

INTERNAL AUDIT DIVISION

REPORT 2015/056

Audit of the conduct and discipline function in the United Nations Interim Force in Lebanon

Overall results relating to the effective management of the conduct and discipline function were initially assessed as partially satisfactory. Implementation of three important recommendations remains in progress

FINAL OVERALL RATING: PARTIALLY SATISFACTORY

19 June 2015 Assignment No. AP2014/672/07

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AUDIT REPORT

Audit of the conduct and discipline function in the United Nations Interim Force in Lebanon

I. BACKGROUND

1. The Office of Internal Oversight Services (OIOS) conducted an audit of the conduct and discipline function in the United Nations Interim Force in Lebanon (UNIFIL).

2. In accordance with its mandate, OIOS provides assurance and advice on the adequacy and effectiveness of the United Nations internal control system, the primary objectives of which are to ensure (a) efficient and effective operations; (b) accurate financial and operational reporting; (c) safeguarding of assets; and (d) compliance with mandates, regulations and rules.

3. The Regional Conduct and Discipline Team (RCDT) in UNIFIL was responsible for supporting the heads of missions of UNIFIL, the United Nations Disengagement Force (UNDOF), the United Nations Interim Force in Cyprus (UNFICYP), the United Nations Truce Supervision Organization (UNTSO), the United Nations Special Coordinator for the Middle East Peace Process (UNSCO), the Office of the United Nations Special Coordinator for Lebanon (UNSCOL), the United Nations Support Mission in Libya (UNSMIL) and the United Nations Global Service Centre (UNGSC) in Brindisi, Italy. RCDT was responsible for receiving, assessing and referring allegations of misconduct to appropriate investigative bodies of the United Nations and Member States. RCDT acted as the principal adviser to the heads of missions and provided: (a) policy guidance and technical advice; and (b) assistance in developing preventive strategies for responding to personnel misconduct, and dissemination of United Nations guidelines, policies and procedures on conduct and discipline.

4. RCDT was headed by a Chief at the P-5 level who was assisted by four international and two national staff and two military staff officers. The approved budgets allocated to RCDT for fiscal years 2013/14 and 2014/15 consisted only of staffing costs of \$1.25 million per annum.

5. Comments provided by UNIFIL are incorporated in italics.

II. OBJECTIVE AND SCOPE

6. The audit was conducted to assess the adequacy and effectiveness of UNIFIL governance, risk management and control processes in providing reasonable assurance regarding the **effective management of the conduct and discipline function in UNIFIL**.

7. The audit was included in the 2014 risk-based audit work plan of OIOS because of risks relating to the management of conduct and discipline issues.

8. The key control tested for the audit was regulatory framework. For the purpose of this audit, OIOS defined this key control as the one that provides reasonable assurance that policies and procedures: (a) exist to guide conduct and discipline activities; (b) are implemented consistently; and (c) ensure the reliability and integrity of relevant operational information.

9. The key control was assessed for the control objectives shown in Table 1. One control objective shown in Table 1 as "Not assessed" was not relevant to the scope defined for this audit.

10. OIOS conducted this audit in January and February 2015. The audit covered the period from 1 January 2013 to 31 December 2014 and the missions under the responsibility of RCDT. The audit reviewed the handling of: (a) 15 of the 99 allegations received by RCDT during the audit period; (b) 21 of the 147 ongoing or completed investigations; and (c) 13 of the 118 closure notices.

11. OIOS conducted an activity-level risk assessment to identify and assess specific risk exposures, and to confirm the relevance of the selected key controls in mitigating associated risks. Through interviews and analytical reviews, OIOS assessed the existence and adequacy of internal controls and conducted necessary tests to determine their effectiveness.

III. AUDIT RESULTS

12. The UNIFIL governance, risk management and control processes examined were initially assessed as **partially satisfactory**¹ in providing reasonable assurance regarding the **effective management of the conduct and discipline function in UNIFIL**. OIOS made four recommendations to address the issues identified. RCDT conducted risk assessments on sexual exploitation and abuse and awareness raising activities. RCDT also implemented procedures that ensured assessment of misconduct allegations, referrals to appropriate investigation bodies, review of investigation reports, follow-up on outstanding cases, and timely closure of cases. To further improve the management of the conduct and discipline function, RCDT needed to: (a) implement a training programme and provide guidance to its conduct and discipline focal points; (b) improve staff compliance with mandatory training requirements; and (c) provide briefings and feedback to missions on the requirement to notify RCDT about misconduct allegations within required timelines.

