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INTEROFFICE MEMORANDUM MEMORANDUM INTERIEUR

INTERNAL AUDIT DIVISION I
OFFICE OF INTERNAL OVERSIGHT SERVICES

TO: Ms. Carolyn McAskie,
A: Special Representative of the Secretary-General
ONUB

DATE: 28 October 2005

00201
REFERENCE: AUD-7-5:75(/05)

FROM: Patricia Azarias, Director
DE: Internal Audit Division I, OIOS

P. Azarias

SUBJECT:
OBJET: **OIOS Audit No. AP2005/648/14: Review of the state of discipline
in United Nations Operation in Burundi**

1. I am pleased to present herewith the final report on the above-mentioned review, which was conducted in March and April 2005.
2. Based on your response and clarification, we have closed recommendations 1, 2, 4, 7, 9, 13, and 14 in the OIOS recommendation database. We also have withdrawn recommendations 5, 8, 10 and 12 addressing the related issues to Headquarters in the OIOS consolidated report on the global discipline review. In order to close recommendations 3, 6, 11 and 15, 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, 4, 9, 11 and 13) in its annual report to the General Assembly and semi-annual report to the Secretary-General.
3. IAD is assessing the overall quality of its audit process and kindly requests that you consult with your managers who dealt directly with the auditors and complete the attached client satisfaction survey form.
4. I take this opportunity to thank the management and staff of ONUB for the assistance and cooperation provided to the auditors in connection with this assignment.

Copy to: Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations
Ms. Jane Holl Lute, Assistant Secretary-General, DPKO
Ms. Donna Marie Maxfield, OIC, ASD/DPKO
Mr. Karsten Herrel, Chief Administrative Officer, ONUB
UN Board of Auditors
Programme Officer, OIOS
Nicholas Makaa, OIC, Auditor, ONUB

Office of Internal Oversight Services

Internal Audit Division I



Review of the state of discipline in ONUB

Audit no: AP 2005/648/14
Report date: 28 October 2005
Audit team: Craig Brown, Auditor-in-Charge
Nicholas M. Makaa, Auditor
Muriette Lawrence-Hume, Auditor
Judith Atiagaga, Assisting Auditor

EXECUTIVE SUMMARY

Review of the state of discipline in ONUB (AP2005/648/14)

OIOS conducted a review of the state of discipline in the United Nations Operation in Burundi ONUB in March and April 2005. The overall objectives of the audit were to assess the state of discipline in the mission; identify gaps in existing policies and procedures on discipline; and identify tools that the mission requires to maintain an environment of good order and adherence to the Code of Conduct.

OIOS noted that since ONUB started in June 2004 there has been a commitment to the Code of Conduct and a prevention approach to Sexual Exploitation and Abuse (SEA). There is also an ongoing process to continually improve discipline and conduct in the Mission. From the outset the SRSG established the fulltime position of a Code of Conduct Officer (CCO) with well defined terms of reference. This post was filled in August 2004. Additionally, considerable effort has been made to promote the importance of adhering to policy, the UN standards of conduct and the laws of the host country. This has been achieved through town hall meetings with all ONUB staff, visits to the Military and Troop Contributing Country (TCC) contingency locations in Bujumbura and the provinces, and the release of policy material to all mission members.

The results of the survey across all categories of staff (military troops, military observers, civilian police, international staff, national staff and United Nations Volunteers) indicate benefits of the proactive approach, with 94 per cent of staff participating in the survey rating the overall state of discipline as satisfactory to good. However, the review has found areas where controls, monitoring and enforcement mechanisms need to be strengthened. This may also require the commitment of more resources into the discipline area that will have an impact on the budget. Continuing training will be required, together with establishing performance indicators and monitoring these against actual performance. Additionally, existing ONUB resources need to be reviewed and synchronized to improve the mission's effectiveness in maintaining an acceptable standard of discipline within the mission; for example, harmonizing the tasks of the Security Sections Investigation Unit with the Code of Conduct office and the Military Police. The revision of the MOU format of TCCs to include discipline standards and enforcement requirements is needed. Lastly, further development of strategies, including a risk assessment, is required to mitigate the risk of poor discipline and misconduct problems occurring.

TABLE OF CONTENTS

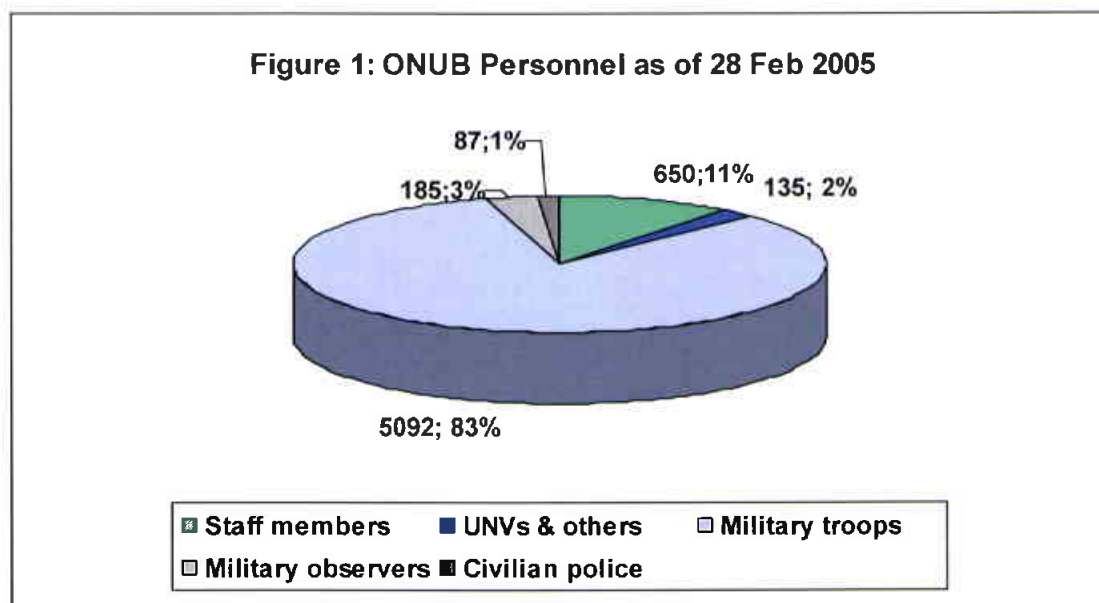
Chapter	Paragraphs
I. INTRODUCTION	1 – 3
II. AUDIT OBJECTIVES	4
III. AUDIT SCOPE AND METHODOLOGY	5 – 6
IV. OVERALL ASSESSMENT	7
V. AUDIT FINDINGS AND RECOMMENDATIONS	
A. The state of discipline in the mission	8 – 23
B. Implementation of policies and procedures on discipline	24 – 52
C. Staff awareness and misconduct prevention programme	53 – 59
VI. ACKNOWLEDGEMENT	60
ANNEXES:	
<u>Annex 1</u> Summary of survey results – Part 1	
<u>Annex 2</u> Summary of survey results – Part 2	
<u>Annex 3.1</u> Table 1 – Analysis of misconduct involving international staff, as alleged offenders, in ONUB	
<u>Annex 3.2</u> Table 2 – Analysis of misconduct involving national staff, as alleged offenders, in ONUB	
<u>Annex 3.3</u> Table 3 – Analysis of misconduct involving UNVs and other civilian personnel, as alleged offenders, in ONUB	
<u>Annex 3.4</u> Table 4 – Analysis of misconduct involving members of military contingents, as alleged offenders, in ONUB	
<u>Annex 3.5</u> Table 5 – Analysis of misconduct involving military observers, as alleged offenders, in ONUB	
<u>Annex 3.6</u> Table 6 – Analysis of misconduct involving civilian police officers, as alleged offenders, in ONUB	

I. INTRODUCTION

1. In the context of the global review requested by the Department of Peacekeeping Operations (DPKO) on the state of discipline in field missions led by DPKO, OIOS carried out a review of the state of discipline in the United Nations Operations in Burundi (ONUB) between March and April 2005. The review was conducted in accordance with the standards for the professional practice of internal auditing in United Nations organizations.

