



INTERNAL AUDIT DIVISION

AUDIT REPORT

Conduct and discipline in MONUSCO

MONUSCO made commendable efforts to improve conduct and discipline activities. Weaknesses remain in the areas of staff outreach and training, investigative capacity and reporting of cases handled by the military

1 February 2011

Assignment No. AP2010/620/02

United Nations  Nations Unies

INTEROFFICE MEMORANDUM

MEMORANDUM INTERIEUR

OFFICE OF INTERNAL OVERSIGHT SERVICES · BUREAU DES SERVICES DE CONTRÔLE INTERNE
INTERNAL AUDIT DIVISION · DIVISION DE L'AUDIT INTERNE

TO: Roger Meece,
A: Special Representative of the Secretary-General
MONUSCO

DATE: 1 February 2011

REFERENCE: IAD:11-00069

FROM: Fatoumata Ndiaye, Director
DE: Internal Audit Division, OIOS



SUBJECT: **Assignment No. AP2010/620/02 - Follow-up audit of conduct and discipline in MONUSCO**
OBJET:

1. I am pleased to present the report on the above-mentioned audit.
2. Based on your comments, we are pleased to inform you that we will close recommendations 1 and 3 in the OIOS recommendations database as indicted in Annex 1. In order for us to close the remaining recommendations, we request that you provide us with the additional information as discussed in the text of the report and also summarized in Annex 1.
3. Please note that OIOS will report on the progress made to implement its recommendations, particularly those designated as high risk (i.e., recommendation 2), in its annual report to the General Assembly and semi-annual report to the Secretary-General.

cc: Mr. Chander Prakash Wadhwa, Force Commander, MONUSCO
Mr. Ola Almgren, Chief of Staff, MONUSCO
Mr. Swatantra Goolsarran, Executive Secretary, UN Board of Auditors
Ms. Susanne Frueh, Executive Secretary, Joint Inspection Unit
Mr. Seth Adza, Chief, Audit Response Team, DFS
Mr. Jonathan Childerley, Chief, Oversight Support Unit, Department of Management
Mr. Byung-Kun Min, Special Assistant to the USG-OIOS
Ms. Eleanor T. Burns, Chief, Peacekeeping Audit Service, OIOS
Ms. Amy Wong, Programme Officer, Internal Audit Division, OIOS

INTERNAL AUDIT DIVISION

FUNCTION

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EXECUTIVE SUMMARY

Audit of conduct and discipline in MONUSCO

The Office of Internal Oversight Services (OIOS) conducted an audit of conduct and discipline in the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). The overall objective of the audit was to assess the adequacy and effectiveness of measures taken by the Mission since OIOS' previous audit of the Mission's conduct and discipline activities. The audit was conducted in accordance with the International Standards for the Professional Practice of Internal Auditing.

OIOS assessed that the Mission had fully implemented 10 of the 13 recommendations previously made by OIOS, and had taken a number of additional measures to improve conduct and discipline. The implemented recommendations include: (a) issuing standard operating procedures to guide and direct staff; (b) diversifying and improving welfare activities; and (c) increasing the capacity to provide training to staff on conduct and discipline issues. However, there were opportunities to further strengthen conduct and discipline in MONUSCO, as follows:

- The Mission did not maintain a database of misconduct cases handled by the military. Therefore, the extent of misconduct by military personnel could not be reliably established.
- The Mission had not implemented appropriate mechanisms to ensure that all staff members attended the conduct and discipline training during their induction. Only 43 per cent of a sample of 300 staff had attended the training.
- The Special Investigation Unit's capacity to investigate SEA cases was not adequate. Only one of the Unit's eight staff had been trained. This contributed to delays in disposing of SEA cases. For example, 39 out of 64 SEA allegations received by the Mission from 1 January 2009 to 31 October 2010 had been pending completion for nine to 22 months.
- Zero Tolerance posters and leaflets for SEA were not displayed at all condom distribution points or included in the pre-deployment packs for Military Observers to serve as a constant reminder to staff.

