Italy	0	193 000
Netherlands	500 000	0
Sweden	0	171 000
Switzerland	58 823	211 000
United Kingdom	237 043	480 000
United States	5 000 000	1 745 000

70. In contrast to earlier years, contributions to the Fund have not substantially increased, going from \$6.9 million in 2001 to \$7.1 million in 2003. While contributions from some regions (such as Eastern Europe) have increased, contributions from other regions (Latin America and Africa) have decreased. As the requests for grants from the Fund continue to increase, the lack of a proportional increase in contributions presents problems.

71. Several donors say that they would be more likely to contribute to the Fund if they were more confident about the way it is being managed and if they received more information on its impact. As noted elsewhere in this report, there is a need for the Fund to evaluate thoroughly

and convincingly its effectiveness and efficiency and for it to be more transparent and informative about its work. At the moment there is one yearly meeting for donors, and generally it is donor country representatives to the United Nations in Geneva who attend.

72. Several suggestions have been offered for increasing contributions to the Fund. One is that the Fund approach major private donors. Another is that the Fund consider public fund-raising in some countries, as is done by the United Nations Children's Fund (UNICEF). This, however, would be difficult for a multitude of reasons.

73. Nearly all donors earmark their contributions specifically for the Fund. There is a debate within OHCHR as to whether this represents a net positive gain to both the Fund and OHCHR. Fund managers have argued in favour of earmarking, assuming that OHCHR would receive less if the option was unavailable to donors, and/or that less would trickle down to the Fund than is currently the case. This is an issue that deserves greater attention from the Fund and OHCHR.

#### IV. CONCLUSIONS AND RECOMMENDATIONS

74. **The Fund is fulfilling its primary mandate of receiving “voluntary contributions for distribution, through established channels of assistance, as humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of torture, and to relatives of such victims”. The Fund also serves other positive purposes, such as endorsing, enhancing and serving to protect the work of NGOs working with victims of torture. Such non-financial support is one of the primary benefits of the Fund's support.**

75. **OIOS was favourably impressed with the work of the projects reviewed. The dedication of their staff, often working under difficult circumstances with low levels of financial support, is exemplary. It is evident to OIOS that the Fund is meeting a very real need, that the work of its grantees is having a demonstrable positive impact on victims of torture, and that opportunities exist for enhancement and expansion of the Fund's work and achievements.**

76. **However, the Fund is at present inadequately financed in relation to the needs it meets and to the requests it receives. Many of its current management systems are no longer adequate. The impact of the Fund is not well communicated to its stakeholders, including donors. Therefore, given additional funding, the Fund has great potential to increase its impact by doing more, and by doing it better. The key to enhanced funding will be more effective management systems, and a clear demonstration of the Fund's positive impact on victims of torture.**

#### **Recommendation 1**

##### ***More consistent application of the definition of torture***

**The Fund should be clear and consistent in explaining and applying the definition of torture across projects, so that all projects are considered equally. This recommendation relates solely to consistency in the process and does not imply that the definition of torture requires any revision.**

## **Recommendation 2**

### *Clarification on treatment of family members*

The Fund should define clearly those family members whom it is prepared to support. There should be a clear link between the torture of the victim and the reason for which the relative is being supported.

## **Recommendation 3**

### *Awarding of grants for training*

Some money should be set aside every year specifically for staff training in grantee organizations.

## **Recommendation 4**

### *Greater geographical balance in grant allocations*

The Fund should be proactive and strategic in identifying needs for services to victims of torture and in addressing the geographical imbalance of grants. In particular, it should enhance communications with other entities within and outside the United Nations and work with the United Nations field presence to identify and reach out to NGOs.

## **Recommendation 5**

### *Strengthened requirements for admissibility*

The Fund should strengthen its admissibility requirements for NGOs. In order to be eligible for support, NGOs should normally have been in existence for at least one year, so they can demonstrate their capacities. They should explain how they will evaluate the effectiveness of their work. They should have at least one other institutional donor to assist in vetting and should demonstrate that they have met all local legal requirements for registration. All new applicants should be visited before the first grant is paid, as initiated in 2003. For this to happen, standard assessment protocols will need to be developed.