2. ONUB was established by the Security Council resolution 1545 of 21 May 2004, to support and help to implement the efforts undertaken by Burundians to restore lasting peace and bring about national reconciliation, as provided under the Arusha Agreement.

3. ONUB is headed by the Special Representative of the Secretary-General (SRSG) with the authorized staff strength of 6,768. As shown in Figure 1, approximately 91 per cent of personnel were on board as of 28 February 2005. The Mission's gross budget for the period 1 July 2004 to 30 June 2005 is approximately \$330 million to be used by ONUB to undertake activities in Burundi in the political process, security sector reform, security environment, human rights and humanitarian assistance, and support component.



II. AUDIT OBJECTIVES

4. The main objectives of the review were to assess the state of discipline in the mission; identify gaps in existing policies and procedures on discipline; and identify tools that the mission requires to maintain an environment of good order and adherence to code of conduct.

III. AUDIT SCOPE AND METHODOLOGY

5. The review included an analysis of data and statistics on misconduct for the period of ONUB's existence from June 2004 to February 2005. The auditors also reviewed all relevant policies and guidelines on discipline and selected case files on misconduct.

6. The review also included a survey on the state of discipline in the Mission, conducted by sending out questionnaires to all categories of mission personnel. Interviews were conducted with management and relevant personnel who are involved in the Mission's disciplinary mechanism and enforcement as well as staff members who were willing to discuss their responses.

IV. OVERALL ASSESSMENT

7. The Mission has only been operating since June 2004. From the outset of the mission a conscious effort has been made to promote a preventative approach to the risk of Sexual Exploitation and Abuse and other types of misconduct. OIOS is of the opinion that this approach has contributed to the low occurrence rate of actual reported cases of misconduct. The positive perception by staff in the survey results is indicative of the benefits this approach has had with mission staff. It was also noted that there is room for improvement as shown in the responses. ONUB management was, however, continually looking at improving UN standards of conduct awareness together with promoting the rules of the UN and the laws of the host country.

V. AUDIT FINDINGS AND RECOMMENDATIONS

A. The state of discipline in the mission

Reported cases of misconduct

8. Since the inception of its operations in June 2004, as of February 2005, ONUB had referred one case of sexual harassment to UNHQ for a formal investigation. The types of cases reported are shown in Figure 2:

Figure 2

Category of cases	Cases Reported to ONUB Administration	Cases Referred to UNHQ for investigation
Theft and misappropriation		
Fraud and misrepresentation		
Harassment and sexual harassment	2	1
Physical assault		
Sexual exploitation and abuse (SEA)	2	

9. A sexual harassment case was filed by a female staff member with the ONUB Code of Conduct Office (CCO) against her supervisor. Preliminary findings showed that there were grounds to believe that the supervisor had made unwanted sexual advances towards the female staff member. The case was referred to UNHQ on 31 January 2005 requesting that a formal investigation be initiated. In addition, there is a harassment case involving the abuse of authority that has been referred to the SRSB for action.

10. There was also one case of alleged SEA; however, the claim was found to be false, as admitted later by the alleged victim. The explanation given for the accusation was an attempt by the local casual worker to gain an employment contract with ONUB.

11. The other case was referred to the ONUB Board of Inquiry (BOI) concerning two soldiers from the same Battalion who had solicited sex with prostitutes in one of the regions in violation of section 3.2 (b) and (c) of ST/SGB/2003/13 that restrict sexual activities with children under 18 and/or exchange of money, employment, goods and services for sex. The Contingent BOI found that the soldiers were guilty of violating their leave authority. At the time of the review, the investigation by the ONUB Administration BOI was in progress including establishing the age of one of the local women involved. In its response to the draft report, ONUB management advised OIOS that *the BOI had been concluded and the Head of Mission had written to DPKO recommending their repatriation.*

12. The breakdown of the above cases by category of personnel is shown in Figure 3:

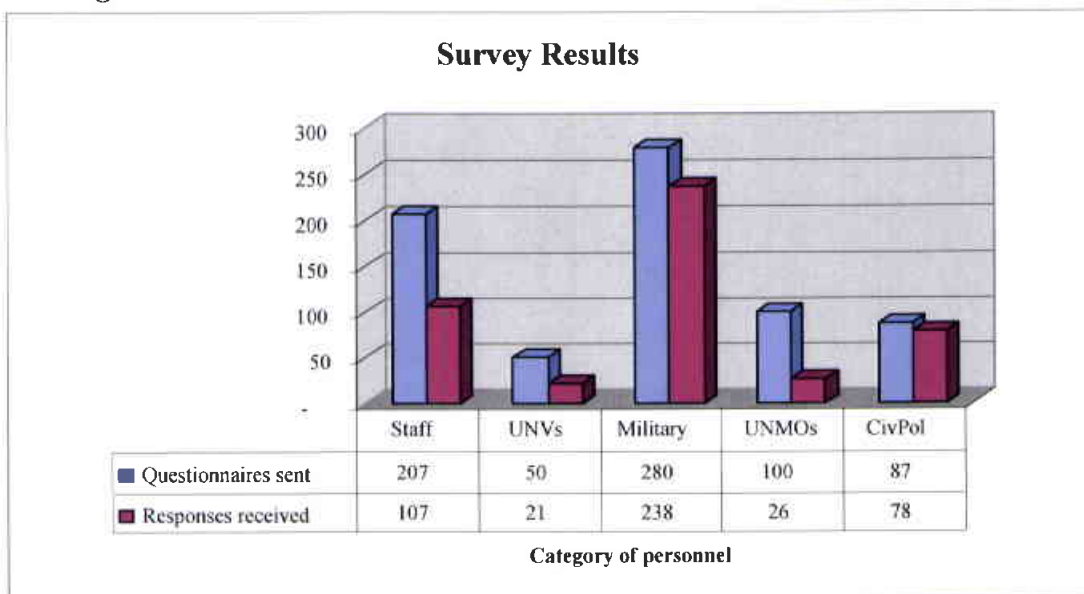
Figure 3

Category of personnel	No. of cases
Military Observers (UNMO)	
Contingent Personnel (CP)	1
Civilian Police (CPol)	
International staff (IS)	1
National Staff (NS)	1
UN Volunteers (UNV)	1

Perception of the state of discipline

13. OIOS conducted a survey of Mission personnel to obtain their perception and experience with the state of discipline in the Mission. The detailed results of the survey are shown in Annexes 2 and 3. The sample and responses received are shown in Figure 4:

Figure 4



14. The low occurrence rate of actual reported cases of misconduct is supported by the general perception of the overall state of discipline in the Mission. Ninety-four per cent of staff participating in the survey rated the overall state of discipline as satisfactory to good. In terms of the perception of how misconduct cases were being handled by the Mission, the rating dropped somewhat to 84 per cent.

15. However, only 55 per cent of respondents stated that they did not believe misconduct was going on without being detected and punished. Twenty-eight percent of the respondents stated that they were not aware of any information to the contrary and only 16 per cent believed that misconduct was going on without being detected and punished.

