



INTERNAL AUDIT DIVISION

REPORT 2017/032

Audit of the human rights programme
in the United Nations Stabilization
Mission in Haiti

The Mission developed and implemented a
work plan for its human rights programme
but needed to commission an independent
evaluation to assess its impact

5 May 2017

Assignment No. AP2016/683/02

Audit of the human rights programme in the United Nations Stabilization Mission in Haiti

EXECUTIVE SUMMARY

The objective of the audit was to assess the adequacy and effectiveness of governance, risk management and control processes over the human rights programme in the United Nations Stabilization Mission in Haiti (MINUSTAH). The audit covered the period from July 2015 to September 2016 and it included: (a) risk management and strategic planning; (b) work plan implementation and performance monitoring; and (c) coordination activities.

MINUSTAH developed and implemented activities in its human rights work plans, developed a strategic vision and managed the risks to the human rights programme, instituted adequate controls over the database used to record and track cases of human rights violations, regularly prepared and submitted mandatory performance reports and coordinated with United Nations Country Team to promote human rights. To further strengthen controls, MINUSTAH needed to: ensure implementing partners working with and on behalf of the Mission agree to comply with the United Nations Code of Conduct, conduct an independent evaluation of its human rights activities, and ensure staff take the mandatory online human rights course.

OIOS made three recommendations. To address issues identified in the audit, MINUSTAH needed to:

- Ensure that non-governmental organizations working with and on behalf of the Mission sign up to the United Nations Code of Conduct by including it as an annex/clause in their agreements;
- Allocate resources for independent evaluation of its human rights activities and projects to measure their effectiveness against their objectives and impact on the population; and
- Implement a monitoring mechanism to ensure staff take the mandatory online human rights course.

MINUSTAH accepted the recommendations and initiated action to implement them.

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Audit of the human rights programme in the United Nations Stabilization Mission in Haiti

I. BACKGROUND

1. The Office of Internal Oversight Services (OIOS) conducted an audit of the human rights programme in the United Nations Stabilization Mission in Haiti (MINUSTAH).
2. The MINUSTAH Human Rights Section (HRS) is mandated by relevant United Nations Security Council resolutions including resolution 2243 of October 2015 to: assist in the promotion of human rights with particular attention to women, children and vulnerable persons; investigate cases of human rights violations with a view of putting an end to impunity; and support the government of Haiti to ensure respect and protection of human rights by the Haitian National Police and the Judiciary by strengthening national human rights institutions.
3. HRS is headed by a Chief at the D-1 level and has a staff strength of 34 personnel including a United Nations Police Officer assigned to the Section. HRS reports directly to the Deputy Special Representative of the Secretary-General (DSRSG), Rule of Law and is also under the supervision of the Office of the High Commissioner for Human Rights (OHCHR) based in Geneva. HRS and OHCHR in Haiti are integrated into one team and the Chief of HRS also serves as the representative of the High Commissioner for Human Rights in Haiti.
4. HRS is funded by MINUSTAH and OHCHR budgets. For the 2015/16 and 2016/17 financial years, MINUSTAH budgets were \$459,570 and \$278,300, while the OHCHR budgets were \$89,478 and \$90,000 respectively.
5. Comments provided by MINUSTAH are incorporated in italics.

II. AUDIT OBJECTIVE, SCOPE AND METHODOLOGY

6. The objective of the audit was to assess the adequacy and effectiveness of governance, risk management and control processes over the human rights programme in MINUSTAH.
7. This audit was included in the 2016 risk-based work plan of OIOS due to the criticality of the protection of civilians and human rights issues in the mandate and operations of MINUSTAH.
8. OIOS conducted this audit from October 2016 to February 2017. The audit covered the period from July 2015 to September 2016. Based on an activity-level risk assessment, the audit covered higher and medium risks in the human rights programme of MINUSTAH, which included: (a) risk management and strategic planning; (b) work plan implementation and performance monitoring; and (c) coordination activities.
9. The audit methodology included: (a) interviews of key personnel, (b) review of relevant documentation, (c) analytical reviews of data, (d) random sample testing, and (e) surveys.