OIOS made five recommendations to address the issues identified during the audit and improve related controls. MONUSCO accepted the recommendations and is taking action to implement them.

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I. INTRODUCTION

1. The Office of Internal Oversight Services (OIOS) conducted an audit of conduct and discipline in the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). The audit was conducted in accordance with the International Standards for the Professional Practice of Internal Auditing.
2. The Conduct and Discipline Team (CDT) is the Mission's focal point for handling conduct and discipline related matters for all categories of peacekeeping personnel. It provides policy guidance and technical advice, assistance in developing preventive strategies for responding to Mission personnel misconduct, and dissemination of United Nations guidelines, policies and procedures on conduct and discipline.
3. The CDT works in collaboration with the various units, offices and sections on monitoring and investigating misconduct cases in the Mission. This includes OIOS Investigations Division, the Special Investigations Unit (SIU) and the Office of the Force Provost Marshall. The Chief of CDT reports directly to the Special Representative of the Secretary-General (SRSG). The Team has 21 approved posts.
4. Comments made by MONUSCO are shown in *italics*.

II. AUDIT OBJECTIVES

5. The main objective of the audit was to assess the adequacy and effectiveness of measures taken by the Mission since the last audit of the CDT by OIOS.

III. AUDIT SCOPE AND METHODOLOGY

6. The audit covered the period from 1 January 2009 to 30 November 2010 and reviewed the actions taken by MONUSCO since the recent audit of the CDT by OIOS. The Board of Auditors' observations and recommendations were also taken into account during the audit.
 7. The audit methodology included interviews with key Mission staff and senior management. In addition, relevant documents and records were obtained and analyzed.
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IV. AUDIT RESULTS

A. Implementation of prior audit recommendations

8. The prior OIOS audit report on conduct and discipline (AP2008/620/01) contained 13 recommendations, of which 10 had been fully implemented as of the date of the audit. The implemented recommendations included: (a) issuing standard operating procedures to guide and direct staff; (b) liaising with the CDT of DFS for the promulgation of the necessary policy guidelines and procedures to facilitate the implementation of the strategy on assistance to victims of sexual abuse; (c) ensuring that all misconduct cases are reported to the SUI; (d) diversifying and improving welfare activities; and (e) by increasing the capacity to train staff on conduct and discipline issues. Overall, since the audit, the Mission had implemented policies and procedures to increase awareness of and prevent misconduct.

9. The number of SEA cases decreased from 59 in 2009 to 30 in 2010 as indicated in Table 1.

Table 1: Number of allegations of SEA by category of staff

| Year | Civilians | Military | Police | Unknown | Non-UN | Total |
|------|-----------|----------|--------|---------|--------|-------|
| 2009 | 13 | 40 | 2 | 2 | 2 | 59 |
| 2010 | 6 | 22 | 1 | - | 1 | 30 |

Data obtained from CDT UNLB website as of 15 November 2010.

10. The reduction in allegations of SEA was considered a positive indication of the CDT's increased training outreach aimed at increasing awareness amongst staff about SEA, as well as the establishment of additional Conduct and Discipline Teams in Goma, Bukavu and Bunia. Additionally, recreational activities were now more diversified compared to prior years, providing staff members with more entertainment such as movie nights, welfare trips, games, libraries and gyms, which were not previously available.

11. Notwithstanding the commendable efforts of the Mission in implementing OIOS' recommendations, there was still the need to implement the remaining three recommendations or take appropriate compensatory measures. For example, resolution 59/287 stipulates that staff members should be informed of the most common examples of misconduct and/or criminal behavior and their disciplinary consequences. Also, the prior OIOS' audit on conduct and discipline contained a recommendation that the SRSG considers disseminating information about disciplinary measures taken against perpetrators of misconduct to serve as deterrence.

