



## **INTERNAL AUDIT DIVISION**

# **AUDIT REPORT**

---

### **Audit of the Office of Rule of Law and Security Institutions: Criminal Law and Judicial Advisory Service**

**Overall results relating to effective management of the operations of CLJAS in support of the rule of law units in field missions were initially assessed as partially satisfactory. Implementation of three important recommendations remains in progress**

**FINAL OVERALL RATING: PARTIALLY SATISFACTORY**

**26 December 2012  
Assignment No. AP2012/600/02**

# CONTENTS

	<i>Page</i>
I. BACKGROUND	1
II. OBJECTIVE AND SCOPE	1-2
III. AUDIT RESULTS	2-6
A. Risk Management and Strategic Planning	3-4
B. Oversight	4
C. Coordinated Management	4-5
D. Regulatory Framework	5-6
IV. ACKNOWLEDGEMENT	6
ANNEX I      Status of audit recommendations	
APPENDIX 1   Management response	

# AUDIT REPORT

## Audit of the Office of Rule of Law and Security Institutions: Criminal Law and Judicial Advisory Service

### I. BACKGROUND

1. The Office of Internal Oversight Services (OIOS) conducted an audit of the Office of Rule of Law and Security Institutions (OROLSI): Criminal Law and Judicial Advisory Service (CLJAS) of the Department of Peacekeeping Operations (DPKO).
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 CLJAS mandate includes: (a) planning programmes in missions, in cooperation with other parts of OROLSI and DPKO, for strengthening legal, judicial and prison systems; (b) providing inputs on strategic planning and operational support to justice, corrections and rule of law components of missions led by DPKO; (c) conducting periodic reviews of the work of justice, corrections and rule of law components of field missions; (d) developing, updating and distributing guidance and training materials, procedures, and lessons learned and best practices; (e) facilitating the sharing of analytical reports, best practices tools and guidance materials; and (f) serving as the designated lead entity for strengthening legal and judicial institutions in the peacekeeping context and executing its global lead role in the area of corrections.
4. For the year 2011/12, CLJAS had 16 approved posts at Headquarters, assigned to the Office of the Chief, CLJAS and three substantive teams: a Justice Unit, a Corrections Unit and a Policy Cell. There was also a Justice and Corrections Standing Capacity (JCSC), with six posts located in Brindisi, Italy. The CLJAS budgets for 2010/11 and 2011/12 were \$2,736,100 and \$2,950,200, respectively. In addition, voluntary contributions from donors of about \$1 million were received to fund five projects being implemented from September 2010 to March 2013.
5. Comments provided by DPKO are incorporated in italics.

### II. OBJECTIVE AND SCOPE

6. The audit was conducted to assess the adequacy and effectiveness of the CLJAS governance, risk management and control processes in providing reasonable assurance regarding the **effective management of the operations of CLJAS in support of the rule of law units in field missions.**
7. This audit was included in the 2012 OIOS work plan due to the importance of CLJAS functions and activities, which had not been previously audited by OIOS.
8. The key controls tested for the audit were: (a) risk management and strategic planning; (b) oversight; (c) coordinated management; and (d) regulatory framework. 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 an activity are identified and assessed, and that action is taken to mitigate or anticipate risks.

(b) **Oversight** - controls that provide for supervision and evaluation of activities to ensure that threats and opportunities are identified and appropriate response or action plans are drawn to minimize risks and take advantage of opportunities.

(c) **Coordinated management** - controls that provide reasonable assurance that potential overlaps in the performance of a function or the delivery of a programme are mitigated, and that issues affecting or involving other UN partners and actors are identified, discussed and resolved timely and at the appropriate forum.

(d) **Regulatory framework** - controls that provide reasonable assurance that policies and procedures: (i) exist to guide the operations of criminal law and justice advisory services; (ii) are implemented consistently; and (iii) ensure the reliability and integrity of financial and operational information.

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

10. OIOS conducted the audit from April 2012 to August 2012. The audit covered the period from 1 January 2010 to 30 June 2012.

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 determine their effectiveness.

### III. AUDIT RESULTS

12. The CLJAS governance, risk management and control processes examined were **partially satisfactory** in providing reasonable assurance regarding the **effective management of the operations of CLJAS in support of the rule of law units in field missions**.

