INTERNAL AUDIT DIVISION I OFFICE OF INTERNAL OVERSIGHT SERVICES

то: Mr. William Swing

DATE:

23 December 2005

A: Special Respresentative of the Secretary-General

MONUC

FROM: Batricia Azaris, Director

reference: AUD-75-7 (903/8/05)

DE: Internal Audit Division 1, OIOS

MONUC

SUBJECT:

OBJET: OIOS Audit No. AP2005/620/17: Review of the state of discipline in

MONUC

- I am pleased to present herewith our final report on the above-mentioned audit, which was conducted in March and April 2005.
- We note from your response to the draft report that all of the recommendations have been 2. accepted. Based on your response and clarification, we have closed recommendations 4, 6 and 9 in the OIOS recommendation database. We also have withdrawn recommendation 10 addressing the related issues to Headquarters in the OIOS consolidated report on the global discipline review. In order to close recommendations 1, 2, 3, 5, 7, 8, 11, 12, 13 and 14, we request that you provide us with the additional information as discussed in the text of the report. Please note that OIOS will report on the progress made to implement its recommendations, particularly those designated as critical (i.e. recommendations 1, 2, 13 and 14) in its annual report to the General Assembly and semi-annual report to the Secretary-General.
- The Internal Audit Division is assessing the overall quality of its audit process, and 3. kindly requests that you consult with your managers who dealt directly with the auditors and complete the attached client satisfaction survey.
- I take this opportunity to thank the management and staff of MONUC for the assistance and co-operation provided to the auditors in connection with this assignment.

Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations

Ms. Jane Holl Lute, Assistant Secretary-General, DPKO

Mr. Philip Cooper, Director, ASD/DPKO

Ms. Hazel Scott, Director of Administration, MONUC

UN Board of Auditors

Programme Officer, OIOS

Ahmed Shalaby, OIC, MONUC

Office of Internal Oversight Services Internal Audit Division I



Review of the State of Discipline in MONUC

Audit no:

AP2005/620/17

Report date:

23 December 2005

Audit team:

Ahmed Shalaby, Auditor

EXECUTIVE SUMMARYReview of the state of discipline in MONUC

OIOS conducted a review of the state of discipline in MONUC during March-April 2005. The main objectives of the audit were to assess the overall state of discipline in the Mission and to recommend measures for improving it.

OIOS found that MONUC did not properly maintain records of cases relating to discipline for 2002-2004. Records on misconduct were incomplete and inaccurate. As a result, the available data did not permit OIOS to develop a complete picture of the state of discipline for the period under review. Based on statistics, interviews and evidence obtained from various sources, including the MONUC Special Investigations Unit (SIU), OIOS investigations, etc., on major misconduct cases, the state of discipline in MONUC is assessed as unsatisfactory. Discipline in the Mission was not monitored properly by the administration. However, in early 2005, Management started to take action to improve the monitoring of Sexual Exploitation and Abuse (SEA) cases.

Over the past three years, the number of misconduct cases recorded by MONUC showed an upward trend from 10 in 2002 to 20 in 2003 and 93 in 2004. Moreover, the number of recorded SEA cases for the first quarter of 2005 was 41.

OIOS' survey showed that about 66 per cent of the civilian staff respondents thought that the disciplinary mechanism in the Mission was fair and another 74 per cent said that they were confident about misconduct cases are handled by the Mission. Although the majority of survey respondents from all categories of Mission personnel consider the state of discipline to be acceptable, they indicated that improvements were needed in such areas as training, awareness, and communications. Moreover, 66 per cent of the civilian staff respondents expressed a negative perception about the effectiveness, sufficiency and appropriateness of the measures recently implemented by the Mission to prevent SEA.

OIOS believes that there is a need for more training on UN discipline policies and regulations. Except for a brief initial orientation course covering many issues, staff members received no specific training on conduct.

The Mission did not have a tracking system for misconduct cases. Records of different sections in the Mission did not reconcile. The Force Commander's office did not keep any statistical records. It also did not have recent case files readily available.

The Mission had not established performance indicators and targets for addressing violations of UN rules and policies on conduct nor had carried out an internal review of enforcement procedures for handling complaints. There were no procedures to ensure that personnel who had been dismissed for misconduct were not re-hired.

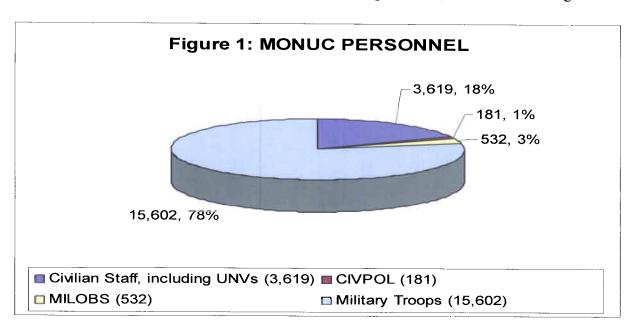
Twenty per cent of the Mission personnel who responded to the survey were not aware of how to file complaints of misconduct other than for SEA cases. Except for such cases, there was no focal point to receive complaints by Mission staff or the local population.