## **Recommendation 6**

### *More strategic funding formula*

(a) The Fund should consider prioritizing grants according to the likely outcomes of the intervention, using a standard set of criteria to be established. It should establish maximum and minimum amounts that it will provide. The Fund should not provide more than one third of the cash budget of any project it supports (in-kind contributions should not be counted in this calculation, and should be phased out of the current formula within two years). While OIOS recognizes that this may eliminate some worthy projects from the Fund, it believes it is not prudent for projects to rely exclusively on the Fund for their cash flow. In developing countries in particular, the Fund may wish to identify more established NGOs and encourage these to apply for a grant, to assist

projects with diversifying their funding sources or to foster partnerships between NGOs. Where the Fund is proactively assisting new NGOs, it should consider providing up to two thirds of the cash necessary in the first year, reducing it to no more than one third over the next two years.

(b) Multi-year project approval for three-year periods should be considered, but this should not be automatic. It should only be available to projects with a good track record with the Fund. In order to spread the administration of this suggested new approach over time, those projects that have been supported for the longest period of time should be the first to be offered the opportunity of extended grants.

#### **Recommendation 7**

##### *Better use of the Board of Trustees*

The practical application of the legislative mandate of the Board should be more focused and effective with regard to its role, membership, meeting schedule and interactions, in order to create a better division of labour between the secretariat and the Board and to develop greater synergies with other United Nations entities.

##### **(a) Role**

The Board should put policy issues at the top of its agenda, especially policies regarding priority setting and impact assessment. The Board should limit its project approval role to new applications, multi-year funding proposals developed by the staff, larger projects,<sup>9</sup> and projects which the staff believe require special attention from the Board.

##### **(b) Membership**

In considering new members of the Board, emphasis should be given to availability for sessions, regional rotation, gender balance and diversity of professional experience and expertise (for example, one individual with fund-raising experience and one with human rights expertise). Consideration should be given to limiting appointments to a maximum of two terms of five years each. Appointments should be staggered so there are no major changes in any given year.

##### **(c) Meeting schedule**

The Board's schedule should revolve first and foremost around the needs of the Fund. One way of satisfying several recommendations of this evaluation would be to hold two shorter Board meetings. The first could be held in May to coincide with the meetings of the Committee against Torture, and could focus primarily on policy-related matters. A second meeting could be held in late autumn to deal mainly with project approvals for activities that would begin in the new year (see recommendation 10).<sup>10</sup>

**(d) Interaction with donors and other United Nations entities**

The Board should strengthen its interaction with donors (see recommendation 16). Within the context of an OHCHR global fund-raising strategy with respect to the Fund, it should be more proactive in fund-raising by approaching decision makers in donor capitals and by better promoting the Fund to actual and potential donors, including in the private sector. The Board and secretariat staff should address the issue of greater synergies with other United Nations entities and develop a plan to raise the profile of the Fund and its work with these entities.

**Recommendation 8**

*Increased staffing*

The Fund should be provided with staff resources that are commensurate with the complexity of the issue and the portfolio of projects. A consideration of workloads should be made after more efficient management systems have been implemented. Staff should be provided with the relevant training needed to administer the Fund effectively.

**Recommendation 9**

*Strengthened management systems*

The Fund should establish a central and computerized historical, financial and narrative project tracking system that will allow staff to follow and document the history and progress of its relationship with grantees and donors. Current information systems are inadequate and should therefore be revised. It is also recommended that the Fund's administrative processes be recorded in a programme manual to maintain institutional memory and to guide new staff.

**Recommendation 10**

*Improved funding cycle*

Support from the Fund should be for a *future* period, rather than for one that has largely passed, and the funding cycle should be changed accordingly. This is one of the most important recommendations in the evaluation because of its impact on the NGOs supported by the Fund and because it will, if accepted, affect several other aspects of the Fund's work.

