



INTERNAL AUDIT DIVISION

REPORT 2015/126

Audit of the conduct and discipline function in the United Nations Mission in the Republic of South Sudan

Overall results relating to the effective management of the conduct and discipline function in the United Nations Mission in the Republic of South Sudan were initially assessed as partially satisfactory. Implementation of four important recommendations remains in progress

FINAL OVERALL RATING: PARTIALLY SATISFACTORY

20 October 2015
Assignment No. AP2015/633/03

CONTENTS

	<i>Page</i>
I. BACKGROUND	1
II. OBJECTIVE AND SCOPE	1-2
III. AUDIT RESULTS	2-7
Regulatory framework	3-7
IV. ACKNOWLEDGEMENT	7
ANNEX I Status of audit recommendations	
APPENDIX I Management response	

AUDIT REPORT

Audit of the conduct and discipline function 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 conduct and discipline function in the United Nations Mission in the Republic of South Sudan (UNMISS).
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 UNMISS 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 responsible for: (a) providing policy guidance, technical advice, and assistance in developing preventive strategies for responding to personnel misconduct; and (b) disseminating United Nations guidelines, policies and procedures on conduct and discipline.
4. CDT was headed by a staff member at the D-1 level who reported to the Mission Chief of Staff and had 13 staff including 6 international staff, 3 national staff, 2 United Nations volunteers, and 2 military and police staff officers. The 2013/14 and 2014/15 CDT budgets were \$1.88 million and \$1.85 million respectively. From 1 January 2013 to 31 December 2014, CDT handled 195 allegations.
5. Comments provided by UNMISS are incorporated in italics.

II. OBJECTIVE AND SCOPE

6. The audit was conducted to assess the adequacy and effectiveness of UNMISS governance, risk management and control processes in providing reasonable assurance regarding the **effective management of the conduct and discipline function in UNMISS**.
7. The audit was included in the 2015 risk-based work plan of OIOS because of the operational and reputational risks to the Organization relating to the conduct and discipline function in the Mission.
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 the conduct and discipline function in UNMISS; (b) are implemented consistently; and (c) ensure the reliability and integrity of 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 January 2013 to 31 December 2014. It reviewed conduct and discipline activities relating to all categories of peacekeeping personnel in the Mission.

11. OIOS conducted an activity-level risk assessment to identify and assess specific risk exposures, and to confirm the relevance of the selected key control 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 UNMISS 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 UNMISS**. OIOS made five recommendations to address the issues identified. UNMISS complied with the reporting requirements for its conduct and discipline activities, effectively processed allegations of misconduct and complied with established requirements for assessing, classifying and referring allegations of misconduct. However, UNMISS needed to: (a) align its risk assessment procedures with the Department of Field Support (DFS) risk assessment framework to ensure effective identification and implementation of risk mitigation measures; (b) monitor and enforce the requirement for mandatory training; (c) upload the backlog of supporting documents in the Misconduct Tracking System; (d) monitor and enforce the requirement to follow up on allegations referred to investigative bodies; and (e) establish a public information strategy to guide the creation of public information products related to sexual exploitation and abuse.

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

Regulatory framework

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

14. The DFS Advisory on conduct and discipline in field missions (the DFS Advisory) requires the CDT to submit monthly reports up to 30 June 2014 and thereafter quarterly reports on its conduct and discipline activities to DFS with copies to the Head of Mission. These reports are to include: new allegations received; the time taken to assess such allegations; actions taken in response to each allegation; and pending cases, training and outreach activities.

15. A review of the monthly and quarterly reports for the audit period indicated that CDT prepared and submitted all reports to DFS and the Head of Mission, and the reports contained required information on conduct and discipline activities in the Mission. OIOS concluded that UNMISS had implemented adequate controls to ensure compliance with the DFS reporting requirements.

The Conduct and Discipline Team adequately classified and referred allegations for investigation

16. 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) assess, classify and record allegations within seven days; (b) refer cases of serious misconduct to OIOS within three days; and (c) refer Category II cases involving staff below P-5 as well as misconduct cases considered as not serious to the Mission's Investigation 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.

17. A review of 55 of 195 cases recorded in the Misconduct Tracking System from 1 January 2013 to 31 December 2014 indicated that CDT properly and promptly assessed, classified, recorded and referred to the appropriate investigative bodies all 17 of the 55 allegations it received directly. The remaining 38 cases did not require CDT referral as the complainants filed them directly with appropriate investigative entities. OIOS concluded that UNMISS implemented adequate controls to ensure that misconduct allegations were correctly assessed, classified and referred to investigative bodies in a timely manner.

