

**UPDATE ON THE INDEPENDENT EXPERT  
PANEL ON PREVENTION OF AND RESPONSE  
TO HARASSMENT, INCLUDING SEXUAL  
HARASSMENT, BULLYING AND ABUSE OF  
POWER AT UNAIDS SECRETARIAT**

**DOCUMENT PREPARED BY THE PROGRAMME  
COORDINATING BOARD BUREAU**

**Additional documents for this item:** *none*

**Action required at this meeting—the Programme Coordinating Board is invited to:**

See decisions in paragraphs below:

20. *Agree* that it is essential for UNAIDS to take stock of what has worked and what has not worked to prevent and address harassment, including sexual harassment at the workplace and, moving forward, to identify best practices and concrete steps to better respond to harassment;
21. *Welcome* the request of the UNAIDS Executive Director to the Programme Coordinating Board to establish an Independent Expert Panel on prevention of and response to harassment, including sexual harassment, bullying and abuse of power at the UNAIDS Secretariat;
22. *Endorse* the steps taken by the PCB Bureau in response to this request;
23. *Call* for the UNAIDS Secretariat to provide its full support and cooperation to the Panel, including sharing all information necessary for its work;
24. *Agree* that the Panel should be enabled and empowered to provide an authoritative review and a comprehensive set of recommendations for UNAIDS Secretariat, including providing lessons for the wider UN family;

## BACKGROUND

1. Significant attention is currently focused on the issue of harassment, particularly sexual harassment, across multiple sectors, including the private sector, government, international organizations and civil society. Harassment, including sexual harassment, is prevalent in many settings. A wide range of issues have been identified at the United Nations (UN), including the Joint Programme on HIV/AIDS (UNAIDS). It is important that UNAIDS, moving forward, takes stock of what has worked and what has not worked to prevent and address harassment, including sexual harassment in the workplace, and identifies best practices and concrete steps for responding better to harassment. We must hold all organizations to the highest standards to ensure integrity and dignity at work.
2. The UNAIDS Secretariat Staff Association (USSA) has tracked staff perceptions on harassment and ill-treatment since 2011 through its annual anonymous staff survey. In the 2017 staff survey, 5.4% (23 people) of the 427 respondents reported that they had experienced sexual harassment in the workplace. Staff also reported experiencing ill-treatment, discrimination and abuse of authority.
3. The UNAIDS Secretariat has taken measures to prevent and address harassment in the workplace. In addition to a policy framework with rules and regulations to report harassment should it occur, measures include:
  - A zero tolerance policy with regard to harassment in UNAIDS;
  - A mandatory e-learning course on preventing and addressing harassment;
  - Wellness visits and capacity building in field offices and departments to address managerial or operational concerns; and
  - Dedicated sessions between managers and staff on the issues of sexual harassment and ethical behaviour.
4. UNAIDS Secretariat staff have been made aware of the informal and formal reporting mechanisms that are available and have been reminded of the policy and procedures on whistleblowing and protection against retaliation. The organization also makes assistance and support available to staff through the Human Resources Management, the Senior Ethics Officer, Staff Health and Wellbeing Services, and the Office of the Ombudsman.
5. However, despite these measures, and although some progress has been made in some regions in addressing the issues, there has been little change over the years in the numbers of staff reporting harassment, ill-treatment and abuse of authority in the USSA survey.
6. In addition, UNAIDS Secretariat recently had a formal complaint concerning sexual harassment which has attracted media attention. This led to more people speaking out about their experiences. Due to the stubborn figures in the staff survey, the publicized case and subsequent concerns expressed by others, a number of Member States have made it clear that tackling harassment must be a priority for UNAIDS and for the wider UN family.
7. In February 2018, an Independent Panel and a Five-Point plan were launched with the aim of ensuring that inappropriate behaviour and abuse of authority are identified early on, that the measures taken are properly documented and that actions follow due process and are swift and effective.

## ROLE OF THE PROGRAMME COORDINATING BOARD

8. The Programme Coordinating Board (PCB) governs UNAIDS. It comprises representatives from 22 governments from all geographical regions, five representatives from nongovernmental organizations, including people living with HIV, and the 11 Cosponsors. The programme of work of the PCB is coordinated by the PCB Bureau, currently composed of the PCB Chair (United Kingdom), the PCB Vice-chair (China), the Rapporteur (Algeria), the NGO Delegate from Latin America Caribbean and the UN High Commissioner for Refugees (UNHCR), as the Chair of the Committee of Cosponsoring Organizations. As set out in the *modus operandi* of the PCB, the three Officers of the PCB Bureau have been elected by the PCB taking into account fair geographical distribution.
9. The Bureau is tasked to maximize the effectiveness and efficiency of the PCB. Its responsibilities include:
  - Facilitating the smooth and efficient functioning of the PCB sessions;
  - Facilitating transparent decision-making at the PCB;
  - Preparing the agenda, recommending the allocation of time and the order of discussion items;
  - Providing guidance on PCB documentation, as needed; and
  - Carrying out additional functions as directed by the PCB.
10. The Bureau has agreed that one of the priority areas of work of the PCB in 2018 will be to address and prevent harassment, including sexual harassment, bullying and abuse of power at the UNAIDS Secretariat.