TABLE OF CONTENTS

Chapi	ter	Paragraphs
I.	INTRODUCTION	1 - 3
II.	AUDIT OBJECTIVES	4
III.	AUDIT SCOPE AND METHODOLOGY	5 - 6
IV.	OVERALL ASSESSMENT	7
V.	AUDIT FINDINGS AND RECOMMENDATIONS	
	A. The state of discipline in the Mission	8 - 14
	B. Implementation of policies and procedures on discipline	15 - 26
	C. Staff awareness and misconduct prevention programs	27 - 39
VI.	ACKNOWLEDGEMENT	40
	ANNEX 1 Summary of survey results	

I. INTRODUCTION

- 1. OIOS conducted a review of the state of discipline in the United Nations Mission in the Democratic Republic of Congo (MONUC). The review was conducted in accordance with the standards for the professional practice of internal auditing in United Nations organizations.
- 2. The Department of Peacekeeping Operations (DPKO) requested this review with the overall objectives of assessing the state of discipline in peacekeeping missions worldwide; identifying gaps in existing policies, regulations and procedures on discipline; and identifying tools that the missions require to maintain an environment of good order and adherence to the code of conduct. A series of meetings was held between OIOS, DPKO and the Office of Human Resources (OHRM), which resulted in establishing the terms of reference for the review and developing an agreed audit programme.
- 3. The Mission has its headquarters in Kinshasa with 15 regional offices throughout the Democratic Republic of the Congo (DRC) and three regional offices outside the DRC, in Kigali, Kampala and Pretoria. The military contingents are mainly deployed in eastern DRC, with a divisional HQ in Kisangani. Civilian staff members national, international and United Nations Volunteers (UNVs) provide support services to the peacekeeping operations. The Mission has a budget of \$ 965 million for 2004/2005 and current staffing totals 19,934 as shown in Figure 1.



II. AUDIT OBJECTIVES

- 4. The main objectives of the review were to:
 - a) Assess the state of discipline in the mission;
 - b) Identify gaps in existing policies and procedures on discipline; and
 - c) Identify tools that the mission requires for maintaining an environment of good order and adherence to the code of conduct.

III. AUDIT SCOPE AND METHODOLOGY

- 5. The audit included an analysis of data and statistics on cases of misconduct for the past three years (2002, 2003, and 2004) and a review of relevant policies and guidelines on discipline and selected case files on misconduct.
- 6. Interviews were also conducted with management, civilian staff members, military personnel, military observers and civilian police who are responsible for the Mission's disciplinary mechanism and enforcement. The review also included a survey of the state of discipline in the Mission covering all categories of Mission personnel.

IV. OVERALL ASSESSMENT

7. Based on statistics, interviews and evidence obtained from various sources, e.g., MONUC Special Investigations Unit (SIU), OIOS investigations, etc., on major misconduct cases, the state of discipline in MONUC is assessed as unsatisfactory. Although a survey conducted by OIOS indicated that, in general, Mission personnel had positive perceptions of the state of discipline and the application of UN disciplinary policies and regulations, the audit also revealed that discipline cases in the Mission increased steadily over the past three years. The number of cases of misconduct reported to and investigated by the MONUC SIU and/or reported by the Personnel Section rose from 12 in 2002 to 20 in 2003 and 93 in 2004. Moreover, the total number of reported SEA cases involving all categories of personnel in the first quarter of 2005 was 41. In OIOS' opinion, discipline in MONUC was not properly monitored by the administration.

V. AUDIT FINDINGS AND RECOMMENDATIONS

A. The state of discipline in the mission

Reported cases of misconduct

8. The number of reported cases of misconduct by civilian staff members in the Mission between January 2002 and December 2004 was 138: 15 involved uniformed personnel and 123 civilian personnel (see Table 1).

Table 1: Misconduct Cases in MONUC from 2003 to 2004 - Civilians

Category of personnel	Complaints received*	Under investigation*	Closed without referral to HQ*	Dismissed*	Referred to HQ*	OHRM sanctions imposed or repatriation*
International	50	5	39	3	3	0
National	65	5	25	34	1	0
UNVs	8	0	8	0	0	0
Total	123	10	72	37	4	0

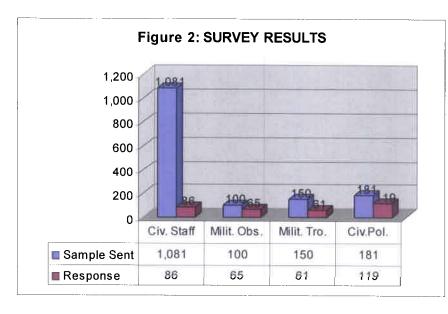
^{*} Accuracy not assured as 2003 and 2004 numbers were incomplete. Also, no information was available for 2002.