16. Sixteen percent of the respondents indicated that misconduct was occurring and gave as examples prostitution in bars and around military camps, all night parties held by staff members, racism, poor driving standards, inappropriate dressing by some female staff members and contingents frequenting establishments of ill repute in Bujumbura. There were also some personnel who are of the view that there will always be some degree of misconduct in large organisations and underreporting due to fear. Referring to the sexual harassment case reported above, which at the time of the review was still in process, one respondent used this as an example of misconduct going unpunished since there has been no feedback on the results of the investigation.

17. Twenty-eight percent of the respondents were unable to tell whether there were instances of unreported and unpunished misconduct on the grounds that they had no evidence but had

heard rumours. Others believed that UN personnel could be targets for blackmail and false accusations.

18. There were marked differences between the perceptions of civilian and uniformed personnel with 27 per cent of civilian respondents indicating that there is misconduct and 48 per cent responding that they did not know. This compares with 11 and 20 per cent respectively among the uniformed personnel as shown below.

Figure 5

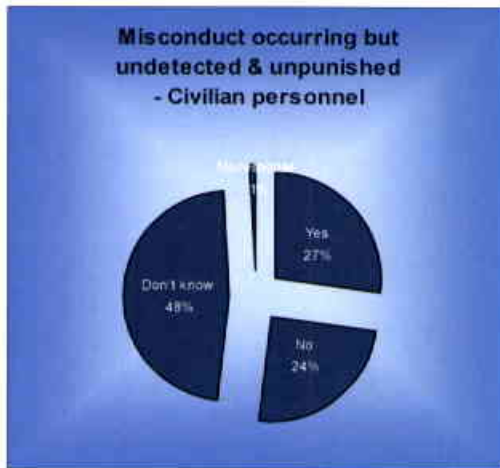


Figure 6



19. There were also marked differences between the perceptions of female and male staff members. Only 15 per cent of females thought any misconduct occurring is being detected and punished compared to 58 per cent of males. Fifty per cent of females were unable to respond to the question.

Figure 7

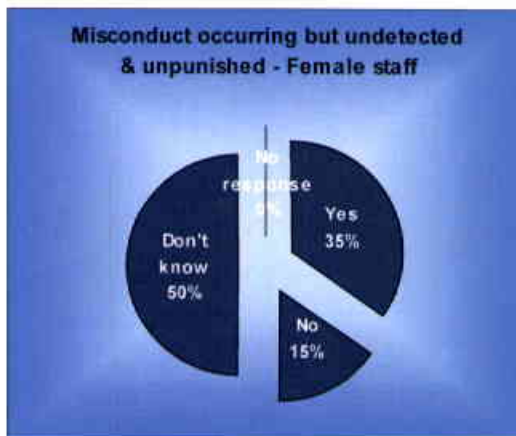
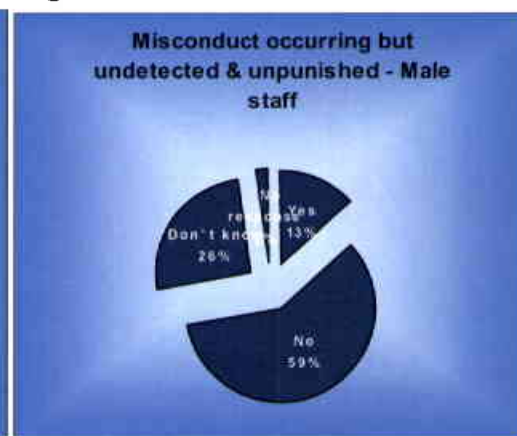
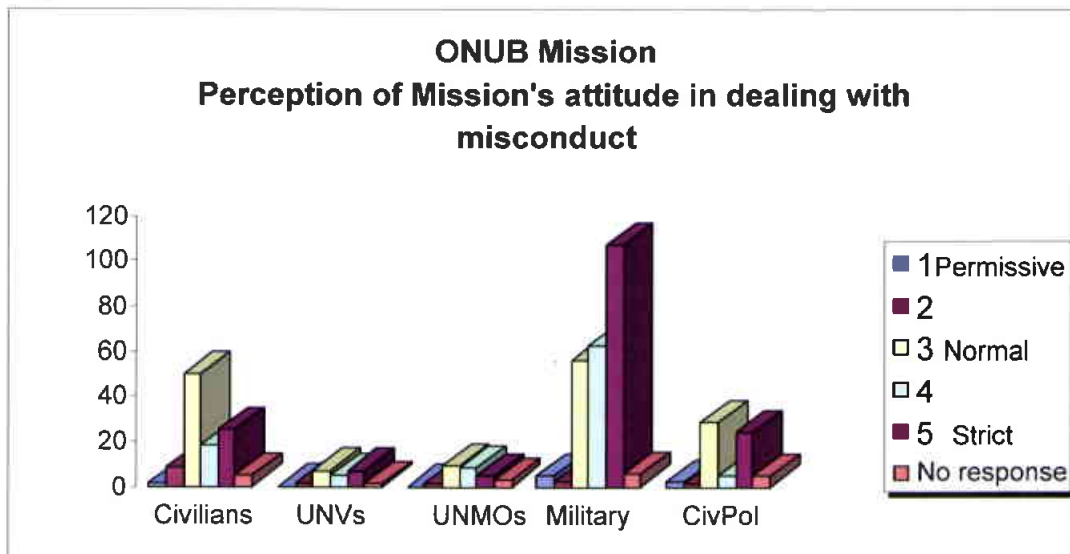


Figure 8



20. With regards to the attitude of the Mission in dealing with misconduct/disciplinary issues, 91 per cent of respondents characterised this as normal to strict.

Figure 9



21. Eighty percent of the respondents thought the Mission is implementing measures to prevent sexual exploitation and abuse but only 52 per cent rated these measures as effective while 48 per cent indicated that the measures were ineffective or did not respond to the question. Amongst the reasons given for the measures not being effective are:

i. The method of dissemination is mainly through circulars generally in English and via Lotus Notes which many personnel do not have access to. Suggestions to address this shortcoming were to hold regular workshops by section or battalion, seminars, town hall meetings, presentations, etc. to better engage personnel and reinforce the message. Consideration should be given to translating circulars in different languages. The CCO commented that these suggestions have already been implemented, with information being released in French and English through other media. She added that new ways of reaching out to all staff members and the local population is an ongoing activity.

ii. The manner in which the message is being delivered is considered by some as dogmatic, which could generate a negative reaction. It was felt that a more comprehensive approach is needed to encourage change. Attention should also be paid to alleviating the hardship conditions in the Mission and issuing fewer threats. Consideration should also be given to including a male staff member in the code of conduct team to better relate to personnel who are mainly men.

iii. The measures do not address the root causes of the problem which were attributed to separation from families, imbalance of sexes especially among military personnel, long intervals between contingent rotations (with the example given of one contingent that was only rotated after one year), cultural differences. Suggestions for addressing these issues include allowing visits by partners for limited lengths of time, relaxing rules on breaking ORB, rotating troops more frequently and trips to home countries at the UN's expense.

Clarification was also sought on the UN's policy of distributing condoms and the apparent contradiction in the Organization's zero tolerance policy on SEA.

iv. Lack of proper control over UN troops who were being allowed to visit bars. It was felt that more authority should be given to contingent officers to enforce discipline and that the capacity to investigate SEA cases in the Mission should be enhanced.

v. Lack of regular reports on cases of misconduct, results of investigations and disciplinary action taken which could serve as a deterrent. Currently, the only information available is through the grapevine.

22. Approximately four per cent of respondents were unable to rate the Mission's attitude in dealing with misconduct due to absence of information to form an assessment or opinion.