III. OVERALL CONCLUSION

10. MINUSTAH developed and implemented activities in its human rights work plans, developed the strategic vision and managed the risks to the human rights programme, instituted adequate controls over the database used to record and track cases of human rights violations, regularly prepared and submitted mandatory performance reports and coordinated with United Nations Country Team to promote human rights. To further strengthen controls, MINUSTAH needed to: (i) ensure that all implementing partners working with and on behalf of the Mission sign up to United Nations Code of Conduct; (ii) allocate resources for an independent evaluation of its human rights activities and projects; and (iii) implement a monitoring mechanism to ensure staff take the mandatory online human rights course.

IV. AUDIT RESULTS

A. Risk management and strategic planning

HRS developed the strategic vision and managed the risks to the human rights programme

11. The Policy on Human Rights in United Nations Peacekeeping Operations and Political Missions required HRS to identify and assess risks and opportunities relating to the planning of human rights programme and take appropriate action (e.g. strategies and work plans) to mitigate risks and seize opportunities.

12. HRS in coordination with OHCHR Geneva developed a Country Note for Haiti covering four years from 2014 to 2017. The Country Note is a strategic vision for the human rights programme and it mapped out the strategic priority concerns of OHCHR. In addition to establishing units within the Section to address its priorities, HRS ensured that these priorities formed the basis of the expected accomplishments in the Mission's result-based budget.

13. HRS conducted regular assessment and monitoring activities to identify risks to the achievement of the human rights programme objectives and evaluated control measures during monthly staff meetings. A review of risk assessment for the audit period indicated that HRS had identified the absence of a clear human rights interlocutor in the executive government and the delayed electoral process as the two main risk factors to the programme. To address these risks, especially the absence of a human rights interlocutor, the Chief of HRS in collaboration with the Mission senior management advocated for the appointment of a focal point through meetings and correspondences with senior level officials in government resulting in the appointment of a focal point to liaise with the Mission on human rights issues. OIOS concluded that HRS had developed the strategy and established adequate controls to manage the risks of the human rights programme.

A transitional strategy was being prepared for the human rights programme in Haiti

14. The Policy on Human Rights in United Nations Peacekeeping Operations and Political Missions states that "within the work of the respective Integrated Mission Task Force, OHCHR, Department of Peacekeeping Operations (DPKO), Department of Political Affairs (DPA) and Department of Field Support (DFS) shall ensure that a sufficient human rights presence is maintained in the transition, drawdown and liquidation phases of a field mission or operation to guarantee continuity of key human rights activities in the host country". DPKO, DPA and DFS shall consult with OHCHR and give due consideration to the impact of drawdown on existing OHCHR engagements implemented by the human rights component, including OHCHR-funded human rights technical cooperation projects.

15. An interview with the Chief of HRS indicated that in November 2015, an informal option paper was prepared to provide OHCHR leadership with options for a United Nations Human Rights presence in Haiti after the withdrawal of MINUSTAH or the reconfiguration of the peacekeeping mission in the country. However, as at the time of the audit (January 2017), OHCHR leadership had yet to take any action on the paper. There was no formal transitional strategy developed to ensure continuity in the event of a scaling down or withdrawal of MINUSTAH from the country especially now that the Mission is scaling down on its operations.

16. The Chief of HRS explained that being an integral part of the Mission, the human rights programme does not have a separate exit strategy from that of the Mission. He explained further that the human rights component of the transition plan was currently being finalized and will be reviewed by United Nations Headquarters as well as OHCHR Geneva and New York. In light of this, OIOS did not make a recommendation on this issue at this time.

B. Work plan implementation and performance monitoring

HRS planned and implemented its activities

17. United Nations Security Council resolution 2243 mandated MINUSTAH HRS to assist in the promotion of human rights in Haiti with particular attention to specified areas.

18. HRS developed annual work plans that included activities in support of the Mission's human rights mandate. A review of the annual work plan for 2016 and the Mission's results-based budget indicated that planned indicators of achievement in the work plan were aligned with the Mission results-based budget outputs. The work plan was approved by OHCHR and monitored in the OHCHR Performance Monitoring System (PMS) with a progress report generated at year end by the system.