Recommendation 1

(1) The MONUSCO Management should disseminate information on misconduct in the Mission, including for example, about disciplinary measures taken against perpetrators of misconduct to serve as deterrence.

12. *The MONUSCO Management accepted recommendation 1 and stated that the Office of the DMS annually disseminates the Secretary-General's report on "Practice of the Secretary-General in disciplinary matters and possible criminal behavior." In addition, six-monthly reports on CDT activities including outcome of investigations and disciplinary actions taken have been published through MONUSCO intranet and need to be every six months.* Based on MONUSCO's comments, recommendation 1 has been closed.

13. OIOS had also recommended that the Office of the Force Commander maintain an adequate database of cases investigated by the military. Although this recommendation was accepted, it had not been implemented. The Force Provost Marshall used a Word document to record information on investigations involving military personnel. The document was saved on a shared drive and could be accessed by all military officers with access to the shared drive. There was thus the risk of breach of confidentiality of staff and that the integrity of investigations could not be assured.

Recommendation 2

(2) The MONUSCO Management should ensure that a database is maintained to record misconduct cases investigated by the military. The database should enable tracking, monitoring and generating reports while access is restricted to ensure confidentiality.

14. *The MONUSCO Management accepted recommendation 2 and stated that the current database will be improved and updated to ensure restricted access in order to maintain confidentiality.* Recommendation 2 remains open pending evidence of full implementation of a database to record misconduct cases investigated by the military, while confidentiality is maintained.

B. Conduct and discipline briefing during the induction period

15. DPKO's code cable 0632 dated 20 March 2009 required new peacekeeping personnel arriving in a field mission to receive mission induction training before being assigned operational duties. Briefing on conduct and discipline should be provided within 30 days of a staff member's arrival in the Mission to mitigate the risk of being involved in misconduct activities.

16. MONUSCO had not implemented adequate measures to ensure that all staff members arriving in the Mission were provided with conduct and discipline awareness briefing in a timely manner. Out of a sample of 300 staff selected from the list of 900 staff that joined the Mission after 20 March 2009, evidence of attendance was available for 129 or 43 per cent of the sample.

17. Failure to ensure that all staff attend the conduct and discipline briefing could result in increased noncompliance with the United Nations code of conduct standards.

Recommendation 3

(3) The MONUSCO Management should implement appropriate measures to ensure timely participation of staff in the mandatory training on conduct and discipline.

18. *The MONUSCO Management accepted recommendation 3 and stated that every month, a list of new staff will be sent by the Personnel Section to the CDT to ensure timely participation of all personnel in conduct and discipline training.* MONUSCO further informed OIOS that CDT statistics showed that in 2009, CDT trained 647 civilian staff joining the Mission. Based on the assurance provided by Management, recommendation 3 has been closed.

C. Distribution of condoms and zero tolerance policies

19. DPKO's 2007 briefing note provides that all condom dispensers in missions must be marked with a text that explicitly reminds personnel of the prohibition against SEA. This was intended to constantly remind staff about the Organization's Zero Tolerance Policy.

20. Zero tolerance posters and leaflets were not displayed at all condom distribution points or included in the pre-deployment packs for the Military Observers (MILOBs). This was because there was no effective coordination between the CDT and other relevant sections of the Mission such as the HIV/AIDS Section to ensure that the Organization's Zero Tolerance Policy on SEA was disseminated throughout the Mission.

Recommendation 4

(4) The MONUSCO Management should ensure that the Conduct and Discipline Team liaise with the HIV/AIDS Section to ensure that zero tolerance posters are displayed at all condom distribution points and included in the pre-deployment packs and medical kits.

