



INTERNAL AUDIT DIVISION

REPORT 2015/109

Audit of the conduct and discipline function in the African Union-United Nations Hybrid Operation in Darfur

Overall results relating to the effective management of the conduct and discipline function in the African Union-United Nations Hybrid Operation in Darfur were initially assessed as partially satisfactory. Implementation of one important recommendation remains in progress

FINAL OVERALL RATING: PARTIALLY SATISFACTORY

29 September 2015
Assignment No. AP2014/634/07

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AUDIT REPORT

Audit of the conduct and discipline function in the African Union-United Nations Hybrid Operation in Darfur

I. BACKGROUND

1. The Office of Internal Oversight Services (OIOS) conducted an audit of the conduct and discipline function in the African Union-United Nations Hybrid Operation in Darfur (UNAMID).
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 Conduct and Discipline Team (CDT) is responsible for receiving, assessing and referring allegations of misconduct to appropriate investigative bodies of the United Nations and Member States. CDT is also the principal advisor to the Head of Mission on conduct and discipline issues and was responsible for providing: (a) policy guidance and technical advice; (b) assistance in developing preventive strategies for responding to personnel misconduct; and (c) dissemination of United Nations guidelines, policies and procedures on conduct and discipline.
4. CDT is headed by a staff at D-1 level who reports to the Mission Chief of Staff and had 27 staff including 13 international staff, four national professional officers and 10 national staff. The 2013/14 and 2014/15 staff costs were \$1.62 million respectively.
5. Comments provided by UNAMID are incorporated in italics.

II. OBJECTIVE AND SCOPE

6. The audit was conducted to assess the adequacy and effectiveness of UNAMID governance, risk management and control processes in providing reasonable assurance regarding the **effective management of the conduct and discipline function in UNAMID**.
7. The audit was included in the 2014 risk-based work plan of OIOS because of the operational and reputation risks related to the management of conduct and discipline activities in UNAMID.
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 in UNAMID; (b) are complied with; and (c) ensure the reliability and integrity of financial and 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 the audit from February to May 2015. The audit covered the period from 1 July 2013 to 28 February 2015. OIOS visited four out of five sector headquarters in Darfur, namely sectors North, South, Central and West.

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 UNAMID 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 UNAMID**. OIOS made five recommendations to address issues identified. UNAMID implemented a system for tracking and reporting cases of misconduct; delivered training sessions on the United Nations standards of conduct; implemented outreach activities; assessed and referred cases for investigation; and implemented follow-up mechanisms on the finalization of cases. However, UNAMID needed to: (a) ensure the safety and confidentiality of all allegations; (b) align its procedures on the assessment, classification and recording of allegations with the requirements of the Department of Field Support Advisory on conduct and discipline in field missions (DFS Advisory); (c) identify and assess risks of misconduct and related measures to mitigate them; (d) document CDT meetings with senior management; and (e) develop and maintain up-to-date mapping of services and assistance available to victims of sexual exploitation and abuse.

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

Table 1: Assessment of key control

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

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.

A. Regulatory framework

Need for improved confidentiality of allegations of misconduct

14. The DFS Advisory requires CDT to: (a) establish efficient, safe, confidential, transparent and accessible mechanisms for the processing of allegations; and (b) use the Misconduct Tracking System to record and track all allegations of misconduct.

15. A review of mechanisms for receiving and processing misconduct allegations indicated that CDT: had focal points to receive allegations; established separate offices for receiving complaints; and maintained telephone hotlines and a secure email address for receiving allegations. CDT publicized these mechanisms in leaflets and posters published by the Communication and Public Information Division, posted in common areas such as cafeterias and distributed to staff during induction trainings. CDT also used the Misconduct Tracking System to record and track allegations of misconduct.

16. However, a review of the process for recording allegations and discussions with the staff of CDT indicated that 20 staff also used unsecure Excel spreadsheets maintained on a shared drive to record and track allegations. CDT subsequently manually transferred these cases to the Misconduct Tracking System. This was because CDT sector-based staff and focal points did not have access to the Misconduct Tracking System as DFS had provided access to only four senior staff members of CDT to ensure confidentiality. Inadequate controls over access to confidential information may jeopardize ongoing investigations, compromise the safety of complainants and tarnish the image of the United Nations.