13. The initial overall rating was based on the assessment of the key control presented in Table 1 below. The final overall rating is **partially satisfactory** as implementation of three important recommendations remains in progress.

		Control objectives						
Business objective	Key control	Efficient and effective operations	Accurate financial and operational reporting	Safeguarding of assets	Compliance with mandates, regulations and rules			
Effective management	Regulatory	Partially	Partially	Not assessed	Partially			
of the conduct and	framework	satisfactory	satisfactory		satisfactory			
discipline function in								
UNIFIL								
FINAL OVERALL RATING: PARTIALLY SATISFACTORY								

Table 1: Assessment of key control

¹ A rating of "**partially satisfactory**" means that important (but not critical or pervasive) deficiencies exist in governance, risk management or control processes, such that reasonable assurance may be at risk regarding the achievement of control and/or business objectives under review.

Regulatory framework

Work plan of the Regional Conduct and Discipline Team was adequately developed

14. The Department of Field Support (DFS) Advisory on Conduct and Discipline in Field Missions provided the tasks to be performed by RCDT including policy guidance, case management and reporting to DFS. The UNIFIL results-based budget required RCDT to support conduct and discipline activities in UNIFIL and seven other United Nations entities in the region.

15. A review of the RCDT 2013/14 work plan and the activities implemented indicated that the RCDT work plan included all the required tasks to be performed by the Team for UNIFIL, UNDOF, UNFICYP, UNTSO, UNSCO, UNSCOL, UNSMIL and UNGSC. Also, for each goal in the plan, RCDT listed planned activities per mission, expected outputs, timelines for completion and those assigned responsibility for implementation. RCDT also reviewed the accomplishment of its work plan at the end of the year and provided justifications where planned activities were not implemented. For example, RCDT cancelled conduct and discipline briefings in some missions due to the prevailing security situations. OIOS concluded that RCDT had implemented adequate controls over the development and implementation of its work plans.

Training of focal points needed improvement

16. DFS in its code cable of 28 December 2010 required heads of missions under the responsibility of RCDT to each appoint a focal point for conduct and discipline matters. The DFS Advisory on Conduct and Discipline required focal points, in close coordination with RCDT, to provide advice to heads of missions regarding preventive measures for misconduct cases and the handling of allegations of misconduct. The performance of focal points was to be evaluated to assess whether they carried out their conduct and discipline responsibilities as required.

17. A review of 2013 and 2014 records related to the appointment of focal points indicated that UNDOF and UNSMIL had not assigned focal points for a period of 14 and 13 months respectively. This was due to other management priorities relating to security issues. As at 31 December 2014, all seven missions had appointed conduct and discipline focal points. Based on the action taken, no recommendation was made.

18. Results of a survey conducted by OIOS of the seven focal points indicated that: (a) five did not receive training on their functions; (b) two did not receive a copy of the DFS Advisory; and (c) one did not receive a copy of a terms of reference outlining his/her responsibilities. This resulted as RCDT had not prioritized training needs, especially for newly appointed focal points. Further, the 2013 and 2014 workshops for focal points were cancelled pending a planned revision of the DFS conduct and discipline policy. As a result of inadequate training of and guidance to focal points, they were not fully carrying out their roles and responsibilities as stated in their terms of reference. For example, focal points in three missions did not monitor and provide RCDT with monthly and quarterly information on compliance rates for mandatory training and did not conduct briefings on conduct and discipline matters.

19. The same survey indicated that focal points were including their conduct and discipline responsibilities as part of their annual e-Performance documents for assessment by the respective heads of missions. However, in the absence of an established policy by DFS, the Head of RCDT was not involved in the evaluation of focal points' performance. Nonetheless, DFS was in the process of developing a conduct and discipline accountability policy, and a review of the draft policy indicated that the requirement to conduct performance evaluations of focal points by RCDT was being addressed. Based on

the action being taken by DFS, and because OIOS plans to conduct an audit of the DFS Conduct and Discipline Unit later in 2015, no recommendation was made on this issue.