9. OIOS reviewed the files maintained by the Legal Advisor for Boards of Inquiry (BOI), which were not reconcilable to the data provided by the BOI Secretariat, and found that during 2002 – 2004 the BOI recommended repatriation in 11 cases, no action in 4 cases, and admonishment in one case. These data could not be linked to the cases contained in the above table and OIOS could not distinguish between the MILOB cases and those of military personnel. According to CIVPOL management, there were no misconduct cases or disciplinary actions taken during 2002 – 2004 relating to CIVPOL personnel.

Perception of the state of discipline

- 10. OIOS conducted a survey of Mission personnel to obtain their perceptions and experience about the state of discipline in the Mission. The detailed results of the survey are shown in Annexes I. The sample and responses received are shown in Figure 2.
- 11. The response rate to the survey questionnaire by the civilians was very low despite requests issued by the DOA and the SRSG. As shown in Figure 2, out of the 1,081 staff members, to whom OIOS sent the survey questionnaires, only 86 responded (7.9 percent). The 57 per cent response rate by MILOBS, CIVPOL and military personnel was satisfactory.

Positive results of mission personnel survey



Overall, the results of the survev conducted OIOS indicated a high level of satisfaction with the state of discipline in MONUC. Almost 68 per cent of the respondents rated the state of discipline as "above average". A further 27 percent rated it "average". Concerning staff perception on how MONUC handled misconduct cases, 25 per cent of the respondents

rated the performance "above average" and 28 per cent as "average".

Survey results indicating need for improvement

- 12. Despite the overall positive feedback from the survey, the responses also indicated need for improvement in some areas:
 - a) The perceptions of civilian staff including UNVs were as follows:

- i. Twenty-two percent of the respondents rated the state of discipline as "below average".
- ii. Twenty-seven percent of the respondents rated the handling of misconduct cases in general as "below average".
- iii. Twenty-six per cent and 20 per cent of the respondents rated the handling of "theft and misrepresentation" cases and "other" cases, respectively, as "below average".
- iv. Sixty per cent of the respondents thought that the measures taken by the Mission to prevent SEA and enforce related UN standards of conduct in this connection were not effective, caused them considerable dissatisfaction and were of no value added to the Mission, and 6 percent did not know whether such measures were effective.
- v. Fifteen per cent of the respondents were not familiar with the Staff Regulations and Rules relating to conduct and discipline and 1% did not know.
- vi. Twelve per cent of the respondents were not aware that they had a duty to report cases of SEA by fellow workers and 3 per cent did not know that they would have such a duty.
- vii. Thirty-one per cent of the respondents had not received a briefing on UN standards of conduct when they joined the Mission and 3 per cent did not know whether such a briefing should have been provided.
- b) Almost 50 per cent and 13 percent of the CIVPOL respondents thought that misconduct cases could go undetected or did not know if the misconduct cases would go undetected, respectively. Moreover, 8 per cent of CIVPOL did not think that the Mission was implementing measures to prevent SEA and 11 per cent of them did not know whether the Mission was implementing such measures.
- c) Overall, both MILOBS and military personnel had a positive perception of the state of discipline in the Mission and the application of the UN Rules and Regulations relating to conduct. The majority of them appreciated the Mission's attitude on dealing with misconduct/disciplinary cases.
- d) About one-third of the respondents in all categories had a negative perception of the fairness of the disciplinary mechanism. Many respondents considered the disciplinary mechanism to be unfair and many others did not know whether it was fair as set out in Table 2:

Table 2: Perception of the Disciplinary Mechanism

Category of staff	Disciplinary mechanism was not fair %	Did not know %
Civilians	34	26
CIVPOL	19	25
MILOB	22	13
Military Troops	8	5
Overall average	20.75	17.25

e) A sizeable number of each category of Mission personnel either did not know how to file a complaint or did not know whether they would ever file a compliant. The overall outlook is summarized in Table 3, which shows that almost one-half of military troops did not know how to file a misconduct case:

Table 3: Knowledge on Filing Complaints

Category of staff	Do not know how to file (%)	Do not know the answer (%)
Civilian	26	7
CIVPOL	26	9
MILOB	12	4
Military Troops	47	3
Overall average	27.75	5.75

f) While an average of 73 per cent of Mission personnel who responded to the survey would report a suspicion of misconduct, 20 per cent would not report and 7 per cent did not know if they would report.

The perception of other UN agencies on the state of discipline of MONUC personnel

13. Both UNDP and FAO officials interviewed felt that the state of discipline in the Mission was generally good. They pointed out no specific exception based on their experience with the Mission personnel. They indicated that the rate of misconduct cases committed by Mission personnel since its inception until April 20, 2005 was below average and expected it to decline as a result of the recent measures taken by Mission management, especially night curfews and out-of-bounds areas.