(1) UNAMID, in collaboration with the Conduct and Discipline Unit in DFS, should implement a mechanism to ensure the safety and confidentiality of all allegations.

UNAMID accepted recommendation 1 and stated that the number of staff with access to the shared drive had been reduced to 10 conduct and discipline officers and two domain administrators. Based on the action taken by UNAMID, recommendation 1 has been closed.

The Mission submitted monthly and quarterly reports on conduct and discipline activities

17. The DFS Advisory requires CDT to submit monthly/quarterly reports on its conduct and discipline activities to DFS with copies to the Head of Mission including: new allegations received; the time taken to assess such allegations; actions taken in response to each allegation; pending cases; and training and outreach activities.

18. A review of the six monthly reports for the period 1 July to 31 December 2013 and the four quarterly reports for the 2014 calendar year indicated that CDT regularly reported to DFS all allegations assessed as misconduct and those assessed as non-misconduct cases as well the aging of outstanding cases. CDT also reported on their training and outreach activities. OIOS concluded that CDT had implemented adequate controls over reporting on its conduct and discipline activities.

Delays in assessing, classifying and recording allegations

19. The DFS Advisory requires CDT to notify OIOS of all Category I cases and Category II cases involving staff at P-5 and above. The DFS Advisory requires CDT to: (a) refer cases of serious misconduct to OIOS within three days; (b) assess, classify and record allegations within seven days; and (c) report delays and related reasons in assessing allegations to the Conduct and Discipline Unit.

Category I cases are those considered as high risk, complex and seriously criminal and Category II cases are those considered as lower risk to the Organization.

20. A review of all 135 allegations received and recorded in the Misconduct Tracking System during the audit period indicated that CDT correctly classified, assessed and recorded these cases. Of the 135 allegations received, CDT reported 21 Category I cases and 4 Category II to OIOS. However, CDT referred only 14 Category I cases within the required three days and delayed referring the remaining cases on average by 15 days. CDT also took more than 7 days to assess, classify and record 77 per cent of allegations in the Misconduct Tracking System. CDT took on average 42 days from receipt to the recording of allegations in the Misconduct Tracking System.

21. CDT attributed the delays in its quarterly reports to DFS to the need to obtain additional information and technical challenges in accessing the Misconduct Tracking System due to a slow internet connection. However, OIOS review indicated that the lack of adequate procedures also contributed to delays since UNAMID standard operating procedures require CDT to process misconduct cases within 21 days, as opposed to the requirement for 7 days in the DFS Advisory. Delays in reporting allegations increased the risk of loss of information on an allegation that could negatively impact the outcome of the investigation.

(2) UNAMID should revise and align its procedures on the assessment, classification and recording allegations with the requirements of the DFS Advisory and also remind staff of their responsibility to report and provide necessary information on allegations in a timely manner.

UNAMID accepted recommendation 2 and stated that CDT had amended its standard operating procedures to comply with the requirements of the DFS Advisory and would implement the new timelines for assessing cases. Based on the action taken by UNAMID and the evidence provided, recommendation 2 has been closed.

Adequate procedures were in place to follow-up on cases referred for investigation

22. The DFS Advisory requires CDT to follow up on allegations under investigation: (a) every three months for allegations referred to UNAMID Security Investigation Unit; (b) every six months for allegations referred to OIOS, except where such allegations relate to sexual exploitation and abuse, whereby follow-up should be after every three months; and (c) every six months for investigations conducted by Member States through DFS.

23. A review of the 2014 fourth quarter of CDT activities indicated that 6 cases referred to the Special Investigations Unit and 30 cases to Member States had been pending for over 6 months. A review of CDT follow-up process and related communications and reports for the 36 outstanding cases indicated that CDT adequately followed up as required with the investigative bodies regarding the allegations of misconduct referred to them. OIOS concluded that CDT had implemented adequate controls to ensure regular follow-up of cases under investigation.