(1) UNIFIL RCDT should develop and implement a training programme and provide necessary guidance for conduct and discipline focal points to ensure they perform their functions effectively.

UNIFIL accepted recommendation 1 and stated that it would prepare a briefing pack containing all relevant policy documents for newly appointed conduct and discipline focal points. In addition, RCDT would hold annual workshops and/or video conferences with focal points to ensure that they were fully conversant with their duties. Recommendation 1 remains open pending receipt of a copy of the briefing pack for newly appointed focal points and a list of workshops and/or video conferences with focal points conducted in 2015.

Monitoring of completion of mandatory training needed improvement

20. The DFS Advisory on Conduct and Discipline required RCDT to implement a strategy to prevent misconduct by: (a) conducting risk assessments on sexual exploitation and abuse in peacekeeping missions; (b) communicating awareness-raising activities to internal and external parties; (c) participating in the welfare committee and monitoring welfare and recreational activities; and (d) monitoring the provision of conduct and discipline training to military and civilian personnel.

21. A review of RCDT preventive activities and related records indicated that RCDT and focal points conducted sexual exploitation and abuse risk assessments for peacekeeping missions as well as awareness-raising and welfare activities as required. However, a review of training records indicated that mission personnel were not fully complying with the requirement to complete the mandatory conduct and discipline training as shown in Table 2. This resulted as RCDT and focal points did not adequately follow up with the mission training units to identify and improve the compliance rates for mandatory training.

	Induction training and specific training for military personnel on deployment	Workshop on prevention of sexual exploitation and abuse	Workshop on prohibited conduct	Online training on prohibited conduct
UNIFIL	56%	72%	76%	81%
UNTSO	97%	45%	45%	98%
UNFICYP	99%	99%	99%	63%
UNDOF	100%	35%	14%	45%
UNSCOL	92%	92%	91%	91%
UNSCO	*	59%	70%	89%
UNSMIL	*	59%	57%	1%
UNGSC	42%	80%	80%	70%

Table 2: Compliance rates of conduct and discipline training

* Statistics not maintained by missions.

22. As a result, there was an increased risk that some untrained mission personnel were not fully aware of the United Nations standards of conduct and the mission's specific rules and procedures on preventing and handling cases of misconduct.

(2) UNIFIL RCDT in coordination with conduct and discipline focal points should implement procedures to follow up with missions' training units to monitor and improve staff compliance with mandatory conduct and discipline training.

UNIFIL accepted recommendation 2 and stated that it would work with missions' military and civilian training sections to ensure compliance with mandatory training. Recommendation 2 remains open pending receipt of procedures implemented to follow up with mission training units on mandatory training and evidence that compliance rates have improved.

Allegations were not referred to the Regional Conduct and Discipline Team in a timely manner

23. DFS in its code cable of 28 December 2010 to heads of missions required them to establish appropriate channels of communication for mission personnel to report complaints or provide information on possible misconduct to RCDT. UNIFIL and other missions' standard operating procedures on reporting of misconduct required allegations received by mission personnel and investigative bodies to be forwarded to RCDT within 24 hours for sexual exploitation and abuse and criminal related allegations, and five working days for all other allegations. The DFS Advisory required missions to conduct investigations only after forwarding the relevant allegations of misconduct to RCDT for its assessment and recommendations to heads of missions on referrals to other appropriate bodies for investigation.

24. A review of complaint reception mechanisms indicated that RCDT had established secure measures including walk-ins, phone numbers, a mailbox and email addresses for mission personnel to confidentially lodge complaints on possible misconduct.

25. However, a review of 15 of the 99 allegations received by RCDT in 2013 and 2014 indicated that 6 allegations were received after an average delay of 18 days. This was because: (a) complaints were made to the mission's Security Investigation Unit and military police without notifying RCDT within the required five days; (b) mission management decided to gather additional background information on the allegation prior to notifying RCDT; and (c) in one case, mission management started the investigation without informing RCDT. These lapses and non-compliance with timelines were because mission personnel were not familiar with the standard operating procedures due to their frequent rotation. As a result, RCDT was sometimes delayed in starting its review of cases. Also, in one case, the Security Investigation Unit investigated a case that should have been dealt with through the establishment of an internal panel. This happened as RCDT did not conduct an initial review of the case.