## PROCESS FOR THE ESTABLISHMENT OF THE INDEPENDENT EXPERT PANEL

11. Following a request from the UNAIDS Executive Director, the PCB Bureau agreed to take forward an Independent Expert Panel to review the situation in UNAIDS, evaluate current policies and procedures, and provide firm recommendations on behalf of and in close consultation with the PCB, and to manage this process as expeditiously as possible. In all the steps taken thus far, the PCB Bureau has endeavoured to balance as best as possible the need for widespread consultation and support from the entire PCB for the work of the Panel with the need for a prompt response.
12. The PCB Bureau agreed on the following approach:
  - In line with its terms of reference as the coordinating mechanism for the PCB, the Bureau should act as the oversight structure for the Panel;
  - The work of the Panel should be guided by specific Terms of Reference, which should be drafted and shared with PCB Members for comments prior to approval by the PCB Bureau;
  - In order to ensure the independence of the Panel members, they should be identified and recruited through an executive search agency; and
  - A professional services firm (secretariat) should be contracted to provide technical, professional and administrative support to facilitate the work of the Panel.
13. Draft terms of reference for the Independent Expert Panel on prevention of and response to harassment, including sexual harassment, bullying and abuse of power at UNAIDS Secretariat were shared with PCB Members on 19 April for comment. Formal consultations were held with each PCB constituency between 23 to 27 April. The final Terms of Reference were agreed by the PCB Bureau on 30 April (see Annex 1).

14. On 1 May, the PCB Bureau, through the UNAIDS Secretariat, issued a Request For Proposals for an executive search firm to identify and recruit the Panel members. The Statement of Work is available in Annex 2. Four proposals were received, reviewed and ranked by the PCB Bureau. Following review and approval by the Procurement Review Committee of UNAIDS, Russell Reynolds Associates (RRA) were contracted on 4 June to identify and recruit the Chair and panellists of the Independent Expert Panel.
15. On 29 May, the PCB Bureau, through the UNAIDS Secretariat, put forward a Request For Proposals for a professional services firm to assist with the overall delivery of the Panel's work. At the time of preparing this report, the process of recruiting, contracting and mobilizing the Secretariat to the Panel was expected to require a further 4–7 weeks.
16. The next steps are expected to entail the selection of:
  - the Chair of the Independent Expert Panel by the PCB Bureau from a shortlist to be presented by RRA (June-July);
  - the panellists, by the PCB Bureau in conjunction with the Chair, from a shortlist to be presented by RRA (July);
  - the Secretariat to the Panel by the Bureau, acting as Technical Evaluation Team, followed by approval from the UNAIDS Procurement Review Panel (July–August).
17. As set out in the Terms of Reference, the intention is for the Panel to work as quickly as possible in order to present a final report with recommendations for discussion at the December 2018 PCB meeting. Due to the need for consultation and for following appropriate procurement processes to ensure quality and value for money, it has taken longer than initially anticipated to establish the Panel and commence its work. A timeline for the process to date is provided in Annex 3.
18. At the time of writing, the upper estimate cost of the executive search firm's work is US\$ 165 000. The total estimated cost of the Panel, including the Secretariat to the Panel and possible remuneration for Panel members, is estimated at approximately US\$ 300 000 to US\$ 400 000.
19. The objective is to present a final report to the PCB in December 2018. However, the Bureau will take the advice of the Panel Chair and Panel members once they are in place on final timelines and whether a final report can be delivered by the 43<sup>rd</sup> PCB.

## PROPOSED DECISIONS

The PCB is invited to:

20. *Agree* that it is essential for UNAIDS to take stock of what has worked and what has not worked to prevent and address harassment, including sexual harassment at the workplace and, moving forward, to identify best practices and concrete steps to better respond to harassment;
21. *Welcome* the request of the UNAIDS Executive Director to the PCB to establish an Independent Expert Panel on prevention of, and response to, harassment, including sexual harassment, bullying and abuse of power at the UNAIDS Secretariat;
22. *Endorse* the steps taken by the PCB Bureau in response to this request;
23. *Call* for the UNAIDS Secretariat to provide its full support and cooperation to the Panel, including sharing all information necessary for its work;

24. *Agree* that the Panel should be enabled and empowered to provide an authoritative review and a comprehensive set of recommendations for UNAIDS Secretariat, including providing lessons for the wider UN family;

*[Annexes follow]*

## Annex 1

### TERMS OF REFERENCE

#### BACKGROUND AND CONTEXT

##### About UNAIDS

Established by an ECOSOC Resolution, the Joint United Nations Programme on HIV/AIDS (UNAIDS) supports and coordinates the efforts of eleven cosponsoring UN organizations (UNHCR, UNICEF, WFP, UNDP, UNFPA, UNODC, UN Women, ILO, UNESCO, WHO and the World Bank), and works with a wide range of other private and public partners in the global response to AIDS.

UNAIDS is governed by a Programme Coordinating Board (PCB) with representatives of 22 governments from all geographical regions, five representatives of nongovernmental organizations including people living with HIV, and the eleven Cosponsors. The Cosponsors also meet as a Committee of Cosponsoring Organizations (CCO) – a standing committee of the PCB. UNAIDS Secretariat has presence in some 80 countries as well as 6 regional offices (Asia Pacific, Eastern Europe and Central Asia, East and Southern Africa, Middle East and North Africa and West and Central Africa, Latin America and the Caribbean).