13. The overall rating is based on the assessment of key controls presented in Table 1 below. CLJAS, together with the Police Division and the Office of the High Commissioner for Human Rights (OHCHR), had successfully developed the United Nations Rule of Law Indicators, which were implemented in three countries. CLJAS had also raised awareness for justice and corrections assistance in peacekeeping operations amongst Member States, resulting in 38 countries regularly nominating candidates for justice posts and 31 countries nominating candidates for corrections posts. Work planning was in place and implementation of activities was adequately monitored; however, the process needed to improve through identifying, assessing and prioritizing risk to better plan for the achievement of the CLJAS objectives. CLJAS also needed to issue guidelines to assist missions in securing funding for justice and corrections activities and establish criteria for the expected time for JCSC officers to be deployed to missions, and re-design its method of collecting, maintaining and disseminating guidance material.

14. OIOS made three recommendations to address issues identified in this audit. DPKO accepted the recommendations and is in the process of implementing them.

**Table 1: Assessment of key controls**

Business objective	Key controls	Control objectives			
		Efficient and effective operations	Accurate financial and operational reporting	Safeguarding of assets	Compliance with mandates, regulations and rules
Effective management of the operations of CLJAS in support of rule of law units in field missions	(a) Risk management and strategic planning	Partially satisfactory	Satisfactory	Satisfactory	Partially satisfactory
	(b) Oversight	Satisfactory	Satisfactory	Satisfactory	Satisfactory
	(c) Coordinated management	Partially satisfactory	Partially satisfactory	Satisfactory	Partially satisfactory
	(d) Regulatory framework	Partially satisfactory	Satisfactory	Satisfactory	Partially satisfactory

### **A. Risk management and strategic planning**

#### Planning process needed to incorporate systematic risk management considerations

15. CLJAS prepared annual work plans which were used as the strategic planning instrument for the Service. Expected accomplishments, outputs, lead responsibility and timeframes were included, and a process was in place to update the status of implementation and to refocus the plan if necessary. CLJAS convened weekly meetings to discuss work plan objectives and there were regular meetings with the Assistant Secretary-General, OROLSI to provide additional direction and guidance. These regular meetings resulted in action points, which were systematically followed up until implemented. However, work planning needed to improve through identifying, assessing and prioritizing risk to better plan for the achievement of CLJAS’ objectives. This could be done by introducing a more systematic way of managing risk, with the assistance of the DPKO Risk Management Officer.

**(1) The Criminal Law and Judicial Advisory Service, DPKO should introduce risk considerations in a more systematic way in annual work planning in consultation with the DPKO Risk Management Officer.**

*DPKO accepted recommendation 1 and stated that it would coordinate with the DPKO/DFS Risk Management Officer to introduce risk management practices in work planning, and once adopted, would implement the DPKO/DFS risk management guidelines. Recommendation 1 remains open pending receipt of evidence that more systematic consideration of risk has been part of the work planning process.*

#### Further guidance needed to assist missions in participating in funding appeals

16. To supplement budget provisions, OROLSI launched a Funding Appeal for the first time in March 2012. CLJAS developed a portfolio of 13 potential projects totaling approximately \$3.9 million, which represented 21 per cent of the total funding available to the Office. These projects included proposals from three missions, the JCSC and DPKO Headquarters. A further five missions had been requested to submit project proposals; but were either unable to meet the deadline for the appeal or their submission was rejected due to the lack of a complete implementation strategy. To assist missions in participating in funding appeals, CLJAS needed to develop guidelines and templates for preparing project

proposals. DPKO stated that while resource mobilization was not a core function, CLJAS would further strengthen its input and raise voluntary funds together with the United Nations Development Programme (UNDP), within the functions of the Global Focal Point arrangement.

17. DPKO had developed in December 2012 a standardized template that included guidance to field missions on the preparation of project proposals. A code cable had been drafted and would be issued together with the guidance in early 2013. OIOS was satisfied with the action taken by DPKO.

## **B. Oversight**

### Rule of law indicators had been developed and were being implemented

18. To support the strengthening of legal, judicial and prison systems in peace operations, CLJAS had successfully developed and launched the United Nations Rule of Law Indicators jointly with the Police Division and OHCHR. By June 2012, the indicators were implemented in three countries: Haiti, Liberia and South Sudan. Two more countries had shown interest in this instrument, which was designed to assess and monitor changes over time in the areas of police, justice and corrections institutions.