The Fund should also give consideration to the creation of two funding cycles. It is understood that Board meetings would have to be altered to accommodate such changes. OIOS suggests, however, that the Board should be less involved in project approvals (see recommendation 7), which would also reduce the burden on staff and allow for speedier decision-making.

## **Recommendation 11**

### ***Systematic and ongoing monitoring and evaluation system***

**The Fund should develop a systematic approach to monitoring and evaluation. In order to make this cost effective, the Fund could consider a variety of techniques. Among them could be the following:**

- **The development of more effective in-house monitoring and evaluation by project grantees themselves; and**
- **The development of a roster of United Nations agency field staff who can carry out evaluations on the Fund's behalf.**

## **Recommendation 12**

### ***Enhanced reporting on Fund activities and impact***

**The Fund should produce a summary annual report for wide distribution, a popular readership and multiple audiences, documenting challenges and achievements and telling the Fund's story and the stories of its grantees. This could be posted on the Fund's web site, where it can be accessed by the public, and e-mailed to potential donors. The publication that is planned to mark the Fund's twenty-fifth anniversary could be effectively used to report on the Fund's impact.**

## **Recommendation 13**

### ***Strengthened financial monitoring***

**The Fund should establish a standardized format for the financial report on the use of the grant in accordance with the Generally Accepted Accounting Principles. It should also determine a threshold below which an audit of the financial report is not required.**

## **Recommendation 14**

### ***Creation of a technical adviser roster***

**The Fund should create a roster of technical advisers who can be called upon by the staff and the Board as needed to offer advice on technical issues.**

## **Recommendation 15**

### ***Commencement of capacity-building of grantees***

**The Fund should become actively involved in building the capacity of the NGOs it works with. The Fund may want to consider the options for building capacity as discussed in paragraph 67 of the report.**

## Recommendation 16

### *Stronger donor relations*

**The secretariat and Board should improve communications with donors (see recommendation 7 (d)). They should develop donor-friendly materials showing the impact of the Fund's work and invite grantees to donor meetings to discuss their work.**

### Notes

- <sup>1</sup> Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, and Monitoring of Implementation and the Methods of Evaluation (ST/SGB/2000/8), article VII.
- <sup>2</sup> A note on terminology. The Fund makes grants to projects submitted by eligible entities. In this report, "project" refers to these submissions and "grantee" refers to the entities that have been supported. The term "NGO" is used broadly and refers to all entities to which grants are awarded, including non-profit hospitals and individual practitioners.
- <sup>3</sup> General Assembly resolution 36/151 provides for assistance to relatives of torture victims without requiring a link to be drawn between the torture and the assistance they seek.
- <sup>4</sup> The Fund groups projects into one of five broad geographical regions: Africa, Asia, Eastern Europe, Latin America and the Group of Western European and other States (WEOG).
- <sup>5</sup> This figure was reached by dividing the Fund's administrative budget (13 per cent of the total budget) by the number of grants made in the year.
- <sup>6</sup> The Fund's Board of Trustees is in a period of transition. It will not meet until October 2004, and substantial changes are being considered for its membership and work programme. This finding is therefore based on past activities, and the recommended changes could be considered as a new Board is appointed for 2005.
- <sup>7</sup> The Fund will also, upon request, award a grant to be used 12 months from reception of funds. However, OIOS found no evidence that many projects were aware of this option.
- <sup>8</sup> Although evaluation is missing from most projects, this is not to say that good techniques for measurement have not been developed. The Fund can draw these together to create guidelines for monitoring and evaluation that could be used by all grantees.
- <sup>9</sup> The Board could, for example, limit its consideration to projects likely to receive over \$50,000. In 2003, there were 49 organizations receiving this amount.
- <sup>10</sup> If there were two project cycles per annum, the May meeting could also approve funding proposals.

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