The programme of work of the PCB is coordinated by the PCB Bureau. The Bureau is intended to maximize the effectiveness and efficiency of the PCB. Specifically, the responsibilities of the Bureau include:

- Facilitating the smooth and efficient functioning of the PCB sessions;
- Facilitating transparent decision-making at the PCB;
- Preparing the agenda, recommending the allocation of time and the order of discussion items;
- Providing guidance on PCB documentation, as needed; and
- Carrying out additional functions as directed by the PCB.

##### Context for the Independent Expert Panel (the Panel) on prevention of and response to harassment, including sexual harassment<sup>1</sup>; bullying and abuse of power<sup>2</sup> at UNAIDS Secretariat

There is currently a much-needed spotlight on the issue of harassment, particularly sexual harassment across multiple sectors, including the private sector, governments, international

---

<sup>1</sup> Harassment is any improper and unwelcome conduct that might reasonably be expected or be perceived to cause offence or humiliation to another person. Harassment may take the form of words, gestures or actions which tend to annoy, alarm, abuse, demean, intimidate, belittle, humiliate or embarrass another or which create an intimidating, hostile or offensive work environment." <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N08/238/36/PDF/N0823836.pdf?OpenElement>

<sup>2</sup> Abuse of authority is defined in the WHO Code of Ethics and Professional Conduct:

4.1.3 No abuse of authority/power

26. The abuse of authority/power is the improper use of a position of influence, power or authority by an individual towards others. This is particularly serious when the alleged offender uses his or her influence, power or authority to negatively influence the career or employment conditions (including, but not limited to, appointment, assignment, contract renewal, performance evaluation or promotion) of other individuals, e.g. asking for an amount of money to approve the renewal of a contract. Abuse of authority can include a one-time incident or a series of incidents. It may also consist of conduct that creates a hostile or offensive work environment, which includes, but is not limited to, the use of intimidation, threats, blackmail or coercion. Decisions made through the proper use of managerial and supervisory responsibilities are not considered as abuse of authority.

27. WHO staff members must demonstrate respect in their interactions with colleagues, particularly towards the staff member(s) under their supervision.

organizations and civil society. Harassment, including sexual harassment, is prevalent across various settings and has been, to a great extent, underreported. The United Nations (UN) - including UNAIDS - is not immune to this, and must also take stock of what has worked and what has not worked to prevent and address harassment, including sexual harassment at the workplace, while identifying best practices and concrete steps to better respond to harassment moving forward.

At UNAIDS, the UNAIDS Secretariat Staff Association (USSA) has tracked staff perceptions on harassment and ill-treatment since 2011 through its annual anonymous staff survey. In the 2017 staff survey, 5.4% (23 people) of the 427 respondents reported that they had experienced sexual harassment in the workplace. Staff also reported experiencing ill-treatment<sup>1</sup>, discrimination<sup>2</sup> and abuse of authority<sup>3</sup>.

UNAIDS is very concerned by this data, recognizing that sexual harassment, bullying and abuse of power often constitute a form of gender-based violence rooted in wider gender inequality. In line with its commitment to uphold and promote human rights, gender equality and diversity, the UNAIDS Secretariat has taken various measures to prevent and address harassment at the workplace. In addition to a policy framework with rules and regulations, as well as procedures to report harassment should it occur, the actions have included several all-staff communications from UNAIDS Executive Director Michel Sidibé, stating that there are a number of measures to address this: a zero tolerance policy with regard to harassment in UNAIDS; a mandatory e-learning course on preventing and addressing harassment; wellness visits and capacity building of field offices and departments to address managerial or operational concerns; and dedicated sessions between managers and staff on the issues of sexual harassment and ethical behaviour.

Furthermore, staff have been made aware of the informal and formal mechanisms available to report a complaint and have been reminded of the policy and procedures on Whistleblowing and Protection Against Retaliation. The organization also makes assistance and support available to staff from the Human Resources Management, the Senior Ethics Officer, Staff Health and Wellbeing Services and the Office of the Ombudsman.

However, despite these measures, and although some progress has been made in some regions in addressing the issues, there has been little change over the years in the numbers of staff reporting harassment, ill-treatment and abuse of authority in the USSA survey.

In addition, UNAIDS Secretariat recently had a formal complaint concerning sexual harassment which has attracted media attention. This led to more people speaking out about their experiences. A number of member states have been clear that tackling harassment – drawing on the stubborn figures from the staff survey, the public case and the subsequent concerns expressed by others – must be a priority for UNAIDS and for the wider UN family.

In February 2018, UNAIDS Executive Director announced a five-point plan to prevent and address harassment, including sexual harassment, and unethical behaviour within UNAIDS. The plan aims to ensure that inappropriate behaviour and abuse of authority is identified early on, that measures taken are properly documented and that action to be taken follows due process and is swift and effective. The five-point plan will be led by the newly appointed UNAIDS Deputy Executive Director, Management and Governance, Gunilla Carlsson.