23. Contact was also made with one of the larger agencies in the duty station to gain a perception of discipline. OIOS was advised that the Mission had a generally good reputation with the heads of agencies. The weekly meetings of the UN country team chaired by the ONUB Deputy SRSG provided an opportunity to discuss issues like the Code of Conduct and conduct related matters.

B. Implementation of policies and procedures on discipline

Policies and guidelines on discipline

24. ONUB has put in place policies and procedures on discipline that adequately define misconduct in the form of the ONUB Code of Conduct and the profile being given to it by the SRSG. The mission has also taken the following steps towards strengthening the standards to ensure misconducts are minimized:

i. The SRSG invited an independent review team to carry out a preliminary survey on the state of discipline which disclosed general compliance by the mission with no cause for any alarm. However, the Team suggested a tightening up of controls to reduce the risk of misconduct. The Team believed ONUB has good policies but that there was a need to follow through by ensuring compliance, security and policing or enforcement of existing policies. *ONUB advised OIOS that recommendations of the evaluators had been already implemented.*

ii. ONUB is in the process of evaluating the Mission environment in light of the OIOS preliminary review to determine what courses of action need to be taken to improve the situation. Consideration is being given to implementation of new procedures to further empower the joint patrols of Military Police and Security Officers, plus issuing new procedures for the use of UN vehicles and, determining if some locations could be considered or placed off limits for the entire ONUB personnel.

iii. The SRSG, in response to the OIOS findings, has written to all UN staff (national and international, mission and agency, civil and military) advising of the stronger control procedures to be adopted. Attached to that letter was the new version of the ONUB Code of Conduct.

iv. Joint Military Police and ONUB Security patrols are being carried out with a view to deter breaking of curfew hours between 21.00 hours (Military)/23.00 hours (International Staff) and 06.00 hours.

v. In March 2005, procedures have been adopted requiring third parties such as contractors and consultants to be bound by UN standards of conduct, and penalties for breaching these standards, are outlined in the contract documentation.

vi. Mechanisms on disclosure especially to the press are based on the guidelines provided by the UN Department of Public Information.

25. However, the following deficiencies in policies and guidelines were noted:

i. There is no protection against reprisals, especially for the local population, including local staff, whose bargaining power is limited.

ii. There is no mechanism to guard against possible false accusations of prohibited conduct.

iii. As disclosed in comments from the survey, some staff members (local or international) fear reporting misconduct cases.

iv. There is no mechanism to address the risk of false reports made in an attempt to extort staff members or, for political or other reasons.

v. There is no provision for witness protection.

26. OIOS suggests that there is a need for the enforcement of the UN policies and procedures within the Mission whereby, through strict follow-up procedures and sanctions, all ONUB staff are aware of the consequences of ignoring the UN rules and host country laws. OIOS also notes that there is a need to ensure that cases referred to UNHQ are dealt with promptly and support the requirement by the Mission for a 'fast track' process that can react in a timely manner.

Recommendations 1 and 2

The ONUB Special Representative of the Secretary-General, in consultation with the Military Force Commander and Legal Adviser, should establish policies and guidelines to set up parameters for locations that are considered or placed off limits for the entire ONUB personnel and the observation of curfew hours, and to ensure that mechanisms are in place to enforce the policies and/or guidelines. Also, additional follow-up steps should be taken to ensure that staff members breaking policies and/or standards are reprimanded (AP2005/648/14/01).

ONUB management should approach DPKO to request that cases referred to UNHQ are dealt with promptly by a 'fast track' process that can react in a timely manner, while maintaining due process and the rights of the individual (AP2005/648/14/02).

27. *ONUB accepted recommendation 1 noting that action was underway and a list of 'Out of Bounds' places had been produced, while criteria for identification of such establishments needs to be refined. Joint patrols by Military Police and Security Section have been conducted since April 2005. Based on ONUB's response, OIOS has closed recommendation 1.*

28. *ONUB accepted recommendation 2 and advised that action has been taken. Also, that the SRSG will reiterate the request to HQ. Fast track system needs to be established across all PKO not only ONUB. Human and financial resources are needed to ensure due process and individual staff rights. On the basis of ONUB's response, OIOS has closed this recommendation*

Roles and responsibilities of mission offices/officials responsible for discipline in the Mission

29. Concerning roles and responsibilities of officials/offices involved in dealing with misconduct cases, senior officials at ONUB organized joint meetings involving the SRSG, Principal Deputy SRSG, Deputy SRSG, Force Commander (FC), Deputy FC, Military Legal Adviser, Chief Administration Officer, Chief of Staff (civilian) and the Code of Conduct Officer (CCO), during which disciplinary policy formulation and enforcement issues were addressed. However, the discussions were not recorded in minutes though the actions to be taken were recorded as 'notes to file' maintained by the CCO. OIOS also noted the following:

i. The Investigation Unit of ONUB's Security Section is not effectively and efficiently utilized as investigators are often tasked with other duties such as providing security convoys to the regions, escorting UN high ranking officials and envoys, or generally remaining on call for any other general Security Section duties. This suggests that the Unit's investigative skills cannot be adequately developed and used in an optimal way. OIOS believes that the Investigation Unit needs to be either relieved from any other Security tasks or, set up as an independent Section. Continuing and specialised training needs to be provided to increase the skill sets required to handle SEA and other similar investigations. Additionally, the Investigation Unit needs to harmonise its working relationship with the CCO, Military Police and Civilian Police, supported by policies that makes the Investigation Unit the central point of referral for all cases of misconduct or alleged misconduct.

ii. The roles and responsibilities of supervisors, military, CIVPOL and other UN officials in ONUB have been defined for the promulgation and enforcement of policies on misconduct in the mission. OIOS could not determine whether the performance of managers and officers in preventing misconduct and enforcing UN standards of conduct is being evaluated to assess effectiveness. Furthermore, it was not possible to determine whether managers and officers are held responsible for preventing misconduct and enforcing UN standards of conduct.

iii. The Mission's CCO is the senior focal point to deal with misconduct, in general and for SEA cases. The CCO's terms of reference detailing her roles and responsibilities as the lead Mission official have been documented. Also, focal points and alternates have been established for each of the five regions in Burundi. The CCO has advised that training on SEA and the Code of Conduct is being planned using UNHQ staff to assist focus and synchronise the focal point staff.

iv. DPKO has helped the Mission in issuing guidance to deal with misconduct cases. However, the guidance might not be sufficient in handling specific TCC contingents' disciplinary matters or assisting in the development of tracking/debarring perpetrators within the Mission.

v. OIOS noted that the Force Commander is answerable to the SRSG when it comes to disciplinary measures within the Military.

30. Reviewing roles and responsibilities for discipline from the perspective of the personnel, OIOS noted that the majority of respondents to the survey (approximately 73 per cent) were aware of their duty to report concerns or suspicions regarding SEA although some questioned the objectivity of any such reports in the absence of firm evidence. Seventeen per cent are not aware of their responsibility in this area, while eight per cent indicated that they did not know the answer to the question, and two per cent did not respond. It was noted that, in terms of willingness to report such suspicions, only 51 per cent of civilian personnel indicated that they would report them compared to 82 per cent of their colleagues in uniform. Seventy-six per cent of males would report misconduct as against 57 per cent of females.

31. Thirty-three percent of civilians responded that they would not report concerns while 15 per cent were unable to say whether they would or not. Staff who would not report misconduct cases felt that this task was best left to the people assigned the responsibility to deal with conduct issues and that there was a risk to their career especially when the alleged perpetrator is more senior. In their opinion, it would be tantamount to interfering in someone's private lives, that they did not want to be labelled a traitor, and for fear that the matter will not be handled fairly and lives would be destroyed or that their observations could be wrong.

