



## **INTERNAL AUDIT DIVISION**

### **REPORT 2020/044**

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#### **Audit of the human rights programme in the United Nations Mission in the Republic of South Sudan**

**The Mission needed to enhance the  
implementation and monitoring of its human  
rights programme and update the human  
rights database in a timely manner**

**27 November 2020**

**Assignment No. AP2019-633-10**

# **Audit of the human rights programme in the United Nations Mission in the Republic of South Sudan**

## **EXECUTIVE SUMMARY**

The Office of Internal Oversight Services (OIOS) conducted an audit of the human rights programme in the United Nations Mission in the Republic of South Sudan (UNMISS). The objective of the audit was to assess the effectiveness of the human rights programme in UNMISS. The audit covered the period from July 2017 to June 2020 and included a review of risk areas which included strategic planning, and programme implementation and monitoring.

UNMISS had established an adequate strategic planning process for its human rights programme which continued to be active during the COVID-19 pandemic. However, the Mission needed to enhance the implementation and monitoring of the programme and update the human rights database in a timely manner.

OIOS made six recommendations. To address issues identified in the audit, UNMISS needed to:

- Develop an action plan to validate previously reported cases of serious human rights violations that need to be verified or corroborated; and engage with local authorities at all levels to have access to prison and detention facilities and victims and witnesses to monitor, identify and timely investigate all human rights violations;
- Conduct periodic evaluation of its capacity building activities and collect relevant data from participants to enable effective follow-up;
- Ensure that all cases of human rights violations are promptly recorded in the Office of the High Commissioner for Human Rights case database;
- Implement a monitoring and follow-up mechanism to ensure that all mission staff complete the mandatory online course on human rights;
- Implement procedures to systematically follow-up and ensure that the beneficiaries of support from the United Nations fully comply with the conditions stipulated in the Human Rights Due Diligence Policy; and
- Allocate the required resources and better coordinate with other Mission components and the United Nations Country Team to ensure that environmental risk assessments are conducted in a timely manner.

UNMISS accepted the recommendations and has initiated action to implement them.

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# **Audit of the human rights programme in the United Nations Mission in the Republic of South Sudan**

## **I. BACKGROUND**

1. The Office of Internal Oversight Services (OIOS) conducted an audit of the human rights programme in the United Nations Mission in the Republic of South Sudan (UNMISS).
2. The Security Council by its resolution 2459 (2019) mandated UNMISS to: monitor, investigate, verify and publicly report on abuses and violations of human rights and of international humanitarian law, incidents of hate speech and incitement to violence; and collaborate, share appropriate information and provide technical support to relevant international, regional, and national stakeholders engaged in monitoring, investigating and reporting human rights violations and abuses.
3. The UNMISS Human Rights Division (HRD) is responsible for implementing the Mission's human rights programme, which are governed by the Policy on Human Rights in the United Nations Peace Operations and Political Missions (Human Rights Policy). During the period from September 2017 to June 2020, HRD recorded 8,183 human rights violations consisting of 3,077 killings, 2,170 injuries, 1,163 abductions, 1,605 conflicts related to sexual violations, and 168 COVID-19 related human rights violations. HRD also collaborated with other stakeholders, including the United Nations Human Rights Commission in South Sudan (CHRSS) which is an independent body with a parallel mandate from the United Nations Human Rights Council to monitor and report on the human rights situation in South Sudan and establish responsibility and advocate accountability for human rights violations and crimes.
4. HRD is headed by a Director at the D-2 level who reports to the Deputy Special Representative of the Secretary-General - Political and is assisted by a Deputy Director at the D-1 level. The Director also reports to the Office of the United Nations High Commissioner for Human Rights (OHCHR) and serves as the representative of the High Commissioner in South Sudan. The Division had 10 field offices and 104 authorized posts consisting of 43 international, 32 national staff and 29 United Nations Volunteers. The approved operating budgets of HRD were \$313,100 and \$344,000 for the years 2017/18 and 2018/19, respectively. Also, OHCHR provided operating budgets of \$92,606 and \$86,945 for 2017/18 and 2018/19, respectively.
5. Comments provided by UNMISS are incorporated in italics.

## **II. AUDIT OBJECTIVE, SCOPE AND METHODOLOGY**

6. The objective of the audit was to assess the effectiveness of the human rights programme in UNMISS.
7. This audit was included in the 2019 risk-based work plan of OIOS due to the operational and reputational risks related to implementation of the human rights programme activities in UNMISS.
8. OIOS conducted this audit from October 2019 to August 2020. The audit covered the period from July 2017 to June 2020. Based on an activity-level risk assessment, the audit covered higher and medium risk areas which included strategic planning, and programme implementation and monitoring.