---

<sup>1</sup> Feeling diminished by tasks given (43%); being talked badly about (42%); being shouted at (32%) ; being ridiculed in front of others (24%); receiving criticism of private life (17%); being called obscene or other degrading names (14%)

<sup>2</sup> Based on origins or nationality (10%); gender (8%); political or religious views (7%); sexual orientation or gender identity (5%); disability (4%)

<sup>3</sup> Repeatedly being asked to stay in the office after regular hours (36%); work being appraised incorrectly or in a hurtful manner (25%); receiving threats related to continuation of job (15%)



The Executive Director also called for an establishment of an Independent Expert panel to provide recommendations to UNAIDS on what is needed to be done to prevent and address harassment at the workplace.

At the meeting of the PCB Bureau on 28 February 2018, the PCB Chair stressed the importance of this issue. The Bureau agreed that this should be a priority for UNAIDS and that it would be appropriate for the PCB to have a dedicated debate on this topic.

The Bureau agreed that the Independent Expert Panel should be convened by and reported to the PCB through the Bureau, and that its recommendations would influence the five-point plan, as appropriate.

## OBJECTIVES

The Panel will:

- **Review** the current situation in UNAIDS Secretariat, including by looking back over the last 7 years, so as to assess the organizational culture of the UNAIDS Secretariat (e.g. at headquarters, regional and country offices) with particular reference to harassment, including sexual harassment; bullying and abuse of power and retaliation; and to understand why there are high reported levels of harassment reported through the anonymous staff survey on the one hand, but very few formal complaints are filed or submitted.
- **Evaluate** the effectiveness of existing policies and procedures to prevent and address harassment, including sexual harassment; bullying, retaliation and abuse of power in the UNAIDS Secretariat workplace;
- **Recommend** a comprehensive set of prioritized measures relating to organizational culture, policies and fair and due process procedures, which will enable the UNAIDS Secretariat, and its leadership to set a clear tone of zero tolerance – and, as appropriate, the wider UN family – to effectively prevent, manage and respond to harassment, including sexual harassment; and bullying, retaliation and abuse of power in the workplace. In addition, draw from lessons learned and best practices from cosponsoring UN organizations and other partners to provide recommendations on preventing and addressing sexual exploitation and abuse (in the context of relations between staff and beneficiaries) and discrimination.

## Scope – issues to be addressed

The panel will review, evaluate and make recommendations on the following issues. Some of these issues will be firmly within the control of UNAIDS, whilst others will rely on external systems. The panel will look at all relevant areas, taking into account existing UN policies and processes, best practices outside of the UN system and ensure recommendations are directed according to leadership and responsibility.

- **Leadership and culture** – what is not working now, and how can UNAIDS leaders create a safe and empowering organizational culture where harassment, including sexual harassment; bullying and abuse of power are unacceptable, and people feel safe to challenge unacceptable behaviour.
- **Policies and strategies to prevent harassment, including sexual harassment; bullying and abuse of power** – in what ways do current policies, systems and mechanisms need to be improved, how these are implemented in practice and what best practice would look like, for example, in relation to formal policies and strategies, training and capacity building, internal communications, and peer support networks or other safe spaces for people to talk and raise issues before they escalate.

- **Formal reporting** – a key question for the Panel will be why, despite fairly static reported cases of sexual harassment, very few formal complaints are brought. Is enough being done to protect those who raise complaints? Is underreporting a problem at UNAIDS Secretariat? What can be done to give those experiencing harassment, including sexual harassment; bullying and abuse of power, confidence in the policies and procedures to bring formal complaints where appropriate?
- **Investigation processes - access to justice:** The Panel will review investigation processes applied by UNAIDS Secretariat, including supporting processes in Finance and Human Resources, and will make recommendations on how to ensure these are fit for purpose and fair, reflecting on best practice, including in relation to evidence standards, confidentiality, capacity, timeliness, and responsiveness.
- **Controls and assurance:** The Panel will make recommendations to ensure UNAIDS Secretariat has sufficiently strong internal systems to identify unacceptable behaviour and take swift remediative action. Drawing from best practice, it will also provide recommendations on ensuring that partners receiving support from UNAIDS have adequate safeguards on harassment, including sexual harassment; and bullying and abuse of power.
- **Accountability:** The Panel will make recommendations to ensure accountability is visible and ensured at all levels of the organization (senior management; anyone with supervisory responsibilities; each staff member). Issues to consider here could include performance and management review systems; making consequences for inappropriate and unethical behaviour known to staff; etc.

Whilst the panel will have access to confidential information and will be able to assess past investigations, it will not formally review past investigation or investigate specific cases. Any confidential information the panel has access to will be treated in confidence with appropriate controls, including the deletion of the names of parties involved in specific cases.

## COMPOSITION AND MEMBERSHIP

The panel will be composed of approximately 3 - 5 independent experts in the following fields:

- Human rights, ethics and gender equality;
- Organizational culture, leadership and performance;
- Sexual Harassment
- Human resource expertise, including workplace discrimination (all forms);
- Violence against women and men in all their diversity, including sexual exploitation and abuse, victims advocacy;
- International Organisations and multi-cultural environments.
- Integrity in public life and experience of public oversight bodies.

As far as possible, the Panel will have balanced gender and regional representation.

Panel members will be required to submit a declaration of interest (DOI) and sign a confidentiality undertaking.