19. Thematic priorities in the 2016 annual work plan included: (a) widening the democratic space; (b) human rights in development and in the economic sphere; (c) early warning and protection of human rights in situations of conflict, violence and insecurity; (d) countering discrimination particularly on the grounds of race, sex, religion, and marginalized persons; (e) combating impunity and strengthening accountability and the rule of law; and (f) strengthening the effectiveness of international human rights mechanism and the progressive development of international law and standards. The work plan listed activities and outputs in relation to these priorities.

20. OIOS reviews of records and interviews indicated that HRS held regular meetings with the State Secretary and conducted awareness campaigns on disability issues, developed advocacy strategic plans and provided technical assistance on the issue of children in the judicial system, provided joint training with the Rule of Law Section and participated in two radio programmes on the legal framework to prevent violence against women. HRS also supported the Judiciary and the Haitian National Police (HNP) through advocacy, capacity building, training and technical advice and the independent national human rights institution to increase its capacity to gather, analyze and process information as well as to publish reports. HRS undertook these activities amongst others to achieve the 14 National Expected Accomplishments stated on the 2016 annual work plan.

21. To monitor these activities, human rights officers paid regular visits to police stations and penitentiaries to monitor and report human rights violations and relied on reports of trained implementing partners in locations where there was no human rights office. In addition, the Chief of HRS and his team met once a month to discuss the work plan monitoring reports and weekly reports on the implementation status of approved activities and other human rights issues received from human rights officers in the

field. OIOS concluded that HRS had planned and monitored its activities in accordance with the work plan and the Mission's human rights mandate.

Implementation of the Human Rights Due Diligence Policy was on-going

22. In July 2011, the Secretary-General endorsed the Human Rights Due Diligence Policy on United Nations support to non-United Nations security forces (HRDDP). The policy states that the support must be consistent with the Organization's purpose and principles in the Charter and its obligations under international law to respect, promote and encourage respect for international humanitarian, human rights and refugee law. Such support should help recipients progress to a stage where compliance with these principles and bodies of law become the norm, ensured by the rule of law.

23. In accordance with an August 2013 code cable from DPKO to the Mission requesting an implementation review of the HRDDP, the Mission had carried out the following: (a) a refresher presentation about HRDDP to the United Nations Country Team (UNCT), (b) implementation of HRDDP through collocation of United Nations Police (UNPOL) with HNP at police stations and daily presence of Correction Officers at 17 detention facilities including monitoring visits to police stations and internally displaced persons camps, and (c) training of HNP by UNPOL.

24. However, despite the above efforts, a review of 8 out of 15 monthly reports and interviews with key staff of HRS indicated that in the context of joint UNPOL/HNP operations in high-risk neighborhoods, HNP was often in breach of international human rights standards. According to reports reviewed, there was a pattern of repeated human rights violations in arrest and search operations. HRS explained that these breaches remained unaddressed by HNP hierarchy despite the implementation of HRDDP by the Mission. Adherence to the HRDDP is important to maintain the legitimacy, credibility and public image of the United Nations and ensure compliance with the Charter and with the Organization's obligation under international law.

25. A review of a December 2016 code cable from the Mission to DPKO indicated that the Mission had implemented a number of mitigating measures, including awareness sessions, establishment of working groups on the use of force and firearms, and workshops on arrests to address concerns of alleged human rights violations committed by HNP. Fifty representatives from HNP and 30 members of UNPOL and Military components along with justices of the peace attended the workshop. Also, the Mission instituted a standard operating procedure on information sharing and follow-up action to prevent and respond to human rights violations, applicable to all mission personnel. In the light of the aforementioned activities being implemented by the Mission, OIOS did not make any recommendation on this issue at this time.

Standards of conduct between HRS and non-governmental organizations needed to be formalized

26. The Secretary-General's bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13) states that United Nations entities entering into cooperative arrangements with non-United Nations entities or individuals must inform those entities or individuals of the standards of conduct and receive a written undertaking from those entities or individuals that they accept these standards.