Recommendations 3 and 4

The ONUB Investigation Unit should be developed as either a separate Section, or Unit members be tasked only to handle investigations and relieved of other Security Section duties, and staffed with investigators who are properly trained to carry out investigations of misconduct cases (AP2005/648/14/03).

The ONUB Code of Conduct Officer should liaise with ONUB's Investigation Unit of Security Section, including referring cases of misconduct for preliminary investigations (AP2005/648/14/04).

32. *ONUB accepted recommendation 3 but explained that Management's preference is to develop a dedicated investigation capacity within the Civilian Security Section. This would also*

be consistent with recent advice given to the CAO by the Chief Peacekeeping and Tribunals Investigation Unit, OIOS. As the staffing of the Security Section is being built up to authorized strength, and with the phase-out of ONUB's electoral activities, it will be possible to bring back experienced investigators from other security tasks into the Investigation Unit. OIOS will close recommendation 3 on notification that experienced investigators have been reassigned to the Investigation Unit.

33. *ONUB accepted recommendation 4 advising that this has been implemented and is a standard procedure. Based on ONUB's response, OIOS has closed recommendation 4.*

Implementation of complaint mechanism

34. Our review of procedures for handling complaints at the Mission – from their submission/receipt, investigation, decision-making (for disciplinary action) – and tracking/monitoring of misconduct cases showed the following:

i. The relationship (including lines of authority and coordination) between Military and the Mission Administration on questions of discipline is being developed and is progressing well. Information on allegations and investigations relating to uniformed personnel and on a roster of deployment of personnel in various locations is being shared except in cases where it might involve a Contingent of a particular country, which uses its own military rules and regulations.

ii. Many international staff have employed the local population as domestic staff to assist them at their residences. However, ONUB does not have mechanisms to ensure that these local domestic staff are not subjected to sexual exploitation and abuse (SEA) in return for temporary jobs at the Missions; this might be beyond the control of the Mission to monitor.

iii. Besides specific guidance given, ONUB has not established performance indicators and targets to police violations of rules of conduct. Thus, it can not monitor and assess performance against the targets.

iv. Staff members know where to make complaints and the focal points facilitate access of staff. Additionally, the CCO has also confirmed that the public used either the focal points or her office as a means to report possible misconduct cases. OIOS believes that this can be further enhanced by the regular publishing of bulletins and broadcasting of information about UN conduct requirements together with the rights of both the UN staff and the local population. Further, the introduction of a hotline would increase the accessibility by all to the CCO and the focal points. In its response to the draft report, ONUB advised OIOS that, *at present, the Mission has no capacity to establish a hotline. However, other ways of increasing accessibility to the CCO and focal points have been used, i.e. mailboxes at the entrance of ONUB main building, posters with information on how and where to file complaints as well as a related ONUB's e-mail address.*

- v. ONUB having started its operations in June 2004, has not been subjected to review by DPKO on enforcement of the Organization's and, where applicable, Mission's internal procedures on handling complaints.

Recommendations 5 and 6

ONUB management should seek guidance from DPKO to establish performance indicators and targets to police violation of rules of conduct at ONUB, which the Mission should then put mechanisms in place to enable it to monitor and assess performance against the targets (AP2005/648/14/05).

ONUB management should request DPKO to issue policy guidelines and procedures on hiring local domestic staff with a view to ensuring that they are not subjected to sexual exploitation and abuse (SEA). The procedures should include a requirement to brief local domestic staff on his/her rights as regards SEA and the complaint filing mechanism (AP2005/648/14/06).

35. *ONUB did not accept recommendation 5 and explained that performance indicators should be developed at HQ by OHRM in consultation with SEA Task Force. Requesting the mission to put mechanism in place to monitor performance against targets needs to be preceded by adequate staffing of the Code of Conduct Unit.* OIOS takes cognizance of the response provided by ONUB and withdraws recommendation 5 considering that this issue had been addressed in the OIOS consolidated report on the global discipline review.

36. *ONUB accepted recommendation 6 and commented that human and budgetary resources needed. DPKO/HQ may need to develop policy guidelines to be applied to all peacekeeping missions. ONUB will take a pro-active approach and will prepare a leaflet with recommendations to all staff on the hiring of domestic help, which will be made available in Kirundi and French translations.* This recommendation will remain open in the OIOS database until the Mission provides copies of the leaflet.

Submission and handling of complaints

37. Through the appointment of a code of conduct officer and establishment of code of conduct focal points within the regions, there are adequate mechanisms in place to facilitate receipt of complaints on misconduct both for civilian staff members and within the Military Operations of ONUB with regard to military personnel. It was difficult to determine whether these are accessible to the local population with regard to civilian personnel. OIOS noted the following:

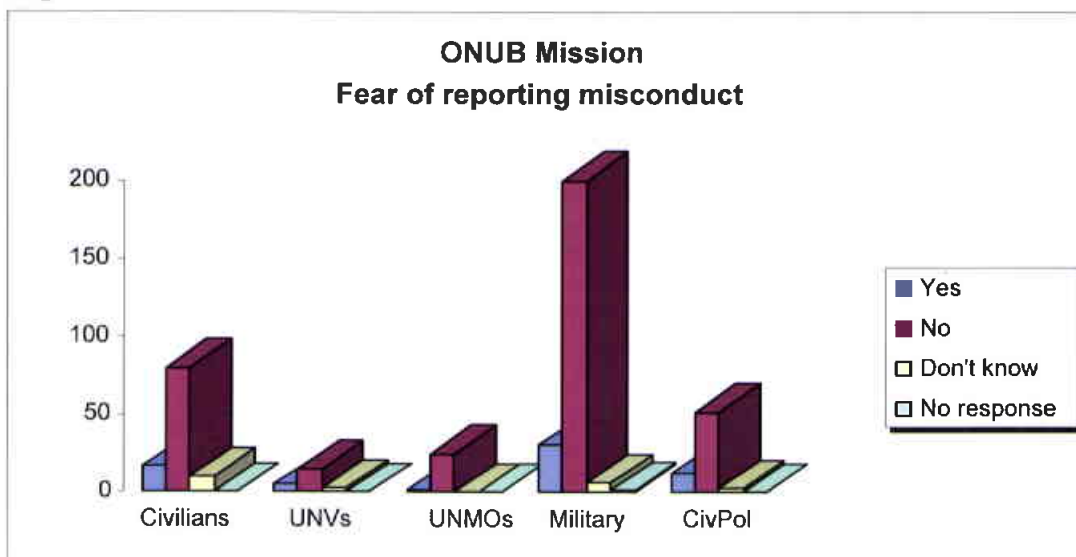
- i. Procedures for handling complaints indicated that records are kept concerning the interview and all the steps of the complaint mechanism for civilian and military personnel. Discussions with the CCO, Military Police and the Military Legal Adviser indicated that the complaints including rumours were all recorded and logged in the system for assessment, and subsequent investigation in line with ONUB's policies and

procedures. Normally preliminary investigations and reviews are carried out to determine authenticity of the cases.

ii. Military Police told OIOS that mechanisms are accessible in all locations including remote field locations. All cases are recorded, logged and target milestone dates established to complete investigations.

iii. The survey revealed that personnel were generally not afraid to report cases of misconduct provided they had sufficient evidence, there were guarantees that there would be no reprisals and their reports were kept confidential. Others would report only if requested officially or after mediation attempts had failed.

Figure 10



However, some respondents, civilian personnel in particular, are unwilling to report cases. Despite the assurances given by management that the complaints mechanism is safe and ensures confidentiality, some staff members were not sure that the information would not be used to the detriment of the person making the report, irrespective of the results of any investigations.