Need for improved identification and assessment of risks of misconduct

18. The DFS Advisory requires CDT to: conduct regular visits to various Mission locations; establish a risk assessment framework to identify risks of misconduct associated with different categories of United Nations personnel; assess preventive measures; and periodically evaluate the impact of preventive measures. The Advisory also requires CDT to implement preventive measures aimed at reducing the occurrence of acts of misconduct. In 2013, DFS introduced a risk assessment framework for the identification and assessment of risks to guide field missions.

19. A review of 18 risk assessment reports prepared by CDT for all 10 state capitals and 8 county support bases indicated that CDT conducted a major risk assessment exercise from 21 February to 4 April 2014 that identified risks of misconduct associated with different categories of personnel at these locations. For example, CDT identified the risk of misconduct associated with international staff using individual contractors to do domestic chores such as washing, ironing and cooking after official working hours. CDT also conducted quarterly risk assessments and reported the results of these in its quarterly reports. However, CDT did not fully comply with the DFS risk assessment framework as the team did not assess the likelihood and impact of identified risks and did not establish measures for mitigating the risks. This was because UNMISS had not aligned its risk assessment procedures with the DFS risk

assessment framework. As a result, there was the risk that the Mission did not identify and implement mitigating measures that were commensurate with the identified risks.

(1) UNMISS should align its risk assessment procedures with the DFS risk assessment framework to ensure effective identification and implementation of appropriate measures for mitigating the identified risks.

UNMISS accepted recommendation 1 and stated that the CDT risk assessment standard operating procedures had been revised to reflect the DFS risk management framework. Based on the action taken by UNMISS, Recommendation 1 has been closed.

Need for increased participation of staff in mandatory training courses

20. The DFS Advisory requires UNMISS to provide adequate and effective training to its staff on the United Nations standards of conduct and the protection of the host population from sexual exploitation and abuse. UNMISS civilian and military staff are expected to attend the mandatory training once every two years.

21. A review of CDT data and related records on staff participation in mandatory training sessions on sexual exploitation and abuse and prohibited conduct indicated that military personnel attended relevant training sessions. This was because CDT conducted training of trainers programme for contingent representatives who in turn trained 10,031 military personnel on the United Nations policy against sexual exploitation and abuse and prohibited conduct. However, attendance by civilian staff and staff officers at mandatory training courses organized by CDT was low. For example: (a) 3,305 out of a total of 4,017 civilian staff and staff officers did not attend the mandatory training on the United Nations policy against sexual exploitation and abuse in 2014; and (b) 3,719 out of a total of 4,017 civilian staff and staff officers did not attend the training on prohibited conduct in 2014.

22. The above resulted because UNMISS did not monitor and enforce the requirement for Mission personnel to participate in mandatory training courses. As a result, there was an unmitigated risk that Mission personnel were not fully aware of the United Nations standards of conduct and policy against sexual exploitation and abuse and prohibited conduct, and did not conduct themselves accordingly.

(2) UNMISS should monitor and enforce the requirement for civilian staff and staff officers to participate in mandatory training courses related to the United Nations policy against sexual exploitation and abuse and prohibited conduct.

UNMISS accepted recommendation 2 and stated that consultations were ongoing with Mission entities to work out measures to monitor and ensure compliance and attendance of UNMISS staff at mandatory trainings. Recommendation 2 remains open pending receipt of evidence that UNMISS is monitoring and enforcing the requirement for Mission personnel to participate in mandatory training courses on sexual exploitation and abuse and prohibited conduct.

The Mission implemented adequate welfare and recreation activities

23. The DFS advisory requires CDT to monitor the implementation of welfare and recreation activities and be a member of the UNMISS welfare and recreation committee to provide advice on the appropriateness of the implementation of welfare activities such as welfare trips, entertainment nights, cultural activities and presentations. The Mission also established welfare facilities such as a gym, indoor and outdoor sports equipment, a library with an internet facility, and movie lounges. A review of CDT activities indicated that it actively participated in the meetings and other activities of the welfare and

recreation committee and helped ensure that welfare and recreation facilities and support services were provided to staff members. OIOS concluded that CDT had implemented adequate controls to ensure the appropriateness of welfare and recreational activities for peacekeeping personnel.

Need to promptly upload supporting documents on allegations of misconduct in the Misconduct Tracking System

24. The DFS Advisory requires CDTs to: (a) establish efficient, safe, confidential, transparent and accessible mechanisms for the processing of allegations; (b) use the Misconduct Tracking System to record and track all allegations of misconduct; (c) record in the Misconduct Tracking System all actions taken on allegations and upload related supporting documents in the System such as referral memoranda, code cables, investigation reports, completed templates and emails.