## RESOURCES AVAILABLE TO THE PANEL

The Secretariat will provide the Panel with full access to information as requested, including on:

- Relevant WHO and UNAIDS policies, including policies on harassment, diversity and inclusion, on the protection of whistle-blowers, etc.;
- UNAIDS Gender Action Plan;
- WHO Staff Rules and Regulations;
- Results of the USSA survey from 2011 to 2018, as provided by the USSA;
- Progress reports on the UNAIDS “Five-point plan”;
- Information on how harassment complaints have been handled through informal and formal means;
- Interviews with former and current staff, ensuring protection and with a view to a representative and balanced sample (category and criteria to be defined by the Panel).

In the event of a disagreement between the Secretariat and the Panel as to whether or not information should be shared with the Panel, the PCB Bureau will adjudicate, drawing on legal advice as needed.

The Panel will have a budget funded by the UNAIDS Unified Budget, Results and Accountability Framework (UBRAF), to commission specific pieces of work as needed to inform its analysis and recommendations.

One staff member of UNAIDS Secretariat will act as a focal person to provide the relevant information, as required, by the Panel and the PCB Bureau. The PCB Bureau will have the right to choose an appropriate candidate(s) for this role.

## EXPECTED OUTPUTS

- Presentation of the Panel members and Panel lead to the 42nd meeting of the PCB;
- One preparatory report before the final report;
- Final report to the 43rd meeting of the PCB with recommendations.

## GOVERNANCE

Terms of Reference, governance, timelines and reporting will be agreed by the PCB, through the PCB Bureau, currently composed of the PCB Chair (United Kingdom), the PCB Vice-chair (China), the Rapporteur (Algeria), the NGO Delegate from Latin America Caribbean and UNHCR, as the Chair of the Committee of Cosponsoring Organizations. As set out in the Modus Operandi of the PCB, the three Officers of the PCB Bureau have been elected by the PCB taking into account a fair geographical distribution. The Bureau will consult with member states, NGOs and Cosponsors to finalize the approach and will seek to keep PCB members informed throughout the process. The PCB Bureau will act as the oversight structure for the Panel.

### Executive search firm and professional services firm

The PCB Bureau will contract, through UNAIDS Secretariat, an executive search firm and a professional services firm using the UNAIDS Secretariat procurement system. The former will compile the Panel and provide a list of suitable candidates for the Panel. The professional services firm will develop a draft conceptual framework based on the Panel's terms of reference and will manage the overall delivery.

The conceptual framework would include a budget and define additional resources required, for example the provision of secretariat services and support functions to collect information and provide a detailed analysis and diagnosis on the issues within the scope of these terms of reference. This team would be a primary resource for the Panel, would have the same resources at their disposal, and is expected to be required for short, intense periods of review.

### Selection

The executive search firm will be able to receive recommendations for the Panel. It will also propose a short-list of potential panel members and chair for approval by the PCB Bureau, ensuring the Panel meets agreed role, profiles, expertise and experience.

### Consultations

The Panel will ensure wide consultation with key stakeholders, including but not limited to:

- UNAIDS Secretariat staff;
- UNAIDS Secretariat ex staff;
- the UNAIDS Secretariat Staff Association (USSA);
- Civil society Organisations;
- UNAIDS Cosponsors;
- Member States.

Consultation will be done in a clear, structured, transparent way.

### Indicative timeline:

<b>Action</b>	<b>Description</b>	<b>Date</b>
Agreement on the approach on the establishment of the Independent Expert Panel	Review of Terms of Reference and timelines by the PCB (all constituencies)	APR - MAY
Proposal by an executive search firm of a short-list of panel members for approval by the PCB Bureau.  Selection of a professional services firm to initiate the Panel's work.	Panel formation and preparatory phase  Bidding process through UNAIDS Secretariat formal procurement services	MAY - JUN
Review	Research, interviews, visits to headquarters, regional and country offices  Work of the Panel with oversight of the PCB Bureau	JUL - AUG
Evaluation	Work of the Panel with oversight of the PCB Bureau	SEPT

Recommendations	Work of the Panel with oversight of the PCB Bureau  Finalization of report.	OCT
Development of the management response	UNAIDS leadership preparation of management response.	NOV
43 <sup>rd</sup> PCB meeting	Presentation of the recommendations and final decision of the Board  UNAIDS management response	DEC

### Reporting

The final Panel report will be released to the UNAIDS PCB through the PCB Bureau.

The Chair of the Panel will update the PCB Bureau at regular intervals. Importantly, these progress reports will also be used to inform and hone the ongoing implementation of UNAIDS' "Five-point plan".

The Panel members and lead will be presented at the 42nd meeting of the PCB on 26-28 June 2018.

A final set of recommendations will be presented to the 43rd meeting of PCB. As per all PCB reports, the final recommendations will therefore need to be finalized 6 weeks ahead of the meeting (on 1 November). The 43rd PCB will also be an opportunity for the UNAIDS Secretariat to present its Management Response.

### **MODALITIES OF WORK AND COMMITMENT EXPECTED**

Subject to business needs, the Panel will participate in meetings every 6 weeks. The members of the Panel are expected to participate in approximately 5 meetings; and to review, comment and approve the preparatory and final report of the Panel. With due consideration to expediency, timing and resources, it is recommended that most of these meetings be face to face. During the intervening weeks, it is expected that the Panel will work remotely and meet virtually, as needed.