Controls over the closure of cases were adequate

24. UNAMID standard operating procedures on case management require the Chief of CDT to sign a closing note for each case after the Head of Mission has signed a communication on the final status of the case. Cases are to be closed after appropriate sanctions have been imposed or when investigations absolve staff of any wrongdoing.

25. A review of 20 of the 160 cases closed by UNAMID during the audit period indicated that the Chief of CDT and Head of UNAMID signed the relevant closure note and final communication, respectively to indicate that the cases were closed after all relevant information and supporting documentation had been updated in the Misconduct Tracking System and appropriate sanctions had been imposed on perpetrators of misconduct. OIOS concluded that UNAMID had implemented adequate controls to ensure that misconduct cases were properly closed.

Adequate training activities were conducted

26. The DFS Advisory requires mission personnel to receive induction training and refresher courses on prevention of sexual exploitation and abuse and CDT to ensure that all personnel deployed to UNAMID receive the required training related to conduct and discipline.

27. A review of training records for the audit period indicated that CDT, in collaboration with the Integrated Mission Training Centre, delivered: (a) training sessions on conduct and discipline to all staff deployed in the Mission for the period 1 July 2013 to 31 December 2014 comprising of 637 civilians, 5,951 police and 21,629 military personnel; and (b) refresher trainings on United Nations standards of conduct for peacekeeping personnel and sexual exploitation and abuse to 490 civilians, 342 police and 774 military personnel. OIOS concluded that UNAMID implemented adequate controls to ensure all staff deployed in the Mission received the required training on matters related to conduct and discipline.

Adequate awareness activities were conducted

28. The DFS Advisory requires CDT to implement outreach activities to raise awareness on issues related to conduct and discipline. The Advisory also requires CDT, in collaboration with UNAMID Public Information Office, to implement outreach activities for the host population to raise awareness on issues related to conduct and discipline and to evaluate and assess the impact of such activities.

29. A review of outreach activities, available reports and interviews with the staff of CDT and the Public Information Office indicated that the Mission had an outreach strategy. CDT and the Public Information Office were also jointly implementing activities. Moreover, in line with their annual work plan, CDT organized forums and made presentations to individual contractors, community leaders and woman representatives, social workers, non-governmental organizations, teachers and students on conduct related issues, including on the United Nations policy on the prevention of sexual exploitation and abuse. OIOS concluded that UNAMID implemented adequate controls to ensure that awareness raising activities were regularly conducted.

Risk assessment framework was not established

30. The DFS Advisory requires CDT: to conduct regular visits and assessments in the Mission area; establish a risk assessment framework to identify risks of misconduct associated with different categories of United Nations personnel; assess preventive measures; and monitor activities. The Advisory also requires CDT to implement preventive measures aimed at reducing the occurrence of acts of misconduct.

31. CDT had not established a risk assessment framework to identify and address risks of misconduct associated with different categories of personnel. Moreover, there was no evidence of risk assessment visits conducted by CDT as these were not documented. This was because CDT had not implemented a mechanism to enforce the requirement to establish a risk assessment framework and maintain records of its risk assessment activities. As a result, there was a risk that CDT did not objectively identify and assess the risk of misconduct and implement appropriate preventive measures aimed at reducing the occurrence of acts of misconduct.

(3) UNAMID should implement a mechanism for the identification and assessment of the risks of misconduct and related measures to mitigate identified risks.

UNAMID accepted recommendation 3 and stated that CDT was documenting its risk assessment work, and the results were reflected in field mission reports. Based on the action taken by UNAMID and the evidence provided, recommendation 3 has been closed.

Adequate welfare and recreational facilities were in place

32. The DFS Advisory encourages UNAMID to implement welfare and recreational activities to strengthen morale and discipline and minimize misconduct by personnel.

33. Physical verification of welfare and recreation facilities at four of the five sectors in El Fasher, Nyala, El Geneina and Zalingei indicated that UNAMID had recreational facilities for both civilian and uniformed personnel at these locations. Additionally, a review of the contingent-owned equipment inspection reports of 5 out of 16 contingents indicated that these contingents were self-sustained with respect to recreational facilities. OIOS concluded that adequate controls were in place to ensure sufficient welfare and recreational activities for peacekeeping personnel.