9. The audit methodology included: interviews of key personnel; review of relevant documentation; testing of 93 randomly selected sample cases out of the 8,183 UNMISS human rights cases recorded in the OHCHR database; and visits to 4 of the 10 field offices in Juba, Malakal, Bentiu and Bor.

10. The audit was conducted in accordance with the International Standards for the Professional Practice of Internal Auditing.

### **III. AUDIT RESULTS**

#### **A. Strategic planning**

Strategic planning was adequate and the programme remained active during the COVID-19 pandemic

11. The Mission, in collaboration with the United Nations Country Team (UNCT), developed the human rights strategic priorities for the Republic of South Sudan covering the period January 2019 to December 2021. OIOS' review of HRD work plans, implementation guidelines and matrices as well as UNCT strategy notes and minutes showed that HRD translated the strategic priorities into four thematic priority areas in their work plans: conflict related violence; conflict related sexual violations; fundamental freedoms, prolonged and arbitrary detention; and administration of justice and transitional justice. In developing these priorities, HRD undertook a comprehensive assessment of risks to the implementation of the human rights programme in South Sudan and developed appropriate risk responses considering the likelihood and impact, which were translated into the specific activities for the work plans. Specific and measurable impact, outcome and output key performance indicators were developed in the Division's work plans for each priority area.

12. Further, in accordance with OHCHR guidelines to continue its mandated activities during the COVID-19 pandemic, HRD developed a special operational work plan for the period from April to June 2020 in line with OHCHR guidance and implemented a COVID-19 weekly monitoring matrix for each of the 10 states, effective 13 April 2020. This enabled HRD to successfully:

- Coordinate with the host government at national and state levels to integrate a rights-based approach in its contingency plans, and measures for COVID-19 containment and prevention. For example, HRD, in coordination with child protection, people with disabilities, gender-based violence and mental health working groups, conducted public awareness campaigns to promote the protection of rights of vulnerable persons in Juba, Bor, Yambio and Torit.
- Through contact with local civil society, non-governmental organizations, and protection clusters, assess the availability of public health services and equal access to health care, and alert the appropriate local authorities to several issues for their action such as the lack of transportation in Wau during the lockdown which had hindered access to health services.
- Assess the readiness of major health facilities and measures taken to protect healthcare workers, support refurbishment of health facilities in each state, and distribute personal protective equipment in coordination with United Nations agencies, funds and programmes and national health officials.
- Help the release of detainees from police and prison custody to reduce congestion in these facilities across all 10 states by engaging with the national authorities of the correctional facilities, judges and state prosecutors on the need to review cases of detainees in remand for less serious offences, and continue to follow up on measures taken by the authorities to provide

access to health services while in detention and prevent the spread of COVID-19 in detention facilities.

- Counter negative messages related to COVID-19 in the social media including stigmatization, hate speech and incitement. For example, HRD supported a radio station in Kwajok to broadcast sensitization messages in local languages to showcase the critical role played by health workers and members of the general public in fighting the pandemic.

13. Moreover, to meet the challenges of fewer staff being physically available in the Mission and the movement restrictions during COVID-19, HRD established remote monitoring and was able to obtain relevant information from focal points of various Mission components and other protected sources in local communities to continue human rights monitoring and investigation, as well as collect evidence to validate allegations of COVID-19 related human rights violations. As of 26 June 2020, HRD has issued 11 updates to OHCHR, UNMISS leadership and the donor community on COVID-19 related human rights and protection issues to aid in decision-making. Also, where possible, HRD conducted field missions to investigate violations especially of inter-communal and conflict-related violations and sexual violence cases. For example, for the period 6 to 12 June 2020, HRD investigated the persistent inter-communal violence in locations including Jonglei, Lakes, Unity and Warrap States, as well as violence involving conventional parties to the conflict in Central Equatoria State.

14. OIOS therefore concluded that UNMISS had established an adequate strategic planning process and ensured that its human rights programme continued to remain active during the COVID-19 pandemic.

## **B. Programme implementation and planning**

### Need to improve human rights investigations, monitoring and follow-up

15. Human rights investigations and monitoring in the 2017/18, 2018/19 and 2019/20 work plans involved the gathering of information about incidents, interviews of victims and witnesses, observation of demonstrations and court trials by field offices, and visits to detention sites, hospitals and the protection of civilian (POC) camps for verification and reporting. HRD was: analyzing related trends and early warning indicators from daily situation reports; issuing periodic incident reports for stakeholders; and developing profiles of perpetrators and the related chain of command and hotspot maps showing major areas of conflict related human rights violations.