The Panel will work on consensus basis and the final report must be endorsed by all Panel members. Should consensus be impossible, dissenting panel members may note their concerns in an annex to the final report.

The Chair of the Panel will additionally prepare the Panel's report and present the findings to the PCB and UNAIDS leadership.

The final report of the Panel will be signed off by panel members and made directly available to the PCB.

## **GUIDING PRINCIPLES OF THE WORK OF THE PANEL**

All aspects of UNAIDS work are directed by the following guiding principles:

- aligned to national stakeholders' priorities;
- based on the meaningful and measurable involvement of civil society, especially people living with HIV and populations most at risk of HIV infection;
- based on human rights and gender equality;
- based on the best available scientific evidence and technical knowledge;
- promoting comprehensive responses to AIDS that integrate prevention, treatment, care and support.

Moreover, the members of the panel are expected to:

- Demonstrate a commitment to human rights, gender equality, respect for diversity, inclusion, transparency and accountability;
- Consider diverse perspectives, including cultural diversity, sexual and gender diversity, etc.;
- Seek the inputs and engagement of UN Member States, civil society, UNAIDS Cosponsors as well as UNAIDS Secretariat staff;
- Be forward looking and focus on possible future strategies based on the experience of the past, lessons learnt and international best practices;
- Work collaboratively with other members of the Panel and with those assisting the work of the Panel.

## Annex 2

### STATEMENT OF WORK – INDEPENDENT EXPERT PANEL SELECTION/EXECUTIVE SEARCH FIRM

Title	Selection of the Independent Expert Panel on prevention of and response to harassment, including sexual harassment, bullying and abuse of power at UNAIDS Secretariat
Introduction	The UNAIDS Programme Coordinating Board (PCB) Bureau has initiated the search for the Chair and Members of an Independent Expert Panel to advise on prevention of and response to harassment, including sexual harassment, bullying and abuse of power at UNAIDS Secretariat (“the Panel”). The Terms of Reference for the Panel are set out in Annex A to this statement of work, which describes the services required by the Bureau from an external executive search firm.
Background	<p>The Executive Director of UNAIDS has called for the establishment of an Independent Expert panel to provide recommendations to UNAIDS on what is needed to be done to prevent and address harassment at the workplace. It has been agreed that the Independent Expert Panel should be convened by and reported to the Bureau, which coordinates the work of the PCB.</p> <p>The PCB will meet from the 26 – 28 June and it will be important for the Chair of the Panel to have been identified and selected by the Bureau prior to that meeting, with the remaining Panellists selected shortly thereafter. The Panel must provide its report in time for the subsequent meeting of the PCB in December 2018. Practically this means the report being finalised by mid – late November at the latest.</p>
Objective	The executive search firm will assist the Bureau to appoint the Panel through a global, far-reaching and highly proactive effort.
Tasks	<p><b>Phase 1</b></p> <ol style="list-style-type: none"> <li>1. Gain an understanding of the profile/role of the Chair and Panellists, based on a detailed briefing from the Bureau. Develop a formal Position Specification for the Chair and Panellists that will be used in the global search for suitable candidates.</li> <li>2. Use their breadth of executive search firm experience to provide necessary strategic expert input into the selection process to ensure that the quality and composition of the Panel reflects the requirements of the Bureau and the broader PCB. This will include sequencing of the identification and selection of candidates for the Chair and the other Panellist roles, and recommending an appropriate due diligence strategy.</li> <li>3. Design and propose to the Bureau for their approval             <ol style="list-style-type: none"> <li>a. A targeted and proactive global outreach campaign to attract highly qualified candidates for the roles with, as far as possible, broad regional representation and gender balance. The design of this must consider how best to utilise the networks of the PCB.</li> <li>b. A framework and methodology for screening all candidates for the Chair and Panellist roles</li> </ol> </li> </ol>

**Phase 2**

4. Once the Position Specifications and outreach program are agreed, conduct an appropriate global search for independent expert candidates, with due consideration for gender and geographic diversity. The executive search firm should alert the Bureau to any gaps in regional reach and/or gender diversity, and seek guidance from the Bureau on how to address such gaps to ensure that the pool of candidates is as broad as possible.
5. Apply the criteria developed in Phase 1 to identify from the total pool of candidates a list of proposed suitably qualified candidates for the Chair and Panellist roles, through a combination of screening of resumes/curriculum vitae according to the documented criteria and telephone and/or in-person pre-screening interviews by the consultant as necessary. When the list is presented to the Bureau it will be accompanied by a detailed report on the profile of each included candidate, and areas that would be necessary to further explore.
6. Thereafter, the Consultant will develop a short list of approximately three to five candidates for the position of Chair, and a further ten – fifteen candidates for the positions of the four other Panellists. Depending on the selection process agreed in Phase 1, this stage of the process may be timed and managed separately for the Chair and for the other Panellists. The consultant will agree with the bureau whether interviews will be required.
7. Ensure reference checks and enhanced checks are undertaken on the candidates, as agreed by the Bureau in Phase 1. If the services of an external firm are required to carry out some of the due diligence checks, the Consultant will manage and act as the main focal point to ensure coordinated action. The due diligence is expected to include: open source media review, including online news sources and journals, social media (including Twitter, Facebook, etc.), in English and local language; checks against relevant sanctions and watch-list databases (OFAC SDN, EU Consolidated list, World Bank sanctions list, etc.); where possible, accessing relevant public records (criminal records, corporate registries, etc.); referencing with referees provided by the candidates.
8. Prepare complete files and candidate reports (including detailed references) for the short listed candidates for presentation to the Bureau.
9. Make arrangements, in coordination with the Bureau, to agree on final panel composition. The Consultant is requested to provide guidance to the Bureau throughout the process to ensure that it is robust and explores specific competencies of respective candidates while ensuring principles of equality and fairness are adhered to.