38. ONUB is taking steps to gradually put mechanisms in place for handling complaints on misconduct. In this regard, the CCO has been on the local radio, spoken to national and international NGO's and, to women's groups about conduct and SEA issues.

Recommendation 7

The ONUB Code of Conduct Officer should consult other UN agencies, NGOs and government representatives to obtain information on complaints of misconduct (AP2005/648/14/07).

39. *ONUB accepted recommendation 7 stating that this was ongoing that an In-country Network on the Prevention of SEA has been established but needs to be strengthened. Additional staff in the Code of Conduct Unit will assist in ensuring periodic consultations.* Based on

ONUB's response, and noting that ONUB has received General Assembly approval for six additional Code of Conduct posts OIOS has closed recommendation 7.

Investigation of misconduct cases

40. An assessment of procedures to investigate misconduct cases indicated that mechanisms at ONUB are inadequate to handle interviewing the alleged perpetrators, victims, and witnesses in part due to lack of adequate capacity within the Investigation Unit and lack of witness protection resources. In addition, ONUB does not have the capacity to ensure adequacy and effectiveness in handling complaints. For example, the CCO has an ad-hoc access arrangement with the Investigation Unit.

41. The Code of Conduct area is resource constrained with posts being borrowed to initially set up the Investigation Unit. OIOS believes that there is a need to review the resources of this function to ensure there is sufficient capacity to do preventive as well as investigative aspects of code of conduct tasks.

Recommendations 8 and 9

ONUB Management request DPKO for policy and guidance on mechanisms to establish procedures that deal with investigations of misconduct cases (AP2005/648/14/08).

The ONUB Special Representative of the Secretary-General, in consultation with the Chief Administration Officer and the Code of Conduct Officer, should review the resources required to establish an adequate system to address ONUB's preventative and investigative conduct requirements (AP2005/648/14/09).

42. *ONUB did not accept recommendation 8 commenting that existing UN policies and procedures are adequate.* In OIOS' opinion, there is a need for guidance on investigation procedures. OIOS will address this issue in the consolidated report on the global discipline review and withdraws this recommendation at the mission level.

43. *ONUB accepted recommendation 9 commenting that the General Assembly has approved the addition of six posts for the Code of Conduct activities, in addition to the one existing post, in the ONUB 2005-6 budget. Recruitment is being initiated.* Based on ONUB's response, OIOS has closed recommendation 9.

Review of disciplinary procedures

44. The review of disciplinary procedures showed that they were adequate and kept current. The procedures are frequently updated and cover all ONUB personnel located in Burundi. A spot check of the few cases reported showed that similar policies have been applied for related cases of misconducts.

45. However, the only MOU signed by one TCC did not include provisions for courses of action to be taken where these personnel are found to be engaged in serious misconduct,

including reporting on the outcome of action taken by a TCC after repatriation on grounds of misconduct. The remaining contingents from seven TCCs represented in ONUB have yet to sign an MOU. OIOS supports the ONUB view of ‘One UN, One Standard’ that is soon to be the campaign slogan on flyers and posters to be released within various Mission locations. This should be supported by a revised MOU template that requires this standard of all TCC contingents, and is consistent with the recommendations of the Zeid report (A/59/710).

46. Sixty-five percent of respondents participating in the survey consider the disciplinary procedures to be fair though there is a marked difference of opinion between civilians and uniformed personnel, where 40 per cent of civilians consider the procedures to be fair against 75 per cent of uniformed personnel as illustrated below:

Figure 11

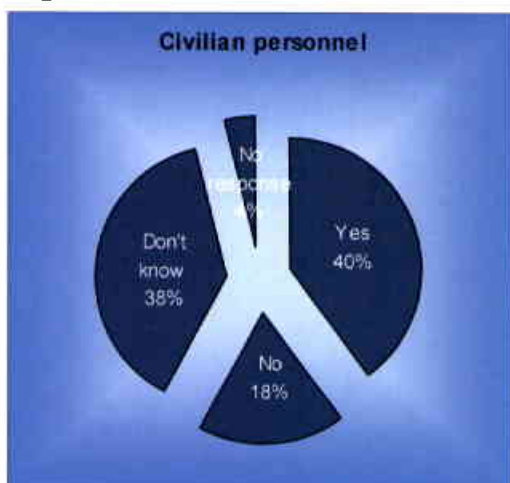
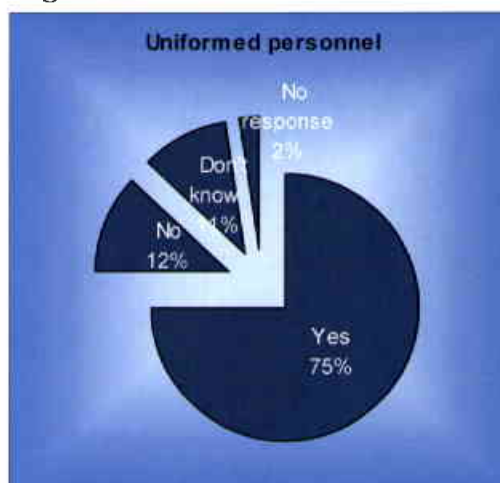


Figure 12



Thirty-five percent of female respondents considered the mechanism to be fair compared to 69 per cent of males. Analysis of the disparities in the returns is beyond the scope of the audit; however, the Mission should look into this issue, possibly, by holding group discussion with female staff.

47. Respondents who consider the mechanism to be fair commented, however, that it is a slow, long drawn out process that left people in suspense for a long time which was bad for both the victim and the alleged perpetrator.

48. Reasons given by the respondents for believing the mechanism to be unfair include:

- i. A presumption of guilt even before the investigation is completed. An example was cited of a case of sexual harassment where the alleged offender has been put on monthly contract, pending the results of the investigation.
- ii. Little opportunity is given to the staff member to defend him/herself. One of the respondents commented, “The process gives little chance for the accused UN worker to defend himself.”
- iii. Differences in approach in handling matters relating to the various categories of staff. Cases involving junior personnel are dealt with swiftly, while more senior

personnel are often protected. The process can be influenced by people high in the hierarchy. This is in contrast to the observations of the audit team which did not find any distinction in the treatment of cases involving different levels of staff. Some respondents commented: "There are some who think everything is permitted."; "It (the disciplinary mechanism) remains influenced hierarchical position."

- iv. Staff members found guilty of SEA are not excluded from the UN system.
- v. The mechanism can be used unfairly to destroy the career of others. One of the respondents commented, "Sometimes accusations are not valid and can be implanted or used against a person out of personal revenge."

Recommendation 10

The ONUB Special Representative of the Secretary-General should request DPKO to consider revising the MOU template that establishes with all Troop Contributing Countries (TCC) the one UN standard that makes clear the disciplinary measures required for military personnel found to be engaged in serious misconduct (AP2005/648/14/10).

49. *ONUB did not accept recommendation 19 stating that it was not applicable to the Mission and that ONUB was aware New York is well advanced on this issue. OIOS will address this issue in the consolidated report on the global discipline review and withdraws this recommendation at the mission level.*

Monitoring of complaints from their receipt to final resolution

50. OIOS reviewed the process for handling complaints tracking/monitoring procedures, and noted that:

- i. Information-sharing mechanisms seem to be adequate within the administrative sectors of the Mission on complaints and investigations conducted. Where TCC troops are involved, the Mission has no influence over military laws and rules of the TCC contingents. Thus, often the mission management may not be adequately apprised of disciplinary measures taken in the contingents.
- ii. There is no system to provide periodic status reports to UNHQ on progress and ultimately action taken on cases under investigation for all categories of staff. *In its response to the draft report, ONUB commented that the CAO includes statistical information in his monthly reports, and the CCO prepares reports for DPKO quarterly and for OHRM annually.*

Recommendations 11 and 12

The Special Representative of the Secretary-General, in consultation with the Military Legal Officer and the Force Commander, should establish a central tracking system of complaints and investigations to ensure appropriate action is taken prior to closure of cases of misconduct (AP2005/648/14/11).