27. HRS worked with 19 non-governmental organizations (NGOs) in Cap-Haitian and 15 NGOs in Port-au-Prince to carry out human rights activities such as training and sensitization of the population on monitoring and reporting human rights violations. A review of documentation indicated that prior to engaging them, HRS reviewed the NGOs to establish that their activities were aligned with the priorities of the MINUSTAH human rights mandate. HRS also monitored the NGOs' activities to ensure that they

were implemented in accordance with the agreements. However, the NGOs were not required to confirm in writing that they understood and will comply with the United Nations Code of Conduct. This was due to oversight on the part of the HRS, which weakened controls to safeguard the reputation of the United Nations.

(1) MINUSTAH should take action to ensure that non-governmental organizations working with and on behalf of the Mission agree to comply with United Nations Code of Conduct by including it as an annex/clause in their agreements.

MINUSTAH accepted recommendation 1 and stated that it will include reference to the United Nations Code of Conduct in all written agreements signed with NGOs to implement activities under the human rights programme. Recommendation 1 remains open pending receipt of a sample copy of the agreement.

Adequate controls were in place over the database used to record and track cases of human rights violations

28. OHCHR maintains a database called OHCHR Human Rights Case Database, used to systematically register, manage and follow up on cases of human rights violations. It is also used to produce reports and statistics.

29. OIOS traced all 79 cases reported to HRS during the audit period and confirmed that 68 cases were recorded in the database from which reports and statistical analyses could be prepared. Eleven cases were pending verification. Also, HRS completed inquiries on 50 out of the 68 cases and followed up with authorities in 2016. Controls were in place to safeguard against unauthorized access to the database as access rights were requested through a focal point and granted to staff on a need to know basis by OHCHR Geneva. OIOS concluded that HRS had implemented adequate controls over the recording and tracking of cases of human rights violation in the database.

HRS regularly prepared and submitted mandatory performance reports

30. The Memorandum of Understanding between OHCHR and DPKO requires heads of human rights sections of peacekeeping operations to prepare and submit annual public reports, monthly reports and ad hoc reports on human rights situations and activities of the Section to the Special Representative of the Secretary-General (SRSG) with a copy to OHCHR.

31. HRS prepared weekly, monthly and periodic public reports on human rights activities and timely submitted them as required. The weekly reports were shared with OHCHR Geneva, heads of other substantive sections and the SRSG, while the monthly reports, which were a compilation of the weekly reports, were approved by the Chief of HRS and submitted to OHCHR Geneva. A review of 10 out of the 15 monthly reports prepared during the audit period indicated that HRS adequately reported on human rights issues and follow-up actions taken.

32. One periodic public report on human rights activities in Haiti was prepared during the audit period and it was approved and issued by the SRSG and OHCHR as required. OIOS concluded that HRS had implemented adequate controls over reporting on human rights related activities in MINUSTAH.

Need to evaluate and measure the impact of human rights activities and projects

33. The DPKO/DFS Civil Affairs Handbook and Guidelines on Projects/activities require missions to measure the impact of projects/activities to ensure that they contribute to the population's acceptance of mandated tasks. The handbook requires assessment of beneficiary satisfaction and confidence building impact of projects/activities.

34. A review of the online OHCHR PMS indicated that HRS evaluated its work plan in collaboration with field offices and unit heads twice a year (mid-year review and end of year review to incorporate lessons learned, remedy deficient performances and develop new opportunities) and maintained the results in the PMS. However, an independent evaluation had not been conducted to measure the performance of human rights activities/projects and assess their impact on the population.

35. This occurred because HRS did not allocate resources since it did not see the need for such an evaluation as it prepared progress reports annually. Independent evaluations would assist in determining the effectiveness and impact of the Section's activities and realigning its priorities.

(2) MINUSTAH should allocate resources for an independent evaluation of its human rights activities and projects to measure their effectiveness against their objectives and impact on the population.