### Insufficient review by CLJAS of missions' justice and corrections components

19. For 2011/12, CLJAS proposed to conduct reviews the activities of eight justice and eight corrections components at field missions. However, the final travel budget allocated to CLJAS did not meet initial requirements and therefore, only two Technical Assessment Missions and four reviews were conducted during 2011/12. Also, some of CLJAS focal points had not visited the missions they were supporting, which impacted their ability to assess the rule of law activities in these missions. CLJAS advised that it would continue to advocate for adequate funding to conduct the required periodic visits to field missions.

### There was a need to formalize reporting requirements of the communication strategy

20. The Annual Heads of Justice and Corrections Components Workshop in New York in May 2011 recognized the need to develop a communication strategy to improve the effectiveness, efficiency and relevance of communications between Headquarters and justice and corrections components. A draft communication strategy was developed and circulated for discussion at the Heads of Justice and Corrections Components meeting in Berlin in June 2012. In December 2012, DPKO finalized its field communication strategy that adequately included communications reporting requirements. OIOS was satisfied with the action taken by DPKO.

## **C. Coordinated management**

### The policy directive with the United Nations Logistics Base (UNLB) was in process of being finalized

21. The JCSC was fully staffed as of June 2011 with five professional posts and one support post. The Interim Administrative and Organizational Arrangements between CLJAS, JCSC, the Standing Police Capacity (SPC) and UNLB were prepared in May 2011. These were complemented by the JCSC Processes and Procedures of July 2011. The DPKO Policy Directive on JCSC was in the process of being finalized to provide effective organizational and administrative arrangements for JCSC.

Efforts were needed to promote the availability of JCSC and to increase its utilization by missions

22. During JCSC's first six months, five of six JCSC officers were deployed to missions 72 per cent of their time, and one officer was assigned administrative responsibilities. However, from January to June 2012 the level of JCSC utilization decreased: only two JCSC officers were deployed to missions for more than 50 per cent of their time, one officer was only deployed for 29 days (from May to June 2012), and two officers were not deployed at all. While some criteria for deployment of JCSC officers to missions were included in the JCSC Processes and Procedures document, a criterion for their expected deployment time to missions was not established. Such a benchmark would provide additional motivation to pursue deployment to missions.

23. The low level of deployment was due to the lack of funds budgeted by missions for travel of JCSC experts. However, a code cable was sent to heads of missions on 3 July 2012 informing them of the availability of the JCSC to support their missions and requesting them to include provisions for travel for JCSC officers in future budgets. CLJAS advised that it was also requesting additional travel funds for JCSC experts in the 2013/14 UNLB budget request.

**(2) The Criminal Law and Judicial Advisory Service, DPKO should establish a benchmark for the Justice and Corrections Standing Capacity (JCSC) officers' duty time in missions and make further efforts to promote the deployment of JCSC experts to missions.**

*DPKO accepted recommendation 2 and stated that the Policy on the JCSC would establish a target for the time JCSC officers spend on supporting missions. Also in September 2012, the JCSC Processes and Procedures document was in the process of being reviewed and updated jointly by JCSC and CLJAS, and would incorporate two provisions for the JCSC officers' duty time in missions. Recommendation 2 remains open pending receipt of a copy of the approved DPKO Policy on JCSC.*

CLJAS participated in coordinating bodies

24. CLJAS represented DPKO at the working level in the Rule of Law Coordination and Resource Group (ROLCRG), which was established in 2006. ROLCRG developed the joint United Nations rule of law strategic work plan for collective rule of law efforts of all engaged United Nations entities. CLJAS adequately participated in the work of ROLCRG. Also, in June 2012, DPKO and UNDP announced that the two entities would assume joint responsibility as the Global Focal Point for justice, police and corrections in post-conflict and other crisis situations. Staff of CLJAS and UNDP would share office space in New York. Following this announcement, working modalities were being developed, and the Secretary-General's decision 2006/47 was being reviewed with the aim to up-date it. OIOS was satisfied with the action taken in this regard by CLJAS.