	<p><b>Phase 4</b></p> <p>10. As required, assist the Bureau together with the support of the UNAIDS Secretariat with facilitating contractual negotiations with the selected candidates.</p>
Deliverables	Refer to Tasks section above. The Chair must have been selected (if not contracted) by the Bureau in advance of the PCB in June 2018 and the other Panellists must be appointed shortly thereafter.
Place of Performance	The work will be performed variously in Geneva, the Consultant's usual office of business, and at other locations that may be agreed between the Bureau and the Consultant from time to time.
Period of Performance	The period of performance is as soon as possible in May 2018 to approximately 30 July 2018?
Attachments	
Dated	

### Annex 3

## STATEMENT OF WORK – SELECTION OF A SECRETARIAT (PROFESSIONAL SERVICES FIRM) TO THE INDEPENDENT EXPERT PANEL

Title	Selection of a secretariat (professional services firm) to the Independent Expert Panel on prevention of and response to harassment, including sexual harassment, bullying and abuse of power at UNAIDS Secretariat
Introduction	The Executive Director of UNAIDS has called for the establishment of an Independent Expert Panel to provide recommendations to the UNAIDS Secretariat on what is needed to be done to prevent and address harassment at the workplace. As part of this programme, UNAIDS require an independent secretariat (professional services firm) to support the work of the Panel. The Terms of Reference for the Panel are set out in Annex A to this statement of work.
Background	<p>The secretariat will assist the Panel in delivering its objectives, which are to:</p> <ul style="list-style-type: none"> <li>• <b>Review</b> the current situation in UNAIDS Secretariat, including by looking back over the last 7 years, so as to assess the organisational culture of the UNAIDS Secretariat (e.g. at headquarters, regional and country offices) with particular reference to harassment, including sexual harassment; bullying and abuse of power and retaliation; and to understand why there are high reported levels of harassment reported through the anonymous staff survey on the one hand, but very few formal complaints are filed or submitted.</li> <li>• <b>Evaluate</b> the effectiveness of existing policies and procedures to prevent and address harassment, including sexual harassment; bullying, retaliation and abuse of power in the UNAIDS Secretariat workplace;</li> <li>• <b>Recommend</b> a comprehensive set of prioritised measures relating to organisational culture, policies and fair and due process procedures, which will enable the UNAIDS Secretariat, and its leadership to set a clear tone of zero tolerance – and, as appropriate, the wider UN family – to effectively prevent, manage and respond to harassment, including sexual harassment; and bullying, retaliation and abuse of power in the workplace. In addition, draw from lessons learned and best practices from cosponsoring UN organizations and other partners to provide recommendations on preventing and addressing sexual exploitation and abuse (in the context of relations between staff and beneficiaries) and discrimination.</li> </ul> <p>The secretariat will predominantly contribute to the Review and Evaluate phases as outlined above, with responsibility for Recommendations lying with the Panel.</p> <p>The Panel is still being recruited and the Chair of the Panel should be recruited ahead of the PCB meeting on 26 – 28 June. The remaining Panellists will be selected shortly thereafter. The</p>

	<p>Panel must provide its report in time for the subsequent meeting of the PCB in December 2018. Practically this means the report being finalised by mid – late November at the latest.</p> <p>The secretariat (professional services firm) will report directly to the Panel Chair.</p>
Objective	<p>The secretariat (professional services firm) will assist with the overall delivery of the Panel's work, in an independent, professional, and structured manner.</p>
Tasks	<p>The secretariat (professional services firm) will be required to provide the following tasks. Note that these may be subject to minor change upon review from the yet-to-be-appointed Panel Chair. The Chair is expected to be appointed in June 2018.</p> <p><u>Initial activities (June)</u></p> <ol style="list-style-type: none"> <li>1. Mobilisation meetings with: <ul style="list-style-type: none"> <li>• The Panel Chair to establish ways of working and roles and responsibilities;</li> <li>• UNAIDS Secretariat to understand the work of the organization and the background to the programme.</li> </ul> </li> <li>2. Through engagement with the Panel, develop a <b>workplan</b> to cover activities from contract appointment through to contract end (December 2018).</li> </ol> <p><u>Support to the Panel (ongoing)</u></p> <ol style="list-style-type: none"> <li>3. <b>Administer the Panellists' contracts</b>, including remuneration (which could be on an ad honorarium or salaried basis) and travel. N.B. as the Panellists are still being recruited, bidders do not need to put indicative costs for remuneration but should 1) confirm that they would be able to do so; and 2) indicate what management fee/overhead charge, if any, will be applicable.</li> <li>4. <b>Work effectively</b> with various stakeholders, to include the Panel Chair, Panel members, UNAIDS Programme Coordinating Board Bureau, and UNAIDS former and current staff as required. Communication and information sharing will be facilitated by one focal point staff member of UNAIDS Secretariat, to be chosen by the Panel.</li> <li>5. Provide <b>secretariat to the work of the Panel</b>. This will include arranging and minuting Panel meetings, which are due to take place every six weeks, and coordinating and facilitating the Panel as required.</li> </ol> <p><u>Review and evaluate phases (June to September)</u></p> <ol style="list-style-type: none"> <li>6. Conduct a <b>Literature review and comparative analysis</b> of UNAIDS Secretariat's current policies and procedures, to include the mechanisms for reporting and investigating complaints through WHO, against UN norms and best practice in the international aid system, the public and private sector.</li> </ol>