MINUSTAH accepted recommendation 2 and stated that it will make financial provisions for the evaluation at the first available opportunity to revise the Mission's budget. Recommendation 2 remains open pending receipt of a copy of the evaluation report.

Need to encourage mission staff to take the mandatory online human rights training

36. The Memorandum of Understanding between OHCHR and DPKO states that the SRSG or head of the peacekeeping operation shall ensure that all staff are aware of and abide by international human rights and humanitarian law. It also provides that human rights training relevant to their function shall be provided to all deployed peacekeeping personnel. The Secretary-General's memo of December 2015 to staff announced the launch of the mandatory online course on the United Nations human rights responsibilities in Inspira urging all United Nations entities to ensure that staff at all levels take the course.

37. A survey of 100 out of 1,126 staff members of MINUSTAH indicated that 19 staff members had taken the online mandatory human rights course. According to interviews with staff, the remaining 81 had not taken the course due to lack of awareness about its existence. Mission management indicated that the Office of the Director of Mission Support had issued a circular on 29 December 2015 informing staff to take the course. However, since then, no reminder circular had been issued or monitoring mechanism put in place to follow up. Although the Integrated Mission Training Center (IMTC) included a human rights training module along with other modules during the general induction course organized for new mission staff, the human rights module was only a 30 minutes general introductory module and not as detailed as the mandatory online course.

38. Non-participation of staff in the mandatory human rights online training could result in staff not being aware of and abiding by international human rights and humanitarian law standards and also not recognizing that United Nations human rights responsibilities are their own responsibilities.

(3) MINUSTAH should implement a monitoring mechanism to ensure staff take the mandatory online human rights course.

MINUSTAH accepted recommendation 3 and stated that, on 22 March 2017, IMTC issued a circular reminding staff of the mandatory nature of the online human rights course. IMTC will periodically request that all components confirm that their staff have completed the course. Recommendation 3 remains open pending confirmation by IMTC that all staff have completed the course.

C. Coordination activities

HRS coordinated with UNCT to promote human rights

39. The United Nations human rights integration policy in peace operations requires HRS to play an important role in assisting humanitarian and development partners to integrate rights-based approaches and reflect human rights considerations in their work.

40. The HRS, representing OHCHR in Haiti, is a member of the UNCT in Haiti and attends all regular UNCT meetings. Interviews and reviews of records indicated that through regular coordination, HRS ensured a rights-based approach in the development of the Common Country Assessment and the elaboration of the United Nations Strategic Development Framework. The Section also guided the UNCT response to the bi-national migration crisis with the Dominican Republic and participated in the joint Haiti-Dominican Republic-UNCT meetings both in Haiti and Dominican Republic. The Section also coordinated the joint UNCT submission to the Human Rights Council and the Universal Periodic Review of Haiti. OIOS concluded that HRS had implemented adequate controls in the coordination between HRS and the UNCT to promote human rights in Haiti.

V. ACKNOWLEDGEMENT

41. OIOS wishes to express its appreciation to the management and staff of MINUSTAH 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 human rights programme in the United Nations Stabilization Mission in Haiti

Rec. no.	Recommendation	Critical ¹ / Important ²	C/ O ³	Actions needed to close recommendation	Implementation date ⁴
1	MINUSTAH should take action to ensure that non-governmental organizations working with and on behalf of the Mission agree to comply with United Nations Code of Conduct by including it as an annex/clause in their agreements.	Important	O	Submission of a sample copy of the agreement.	31 July 2017
2	MINUSTAH should allocate resources for an independent evaluation of its human rights activities and projects to measure their effectiveness against their objectives and impact on the population.	Important	O	Submission of a copy of the evaluation report	31 July 2017
3	MINUSTAH should implement a monitoring mechanism to ensure staff take the mandatory online human rights course.	Important	O	Confirmation by IMTC that all staff have completed the mandatory online human rights course.	31 July 2017

¹ Critical recommendations address critical and/or pervasive deficiencies in governance, risk management or control processes, such that reasonable assurance cannot be provided with regard to the achievement of control and/or business objectives under review.

² Important recommendations address important (but not critical or pervasive) deficiencies 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.

