



INTERNAL AUDIT DIVISION

AUDIT REPORT

Audit of human rights programme in MONUSCO

Overall results relating to the effective implementation of the human rights programme in MONUSCO were initially assessed as partially satisfactory. Implementation of three important recommendations remains in progress.

**FINAL OVERALL RATING: PARTIALLY
SATISFACTORY**

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AUDIT REPORT

Audit of human rights programme in MONUSCO

I. BACKGROUND

1. The Office of Internal Oversight Services (OIOS) conducted an audit of the human rights programme in United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO).

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 MONUSCO Human Rights Division (HRD) was mandated by Security Council resolutions 1756 (15 May 2007), 1794 (21 December 2007) and 1856 (22 December 2008) to assist in the promotion and protection of human rights with particular attention to women, children and vulnerable persons; investigate human rights violations with a view to putting an end to impunity; assist in the development and implementation of a transitional justice strategy; and cooperate in national and international efforts to bring to justice perpetrators of grave violations of human rights and international humanitarian law.

4. The HRD had a authorized staffing strength of 154 staff (funded by MONUSCO, the Office of the High Commissioner for Human Rights (OHCHR) and the United Nations Development Programme), and integrated into one team called the United Nations Joint Human Rights Office (UNJHRO) as part of the “one United Nations” agenda. HRD is headed by a Director who reports to the Deputy Special Representative of the Secretary-General, Rule of Law (DSRSG-ROL) and to the High Commissioner of OHCHR. For fiscal years 2009/10 and 2010/11, the Division’s budgets for travel, training, printing and public information services were \$337,100 and \$411,600 respectively

5. Comments provided by the MONUSCO are incorporated in italics.

II. OBJECTIVE AND SCOPE

6. The audit was conducted to assess the adequacy and effectiveness of MONUSCO’s governance, risk management and control processes in providing reasonable assurance regarding the **effective implementation of the human rights programme**.

7. This audit was included in the 2011 OIOS risk-based work plan due to the criticality of the protection of civilians in MONUSCO’s mandate.

8. The key controls tested for the audit were: (a) risk management and strategic planning; (b) performance monitoring; (c) project management; and (d) coordinated management. For the purpose of this audit, OIOS defined these key controls as follows:

(a) **Risk management and strategic planning** - controls that provide reasonable assurance that risks relating to the human rights programme are identified and assessed, and that action is taken to mitigate or anticipate risks.

(b) **Performance monitoring** - controls that provide reasonable assurance that metrics are: (i) established and appropriate to enable measurement of the efficiency and effectiveness of operations; (ii) prepared in compliance with rules and are properly reported on; and (iii) used to manage operations appropriately.

(c) **Project management** - controls that provide reasonable assurance that there is sufficient project management capacity including sufficient financial and human resources to implement activities, and tools and systems to monitor and report on performance.

(d) **Coordinated management** - controls that provide reasonable assurance that potential overlaps in delivery of the human rights programme are mitigated, and that issues affecting or involving other United Nations partners are identified, discussed and resolved in a timely manner and at the appropriate forum.

9. The key controls were assessed for the control objectives shown in Table 1.

10. OIOS conducted this audit from August 2011 to December 2011. The audit covered the period from 1 July 2009 to 30 June 2011.

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, analytical reviews and tests of controls, OIOS assessed the existence and adequacy of internal controls and conducted necessary tests to assess their effectiveness.

III. AUDIT RESULTS

12. MONUSCO's governance, risk management and control processes examined were assessed as **partially satisfactory** in providing reasonable assurance regarding the **effective implementation of the human rights programme**. OIOS made three recommendations to address issues identified. MONUSCO had established adequate oversight and multi-disciplinary teams to implement the programme, and had enhanced its investigation and intervention capacities. MONUSCO had implemented a community alert network system and built capacity through training of local military, police, judges and prosecutors to successfully prosecute offenders. However, there was a need to develop and include a transitional strategy in the United Nations Transitional Framework to ensure continuity of human rights activities in case of a scaling down or withdrawal of MONUSCO, to increase participation in Joint Protection Team missions; and to ensure that partners have been informed and agree to abide by the United Nations Code of Conduct.