(3) UNIFIL RCDT should brief missions annually on the requirement to notify RCDT about allegations of misconduct within the established timelines, and send similar reminders to missions in cases of late notifications.

UNIFIL accepted recommendation 3 and stated that it would provide regular briefings to mission personnel and in cases of late notifications, RCDT would inform the parties concerned of the need to notify RCDT of allegations of misconduct within established timelines. Recommendation 3 remains open pending the receipt of evidence of the briefings provided by RCDT in 2015 and in cases of late notification, a copy of the correspondence reminding relevant parties of the requirement to notify RCDT on allegations of misconduct within established timelines.

Adequate controls were in place over the assessment of allegations, referrals to investigation bodies, review of investigation reports and case closures

26. The DFS Advisory required RCDT to assess allegations of misconduct to determine whether there was sufficient information for heads of missions to initiate an investigation, and if necessary refer allegations to appropriate investigation bodies within three days after the completion of assessment. RCDT was required to review investigation reports and advise heads of missions on follow-up actions. For case closures, the Advisory required RCDT to complete a closure notice and to record all relevant information on actions taken in the Misconduct Tracking System.

27. A review of 15 of the 99 allegations received in 2013 and 2014 indicated that RCDT assessed and referred allegations in accordance with required procedures and within established timelines. A review of 7 of the 81 completed investigations and 13 of the 118 closed cases indicated that RCDT advised the heads of missions of necessary follow-up action and completed closure notices as required. OIOS concluded that controls over the assessment of misconduct allegations, referrals to appropriate investigation bodies, review of investigation reports and case closures were adequate.

Follow-up on the status of cases was adequate

28. The DFS Advisory required RCDT to follow up on allegations under investigation and update the status in the Misconduct Tracking System. The Advisory prescribed the following frequency for follow-ups: (a) every three months for investigations conducted by investigative bodies of field missions; (b) every three months for investigations on sexual exploitation and abuse and every six months for investigations conducted by the Investigations Division of OIOS; and (c) every six months for investigations conducted by Member States through DFS.

29. A review of 21 of the 147 ongoing or completed investigations during the audit period indicated that RCDT followed up on 18 cases at the required intervals. For the remaining three cases, there was insufficient follow-up initially, which was corrected later. Based on the action taken, OIOS did not make a recommendation.

30. Additionally, an analysis of outstanding cases in the Misconduct Tracking System showed that as of 31 December 2014 there were 29 outstanding allegations pending action from various offices/entities such as: review by the Office of Human Resources Management; completion of OIOS investigations; and outcome of national legal process. Nine of these cases had been outstanding for more than three years, as follows:

(a) For three cases, RCDT had difficulty in following up, as documents relating to the cases were not easily retrievable from the Misconduct Tracking System because they were misfiled and not sorted in sequence. DFS resolved this issue in January 2015 and RCDT closed all the three cases in February 2015; and

(b) For the remaining six cases, while RCDT and DFS were actively following up with Member States every six months, as required, Member States action on these cases were needed before RCDT could close the cases.

31. OIOS concluded that RCDT had established adequate controls to follow up on the status of cases.

Corrective actions were taken to comply with the performance reporting requirements for peacekeeping missions

32. The DFS Advisory required RCDT to submit, through heads of missions, performance reports to DFS on conduct and discipline activities undertaken by each field mission every month from January 2013 to June 2014 and every quarter from July to December 2014. The Advisory required the report to indicate training courses conducted, preventive actions taken, list of new allegations received, and time taken to assess allegations and follow-up actions taken on open cases. A review of all performance reports for the period January 2013 to December 2014 indicated that RCDT had not prepared monthly reports for UNIFIL, UNFICYP, UNTSO and UNDOF for periods ranging from 3 to 14 months. However, RCDT took corrective actions and started, from July 2014, to comply with the quarterly reporting on the conduct and discipline activities in these missions. As controls had been strengthened during the audit period, OIOS did not make a recommendation.