16. However, OIOS' review of 30 incidents reports submitted by field offices showed that of the 3,181 cases of reported human rights violations and abuses, 639 were yet to be verified or corroborated as of 30 June 2020. These cases involved allegations of serious human rights violations such as killing, abduction, rape, arbitrary arrest, and detentions without trial. Of these, 72 per cent were outstanding for an average of two years and five months; 8 per cent were outstanding for an average of one year and seven months; and 15 per cent were outstanding for an average of eight months. Although there was no established timeline for completing investigations, since human rights incidents are time-sensitive, the ability of HRD to effectively investigate cases diminishes with the passage of time.

17. Further, OIOS' review of the nine monthly implementation reports prepared by four field offices showed that:

- Weekly hotspot analysis of early warning indicators was not prepared for four months due to staffing constraints, and short and long-distance patrols were not conducted in hotspot areas for two months by two field offices (Bentiu and Bor);

- Monitoring visits to facilities with death row prisoners were not undertaken by three field offices for five, eight and nine months, respectively. Although HRD could not establish the total number of death row prisoners at all facilities, it was aware of at least 388 death row prisoners in the Juba Central Prison as of 31 December 2019. Also, for three months, no visits were made to some detention facilities with cases of prolonged and arbitrary detention to assess the conditions and treatment of detainees. HRD had identified a total of 2,394 detention cases as of 31 December 2019; and
- Radio programmes prone to broadcast hate speech and incitement in their areas were not monitored for four months due to lack of interpreters for vernacular languages.

18. The above was due to: (i) poor accessibility to some incident locations due to bad road infrastructure; (ii) denial of access to some prison and detention facilities, victims and witnesses by local authorities and physical threats to human rights officers; and (iii) logistical and security support challenges to enable long road patrols, and inadequate ground time during patrols to allow for meaningful dialogue with the local communities, victims, witnesses and other relevant sources of information.

19. The Mission's senior leadership engaged with the central government to reduce access restrictions to locations to conduct investigations of human rights violations. However, given the frequent changes in government personalities and the political landscape, further engagement and advocacy at all levels of the government was necessary to enable access to victims and witnesses in areas of special interest to identify and promptly verify human rights violations and abuses and hold their perpetrators to account.

**(1) UNMISS should: (a) develop an action plan to validate previously reported cases of serious human rights violations that need to be verified or corroborated; and (b) engage with local authorities at all levels to have access to prison and detention facilities and victims and witnesses to monitor, identify and timely investigate all human rights violations.**

*UNMISS accepted recommendation 1 and stated that the verification of these cases and thus the full implementation of the action plan depended on multiple factors, including access to relevant locations and persons, considering that some of these cases may have been reported a long time ago. Therefore, the action plan will use a phased and incremental approach by addressing the most recent pending cases. Engagement with local authorities is an ongoing concern for the UNMISS HRD. Recommendation 1 remains open pending receipt evidence of the: action taken to validate previously reported cases of serious human rights violations; and engagement with local authorities to gain access to prison and detention facilities and victims and witnesses in order to monitor, identify and timely investigate all human rights violations.*

#### Need to assess the impact of capacity building activities

20. During the audit period, HRD conducted 712 capacity building activities to strengthen national human rights structures and capacity. These included: (a) sensitization of national police and military on protection of children, transitional justice, accountability, human rights mandate, rights of suspects, and gender-based violence; (b) training of civil society organizations on human rights; (c) training of media personnel on freedom of expression and prevention of hate speech; and (d) training of community leaders on fair trial and legal jurisdiction of the traditional chiefs. Training was also provided to the Inter-Ministerial Committee on the universal periodic review on implementing human rights obligations and international mechanisms under treaty bodies. A total of 37,336 participants from the South Sudan Human Rights Commission, human rights defenders, youth and women groups, state military and police components, state

officials, politicians, legal aid service providers, community and religious leaders, media professionals and the academic community attended these sessions.

21. While HRD evaluated the knowledge and understanding of participants on topics covered through recaps and question and answer sessions, it did not assess the impact of its capacity building activities on South Sudan police, military personnel and the local population in terms of improved behavior and attitudes towards human rights, as evidenced by reduction in long detentions, proxy arrests and other human rights incidents. This was because HRD did not conduct periodic evaluation or collect relevant data from participants to assess the effectiveness of its capacity building activities. For example, its training records did not include information on trainees' units or sectors to facilitate effective follow up and evaluation of the impact on participants' activities. As a result, HRD was unable to assess the responsiveness of its capacity building activities in advancing the human rights situation in South Sudan.