Recommendations 1 to 5

OIOS recommends that MONUC management:

(i) Review and assess the reasons for civilian staff's relatively high level of dissatisfaction with the overall state of discipline in the Mission, their poor perception about handling of misconduct cases and adverse opinion on preventive measures relating to SEA by holding regular staff meetings with all civilian personnel and encouraging the reporting of misconduct. It should take steps to enhance staff familiarity with Staff Rules and Regulations; besides

reviewing its mechanism for complaint handling and preventing SEA cases (AP2005/620/17/01);

- (ii) Carry out an assessment of the reasons for the poor perception among CIVPOL personnel regarding the detection of misconduct cases by holding regular staff meetings with all civilian police personnel and encouraging the reporting of misconduct. It should take action to improve the perception of CIVPOL personnel about handling of disciplinary cases (AP2005/620/17/02);
- (iii) Provide refresher training to Mission personnel on how to file complaints (AP2005/620/17/03);
- (iv) Assess the efficiency and effectiveness of the current mechanism for filing complaints about misconduct with a view to improving it (AP2005/620/17/04); and
- (v) Establish a system whereby the Mission can ensure that all new staff members are provided with a briefing about UN standards of conduct when they join the Mission (AP2005/620/17/05).
- 14. MONUC management agreed with recommendations 1 to 5 and stated the following with respect to each recommendation:
 - i. Since the establishment of the Office for Addressing Sexual Exploitation and Abuse (OASEA) on I March 2005, it has had the responsibility of for addressing SEA cases including receiving and investigating complaints as well as conducting training and developing policies. This responsibility will be undertaken by the new Conduct and Discipline Unit (CDU). Thus we agree that MONUC must continue its work in this area and enhance its effort to familiarize staff with the rules and recommendations on preventive measures relating to SEA. OIOS will leave recommendation 1 open until it can be confirmed that it has been implemented
 - ii. A joint project between CIVPOL and CDU will be undertaken in January 2006 to assess the reasons of poor perception of CIVPOL personnel regarding detection of misconduct. OIOS will leave recommendation 2 open until it can be confirmed that it has been implemented.
 - iii. The complaint mechanism will be incorporated into the induction training for new personnel and will be circulated by Lotus Notes to all existing personnel. This is expected to be implemented in December 2005. OIOS will leave recommendation 3 open until it can be confirmed that it has been implemented

- iv. The then OASEA has had an awareness-raising strategy since July 2005, which includes community outreach. A complaints mechanism is in place, which include a 24-hour telephone hotline, a dedicated email address and a fax number. Other UN agencies are informed of the complaints mechanism through the Inter-Agency Focal Point Network on Sexual Exploitation and Abuse chaired by CDU. Based on this response, OIOS has closed recommendation 4.
- v. New staff members will be briefed about UN standards of conduct when they join the Mission. OIOS will leave recommendation 5 open until it can be confirmed that it has been implemented.

B. Implementation of policies and procedures on discipline

Policies and procedures on discipline

- 15. In response to much negative publicity and media coverage, MONUC developed a Code of Conduct on SEA issues in March 2005. In an effort to restore the Mission's reputation, the Mission management established a number of SEA preventive measures in February 2005, namely: establishing night curfews, prohibiting non-UN personnel in UN vehicles and non-fraternization with locals, and designating off-limits areas and premises. However, approximately 60 per cent of the civilian respondents to the survey indicated, with sarcastic comments in some instances, that both the curfew and the off-limits rules could be broken easily, e.g., through use of private cars. They also noted that the non-fraternization policy restricted their privacy and caused discomfort that may negatively impact their morale. The essence of these comments was that these measures would not help accomplish the purpose for which they were instituted. In this regard, OIOS views the establishment of SEA Working Group by the Mission on 6 April 2005, with the membership of Field Staff Union (FSU), a welcome step for looking into civilian personnel's concerns and revising the measures.
- 16. The Mission adopted a zero-tolerance policy in SEA cases. It also enforced a policy against drunk driving by cancelling driving permits. The Mission had taken steps to enforce observance of the SEA Code of Conduct by its consultants/vendors as the UN standards require by incorporating it in the General Conditions of Contracts. However, for other types of misconduct the Mission had yet to develop similar rules and procedures.

Recommendations 6 and 7

The MONUC Office for Addressing Sexual Exploitation and Abuse should maintain a continuous rapport with Mission personnel through the recently established SEA Working Group with a view to evaluating the effectiveness and suitability of SEA preventive measures and revise them, as needed (AP2005/620/17/06).

MONUC management should request DPKO, in coordination with OHRM, to develop mission-wide rules and procedures specifying "other" types of misconduct and

determining respective actions against the offenders (AP2005/620/17/07).