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

Table 1: Assessment of key controls

	Key controls	Control objectives			
		Efficient and effective operations	Accurate financial and operational reporting	Safeguarding of assets	Compliance with mandates, regulations and rules
Effective implementation of the human rights programme	(a) Risk management and strategic planning	Partially satisfactory	Partially satisfactory	Partially satisfactory	Partially satisfactory
	(b) Performance monitoring	Satisfactory	Satisfactory	Satisfactory	Satisfactory
	(c) Project management	Satisfactory	Satisfactory	Satisfactory	Satisfactory
	(d) Coordinated management	Partially satisfactory	Satisfactory	Satisfactory	Partially satisfactory
FINAL OVERALL RATING: PARTIALLY SATISFACTORY					

A. Risk management and strategic planning

Strategic priorities were developed and monitored

14. UNJHRO developed a Country Note for the DRC for the fiscal year 2010/11 that mapped out the strategic priority concerns of the Office: (a) summary and arbitrary executions; (b) torture/deaths in detention; (c) arbitrary arrests and illegal detentions; and (d) violation of economic rights/illegal mining and sexual violence. In addition, task forces were established to address these priorities, and priorities were discussed during the weekly Senior Management Group and bi-weekly Senior Management Team meetings. Priorities were also addressed in other ad-hoc groups such as the rapid response and early warning cell, under the guidance of the DSRSG-ROL. The priorities formed the basis of the development of the expected accomplishments in the Mission’s results-based budget (RBB).

Transitional strategic planning needed improvement

15. The United Nations Transitional Framework (UNTF), which provided the transition arrangements for the United Nations Country Team (UNCT), was being finalized. However, there was no formal transitional strategy developed and integrated into the overall UNTF to ensure continuity of human rights activities in the event of a scaling down or withdrawal of MONUSCO from the country. The transitional strategy needed to be a dynamic document that was maintained up-to-date throughout the life of the Mission.

(1) MONUSCO, in consultation with the United Nations Country Team and the Office of the High Commissioner for Human Rights, should develop and include a transitional strategy in the United Nations Transitional Framework to ensure continuity of the human rights activities in case of a scaling down or liquidation of the peacekeeping mission.

MONUSCO accepted recommendation 1 and stated that OHCHR had residual responsibility for human rights when a peacekeeping mission is no longer present in the country. In this respect, consultation would take place in the coming months. Recommendation 1 remains open pending receipt of a copy of the final UNTF that includes a strategy for the continuity of human rights activities in DRC.

B. Performance monitoring

Key performance indicators were established and adequately reported on

16. As part of the RBB process, the UNJHRO identified and established expected accomplishments, related outputs, and activities to achieve these accomplishments, as well as responsibility for such accomplishments. Actual outputs achieved by MONUSCO were adequately reported as part of the RBB performance report and through other periodic, thematic and ad-hoc public reports including the Secretary-General's report to the United Nations Security Council. MONUSCO had successfully produced its human rights related outputs in accordance with the requirements of the RBB.

C. Project management

The UNJHRO programme reporting function was adequate

17. During 2009/10 and 2010/11, UNJHRO's reporting activities were performed satisfactorily. The daily, weekly and monthly reports were completed and sent to the Reporting and Investigation Unit for consolidation and distribution to relevant stakeholders. The reports to the Senior Management Group-Protection (SMG-P) and the Protection Working Group (PWG) were regularly prepared and distributed. Ad-hoc reports on human rights violations were written and published according to the existing policies and procedures. UNJHRO also issued public reports in a timely manner, including the Secretary-General's report to the Security Council. The reports were jointly approved by OHCHR and MONUSCO.

There was adequate capacity building for the DRC Police and Military on human rights issues

18. For 2009/10 and 2010/11, a number of milestones were achieved thereby positioning UNJHRO to assist in critical functions in the areas of advocacy, advisory and technical assistance to the Government, judicial institutions as well as civil society in the enactment of legislative reforms. These milestones included the development of a due diligence database of human rights violations used to screen potential beneficiaries of United Nations partners. During 2010/11, the UNJHRO, in collaboration with other MONUSCO sections and UNPOL conducted over 116 capacity building sessions attended by 9,710 participants from the DRC Police and Military.

19. The activities of UNJHRO assisted the progression of the concept of peaceful assembly, allowed the prosecution and sentencing of military personnel including high ranking officers, and helped in the establishment of 43 mobile court hearings to deal with human rights cases.

Action was being taken to address sexual violence and impunity

20. The UNJHRO established a database with profiles of perpetrators of serious crimes committed in DRC, which was used by the United Nations and the host country's bilateral partners to screen beneficiaries of military assistance and training. A nationwide "access to justice" programme for victims of sexual violence had been implemented to strengthen access to justice for victims in 9 of 11 provinces in DRC.

21. In October 2010, OHCHR published the DRC Mapping Report, which was the outcome of a project supported by UNJHRO that documented the most serious violations of human rights and international humanitarian law committed between 1993 and 2003. It laid the foundation for developing a

national framework for transitional justice and had helped in carrying out successful investigations of subsequent events such as mass rape and other human rights violations that took place in DRC during 2010 and 2011. The investigations included the identification of the causes and the perpetrators of the violations. The reports on these investigations were widely publicized.