**(2) UNMISS should conduct periodic evaluation of its capacity building activities and collect relevant data from participants to enable effective follow-up.**

*UNMISS accepted recommendation 2 and stated that data collection and the first evaluation of HRD capacity building activities would be concluded by February 2021. Recommendation 2 remains open pending receipt of evidence that periodic evaluation of capacity building activities is being conducted and followed-up on.*

HRD took action to finalize the accountability strategy, and strengthen the rule of law and access to justice

22. To ensure accountability, eliminate impunity and deter future human rights violations in post-conflict South Sudan, HRD developed a draft accountability strategy in May 2019. OIOS' review of the draft accountability strategy showed that it covered options for criminal justice initiatives, non-judicial mechanisms, and transitional justice processes to bring international humanitarian law and human rights violators to justice. The finalization of the strategy, previously expected in May 2020, was delayed due to the COVID-19 pandemic. HRD presented the strategy for deliberation during the UNMISS Political Pillar retreat in July 2020 and was waiting for approval by the Mission leadership as of October 2020.

23. UNMISS initiated mobile courts and has been providing technical and logistical support to these courts to strengthen the rule of law and enhance access to justice in South Sudan. HRD regularly provided information to the mobile courts related to specific cases of conflict-related human rights violations and criminal acts committed by state actors. In this regard, in October 2018, HRD developed an accountability matrix as an internal mechanism to record and track accountability cases, including arrest, investigation, prosecution and sentencing undertaken by national justice chain actors (i.e. police, prosecutors, formal and traditional courts as well as military courts) against perpetrators associated with security forces. The matrix was derived from the daily situation reports from field offices and contained information such as the case overview and reported date, the nature of human rights violation/crime for which the accountability measures had been undertaken, the gender of victims, particulars of perpetrators, authority handling the case, and the progress of criminal proceedings. The monthly accountability matrices were supported with monthly analytical notes showing the trend and pattern of developments in relation to the host government's commitment to accountability. The information from the analytical notes and observation was included in the HRD monthly reports.

24. For the period from October 2018 to December 2019, the monthly matrices recorded 423 accountability cases undertaken by justice chain actors against perpetrators associated with state actors and civilians for human rights violations including rape, murder, and mass killings as well as other crimes committed by them. OIOS' review of the accountability matrices indicated that analytical notes and general observations for 42 accountability cases were not prepared as support for the May 2019 matrix. This was

because of a temporary staff shortage at the time of the reporting. As the analysis and observations for the 42 cases were reflected subsequently in the June 2019 HRD report to the OHCHR, OIOS did not make a recommendation.

#### Need to promptly update the human rights database

25. OHCHR in 2007 set up a database for human rights monitoring, follow up, fact-finding and investigations. HRD has been using this database to register and report human rights violations related to South Sudan. This included recording actions to corroborate information, drafting factual and legal analysis, and recording follow-up actions.

26. OIOS' reconciliation of information contained in the UNMISS monthly situational reports on South Sudan against the OHCHR database showed that:

- Of the 657 new human rights violation cases reported in UNMISS monthly situational reports in the audit period, 421 were not registered in the OHCHR database; and
- A review of 93 of the 8,183 cases recorded in the database in the audit period showed that: (i) 35 cases were recorded with an average delay of 195 days from the reported date of the incident; and (ii) 43 cases did not have all the required documentation and evidence, such as factual and legal analysis, alleged violation, methodology and follow-up, recommendation, conclusion, information on perpetrators, information source and interview notes.

27. This was because the staff time dedicated to this task was not sufficient to allow for complete and timely registration of cases. Additionally, the database was not user-friendly. HRD explained that the Methodology, Education and Training Section of OHCHR was taking action to improve the database through changes and upgrades in its technical and operational features, and training modules and refresher courses on profiling and use of the database. Timely and accurate data on human rights violations would enhance the impact of the human rights programme and facilitate effective response to the human rights situation in South Sudan.

**(3) UNMISS should ensure that all cases of human rights violations are promptly recorded in the Office of the High Commissioner for Human Rights case database.**

*UNMISS accepted recommendation 3 and stated that HRD would continue its efforts to ensure that all cases of human rights violations are promptly recorded in the database. Recommendation 3 remains open pending receipt of evidence that action was taken to ensure that all cases of human rights violations are promptly recorded in the OHCHR case database.*

#### Public reports on the human rights situation were issued in a timely manner

28. As part of its mandate to promote human rights in South Sudan, UNMISS is required to publicly report on human rights violations and abuses, as well as violations of international humanitarian law, including conflict-related sexual violence.