Action was taken to map services and assistance available for victims of sexual exploitation and abuse

33. The DFS Advisory required RCDT to participate in the network of the United Nations Country Team on the implementation of a victim assistance mechanism as part the Organization's strategy on remedial actions to address misconduct. DFS in its code cable 1115 of May 2014 required RCDT to update and report the mapping of services and assistance available for victims of sexual exploitation and abuse by July 2014 and continue to inform DFS on the progress in the quarterly performance reports.

34. A review of records on remedial actions taken to address misconduct indicated that RCDT participated in monthly network meetings of the United Nations Country Team. However, due to an oversight, RCDT had neither updated nor reported mapping of services and assistance available for victims of sexual exploitation and abuse and outreach activities. As a result, there was an increased risk that RCDT was not fully aware of available remedies, impacting on the Mission's ability to provide assistance to sexual exploitation and abuse victims, should the need arise.

(4) UNIFIL RCDT should take action and update and report to DFS the mapping of services and assistance available for victims of sexual exploitation and abuse.

UNIFIL accepted recommendation 4 and stated that it had sent to DFS the updated mapping of services and assistance available for victims of sexual exploitation and abuse of UNIFIL, UNDOF, UNFICYP, UNTSO, UNSCO, UNSCOL, UNSMIL and UNGSC on 12 May 2015. Based on action taken by UNIFIL RCDT, recommendation 4 has been closed.

IV. ACKNOWLEDGEMENT

35. OIOS wishes to express its appreciation to the Management and staff of UNIFIL and the conduct and discipline focal points in UNDOF, UNFICYP, UNTSO, UNSCO, UNSCOL, UNSMIL and UNGSC for the assistance and cooperation extended to the auditors during this assignment.

(*Signed*) David Kanja Assistant Secretary-General for Internal Oversight Services

STATUS OF AUDIT RECOMMENDATIONS

Audit of the conduct and discipline function in the United Nations Interim Force in Lebanon

Recom. no.	Recommendation	Critical ¹ / Important ²	C/ O ³	Actions needed to close recommendation	Implementation date ⁴
1	UNIFIL RCDT should develop and implement a	Important	0	Receipt of a copy of the briefing pack for newly	31 December 2015
	training programme and provide necessary guidance for conduct and discipline focal points to			appointed focal points and a list of workshops and/or video conferences with focal points	
	ensure they perform their functions effectively.			conducted in 2015.	
2	UNIFIL RCDT in coordination with conduct and discipline focal points should implement procedures to follow up with missions' training units to monitor and improve staff compliance with mandatory conduct and discipline training.	Important	0	Receipt of procedures implemented to follow up with mission training units on mandatory training and evidence that compliance rates have improved.	31 December 2015
3	UNIFIL RCDT should annually brief missions on the requirement to notify RCDT about allegations of misconduct within the established timelines and send similar reminders to missions in cases of late notifications.	Important	0	Receipt of evidence of briefings provided by RCDT in 2015 and in cases of late notification, a copy of the correspondence from RCDT reminding relevant parties of the requirement to notify RCDT on allegations of misconduct within established timelines.	31 December 2015
4	UNIFIL RCDT should take action and update and report to DFS the mapping of services and assistance available for victims of sexual exploitation and abuse.	Important	С	Action taken.	Implemented

¹ Critical recommendations address significant and/or pervasive deficiencies or weaknesses in governance, risk management or internal control processes, such that reasonable assurance cannot be provided regarding the achievement of control and/or business objectives under review.

² Important recommendations address important deficiencies or weaknesses in governance, risk management or internal control processes, such that reasonable assurance may be at risk regarding the achievement of control and/or business objectives under review.

 $^{^{3}}$ C = closed, O = open

⁴ Date provided by UNIFIL in response to recommendations.

APPENDIX I

Management Response



Interoffice Memorandum

DATE: 11 June 2015 Ref no: 949/UNIFIL/FC-06

- To: Ms. Eleanor T. Burns Internal Audit Division Office of Internal Oversight Services
- From: Maj Gen Luciano Portolano Head of Mission and Force Commander UNIFIL

Subject: Comments on Detailed Results of the conduct and discipline function in the United Nations Interim Force in Lebanon (AP2014/672/07

Your inter-office memorandum with reference IAD: M015402 dated
 May 2015 refers.