- 17. MONUC management agreed with recommendations 6 and 7 and commented the following:
 - i. A working group chaired by the OASEA and comprised of representatives from various MONUC offices met on three occasions in April 2005 to review MONUC's policy on preventive measures. This working group submitted detailed concerns and proposals to the SRSG. The CDU continues to follow-up regularly with the SRSG to revise the existing measures. Based on this response, and the memo issued by the SRSG in December 2005 on revising some of the SEA preventive measures, OIOS has closed recommendation 6.
 - ii. Since November 2005, the CDU had the responsibility for all forms of personnel misconduct, including but not limited to SEA. In OIOS' opinion, the CDU should get clarification from DPKO and OHRM on "other" types of misconduct and respective actions against the offenders. OIOS will leave recommendation 7 open until it can be confirmed that it has been implemented.

Roles and responsibilities of MONUC officials on discipline

18. Mission management did not periodically appraise the performance of its managers in preventing misconduct and enforcing UN ethical standards. Thus, there is a risk that managers may not be adequately enforcing UN misconduct rules and regulations. However, such a performance appraisal of military commanders may not be possible. The Force Commander, in line with the practice in all peacekeeping missions, cannot take disciplinary action against troops as they are not UN staff. He can recommend their repatriation, asking the concerned government to take action. The contingent commanders, however, are responsible for maintaining and establishing measures to enforce discipline.

Recommendation 8

MONUC management should include prevention and detection of misconduct by staff members as an element in appraising the performance of its managers (AP2005/620/17/08).

19. MONUC management agreed with the recommendation although with reservation as to what would be the appropriate goal/activity/success criteria with regard to the evaluation process for managers, otherwise implementation of such an element in the appraisal process would not be feasible and will result in appeals. Sensitization, education and acting on evidence/information provided to Managers should be considered for managerial accountability and instruction from PMSS/OHRM regarding the implementation procedure will be awaited. OIOS will leave recommendation 8 open until it can be confirmed that it has been implemented.

Mechanism for handling complaints

- 20. Appointing a Mission focal point receiving complaints would simplify the process for all categories of staff members and would enable the Mission to have a complete record of misconduct complaints. The OIOS survey indicated that an average of 28 per cent of the respondents were not aware of the procedure for filing complaints of misconduct. With the exception of SEA cases, there is no focal point for receiving complaints, which could deter staff members from filing complaints. At present, the complaints might be addressed to the SRSG, DSRSG, CAO, CCPO, Security Section, Finance Section, etc. The SIU, Security Section maintains a database to record complaints it received and investigated. The Office for Addressing SEA is also in the process of developing a database for its recording complaints.
- 21. The procedure for filing complaints for non-Mission personnel is particularly difficult and not clear to local inhabitants living in remote locations. With the exception of SEA issues, the Mission has not established any local community outreach programme or provided sufficient information to local people on how to file complaints on the misconduct of Mission personnel.
- 22. The Mission appointed the Office for Addressing SEA as a focal point of contact in January 2005 for SEA cases. The Mission is in the process of appointing field focal points to collect information on SEA issues. An in-country network of focal points for SEA cases has also been established, which involves other UN agencies, like OCHA and selected NGOs in the DRC. This initiative will facilitate gathering information on SEA cases and implementing the programme in a coordinated manner. There had been no such arrangement to collect complaints on SEA cases as they were treated like any other misconduct cases within the SIU's scope of work. The Mission, through the Office for Addressing SEA, treated the SEA cases with utmost confidentiality in order to protect victims. OIOS believes that the establishment of an in-country network of focal points for SEA is an important initiative that should become a best practice in other peacekeeping Missions.

Recommendation 9

MONUC management should establish a community outreach programme to disseminate information on how the local community can file complaints on misconduct by MONUC personnel. Such arrangement should be made for Kinshasa and for other districts as well and be widely communicated to the UN agencies, Government authorities, NGOs and the local media (AP2005/620/17/09).

23. MONUC management agreed with the recommendation and advised OIOS that the implementation is complete and an outreach program has been ongoing since July 2005. Based on this response, OIOS has closed recommendation 9.

Handling of disciplinary cases

- 24. The Mission established 58 Boards of Inquiry (BOI) from January 2002 through December 2004, including two Committees of Inquiry (COI). The average time spent by BOIs to finalize investigations and provide recommendations was three to four weeks. The BOI Secretariat tracks the implementation of its recommendations. The BOIs had made a number of recommendations calling for preventive measures (including the strict observance of the domestic law about the age limit for recruitment of Congolese nationals). The Mission administration had been implementing most of the BOIs recommendations, including the age limit.
- 25. Mission management pointed out that processing of serious cases of misconduct was often a lengthy procedure and that the Mission did not have the authority to suspend a staff member or to take any other action. There is a need, therefore, for delegating authority to the Head of the Mission for approving disciplinary measures on the advice of a Local Disciplinary Committee.