29. During the period from July 2017 to June 2020, UNMISS published in a timely manner 20 reports, including six ad-hoc and two thematic human rights reports, and 12 reports of the Secretary-General on South Sudan. OIOS' review of these reports showed that they were consistent with the United Nations policy on public reporting by human rights components of the United Nations peace operations and contained analysis of the human rights situation, measures taken by stakeholders, activities of the human

rights components, conclusions and 64 recommendations addressed to the parties to the conflict in South Sudan. These recommendations were made to the Government of South Sudan and other state actors to stop violence, hold the perpetrators of human rights violations accountable, and combat conflict-related violations and sexual violence. However, the parties seemed to prioritize the formation of the transitional government of national unity and have not demonstrated the political will necessary to implement the various recommendations made in the reports.

30. Also, during the audit period, HRD submitted all required internal annual reports and some monthly, weekly and daily situation reports on human rights abuses and violations to OHCHR, the Department of Operational Support, and UNMISS substantive sections for purposes of raising awareness, monitoring of mandate implementation, and facilitating informed decision-making. OIOS therefore concluded that HRD had prepared and submitted all required reports in a timely manner.

#### Need to ensure that UNMISS personnel complete the mandatory training course on human rights

31. To be well equipped to protect and promote international human rights and humanitarian law in the host country, all UNMISS personnel are required to complete the mandatory induction training and an online course on human rights. HRD provides the induction training while the Integrated Mission Training Center (IMTC) is responsible for monitoring the completion of mandatory online courses by UNMISS staff.

32. The UNMISS induction training for new staff includes a module that covers an overview on human rights, mandate/activities, and the United Nations Human Rights Due Diligence Policy (HRDDP) at an introductory level. However, OIOS' review of training records in Inspira indicated that only 723 (14 per cent) of the 5,166 international, national, United Nations Volunteers, individual police officers and military staff officers on board as of 30 June 2020 had completed the online course on human rights. OIOS noted that the Office of the Director of Mission Support issued a circular on 4 April 2018 reminding staff to complete the mandatory online course. However, IMTC had no monitoring and follow-up mechanism to keep track of noncompliant staff members and periodically remind them of the need to complete the training. As a result, Mission personnel may not be fully aware of their responsibilities to conduct their duties and abide by international human rights and humanitarian law.

**(4) UNMISS should implement a monitoring and follow-up mechanism to ensure that all mission staff complete the mandatory online course on human rights.**

*UNMISS accepted recommendation 4 and stated that IMTC together with the Business Analytics and Compliance Section have developed a dashboard to monitor the completion rate of mandatory courses, and sections lagging behind are alerted to ensure that their staff members are compliant. IMTC is also invigorating its engagement with training focal points in sections and with supervisors/managers to support them in their responsibilities in ensuring their staff complete the relevant mandatory courses. On 15 May 2020, the Director of Mission Support issued Mission Directive 2020/006 on compliance with mandatory training requirements and a reminder broadcast to all staff on 25 September 2020. Recommendation 4 remains open pending receipt of evidence that there has been a significant improvement in the number of staff who have completed the mandatory training course on human rights.*

#### Need to strengthen monitoring of compliance with HRDDP

33. HRDDP requires all United Nations entities to ensure that support to non-United Nations security forces is provided in a manner that is consistent with the purposes and principles set out in the Charter of the United Nations, and is compliant with and promotes respect for international humanitarian, human rights and refugee law. UNMISS had developed procedures outlining the roles and responsibilities in the

review and approval of requests for support from non-United Nations security forces and the decision-making process to ensure compliance with HRDDP.

34. UNMISS granted support for all 38 requests received from host country security forces in the audit period, including construction of police stations and detention facilities, provision of air transportation to security officers, and donation of vehicles and sea shipping containers. In providing the requested support, UNMISS established a number of conditions which required, for example, the beneficiaries of the support to: (a) allow unfettered access to sites of interest to UNMISS; (b) release abductees and children in areas of control under beneficiary commanders; and (c) receive continuous training from HRD on international humanitarian and human rights law. Moreover, the approval letter to beneficiaries included a statement that no further support would be granted in future if the conditions were not adhered to.

35. OIOS' review showed that in 35 of the 38 requests, there was no subsequent follow-up by HRD and other relevant mission components on beneficiaries' compliance with the required conditions. This was mainly due to insufficient attention to this priority area, including assigning staff to effectively coordinate with all relevant UNMISS components to systematically follow-up and monitor that the conditions agreed upon prior to providing the support requested had been met. HRD stated that staff shortage contributed to the lack of follow-up.

36. The Mission had imposed the HRDDP conditions to ensure that the support provided was not abused or did not result in more violations of international humanitarian law, human rights and refugee law. Therefore, insufficient monitoring and reporting as to whether or not the imposed conditions were being met may be seen to accept impunity, with a resultant adverse impact on the reputation of the United Nations.