## **D. Regulatory framework**

25. The first Corrections Contributing Countries meeting was held in 2009 and attended by representatives of 35 Member States to raise awareness for corrections assistance in peacekeeping operations. In 2010, 12 countries nominated corrections officers, and none were contributing justice experts. In 2012, CLJAS continued to organize such meetings and 31 countries regularly nominated corrections officers and 38 countries nominated candidates for justice officers.

There was a need for improved method for sharing information

26. CLJAS maintained the rule of law Community of Practice (COP) system, which was a Lotus Notes-based forum to support and facilitate field staff access to information and best practices from rule of law colleagues worldwide. The COP contained job postings and 1,305 documents, including submissions from missions, UNDP and CLJAS. DPKO also had a Best Practices web site.

27. A review of the COP and the DPKO Best Practices web site showed that only two lessons learned/best practices papers were posted on justice and corrections: one in 2005 and another in 2006. A further three lessons learned papers were available, but not posted. CLJAS advised that policy and guidance materials also contained best practices and lessons learned.

28. The COP's interactive feature of posting queries and receiving replies through a facilitator was not actively used, with those responsible for justice and corrections relying on non-United Nations proprietary networks. The COP's search engine was not easy to use and technical issues hindered easy access to the system. The maintenance of the COP requires dedicated resources, as it takes time to receive and compile responses to queries.

**(3) The Criminal Law and Judicial Advisory Service, DPKO should re-design its method of collecting, maintaining and disseminating guidance material, best practices and lessons learned to ensure that these are shared effectively.**

*DPKO accepted recommendation 3 and stated that CLJAS was proposing to explore alternatives to the COP including a more accessible and functional online platform, to enhance the sharing of ideas, perspectives and materials. Recommendation 3 remains open pending receipt of evidence that there is an adequate system for sharing ideas and disseminating best practices.*

Recruitment of international and Government-provided personnel

29. The CLJAS Force Generation focal point collaborates with the Field Personnel Division, Department of Field Support (DFS) on the recruitment of international corrections and justice officers in missions, as well as those responsible for Government-provided personnel (GPP).

30. The number of Corrections and Justice GPP posts authorized in 2011/12 was 374, with 68 additional Corrections GPP posts approved for the year 2012/13. As of June 2012, 310 GPPs (82 per cent) were deployed to missions. There had been challenges in the recruitment of GPPs, and measures had been identified to reduce vacancy rates including the establishment of a dedicated Force Generation position to facilitate the deployment of GPPs. As a result, as of September 2012, there was an increase in deployment to 346 GPPs from 310. OIOS was satisfied with the action being taken to ensure the deployment of corrections and justice officers to missions in a timely manner.

#### IV. ACKNOWLEDGEMENT

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

  
\_\_\_\_\_  
Ms. Fatoumata Ndiaye, Director  
Internal Audit Division, OIOS

## STATUS OF AUDIT RECOMMENDATIONS

## Audit of the Office of Rule of Law and Security Institutions: Criminal Law and Judicial Advisory Service

Recom. no.	Recommendation	Critical/ <sup>1</sup> / Important <sup>2</sup>	C/ O <sup>3</sup>	Actions needed to close recommendation	Implementation date <sup>4</sup>
1	The Criminal Law and Judicial Advisory Service, DPKO should introduce risk considerations in a more systematic way in annual work planning in consultation with the DPKO Risk Management Officer.	Important	O	Receipt of evidence demonstrating that more systematic management of risk has been considered during the work planning process	Fourth quarter of 2013
2	The Criminal Law and Judicial Advisory Service, DPKO should establish a benchmark for the Justice and Corrections Standing Capacity (JCSC) officers' duty time in missions and make further efforts to promote the deployment of JCSC experts to missions.	Important	O	Receipt of a copy of the approved DPKO Policy on JCSC	Second quarter of 2013
3	The Criminal Law and Judicial Advisory Service, DPKO should re-design its method of collecting, maintaining and disseminating guidance material, best practices and lessons learned to ensure that these are shared effectively.	Important	O	Receipt of evidence that there is an adequate system for sharing ideas and disseminating best practices	Fourth quarter of 2013

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> C = closed, O = open

<sup>4</sup> Date provided by DPKO