21. *The MONUSCO Management accepted recommendation 4 and stated that CDT and HIV/AIDS Unit, in the ongoing HIV/AIDS and SEA training, will coordinate to increase awareness about United Nations' Zero Tolerance Policy and distribution of condoms. SEA prevention posters will be displayed at condom distribution points. Pre-deployment packs will be marked with zero tolerance text.* Recommendation 4 remains open pending evidence that zero tolerance posters are displayed at condom distribution points and are included in the pre-deployment packs for the MILOBs.

D. Investigative capacity

22. In order to ensure sufficient and effective coverage of investigations, the Mission should have adequate investigative capacity.

23. The Mission's investigative capacity was inadequate as it lacked expertise to investigate some of the more complex cases. The SIU was often assigned SEA cases for investigation although its staff had not been adequately trained in conducting such investigations. For example, only one of the eight SIU staff members had attended OIOS' training on the investigation of SEA cases in 2008.

24. The lack of adequate investigative capacity negatively impacted the disposition of misconduct cases. Moreover, investigations were not completed in a timely manner as 39 of the 64 SEA allegations received from 1 January 2009 to 31 October 2010 had been pending between 9 to 22 months.

25. The lack of adequate investigative capacity which, as indicated above, resulted in delay may contributed to the perception of impunity for wrong doing in the Mission. For MILOBs and United Nations Police who were generally in the Mission for a year, there was the risk that perpetrators may not be punished.

Recommendation 5

(5) The MONUSCO Management should seek ways to increase the investigative capacity of the Mission including, for example, providing formal training to all staff involved in investigations.

26. *The MONUSCO Management accepted recommendation 5 and stated that the recommendation is relevant and pertinent. Conduct and discipline cases require specialized investigative capacities, which security personnel in the Mission do not have. Training of security officers by OIOS to obtain specialized investigative skills had commenced but needs further implementation. Furthermore, reference is made to comments on recommendation 32 of prior audit report (AP2008/620/01) stating that "greater impact would be realized by increasing the number of OIOS investigators, particularly taking into consideration that the investigation of Category I cases falls exclusively within the purview of OIOS". Recommendation 5 remains open pending evidence of steps taken by the Mission to have OIOS train security personnel to investigate issues not covered OIOS.*

V. ACKNOWLEDGEMENT

27. We wish to express our appreciation to the Management and staff of MONUSCO for the assistance and cooperation extended to the auditors during this assignment.

STATUS OF AUDIT RECOMMENDATIONS

| Recom. no. | Recommendation | Risk category | Risk rating | C/O ¹ | Actions needed to close recommendation | Implementation date ² |
|------------|---|---------------|-------------|------------------|---|----------------------------------|
| 1 | The MONUSCO management should disseminate information on misconduct in the Mission, including for example, about disciplinary measures taken against perpetrators of misconduct to serve as deterrence. | Operational | Medium | C | Action taken. | Implemented. |
| 2 | The MONUSCO Management should ensure that a database is maintained to record misconduct cases investigated by the military. The database should enable tracking, monitoring and generating reports while access is restricted to ensure confidentiality. | Operational | High | O | Pending evidence of full implementation of the database to record misconduct cases investigated by the military. | 31 January 2011 |
| 3 | The MONUSCO Management should implement appropriate measures to ensure timely participation of staff in the mandatory training on conduct and discipline. | Operational | Medium | C | Action taken. | Implemented. |
| 4 | The MONUSCO Management should ensure that the Conduct and Discipline Team liaise with the HIV/AIDS Section to ensure that zero tolerance posters are displayed at all condom distribution points and included in the pre-deployment packs and medical kits. | Operational | Medium | O | Pending evidence that zero tolerance posters are displayed at condom distribution points and are included in the pre-deployment packs for the Military observers. | June 2011 |
| 5 | The MONUSCO Management should seek ways to increase the investigative capacity of the Mission including, for example, providing formal training to all staff involved in investigations. | Operational | Medium | O | Pending evidence of increased investigative capacity in the Mission. | Ongoing |

1. C = closed, O = open

2. Date provided by MONUSCO in response to recommendations.