**(5) UNMISS should implement procedures to systematically follow-up and ensure that the beneficiaries of support from the United Nations fully comply with the conditions stipulated in the Human Rights Due Diligence Policy.**

*UNMISS accepted recommendation 5 and stated that the Mission has already initiated procedures aimed at ensuring that the HRDDP mitigating measures are properly implemented and improved upon. Recommendation 5 remains open pending receipt of evidence that procedures are implemented to systematically follow-up and monitor that beneficiaries of support from the United Nations are fully compliant with the conditions required by HRDDP.*

#### Need to perform environmental risk assessment concerning persons in UNMISS holding facilities

37. In 2014, UNMISS established three temporary holding facilities in Juba, Bentiu and Malakal to hold persons that were being disruptive and a threat to others in POC camps. During the audit period, a total of 1,240 detainees were held in temporary holding facilities of which 264 were held beyond the stipulated 72 hours pending the UNMISS Case Review Conference (CRC) recommendation on the action to be taken.

38. Upon detention, the United Nations Police (UNPOL) informs HRD of the cases and HRD is granted unrestricted access to the individual being held, and also provided with copies of related documents such as statements from the detainee, details from the complainant(s) and witnesses, photographs and medical information. HRD regularly visited detainees in the temporary holding facilities to monitor and ensure that they were treated humanely. HRD coordinated with Mission components on each detainee case which could result in expulsion from the POC camp, handover to national authorities for further action, or dispute resolution/release.

39. For those detainees that were held beyond 72 hours, HRD was required to conduct an environmental risk assessment (ERA) to determine whether any potential undue hardship may result from: (a) continued detention in the holding facility; (b) expulsion from the POC camp; and (c) hand over to national authorities. ERA was a requirement of the Guidelines on Detention and Alternatives to Detention of Persons in UNMISS POC and the Department of Operational Support's Interim Standard Operating Procedures on Detention in United Nations Peace Operations.

40. The UNMISS CRC comprising of representatives from various Mission components (including HRD, Rule of Law, UNPOL and military components as well as the Chief Security Advisor or designate from the Department of Safety and Security) reviewed the ERAs of long detention cases and made recommendations such as continued detention pending completion of investigation by national authorities or prosecution in front of the mobile court and providing counsel to the accused. Based on these recommendations, Mission's senior leadership was responsible for making the final decision.

41. OIOS' review of cases relating to the 264 detainees that were held beyond 72 hours showed that in 66 cases, the completion of ERAs was delayed by an average of 11 working days beyond the required 72 hours. HRD stated that the process was often delayed because: (a) it did not always have sufficient details about an individual to complete the review such as their ethnicity, association with armed groups, political activities, previous and current movements and contacts outside of POC camps, and retrieving the information was challenging due to the poor infrastructure and difficulty to travel in the host country; and (b) staffing constraints due to the various operational demands on its staff. While acknowledging the challenges faced by the Mission, OIOS is of the view that HRD needs to appropriately reprioritize its resources to ensure that the ERA process is completed in a timely manner. This could also include better coordination with other Mission components to gather the information, as well as from UNCT members who had records registering the POCs in camps and interacted with them. If an assessment is not conducted within the prescribed timeframe, there are increased risks of violation of the basic rights of the detainees to liberty, as they continue to be detained in the Mission's holding facilities until ERAs are conducted to determine the appropriate action to take.

**(6) UNMISS should allocate the required resources and better coordinate with other Mission components and the United Nations Country Team to ensure that environmental risk assessments are conducted in a timely manner.**

*UNMISS accepted recommendation 6 and stated that HRD would take the necessary steps to accelerate the production of ERA but the lack of information about the detainees that lead to delay in the ERA process was beyond the control of HRD. Recommendation 6 remains open pending receipt of evidence of the actions taken by UNMISS to expediate the ERA process.*

Mechanisms were in place to ensure coordination with national authorities and Mission components

42. HRD had established coordination mechanisms to integrate human rights approaches and share relevant information with: UNMISS military, police and civilian components; United Nations agencies, funds and programmes; host country stakeholders; and non-governmental organizations. HRD achieved coordination through weekly and monthly meetings, flash reports, training workshops and joint working groups. For example, HRD:

- Worked with several host government entities, such as prison authorities, prosecutors, and judges, to strengthen collaboration and identify gaps in the justice system, advance promotion and respect for human rights, provide access to detainees, and to address obstacles that impede the administration of justice.