Need to maintain adequate records of the Conduct and Discipline Team's meetings with senior management

34. The DFS Advisory requires CDT to highlight its meetings with UNAMID senior management in periodic reports submitted to the Conduct and Discipline Unit, DFS.

35. A review of all relevant reports, meeting statistics, and discussions with Mission officials during the audit period indicated that CDT held 17 meetings with the Joint Special Representative, 17 meetings with the Force Commander, 28 meetings with the Police Commissioner, 80 meetings with the Chief of Staff and 15 meetings with the Director of Mission Support. Additionally, CDT highlighted these meetings in its quarterly reports to DFS. However, CDT did not document issues discussed during these meetings because they did not see the need for such documentation. As a result, CDT did not have an adequate basis to follow-up and assess the impact of its meetings with senior management and ensure prompt corrective actions were taken.

(4) UNAMID should implement procedures on the documentation of the Conduct and Discipline Team's meetings with senior management.

UNAMID accepted recommendation 4 and stated that CDT had started preparing a 'note to file' after meetings with senior management. Based on the action taken by UNAMID and the evidence provided, recommendation 4 has been closed.

Need for a United Nations victims assistance mechanism in Darfur

36. The DFS Advisory requires CDT to: (a) participate in the network of the United Nations Country Team in Darfur to implement a victim assistance mechanism as part of the Organization's strategy on remedial actions to address misconduct; and (b) maintain up-to-date mapping of services and assistance (e.g. medical care, legal, psychological and social support) available for victims of sexual exploitation and abuse.

37. There was no network of the United Nations Country Team in Darfur to implement a victim assistance mechanism and CDT did not maintain mapping of victim services because there were no substantiated cases of sexual exploitation and abuse in Darfur. A recent OIOS inspection and evaluation report (IED-15-001), dated 12 June 2015, also highlighted that there had been no recorded victims of sexual exploitation and abuse in Darfur. Nonetheless, in the absence of a victim assistance mechanism, there was an unmitigated risk that any future victims of sexual exploitation and abuse would not have access to any assistance and support services.

(5) UNAMID, in partnership with the in-country network of the United Nations Country Team, should develop and maintain up-to-date mapping of services and assistance available to victims of sexual exploitation and abuse.

UNAMID accepted recommendation 5 and stated that it was liaising with the United Nations Country Team and other stakeholders, and the mapping exercise would be completed by September 2015. Recommendation 5 remains open pending receipt of evidence that the mapping of services and assistance for victims has been completed.

IV. ACKNOWLEDGEMENT

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

(Signed) David Kanja
Assistant Secretary-General, Acting Head
Office of Internal Oversight Services

STATUS OF AUDIT RECOMMENDATIONS

Audit of the conduct and discipline function in the African Union-United Nations Hybrid Operation in Darfur

| Recom. no. | Recommendation | Critical ² / Important ³ | C/ O ⁴ | Actions needed to close recommendation | Implementation date ⁵ |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|----------------------|-------------------------------------------------------------------------------------------------|----------------------------------|
| 1 | UNAMID, in collaboration with the Conduct and Discipline Unit in DFS, should implement a mechanism to ensure the safety and confidentiality of all allegations. | Important | C | Action taken. | Implemented |
| 2 | UNAMID should revise and align its procedures on the assessment, classification and recording allegations with the requirements of the Department of Field Support Advisory and also remind staff of their responsibility to report and provide necessary information on allegations in a timely manner | Important | C | Action taken. | Implemented |
| 3 | UNAMID should implement a mechanism for the identification and assessment of the risks of misconduct and related measures to mitigate identified risks. | Important | C | Action taken. | Implemented |
| 4 | UNAMID should implement procedures on the documentation of the Conduct and Discipline Team's meetings with senior management. | Important | C | Action taken. | Implemented |
| 5 | UNAMID, in partnership with the in-country network of the United Nations country team, should develop and maintain up to date mapping of services and assistance available to victims of sexual exploitation and abuse. | Important | O | Receipt of evidence that the mapping of services and assistance for victims has been completed. | 15 September 2015 |

² 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.