25. A review of mechanisms for receiving and processing misconduct allegations indicated that CDT had focal points at the sector levels, separate offices, telephone hotlines and a secure email address for receiving allegations. CDT published the telephone hotlines and secure email address in information materials and on UNMISS website. CDT also used the Misconduct Tracking System to record and track allegations of misconduct. However, a review of 55 of the 195 allegations recorded in the Misconduct Tracking System indicated that CDT had not uploaded all required supporting documents such as emails and memoranda in the System due to inadequate staffing resources. As a result, the information in the Misconduct Tracking System was inadequate and may not provide an updated status of reported cases in the Mission, impacting the identification of priorities in addressing misconduct.

(3) UNMISS should assess the resource requirements and, if necessary, allocate additional resources to upload the backlog of supporting documents related to allegations of misconduct.

UNMISS accepted recommendation 3 and stated that it had assigned additional staff to upload the backlog of supporting documents in the Misconduct Tracking System. Recommendation 3 remains open pending receipt of evidence that UNMISS has uploaded the backlog of supporting documents in the System.

Need for adequate follow-up of investigations

26. The DFS Advisory requires CDT to follow up on the status of investigations: (a) every three months for allegations referred to the UNMISS Security Investigations 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 every three months; and (c) every six months for investigations conducted by Member States through DFS.

27. A review of CDT follow-up process and related communications for 55 of the 195 allegations recorded during the audit period indicated that CDT did not adequately follow up on the status of investigations on 18 cases. CDT sent only one follow-up communication to the Special Investigations Unit for 16 cases that had been pending with the Unit for more than a year. There was also no evidence of CDT following up on one case that had been pending with OIOS for 19 months and another case that had been pending with the Office of the Police Commissioner for 23 months.

28. The above resulted mainly because UNMISS did not monitor and enforce the relevant follow-up requirements. As a result, investigations could be delayed and timely corrective actions may not be taken to prevent future occurrences.

(4) UNMISS should monitor and enforce the requirement regarding follow up of the status of cases referred to investigative bodies.

UNMISS accepted recommendation 4 and stated that it would continue to work closely with investigative entities for follow-up of cases. The implementation of a procedure that would ensure that investigative bodies provide a status update on a regular basis would be in place effective November 2015. Recommendation 4 remains open pending receipt of evidence that UNMISS follows up on the investigation of allegations referred to investigative bodies.

There was a need for a public information strategy

29. The public information guidelines for allegations of misconduct committed by personnel of United Nations peacekeeping and other field missions require UNMISS to develop a public information strategy to guide the creation of public information products related to sexual exploitation and abuse. The DFS Advisory requires CDT, in collaboration with UNMISS 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.

30. CDT and the Public Information Office launched various outreach activities on sexual exploitation and abuse including: (a) a national awareness campaign in 2014 during which CDT distributed promotional materials such as posters, banners and various other items to the local population; and (b) press briefings for local and international media and outreach through Radio Miraya, social media, local television and a documentary.

31. Interviews with staff of the Public Information Office and CDT indicated that both offices were working together to develop a communication and information strategy on sexual exploitation and abuse. However, the development of the strategy had been delayed due to inadequate staff in the Public Information Office especially in the immediate aftermath of the December 2013 crisis, which placed a strain on its resources. As a result of the lack of a public information strategy on sexual exploitation and abuse, there was an increased risk that UNMISS was not using the most appropriate public information tools to effectively communicate the United Nations policy against sexual exploitation and abuse and prohibited conduct.

(5) UNMISS should allocate adequate resources to establish a public information strategy to guide the creation of public information products related to sexual exploitation and abuse.

UNMISS accepted recommendation 5 and stated that it would finalize its public information strategy on sexual exploitation and abuse and prohibited conduct. Recommendation 5 remains open pending receipt of a copy of UNMISS public information strategy on sexual exploitation and abuse, and prohibited conduct.

The Mission had mapped services and assistance; however, no victim had used them

32. The DFS Advisory requires CDT to: (a) participate in the network of the United Nations Country Team 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.

33. A review of the activities of CDT and discussions with staff indicated that CDT participated in the network of the United Nations Country Team to implement a victim assistance mechanism. CDT also

maintained up-to-date mapping of services and assistance available for victims of sexual exploitation and abuse. However, a recent OIOS inspection and evaluation report (IED-15-001), dated 12 June 2015, highlighted that all 9 victims recorded by the Mission had not been referred to mapped services. To deal with this systemic issue, OIOS/IED recommended that DPKO/DFS propose a funded comprehensive strategy to provide appropriate assistance and support to victims of sexual exploitation and abuse. Based on this, no recommendation was made in this report.