- Participated in the quarterly human rights forum, an umbrella body of the human rights stakeholders in South Sudan that includes the government, civil society organizations and UNCT to discuss human rights issues and action points.
- Coordinated with and provided technical support to United Nations agencies, funds and programmes, international and local non-governmental organizations engaged in monitoring, investigating, and reporting human rights violations and setting up mobile courts in Juba, Malakal and Bentiu. HRD engaged with CHRSS, through bilateral meetings, in the exchange of general information, public reports and press statements to enable a cohesive and aligned approach to the implementation of both entities' mandates.
- Formalized terms of reference and practical procedures to liaise and assist the Mission's military component on its human rights activities. HRD also actively liaised with the UNMISS police component to jointly conduct joint monitoring, fact finding and advocacy missions to sectors, detention/holding facilities, and POC camps to monitor human rights violations.

43. Given the continuously changing political landscape, there were opportunities to strengthen the coordination at the state government levels as UNMISS was denied access to locations of alleged human rights violations in multiple cases. The HRD Director indicated that improving and formalizing coordination and cooperation was an ongoing process, and interpersonal relationships between key stakeholders were being enhanced. During the audit period, there were 125 cases of movement restriction, flight cancellations and denial of access to locations, victims, witnesses, and detention facilities. UNMISS reports the denial of access on a monthly basis to the Security Council with the expectation that pressure will be brought to bear on the government and the parties.

#### **IV. ACKNOWLEDGEMENT**

44. OIOS wishes to express its appreciation to the management and staff of UNMISS for the assistance and cooperation extended to the auditors during this assignment.

*(Signed)* Eleanor T. Burns  
Director, Internal Audit Division  
Office of Internal Oversight Services

## STATUS OF AUDIT RECOMMENDATIONS

## Audit of the human rights programme in the United Nations Mission in the Republic of South Sudan

Rec. no.	Recommendation	Critical <sup>1</sup> / Important <sup>2</sup>	C/ O <sup>3</sup>	Actions needed to close recommendation	Implementation date <sup>4</sup>
1	UNMISS should: (a) develop an action plan to validate previously reported cases of serious human rights violations that need to be verified or corroborated; and (b) engage with local authorities at all levels to have access to prison and detention facilities and victims and witnesses to monitor, identify and timely investigate all human rights violations.	Important	O	Receipt of evidence of the: action taken to validate previously reported cases of serious human rights violations; and engagement with local authorities to gain access to prison and detention facilities and victims and witnesses in order to monitor, identify and timely investigate all human rights violations.	30 September 2021
2	UNMISS should conduct periodic evaluation of its capacity building activities and collect relevant data from participants to enable effective follow-up.	Important	O	Receipt of evidence that periodic evaluation of capacity building activities is being conducted and followed-up on.	28 February 2021
3	UNMISS should ensure that all cases of human rights violations are promptly recorded in the Office of the High Commissioner for Human Rights case database.	Important	O	Receipt of evidence that action was taken to ensure that all cases of human rights violations are promptly recorded in the OHCHR case database.	31 May 2021
4	UNMISS should implement monitoring and follow-up mechanism that will ensure all mission staff complete the mandatory human rights online course.	Important	O	Receipt of evidence that there has been a significant improvement in the number of staff who have completed the mandatory training course on human rights.	31 May 2021
5	UNMISS should implement procedures to systematically follow-up and ensure that the beneficiaries of support from the United Nations fully comply with the conditions stipulated in the Human Rights Due Diligence Policy.	Important	O	Receipt of evidence that procedures are implemented to systematically follow-up and monitor that beneficiaries of support from the United Nations are fully compliant with the conditions required by HRDDP.	28 February 2021
6	UNMISS should allocate the required resources and better coordinate with other Mission components and the United Nations Country Team to ensure that	Important	O	Receipt of evidence of the actions taken by UNMISS to expediate the ERA process.	28 February 2021

<sup>1</sup> Critical recommendations address those risk issues that require immediate management attention. Failure to take action could have a critical or significant adverse impact on the Organization.

<sup>2</sup> Important recommendations address those risk issues that require timely management attention. Failure to take action could have a high or moderate adverse impact on the Organization.

<sup>3</sup> Please note the value C denotes closed recommendations whereas O refers to open recommendations.

<sup>4</sup> Date provided by UNMISS in response to recommendations.

## STATUS OF AUDIT RECOMMENDATIONS

## Audit of the human rights programme in the United Nations Mission in the Republic of South Sudan

Rec. no.	Recommendation	Critical <sup>1</sup> / Important <sup>2</sup>	C/ O <sup>3</sup>	Actions needed to close recommendation	Implementation date <sup>4</sup>
	environmental risk assessments are conducted in a timely manner.				