Advocacy efforts to facilitate access to justice and to fight impunity were progressing well

22. Security Council resolutions 1856, 1906, 1925 and 1991 mandated MONUSCO to assist the Government of DRC to put an end to impunity, assist in the development and implementation of a transitional justice strategy, and cooperate in national and international efforts to bring to justice perpetrators of violations of human rights and international humanitarian law.

23. Twelve of 16 human rights conventions had been ratified by the Government; four important conventions were not ratified, namely the convention on the non-applicability of the statutory limitations to war crimes and crimes against humanity, the convention on the protection of rights of all migrant workers and members of their families, the convention on the rights of persons with disabilities, and the convention for the protection of all persons from enforced disappearance. MONUSCO continued to enhance its advocacy efforts with the Government to ratify the remaining human rights conventions.

D. Coordinated management

Coordination mechanisms were effective

24. With the integration of the MONUSCO HRD and OHCHR into the UNJHRO, the activities and resources of both entities were combined to avoid duplication of effort. This also allowed the Government of the DRC to have only one interlocutor from the United Nations system on human rights issues. Additionally, MONUSCO had established mechanisms to implement its mandate regarding the protection of civilians including human rights issues throughout DRC. These mechanisms, which were both at senior management and operational levels, included the SMG-P, the Joint Monitoring Teams, the PWG and the Community Alert Network system. UNJHRO was part of the established multi-disciplinary teams of MONUSCO that comprised the Joint Investigation Teams, the Joint Protection Teams (JPTs), Joint Assessment Missions and the Prosecution Support Cells involved in the protection of civilians. MONUSCO also worked with non-governmental organizations (NGOs) to build capacity for specific human rights practitioners including judges and prosecutors.

Participation in Joint Protection Teams missions needed to be improved

25. During November 2009, May 2010 and January 2011, UNJHRO did not take part in 7 of 16 (44 per cent) JPT missions. Although all JPT missions are lead by the Civil Affairs Section, the participation of UNJHRO in JPTs was a MONUSCO senior management priority, and important to the implementation of the human rights aspects of the MONUSCO mandate by enhancing its capacity to protect civilians. UNJHRO advised OIOS that although participation of human rights staff in all JPT missions was important, they were unable to do this due to lack of staff. In OIOS' view, UNJHRO could improve its participation through reviewing its planning and prioritization of workload assignments, and by ensuring all authorized posts were fully encumbered.

<p>(2) MONUSCO should ensure that there are adequate resources, as well as improved planning and prioritization of these resources, to enable the United Nations Joint Human Rights Office to take part in all Joint Protection Team missions.</p>

MONUSCO accepted recommendation 2 and stated that UNJHRO currently supports eight OHCHR seconded JPT human rights staff through voluntary funds for which their contracts end on 30 September 2012. The High Commissioner of OHCHR had written to donors and underscore. However, no pledges had been received for 2012/13, and therefore a funding gap remains. MONUSCO was looking into prioritization of existing resources to improve participation in JPT missions. Recommendation 2 remains open pending confirmation that UNJHRO has increased its participation in JPT missions in line with MONUSCO's priorities.

Partnership between the UNJHRO and the non-governmental organizations needs to be formalized

26. The Secretary-General's Bulletin (ST/SGB/2003/13) requires that United Nations entities entering into cooperative arrangements with non-United Nations entities or individuals shall inform those entities or individuals of the standards of conduct and shall receive a written undertaking from those entities or individuals that they accept these standards. There was no documented evidence that NGOs partnering with UNJHRO had been briefed and signed an undertaking to comply with the United Nations Code of Conduct. Furthermore, there was no mechanism to monitor the execution of tasks by the selected NGOs to ensure that their personnel were not engaged in misconduct.

(3) MONUSCO should, in line with Secretary-General's Bulletin ST/SGB/2003/13, ensure that all non-governmental organizations that have entered into cooperative arrangements with the United Nations Joint Human Rights Office have been informed of the United Nations Code of Conduct and have confirmed in writing that they accept these standards.

MONUSCO accepted recommendation 3 and stated that when UNJHRO contracts an external actor (NGO, legal clinic) to provide services they would append the relevant declaration as required by ST/SGB/2003/13. Recommendation 3 remains open pending receipt of evidence that cooperative arrangements with external partners include the requirements of ST/SGB/2003/13.

IV. ACKNOWLEDGEMENT

27. OIOS wishes to express its appreciation to the Management and staff of MONUSCO for the assistance and cooperation extended to the auditors during this assignment.



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