Recommendation 10

MONUC management should request DPKO and OHRM to undertake a review of the disciplinary process with a view to determining what authority can be delegated to Heads of Mission regarding disciplinary cases in order to expedite the process (AP2005/620/17/10).

26. MONUC management agreed with the recommendation and expressed a view that it should be addressed to DPKO directly. OIOS takes cognizance of the response and withdraws recommendation 10 considering that this issue had been addressed in the OIOS consolidated report on the global discipline review.

C. Staff awareness and misconduct prevention programs

Risk assessment and misconduct prevention program

- 27. The Security Section conducted a risk assessment of the Mission in accordance with UNSECOORD requirements. This assessment, however, focused on security aspects only. The Mission did not conduct a specific risk assessment to determine the areas prone to misconduct risks and the likelihood and significance of these risks. Conducting such a risk assessment would allow the Mission to determine high-risk areas and develop appropriate procedures for preventing or mitigating the risks.
- 28. Some peacekeeping Missions have recently appointed a Personnel Conduct or Ethics Officer. OIOS believes that there is considerable merit in adopting it as a best practice. The principal responsibilities of such an officer should be monitoring the state of discipline in the mission, analyzing trends of various types of misconduct, identifying gaps in the application of discipline rules and procedures and for recommending improvements. These officers would also

assessment risks relating to conduct issues and recommend measures to control them. These officers should receive specialized training in order to carry out these functions effectively.

29. The OIOS survey of MONUC personnel indicated the need for additional training on UN Staff Regulations and Rules and Mission policies relating to conduct. For example, 16 per cent of the respondents indicated their non-familiarity with the UN Staff Regulations and Rules as they relate to personnel conduct. Many Mission personnel expressed interest in knowing more details about the definition of misconduct, procedures for filing complaint, their rights and obligations, the number of type of misconduct cases handled by the Mission and the disciplinary action taken. There is a need for MONUC to conduct regular refresher courses on misconduct issues and rules of conduct for civilian staff. In OIOS' opinion, there had been no evidence of support provided by DPKO and OHRM for training courses on discipline similar to what was done for security by UNSECOORD. Such training should be compulsory for all staff joining the Mission.

Recommendations 11 and 12

OIOS recommends that MONUC management:

- (i) Coordinate with DPKO in conducting a risk assessment to identify high-risk misconduct issues facing the Mission and to develop a strategy for preventing or mitigating the identified risks (AP2005/620/17/11);
- (ii) Appoint a full-time Personnel Conduct Officer and allocate resources for establishing branch offices in the regions for monitoring the state of discipline in the Mission (AP2005/620/17/012).
- 30. MONUC management agreed with recommendations 11 and 12 and explained that:
 - i. Since its establishment, the OASEA has carried out regular analyses of allegations, investigations and other information to identify high-risk issues relating to SEA. Such analyses have allowed the OASEA and MONUC management to formulate appropriate strategies to prevent and address SEA. OIOS will leave recommendation 11 open until it can be confirmed that the analysis is performed for misconduct cases other than SEA.
 - ii. The recruitment process is currently underway for the staff of the new Conduct and Discipline Unit. Completion and implementation date will depend on the recruitment process with PMSS and OHRM. OIOS will leave recommendation 12 open until it can be confirmed that it has been implemented.

Reporting mechanism in the Security Section

- 31. The SIU of the Security Section receives complaints from various sources which comprise an incident report and other cases that might lead to investigation and disciplinary action. Each complaint is assigned a case reference indicating the location in which it occurred and a serial number which are entered in a complaint database. A separate file is maintained for each complaint. However, the sequence of the chronologically assigned case reference/number was broken in some cases. For example, Case no. KIN/SEC/04/492 involved an incident on 16/11/2004 but Case no. KIN/SEC/04/470 an incident dated 02/12/2004. The SIU grouped together all types of misconduct cases in the database and had the same reference/numbering sequence for all. Therefore, complaints filed by Mission personnel against non-Mission individuals, e.g., thefts of personal property, and cases that did not include misconduct, such as fatal traffic accidents were commingled with misconduct cases filed against Mission personnel. As such, misconduct cases were not identifiable. There was no mechanism to ensure that all complaints were recorded in the database, investigated in a timely manner and reported to Mission management.
- 32. The Security Section does not prepare periodic reports on the status of complaints received, investigated, or filed without investigation. Therefore, Mission management may not be aware of the number of pending cases.

Recommendation 13

The Special Investigations Unit of the MONUC Security Section should maintain the complaint database in a manner that enables it to produce reports on multiple variables enabling management to track all complaints in a number of ways for monitoring and decision-making purposes (AP2005/620/17/13).

33. MONUC management agreed with the recommendation and stated that the development of this tracking system is already in progress. OIOS will leave recommendation 13 open until it can be confirmed that it has been implemented.