# **APPENDIX I**

## **Management Response**



To: Ms. Eleanor T. Burns, Director  
Internal Audit Division, OIOS

Date: 17 November 2020

From: David Shearer  
Special Representative of the Secretary-General and Head of Mission  
United Nations Mission in the Republic of South Sudan

Subject: **Management Response to the Report on the Audit of the Human Rights Programme in the United Nations Mission in the Republic of South Sudan (Assignment No. AP2019-633-10)**

1. Your draft report dated 4 November 2020 on the audit of the human rights programme in the United Nations Mission in the Republic of South Sudan (Assignment No. 2019/633/10) is received with thanks.
2. UNMISS accepts all the recommendations. Our management response, including an action plan for each recommendation, is attached as requested.
3. I would like to thank OIOS for the continued support provided to the work of UNMISS.

Cc: Mr. Guang Cong, UNMISS  
Mr. Paul Egunsola, UNMISS  
Ms. Maria Costa, UNMISS  
Mr. Timothy Crowley, UNMISS  
Mr. Arnaud Royer, UNMISS  
Mr. Aggrey Kedogo, UNMISS  
Ms. Yvette Lopez, UNMISS  
Ms. Elizabeth Gregory, UNMISS  
Ms. Fatoumata Ndiaye, OIOS  
Mr. David Kanja, OIOS  
Mr. Daeyoung Park, OIOS

## Management Response

## Audit of human rights programme in United Nations Mission in the Republic of South Sudan

Rec. no.	Recommendation	Critical <sup>1</sup> / Important <sup>2</sup>	Accepted? (Yes/No)	Title of responsible individual	Implementation date	Client comments
1	UNMISS should: (a) develop an action plan to validate previously reported cases of serious human rights violations that need to be verified or corroborated; and (b) engage with local authorities at all levels to have access to prison and detention facilities and victims and witnesses to monitor, identify and timely investigate all human rights violations.	Important	Yes	Director/OiC HRD	31 September 2021	(a) The verification of these cases, and thus the full implementation of the action plan, depends on multiple factors, including access to relevant locations and relevant persons considering that some of these cases may have been reported a long time ago. Therefore, the action plan will use a phased and incremental approach, and the Mission will start by addressing the most recent pending cases. (b) Engagement with local authorities on access is an ongoing concern for UNMISS HRD.
2	UNMISS should conduct periodic evaluation of its capacity building activities and collect relevant data from participants to enable effective follow-up.	Important	Yes	Director/OiC HRD	28 February 2021	The implementation deadline refers to the expected date of completion of the first evaluation and data collection.
3	UNMISS should ensure that all cases of human rights violations are promptly recorded in the Office of the High Commissioner for Human Rights case database.	Important	Yes	Director/OiC HRD	31 May 2021	UNMISS HRD will continue its efforts to ensure that all cases of human rights violations are promptly recorded in the database.
4	UNMISS should implement monitoring and follow-up mechanism to ensure that all	Important	Yes	Chief IMTC	31 May 2021	UNMISS IMTC together with BACS have developed a dashboard to

<sup>1</sup> Critical recommendations address those risk issues that require immediate management attention. Failure to take action could have a critical or significant adverse impact on the Organization.

<sup>2</sup> Important recommendations address those risk issues that require timely management attention. Failure to take action could have a high or moderate adverse impact on the Organization.

## Management Response

## Audit of human rights programme in United Nations Mission in the Republic of South Sudan

Rec. no.	Recommendation	Critical <sup>1</sup> / Important <sup>2</sup>	Accepted? (Yes/No)	Title of responsible individual	Implementation date	Client comments
	mission staff complete the mandatory human rights online course.					monitor the completion rate of mandatory courses, and sections lagging behind are alerted to ensure that their SMs are compliant. On 15 May 2020, the DMS issued Mission directive 2020/006, on compliance with mandatory training requirements. It was re-broadcast to all staff on 25 September 2020. IMTC is also invigorating its engagement with training focal points in sections and with supervisors/managers to support them in their responsibilities in ensuring their staff complete the relevant mandatory courses.
5	UNMISS should implement procedures to systematically follow up and ensure that the beneficiaries of support from the United Nations fully comply with the conditions stipulated in the Human Rights Due Diligence Policy.	Important	Yes	Director/OiC HRD	28 February 2021	UNMISS has already initiated procedures aimed at ensuring that HRDDP mitigating measures are implemented properly and will continue to improve them.
6	UNMISS should allocate the required resources and better coordinate with other Mission components and the United Nations Country Team to ensure that environmental risk assessments are conducted in a timely manner.	Important	Yes	Director/OiC HRD	28 February 2021	UNMISS HRD will take the necessary steps to accelerate the production of Environmental Risk Assessments (ERA), but the lack of information about the detainees that is also leading to delay the ERA is beyond the control of UNMISS HRD.