The ONUB Special Representative of the Secretary-General, in consultation with the Code of Conduct Officer, the Military Legal Officer and the Force Commander, should seek guidance from DPKO on mechanisms to require the reporting of information on misconduct cases pertaining to TCC troops to ensure effective monitoring and control as a deterrent to reoccurrences of misconduct (AP2005/648/14/12).

51. *ONUB accepts recommendation 11 advising that the Mission has developed and is operating its own tracking system while waiting for New York's intention to develop special software which will not be ready until 2006.* In this regard, DPKO advised OIOS that it planned to provide all missions with a database to track misconduct cases. The task is scheduled to be completed in March 2006. OIOS will leave recommendation 11 open until it can be confirmed that the recommendation has been implemented.

52. *ONUB does not accept recommendation 12 stating that this is for DPKO or HQ NY to take on as it flows from the recommendations included in the report by Prince Zeid.* OIOS notes ONUB's comments and withdraws recommendation 12 with a view to address this issue in the OIOS consolidated report on the global discipline review.

C. Personnel awareness and misconduct prevention programmes

Risk assessment and misconduct prevention programmes

53. ONUB has started putting procedures in place to develop effective mechanisms such as risk assessment to identify existing or potential problems of indiscipline and misconduct in the mission environment.

54. ONUB, having been established in June 2004, determines its risks based on the successful completion of the mission mandate. The audit team noted that the SRSG, at weekly Section Chiefs meetings, continuously assesses the risks associated with achievement of ONUB's mandate. To complement this, a Strategic Planning Officer position has been identified whose responsibilities include developing, monitoring and providing policy and planning guidance on the implementation of the mandate outlined in the ONUB Concept of Operations. However, concrete steps should be taken to continually assess and identify risks of indiscipline and misconduct areas to reduce occurrence of problems by developing mitigating strategies.

Recommendation 13

ONUB management should consider the further development of strategies that assess and identify risks associated with non-compliance of procedures and, are part of the strategic planning framework to reduce the risk of poor discipline and misconduct problems occurring in the Mission environment (AP2005/648/14/13).

55. *ONUB accepts recommendation 13 stating the Mission has ONUB has taken a pro-active preventive approach which includes prevention, identification and response to allegations of misconduct. The mission is prepared to act quickly and decisively should allegations of misconduct occur.* Based on ONUB's response, OIOS has closed recommendation 13.

Personnel awareness

56. Mission personnel are generally aware of and indicate they understand most of the policies on discipline as shown in Figure 13:

Figure 13

Policy	Yes	No	Don't know	No response
Familiarity with Staff rules and regulations / UN code of conduct	92%	7%	1%	0%
Familiarity with status, rights and duties of UN staff members	84%	14%	1%	1%
Awareness of what constitutes misconduct or prohibited behaviour	95%	3%	1%	0%
Awareness of prohibition of involvement with prostitute	96%	2%	1%	0%
Awareness of prohibition of sexual activity with a person under the age of 18	98%	1%	1%	0%
Knowledge of how to file a formal complaint	59%	32%	6%	2%
Received briefing or information on UN standards of conduct on joining Mission	86%	12%	1%	1%

However, a significant number of respondents would like to be made more aware of the procedures for filing formal complaints and disciplinary action. Other information requested includes:

- i. Clear definition and examples of sexual exploitation, abuse and harassment; bad behaviour or prohibited conduct; gender issues, alcohol abuse.
- ii. Sensitisation on dealing with people from different religions and cultures to avoid actions being misconstrued.

- iii. Measures to protect victims or witnesses during investigations.
- iv. Dealing with abuse of authority, frivolous accusations and blackmail.
- v. Focal person with whom to discuss issues arising.
- vi. Off-limit areas.
- vii. Bad behaviour other than sexual abuse.
- viii. Do's and don'ts under the UN mandate (requested by military personnel).
- ix. Right of defence, extent of evidence required and compensations to third parties/victims of misconduct.
- x. Regular reports on cases under investigation and their outcome.

57. In OIOS' opinion and as suggested by some of the survey respondents, there is a need to hold regular workshops by section or battalion, seminars, town hall meetings and presentations to reinforce the measures the Mission is implementing to prevent SEA. In addition, there is a need for the Mission to develop a welfare and recreation programme, which may include the establishment of recreational facilities.

Recommendations 14 and 15

The ONUB management should:

- i. Arrange regular workshops, seminars, town hall meetings, presentations to reinforce the measures the Mission is implementing to prevent SEA (AP2005/648/14/14); and
- ii. Develop a welfare and recreation programme to provide a good environment for all UN personnel after office hours (AP2005/648/14/15).

58. *ONUB accepts recommendation 14 advising that implementation is ongoing, although pointing out that there were resource implications. OIOS notes ONUB's comments and will close the recommendation upon receipt of evidence that recommended actions have been taken.*

59. *In the draft report, OIOS addressed recommendation 15 to the CCO. As such, ONUB did not accept the recommendation stating that the development of a welfare and recreation programme does not fall under the responsibility of the CCO. For military contingent personnel, the responsibility is with contingents; Troop Contributing Countries receive a welfare allowance for this purpose. Furthermore, the mission is in the process of installing recreational facilities in the newly constructed Integrated Mission Headquarters Compound. Finally, an international staff committee has just been elected; as is usual, the staff committee is expected to constitute a staff recreation council or similar body to develop and organize related activities, such as trips and other events. Management will ensure that the future commercial PX (commissary) operator*

will be assessed a staff welfare charge on overall sales that will be made available to the Recreation Council. OIOS notes ONUB's comments and addresses the recommendation to ONUB management, who, in OIOS' opinion, initiated the above-mentioned actions on welfare and recreation. As concerns a welfare and recreation programme, ONUB should verify the provision by TCCs of welfare and recreation facilities to their respective contingents. OIOS will leave recommendation 15 open until ONUB provides OIOS with the evidence that such verification has been made.

VI. ACKNOWLEDGEMENT

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

A handwritten signature in blue ink that reads "P. Azarias". The signature is written in a cursive style with a large initial "P" and a long, sweeping underline.

Patricia Azarias, Director
Internal Audit Division 1, OIOS

ANNEX 1

ONUB – SUMMARY OF SURVEY RESULTS: PART 1

No.	Question	Yes	No	Don't know	No response
2	Are you familiar with the Staff Regulations and Rules as they relate to conduct and discipline?	92%	7%	1%	0%
3	Are you familiar with the status, basic rights and duties of UN staff members?	84%	14%	1%	1%
4	Are you aware of what constitutes misconduct or prohibited behaviour?	95%	3%	1%	0%
5	Are you aware that involvement with a prostitute is prohibited under the UN standards of conduct?	96%	2%	1%	0%
6	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?	98%	1%	1%	0%
7	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)?	80%	8%	11%	1%
	If so, do you think that these measures are effective? Why or why not (please explain in the "Comments" column)?	52%	10%	10%	28%
8	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)?	73%	17%	8%	2%
9	Do you know how to report or file a formal complaint?	59%	33%	6%	2%
10	Would you report a suspicion of misconduct? If not, please explain in the "Comments" column.	73%	18%	6%	3%
11	Did you receive briefing or information on UN standards of conduct when you joined the Mission?	86%	12%	1%	1%
12	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.	16%	55%	28%	2%
13	Do you consider the disciplinary mechanism to be fair?	65%	14%	18%	3%
14	Do you fear reporting cases of misconduct? If yes, please explain in the "Comments" column.	14%	81%	5%	0%