³ 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.

⁴ C = closed, O = open

⁵ Date provided by UNAMID

APPENDIX I

Management Response

AFRICAN UNION
الاتحاد الأفريقي



UNAMID



UNITED NATIONS
الأمم المتحدة

African Union – United Nations Hybrid Operation in Darfur

Office of the Acting Joint Special Representative

02 September 2015

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

From: Abiodun Oluremi Bashua
Acting Joint Special Representative

Subject: Draft report on an audit of conduct and discipline functions in the African Union-United Nations Hybrid Operation in Darfur (Assignment No. AP2014/634/07)

1. With reference to your memorandum of 21 August 2015, on the captioned-subject matter, please find attached UNAMID's response (Appendix I) to the draft report for your consideration.
2. I further confirm on the factual accuracy of the report.

Thank you.

cc: Mr. Rakesh Malik, Director, Mission Support Division, UNAMID
Mr. Aderemi Adekoya, Officer-in-Charge, Office of Mission Chief of Staff, UNAMID
Mr. Saif Ullah Malik, Chief Conduct and Discipline Team, UNAMID
Mr. Bolton Tarleh Nyema, Chief, Peacekeeping Audit Service, IAD, OIOS
Mr. Prances Sooja, Chief Resident Auditor, Internal Audit Division, OIOS
Mr. Velayutham Gopal, Audit Focal Point, UNAMID
Ms. Cynthia Avena-Castillo, Professional Practices Section, Internal Audit Division, OIOS

Management Response

Audit of the conduct and discipline functions in the African Union-United Nations Hybrid Operations in Darfur

| Rec. no. | Recommendation | Critical ⁶ / Important ⁷ | Accepted? (Yes/No) | Title of responsible individual | Implementation date | Client Comments |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|-----------------------|-----------------------------------------|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | UNAMID, in collaboration with the Conduct and Discipline Unit at Headquarters, should implement a mechanism to ensure the safety and confidentiality of all allegations. | Important | Yes | Chief Conduct and Discipline, UNAMID | 24 June 2015 | UNAMID has implemented this recommendation. The number of persons of accessing the shared drive has been reviewed and has decreased to 12 (10 Conduct and Discipline Officers and two domain administrators. UNAMID hereby request closure of the recommendation. |
| 2 | UNAMID should revise and align its procedures on the assessment, classification and recording allegations with the requirements of the Department of Field Support Advisory and also remind staff of their responsibility to report and provide necessary information on allegations in a timely manner. | Important | Yes | Chief Conduct and Discipline, UNAMID | 30 August 2015 | UNAMID has already revised its Standard Operating Procedure (SoP) and will implement deadline strictly. UNAMID hereby request closure of the recommendation. |
| 3 | UNAMID should implement a mechanism for the identification and assessment of the risks of misconduct and related measures to mitigate identified risks. | Important | Yes | Chief Conduct and Discipline, UNAMID | 24 June 2015 | UNAMID has since adopted the recommendations and now documenting risk assessment done; this is reflected in the field mission reports shared with OIOS. UNAMID hereby request closure of the recommendation. |

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 functions in the African Union-United Nations Hybrid Operations in Darfur

| Rec. no. | Recommendation | Critical ⁶ / Important ⁷ | Accepted? (Yes/No) | Title of responsible individual | Implementati on date | Client Comments |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|-----------------------|-----------------------------------------|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4 | UNAMID should implement procedures on the documentation of the Conduct and Discipline Team's meetings with senior management. | Important | Yes | Chief Conduct and Discipline, UNAMID | 30 June 2015 | UNAMID has since adopted the recommendations and have started documenting meetings; CDT already shared some "Note to file" with OIOS. UNAMID hereby request closure of the recommendation. |
| 5 | UNAMID, in partnership with the in-country network of the United Nations country team, should develop and maintain up to date mapping of services and assistance available to victims of sexual exploitation and abuse. | Important | Yes | Chief Conduct and Discipline, UNAMID | 15 September 2015 | UNAMID has already started liaising with UNCT and other stake holders, and mapping exercise will be completed by September 2015 |