Recording of discipline cases

- 34. The SRSG relies on the Force Commander's Office, the Special Police Advisor and the DOA for maintaining and monitoring the status of discipline in their respective areas. However, there was no procedure to consolidate information on the status of disciplinary cases for the Mission as a whole.
- 35. The Personnel Section did not maintain a database for recording and monitoring the complaints. Personnel Section required extensive review of personnel files to put together, at our request, in a form of a Table, misconduct cases for the past three years. From this Table, it was apparent that:

- a) No records were available for disciplinary actions taken in respect of the cases that occurred in 2002.
- b) There was a case of misappropriation of funds reported on 16 March 2004 where the staff member was suspended with pay and departed the DRC in April 2005.
- c) Apart from the case mentioned in above, there were six 2004 cases that were still pending as of 26 April 2005.
- d) The total number of misconduct cases from 2002 to 2004 according to the table provided by the Personnel Section was 123 cases, whereas the number of such cases per the list provided by the SIU was 50. OIOS provided the SIU list to the Personnel Section, but the two lists could not be reconciled.
- 36. In the absence of a proper database for recording misconduct cases and their status, there was no assurance that all cases were recorded and processed.
- 37. During January 2002 December 2004, a total of 50 cases had been processed by the Security Section. The SIU database did not show the number of cases relating to misconduct forwarded to the Personnel Section. In the absence of proper coordination between the two sections, there was no assurance that the data provided to OIOS was accurate. No information was available on the cases referred to the Personnel Section by the Security Section during 2003 and 2004. Hence, without a system to record and classify all cases, a true picture of misconduct in the Mission was not available. In OIOS' opinion, DPKO should develop standard database software for use in all missions as well as standard procedures for classifying, recording and maintaining case files from beginning to the end of each case. This would also enable DPKO to obtain comparative information on all missions.
- 38. The Force Commander's Office did not maintain a database to record complaints of misconduct, investigations carried out and final decisions taken. It could not provide OIOS with information on misconduct cases during 2002 2004 and informed OIOS that such information was not available. We were told that there was no proper handover of files and the database when there was a change in the staff officer who handled the cases. Moreover, the Mission was not aware of a number of SEA cases uncovered by OIOS' Investigations Division.

Recommendations 14

Pending the development of the recommended database, for peacekeeping missions, MONUC Management should establish one database for recording misconduct incidents and complaints and for monitoring their status with different access levels by designated discipline focal points from the Security Section, the Personnel Section and the Office of the Force Commander (AP2005/620/17/14).

39. MONUC management agreed with the recommendation and stated that since the establishment of OASEA, it has been maintaining a database containing information relating to allegations and investigations, including perpetrators and victims. The new CDU will also establish and maintain a data management system the records all allegations of personnel misconduct by all categories of mission personnel, and tracks progress in investigations, in accordance with guidance provided by DPKO on criteria to be included in the database. OIOS will leave recommendation 14 open until it can be confirmed that it has been implemented.

VI. ACKNOWLEDGEMENT

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

Patricia Azarias, Director Internal Audit Division 1, OIOS

MONUC - SUMMARY OF SURVEY RESULTS: PART 1

CIVILIANS

Sent to: 1,081 Responses: 86 %age of Response: 7.9

Sent to: 1,081 Responses: 86 %age of Response: 7.9					
PARTI	Yes	No	Don't Know		
Are you familiar with the Staff Regulations and Rules as they relate to conduct and discipline?	84%	15%	1%		
Are you familiar with the status, basic rights and duties of UN staff members?	87%	8%	5%		
Are you aware of what constitutes misconduct or prohibited behaviour?	90%	6%	4%		
Are you aware that involvement with a prostitute is prohibited under the UN standards of conduct (ST/SGB/2003/13)?	90%	8%	2%		
Are you aware that sexual activity with a person under the age of 18 is prohibited under the UN standards of conduct (ST/SGB/2003/13), regardless of the local age of consent?	100%	0	0		
Do you think that the Mission is implementing measures to prevent sexual exploitation and abuse and enforce the UN standards of conduct relating to sexual exploitation and abuse (ST/SGB/2003/13)?	85%	10%	5%		
If so, do you think that these measures are effective? Why or why not (please explain in the "Comments" column)?	34%	60%	6%		
Are you aware that you have a duty to report concerns or suspicions regarding sexual exploitation and abuse by a fellow worker (under ST/SGB/2003/13)?	85%	12%	3%		
Do you know how to report or file a complaint?	67%	26%	7%		
Would you report a suspicion of misconduct? If not, please explain in the "Comments" column.	55%	26%	19%		
Did you receive briefing or information on UN standards of conduct when you joined the Mission?	66%	31%	3%		
Do you think that misconduct is occurring and going undetected and unpunished? If yes, please cite specific cases or incidents in the "Comments" column or, if space is not sufficient, attach additional sheet of paper.	36%	28%	36%		
Do you consider the disciplinary mechanism to be fair?	40%	34%	26%		
Do you fear reporting cases of misconduct? If yes, please explain in the "Comments" column.	24%	71%	5%		