2. I am grateful for the opportunity to provide comments on the Detailed Audit Results of the Regional Conduct and Discipline Team UNIFIL, forwarded to me on 28 May 2015.

3. I have taken note of all the recommendations made and have provided my response in Appendix 1 to this memorandum.

Appendix 1: Management Response: Audit of the conduct and discipline function in United Nations Interim Force in Lebanon dated 11 June 2015

cc: Mr Wolfgang Weiszegger, DMS UNIFIL Mr Gordon Wardley, CRCDT UNIFIL Mr Daeyoung Park, Chief MERAO, UNIFIL Mr Effendi Syukur, Audit Focal Point UNIFIL Ms Cynthia Avena-Castillo, Professional Practices Section, IAD/OIOS

Management Response

Audit of the conduct and discipline function in the United Nations Interim Force in Lebanon

Rec. no.	Recommendation	Critical ¹ / Important ²	Accepted? (Yes/No)	Title of responsible individual	Implementation date	Client comments
1	The UNIFIL Regional Conduct and Discipline Team should develop and implement a training programme and provide necessary guidance to conduct and discipline focal points to ensure they perform their functions effectively.	Important	Yes	Chief of the Regional Conduct and Discipline Team	31 Dec 15	The UNIFIL Regional Conduct and Discipline Team will prepare a briefing pack containing all relevant policy documents for newly appointed conduct and discipline focal points. In addition, the UNIFIL Regional Conduct and Discipline Team will hold annual workshops or have video conferences with conduct and discipline focal points to ensure that they are fully conversant with their duties.
2	The UNIFIL Regional Conduct and Discipline Team in coordination with conduct and discipline focal points should implement procedures to follow up with missions' training units to monitor and improve staff compliance with mandatory conduct and discipline training.	Important	Yes	Chief of the Regional Conduct and Discipline Team, Conduct and Discipline Focal Points in Missions and Chiefs of Military and Civilian Training Sections in Missions	31 Dec 15	The UNIFIL Regional Conduct and Discipline Team will work with the missions' military and civilian training sections to ensure compliance with mandatory training is monitored to ensure increased compliance with mandatory conduct and discipline training

¹ Critical recommendations address significant and/or pervasive deficiencies or weaknesses in governance, risk management or internal control processes, such that reasonable assurance cannot be provided regarding the achievement of control and/or business objectives under review.

² Important recommendations address important deficiencies or weaknesses in governance, risk management or internal control processes, such that reasonable assurance may be at risk regarding the achievement of control and/or business objectives under review.

Management Response

Audit of the conduct and discipline function in the United Nations Interim Force in Lebanon

Rec. no.	Recommendation	Critical ¹ / Important ²	Accepted? (Yes/No)	Title of responsible individual	Implementation date	Client comments
3	The UNIFIL Regional Conduct and Discipline Team should provide annual briefings to missions on the requirement to notify the UNIFIL Regional Conduct and Discipline Team about allegations of misconduct within the established timelines and send similar reminders to missions in cases of late notification.	Important	Yes	Chief of the Regional Conduct and Discipline Team and Conduct and Discipline Focal Points in Missions	31 Dec 15	The UNIFIL Regional Conduct and Discipline Team (RCDT) will continue to provide regular briefings to mission personnel and in cases of late notifications, it will inform the parties concerned of the need to notify the UNIFIL Regional Conduct and Discipline Team of allegations of misconduct within established timelines.
4	The UNIFIL Regional Conduct and Discipline Team should take action and update and report to the Department of Field Support the mapping of services and assistance available for victims of sexual exploitation and abuse.	Important	Yes	Chief of the Regional Conduct and Discipline Team	Implemented	In May 2015, UNIFIL Regional Conduct and Discipline Team had sent to Department of Field Support the updated mapping of services and assistance available for victims of sexual exploitation and abuse of UNIFIL, UNDOF, UNFICYP, UNTSO, UNSCO, UNSCOL, UNSMIL and UNGSC.