³ C = closed, O = open

⁴ Date provided by MINUSTAH in response to recommendations.

APPENDIX I

Management Response



MINUSTAH
Inter-Office Memorandum

Date: 27 April 2017
SRS/17/IOM/016

TO: Ms. Muriette Lawrence-Hume,
Chief, New York Audit Service
Internal Audit Division, OIOS

FROM: Sandra Honore,
Special Representative of the Secretary General
United Nations Stabilization Mission in Haiti

A handwritten signature in blue ink, appearing to be 'Sandra Honore', with a stylized flourish at the end.

SUBJECT: **Draft Report of the audit of the Human Rights programme in the United Nations Stabilization Mission in Haiti. (Assignment No. AP2016/683/02).**

1. I acknowledge receipt of the detailed results of the audit that your office has carried out on the Human Rights programme in the United Nations Stabilization Mission in Haiti.
2. My office has no objections to it. The results reflect the discussions held with my team members.
3. I have taken note of the recommendations made and accepted all of them. Please refer to Appendix I containing the action plan with target dates and the titles of the individuals responsible for implementing the recommendations as well comments.
4. I draw your attention to the comment regarding recommendation 1 in Appendix I that states that “MINUSTAH should take action to ensure that non-governmental organizations working with and on behalf of the Mission agree to comply with United Nations Code of Conduct by including it as an annex/clause in their agreements”.
5. While human rights organizations cooperating with the Mission, usually do not operate on the basis of sub-contractual arrangements and activities implemented in cooperation with them, are routinely undertaken with the direct involvement of

Mission's personnel, the recommendation is accepted to underscore the importance attached by MINUSTAH to complying with the United Nations Code of Conduct.

cc: Ms. Susan Page, Deputy Special Representative of the Secretary General, Rule of Law, MINUSTAH
Mr. Luc Duchesne, Chief of Staff, MINUSTAH
Ms. Veneranda, Chief of Mission Support, MINUSTAH
Mr. Giuseppe Calandrucchio, Chief Human Rights Section, MINUSTAH
Mr. Ibrahim Bah, Chief Resident Auditor, Internal Audit Division, OIOS
Md. Marinda Dominici, Audit Focal Point, MINUSTAH
Ms. Cynthia Avena-Castillo, Professional Practices Section, Internal Audit Division, OIOS

Management Response

**Audit of human rights programme in the
United Nations Stabilization Mission in Haiti**

Rec. no.	Recommendation	Critical ¹ / Important ²	Accepted? (Yes/No)	Title of responsible individual	Implementation date	Client comments
1	MINUSTAH should take action to ensure that non-governmental organizations working with and on behalf of the Mission agree to comply with United Nations Code of Conduct by including it as an annex/clause in their agreements.	Important	Yes	Chief Human Rights Section	31 July 2017	While human rights organizations cooperating with the Mission, usually do not operate on the basis of sub-contractual arrangements, and activities implemented in cooperation with them, are routinely undertaken with the direct involvement of Mission's personnel, the recommendation is accepted to underscore the importance attached by MINUSTAH of complying with the United Nations Code of Conduct.
2	MINUSTAH should allocate resources for an independent evaluation of its human rights activities and projects to measure their effectiveness against their objectives and impact on the population.	Important	Yes	Senior Planning Officer/Chief Human Rights Section	31 July 2017	Allocation of funding will be dependent on GA approval.
3	MINUSTAH should implement a monitoring mechanism to ensure staff take the mandatory online human rights course.	Important	Yes	Chief Integrated Mission Training Center/Chief Human Rights Section	IMPLEMENTED	IMTC issued on 22 March 2017, circular CMS/008/2017 reminding staff of the mandatory nature of the online human rights course. IMTC will periodically request that all components confirm that their staff have completed the course.

¹ Critical recommendations address critical and/or pervasive deficiencies in governance, risk management or control processes, such that reasonable assurance cannot be provided with regard to the achievement of control and/or business objectives under review.

² Important recommendations address important (but not critical or pervasive) deficiencies 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.