MONUC - SUMMARY OF SURVEY RESULTS: PART 2

CIVILIANS

PART II	1 Worse/ Poor	2	3	4	5 Good
How do you feel about the overall state of discipline in the Mission, including staff behaviour or conduct and management stance on disciplinary matters?	14%	8%	42%	21%	15%
What is your perception of how misconduct cases are handled by the Mission?	13%	13%	40%	20%	14%
How would you characterize the Mission's attitude on dealing with misconduct/disciplinary issues: Overall	10%	16%	41%	15%	18%
Theft and misappropriation	13%	13%	36%	15%	23%
• Fraud and misrepresentation (including procurement fraud, e.g., favouring contractors for monetary gain)	8%	9%	56%	12%	15%
Harassment and sexual harassment, including verbal assault (Sexual harassment is defined as any unwelcome	5%	14%	35%	20%	26%
sexual advance, request for sexual favours or other verbal or physical conduct of a sexual nature, when it interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment, particularly the kind engaged in by any official who is in a position to influence the career or employment conditions of the recipient of such attentions.)					
Physical assault	5%	3%	54%	14%	24%
• Sexual exploitation and abuse (Sexual exploitation includes (i) exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour and (ii) sexual activity with persons under the age of 18, regardless of the local age of consent.)	7%	9%	32%	20%	32%
• Others (e.g., breaking Mission rules such as off-limits areas, curfew, non authorized persons in UN vehicles)	13%	7%	35%	20%	25%

MONUC - SUMMARY OF AVERAGE SURVEY RESULTS: PART 1

CIVPOL, MILOB AND TROOPS

Sent to: 431 Responses: 245 %age of Response: 57

PART I	Yes	No	Don't Know
Are you aware of the UN code of conduct (ten rules – code of personal conduct for blue helmets)?	96%	2%	2%
Are you aware of what constitutes misconduct or prohibited behaviour?	97%	2%	1%
Are you aware that involvement with a prostitute is prohibited under the UN standards of conduct?	96%	3%	1%
Are you aware that sexual activity with a person under the age of 18 is prohibited under the UN standards of conduct, regardless of the local age of consent?	99%	1%	0
Do you think that the Mission is implementing measures to prevent sexual exploitation and abuse and enforce UN standards of conduct relating to sexual exploitation and abuse?	89%	6%	5%
If so, do you think that these measures are effective? Why or why not (please explain in the "Comments" column)?	88%	7%	5%
Do you know how to report or file a complaint?	67%	27%	6%
Would you report a suspicion of misconduct? If not, please explain in the "Comments" column.	78%	17%	5%
Did you receive briefing or information on UN standards of conduct when you joined the Mission?	93%	5%	2%
Do you think that misconduct is occurring and going undetected and unpunished? If yes, please cite specific cases or incidents in the "Comments" column or, if space is not sufficient, attach additional sheet of paper.	8%	65%	27%
Do you consider the disciplinary mechanism to be fair?	69%	18%	13%
Do you fear reporting cases of misconduct? If yes, please explain in the "Comments" column.	5%	90%	5%

MONUC - SUMMARY OF AVERAGE SURVEY RESULTS: PART II

CIVPOL, MILOB AND TROOPS

PART II	Worse/ Poor	2	3	4	5 Good
How do you feel about the overall state of discipline in the Mission, including staff behaviour or conduct and management stance on disciplinary matters?	2%	4%	16%	18%	60%
What is your perception of how misconduct cases are handled by the Mission?	9%	4%	24%	14%	49%
How would you characterize the Mission's attitude on					
dealing with misconduct/disciplinary issues: Overall	3%	0	39%	6%	52%
Theft and misappropriation	3%	5%	30%	6%	56%
 Fraud and misrepresentation (including procurement 	2%	3%	35%	6%	54%
fraud, e.g., favouring contractors for monetary gain)					
Harassment and sexual harassment, including verbal					
assault (Sexual harassment is defined as any	2%	4%	28%	6%	60%
unwelcome sexual advance, request for sexual favours					
or other verbal or physical conduct of a sexual nature,					
when it interferes with work, is made a condition of					
employment or creates an intimidating, hostile or					
offensive work environment, particularly the kind					
engaged in by any official who is in a position to					
influence the career or employment conditions of the					
recipient of such attentions.)					
Physical assault	1%	2%	33%	8%	56%
Sexual exploitation and abuse (Sexual exploitation					
and abuse includes (i) exchange of money,	2%	2%	27%	5%	64%
employment, goods or services for sex, including					
sexual favours or other forms of humiliating,					
degrading or exploitative behaviour and (ii) sexual					
activity with persons under the age of 18, regardless					
of the local age of consent.)					
Others (e.g., breaking Mission rules such as off-limits areas, curfew, non authorized persons in UN vehicles)	7%	4%	36%	10%	43%