IV. ACKNOWLEDGEMENT

34. 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) 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 United Nations Mission in the Republic of South Sudan

Recom. no.	Recommendation	Critical ¹ / Important ²	C/ O ³	Actions needed to close recommendation	Implementation date ⁴
1	UNMISS should align its risk assessment procedures with the DFS risk assessment framework to ensure effective identification and implementation of appropriate measures for mitigating the identified risks.	Important	C	Action taken.	Implemented
2	UNMISS should monitor and enforce the requirement for civilian staff and staff officers to participate in mandatory training courses related to the United Nations policy against sexual exploitation and abuse and prohibited conduct.	Important	O	Receipt of evidence that UNMISS is monitoring and enforcing the requirement for Mission personnel to participate in mandatory training courses related to the United Nations policy against sexual exploitation and abuse and prohibited conduct.	30 November 2015
3	UNMISS should assess the resource requirements and, if necessary, allocate additional resources to upload the backlog of supporting documents related to allegations of misconduct.	Important	O	Receipt of evidence that UNMISS has uploaded the backlog of supporting documents in the System.	30 October 2015
4	UNMISS should monitor and enforce the requirement regarding follow up of the status of cases referred to investigative bodies.	Important	O	Receipt of evidence that CDT regularly follows up on the investigation of allegations referred to investigative bodies.	30 November 2015
5	UNMISS should allocate adequate resources to establish a public information strategy to guide the creation of public information products related to sexual exploitation and abuse.	Important	O	Receipt of a copy of UNMISS public information strategy on sexual exploitation and abuse, and prohibited conduct.	30 November 2015

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 UNMISS in response to recommendations.

APPENDIX I

Management Response



UNMISS

CONFIDENTIAL
Date: 19 October 2015

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

From: Ms. Ellen Margrethe Loej
Special Representative of the Secretary General,
United Nations Mission in South Sudan

Subject: **Draft report on an audit of the conduct and discipline function in the United Nations Mission in the Republic of South Sudan (Assignment no. AP2015/633/03)**

1. Reference is made to your memorandum dated 8 September 2015 on the audit of conduct and discipline function in UNMISS.
2. Please find attached the comments of UNMISS on the recommendations listed in Appendix 1 of the draft report of the auditors.
3. UNMISS would like to take this opportunity to express its appreciation for the work of the auditors and for the valuable recommendations made by the auditors as a result of this audit.

Thank you and best regards,

Attachments: Appendix 1 with UNMISS comments

cc: Ms. Stephani L. Scheer, Director of Mission Support
Mr. Paul Egunsola, Chief of Staff
Ms. Corinne Clavé, Audit Focal Point
Mr. Olayinka Adeyemi, Officer in Charge, Conduct and Discipline Team
Mr. Bolton Tarleh Nyema, Chief, Peacekeeping Audit Service, Internal Audit Division, OIOS
Ms. Cynthia Avena-Castillo, Professional Practices Section, Internal Audit Division, OIOS

Management Response

Audit of the conduct and discipline function in the United Nations Mission in the Republic of South Sudan

Rec. no.	Recommendation	Critical ¹ / Important ²	Accepted? (Yes/No)	Title of responsible individual	Implementation date	Client comments
1	UNMISS should align its risk assessment procedures with the DFS risk assessment framework to ensure effective identification and implementation of appropriate measures for mitigating the identified risks.	Important	Yes	Chief CDT	24 August 2015	The CDT Risk assessment SOP has been revised and procedures aligned to reflect DFS risk management framework. This recommendation is considered as implemented.
2	UNMISS should monitor and enforce the requirement for civilian staff to participate in mandatory training courses related to the United Nations policy against sexual exploitation and abuse and prohibited conduct.	Important	Yes	Chief CDT	30 November 2015	Consultations are ongoing with mission entities to workout measures to monitor and ensure compliance and attendance of UNMISS civilian staff at mandatory trainings.
3	UNMISS should assess the resource requirements and, if necessary, allocate additional resources to upload the backlog of supporting documents related to allegations of misconduct.	Important	Yes	Chief CDT	30 October 2015	UNMISS has assigned additional staff to clear the backlog of documents to be uploaded into MTS.
4	UNMISS should monitor and enforce the requirement regarding follow up of the status	Important	Yes	Chief CDT	30 November 2015	UNMISS continues to work closely with investigative entities for follow-up

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 deficiencies or weaknesses 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.

Management Response

Audit of the conduct and discipline function in the United Nations Mission in the Republic of South Sudan

Rec. no.	Recommendation	Critical ¹ / Important ²	Accepted? (Yes/No)	Title of responsible individual	Implementation date	Client comments
	of cases referred to investigative bodies.					on cases. The implementation of a procedure that ensures that investigative bodies provides a status update on a quarterly and regular basis will be put in place effective 01 November 2015.
5	UNMISS should allocate adequate resources to establish a public information strategy to guide the creation of public information products related to sexual exploitation and abuse.	Important	Yes	Chief PIO & Chief CDT	30 November 2015	UNMISS is in the process of developing a public information strategy.