ANNEX 2

ONUB – SUMMARY OF SURVEY RESULTS: PART 2

No	Question	1 Worse / Poor	2	3	4	5 Good	No response
15	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%	2%	18%	23%	53%	2%
16	What is your perception of how misconduct cases are handled by the Mission?	5%	5%	24%	20%	40%	6%
		1 Permissive	2	3 Normal	4	5 Strict	No response
17	How would you characterize the Mission's attitude on dealing with misconduct/disciplinary issues:						
	▪ Overall	2%	3%	33%	21%	37%	4%
	▪ Theft and misappropriation	3%	4%	25%	19%	40%	9%
	▪ Fraud and misrepresentation	4%	3%	23%	15%	40%	14%
	▪ Harassment and sexual harassment, including verbal assault	4%	4%	19%	16%	50%	7%
	▪ Physical assault	4%	2%	22%	16%	46%	10%
	▪ Sexual exploitation and abuse	4%	4%	17%	18%	46%	11%
	▪ Others (lesser breaches of rules and policies)	8%	6%	24%	18%	39%	6%

ANNEX 3.1

TABLE 1 - Analysis of cases of misconduct involving international staff members, as the alleged offender, in ONUB

	Complaints received						S T A T U S						Cases that resulted to OHRM sanction					
	2002		2003		2004		Under investigation			Closed without referral to HQ			Dismissed			Referred to HQ		
							2002	2003	2004	2002	2003	2004	2002	2003	2004	2002	2003	2004
1 Theft and misappropriation																		
2 Fraud and misrepresentation																		
3 Harassment and sexual harassment, including verbal assault			1								1							
4 Physical assault																		
5 Sexual exploitation and abuse																		
6 Abuse of power, position or authority, including inappropriate superior-subordinate relationship																		
7 Misuse of UN resources																		
8 Others																		
TOTALS	0	0	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0

LEGEND: (1) Dismissed because case could not be substantiated; (2) Dismissed due to false allegation

ANNEX 3.2

TABLE 2 - Analysis of cases of misconduct involving national staff members, as the alleged offender, in ONUB

	Complaints received			S T A T U S						Cases that resulted to OHRM sanction				
	Under investigation			Closed without referral to HQ		Dismissed				Referred to HQ				
	2002	2003	2004	2002	2003	2004	2002	2003	2004	2002	2003	2004		
1 Theft and misappropriation														
2 Fraud and misrepresentation														
3 Harassment and sexual harassment, including verbal assault														
4 Physical assault														
5 Sexual exploitation and abuse			1						1					
6 Abuse of power, position or authority, including inappropriate superior-subordinate relationship														
7 Misuse of UN resources														
8 Others														
TOTALS	0	0	1	0	0	0	0	0	0	0	1	0	0	0

LEGEND: (1) Dismissed because case could not be substantiated; (2) Dismissed due to false allegation

ANNEX 3.3

TABLE 3 - Analysis of cases of misconduct involving UNVs and other civilian personnel, as the alleged offender, in ONUB

	Complaints received			S T A T U S						Cases that resulted to OHRM sanction			
	Under investigation			Closed without referral to HQ			Dismissed			Referred to HQ			
	2002	2003	2004	2002	2003	2004	2002	2003	2004	2002	2003	2004	
1 Theft and misappropriation													
2 Fraud and misrepresentation													
3 Harassment and sexual harassment, including verbal assault			1										
4 Physical assault													
5 Sexual exploitation and abuse													
6 Abuse of power, position or authority, including inappropriate superior-subordinate relationship													
7 Misuse of UN resources													
8 Others													
TOTALS	0	0	1	0	0	0	0	0	0	0	0	0	0

LEGEND: (1) Dismissed because case could not be substantiated; (2) Dismissed due to false allegation

The above case was referred to HQ in February 2005.

ANNEX 3.4

TABLE 4 - Analysis of cases of misconduct involving members of military contingents, as the alleged offender, in ONUB

	Complaints received			S T A T U S						Cases that resulted to repatriation			
	Under investigation			Closed without referral to HQ		Dismissed				Referred to HQ			
	2002	2003	2004	2002	2003	2004	2002 (1)	2003 (2)	2004 (1)	2004 (2)	2002	2003	2004
1 Theft and misappropriation													
2 Fraud and misrepresentation													
3 Harassment and sexual harassment, including verbal assault													
4 Physical assault													
5 Sexual exploitation and abuse			1										
6 Abuse of power, position or authority, including inappropriate superior-subordinate relationship													
7 Misuse of UN resources													
8 Others													
TOTALS	0	0	1	0	0	0	0	0	0	0	0	0	0

LEGEND (1) Dismissed because case could not be substantiated, (2) Dismissed due to false allegation

ANNEX 3.5

TABLE 5 - Analysis of cases of misconduct involving military observers, as the alleged offender, in ONUB

	Complaints received			S T A T U S						Cases that resulted to repatriation		
	Under investigation			Closed without referral to HQ			Dismissed			Referred to HQ		
	2002	2003	2004	2002	2003	2004	2002	2003	2004	2002	2003	2004
1 Theft and misappropriation												
2 Fraud and misrepresentation												
3 Harassment and sexual harassment, including verbal assault												
4 Physical assault												
5 Sexual exploitation and abuse												
6 Abuse of power, position or authority, including inappropriate superior-subordinate relationship												
7 Misuse of UN resources												
8 Others												
TOTALS	0	0	0	0	0	0	0	0	0	0	0	0

LEGEND: (1) Dismissed because case could not be substantiated; (2) Dismissed due to false allegation

ANNEX 3.6

TABLE 6 - Analysis of cases of misconduct involving civilian police officers, as the alleged offender, in ONUB

	S T A T U S																			
	Complaints received			Under investigation			Closed without referral to HQ			Dismissed			Referred to HQ			Cases that resulted to repatriation				
	2002	2003	2004	2002	2003	2004	2002	2003	2004	2002	2003	2004	2002	2003	2004	2002	2003	2004		
1																				
2																				
3																				
4																				
5																				
6																				
7																				
8																				
TOTALS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

LEGEND: (1) Dismissed because case could not be substantiated; (2) Dismissed due to false allegation

UNITED NATIONS



OIOS Client Satisfaction Survey

Audit of: Review of the state of discipline in United Nations Operation in Burundi

(AP2005/648/14)

	1	2	3	4	5
By checking the appropriate box, please rate:	Very Poor	Poor	Satisfactory	Good	Excellent
1. The extent to which the audit addressed your concerns as a manager.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. The audit staff's understanding of your operations and objectives.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Professionalism of the audit staff (demeanour, communication and responsiveness).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. The quality of the Audit Report in terms of:					
• Accuracy and validity of findings and conclusions;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Clarity and conciseness;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Balance and objectivity;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Timeliness.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. The extent to which the audit recommendations were appropriate and helpful.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. The extent to which the auditors considered your comments.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Your overall satisfaction with the conduct of the audit and its results.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please add any further comments you may have on the audit process to let us know what we are doing well and what can be improved.

Name: _____ Title: _____ Date: _____

Thank you for taking the time to fill out this survey. Please send the completed survey as soon as possible to:

Ms. Patricia Azarias, Director, Internal Audit Division-1, OIOS

By mail: Room DC2-518, 2 UN Plaza, New York, NY 10017 USA

By fax: (212) 963-3388

By E-mail: iad1support@un.org