	<p>This review will include, but not be limited to, the following documents:</p> <ul style="list-style-type: none"> <li>• Relevant WHO and UNAIDS Secretariat’s policies, including policies on harassment, diversity and inclusion, on the protection of whistle-blowers, etc.;</li> <li>• UNAIDS Gender Action Plan;</li> <li>• WHO Staff Rules and Regulations;</li> </ul> <p>7. A review of <b>documented evidence on bullying and harassment</b> within the UNAIDS Secretariat including from staff association surveys and reported incidents. This review will include, but not be limited to, the following documents:</p> <ul style="list-style-type: none"> <li>• Results of the UNAIDS Staff Association (USSA) survey from 2011 to 2018, as provided by the USSA;</li> <li>• Progress reports on the UNAIDS “Five-point plan”;</li> <li>• Information on how harassment complaints have been handled, investigated, and resolved through informal and formal means;</li> </ul> <p>8. Following the two tasks outlined above, produce a timeline setting out the evolution of UNAIDS Secretariat’s policies and procedures mapped against evidence on bullying and harassment within the Secretariat.</p> <p>9. Taking into account a requirement for strict confidentiality, <b>arrange and minute interviews</b> between the Panel and i) current and former UNAIDS Secretariat staff, ii) USSA, iii) relevant civil society and iv) UN Cosponsor organizations.</p> <p>10. Produce a culture assessment of UNAIDS Secretariat. Evidence to inform this may come from a new staff survey, key informant interviews, and documented evidence on bullying and harassment. This should include both HQ and a sample of regional and country offices.</p> <p><u>Recommend phase (September – December)</u></p> <p>Assist the Panel Chair in the preparation and drafting of the final report to the 43rd meeting of the PCB with recommendations in December.</p>
Deliverables	Refer to Tasks section above. The final report must be completed by the Panel Chair by the end of November for presentation at the 43rd meeting of the PCB in December.
Place of Performance	The work will be performed in Geneva, with the possibility of some work in the Consultant’s usual office of business, and at other locations that may be agreed between the Bureau and the Consultant from time to time.
Period of Performance	The period of performance is as soon as possible to approximately 31 December 2018.
Attachments	Terms of Reference of the Independent Expert Panel
Dated	[21] May 2018



## Annex 4: UNAIDS Executive Director Note to PCB Members 22 April 2018



*Executive Director*

Reference: EXO/2018/344

22 April 2018

Dear Members of the UNAIDS Programme Coordinating Board,

I wish to thank you all for the work you are doing to establish and execute an Independent Expert Panel to focus on how best to prevent and address harassment, abuse and unethical behaviour at the UNAIDS Secretariat. I very much appreciate you responding to my request to do this, and I am grateful for your collective leadership, especially that of the United Kingdom, chair of the Programme Coordinating Board, which has offered to lead this vitally important effort.

I fully support the panel's work and will provide whatever is needed to ensure this process is as transparent and successful as possible. It is appropriate that this panel be independent of UNAIDS' senior management and that the PCB Bureau consult with Member States, PCB NGOs, UNAIDS Cosponsors and UNAIDS staff on its work. I look forward to the panel's report (to be delivered at the 43<sup>rd</sup> PCB meeting in December) and pledge to swiftly implement its recommendations and commit to acting on any measures the panel may recommend on an interim basis before then.

The creation of the Independent Expert Panel is precisely the right next step. The work the panel will do to review how UNAIDS has handled allegations of harassment in the past and the recommendations it will make for ways UNAIDS can improve its approach will assure UNAIDS policies and procedures are in line with the highest international standards. Such analysis and reform will undoubtedly enhance the way UNAIDS responds to any case(s) of harassment that may arise in the future. As a result of the panel's assessment, important reforms will be put in place to further protect and empower our staff.

Your efforts working with the Independent Expert Panel will also help inform future considerations of policies and procedures related to harassment, abuse and unethical behaviour across the 11 Cosponsors of the Joint Programme and across the United Nations system. In fact, I am hopeful that our work together will inform efforts far beyond UNAIDS and the UN, as we will actively learn from others, to help ensure that all workplace environments promote the dignity of every person and have zero tolerance for any form of exploitation and abuse.

Respect for all people is at the core of my being and is central to my character. It is why I do the work I do and why I have pushed so hard to ensure all who are at risk for HIV or in need of essential care and treatment are reached.

I want to assure you that I have always been, and remain, unequivocally committed to enforcing a culture of zero harassment, abuse and unethical behaviour at UNAIDS. I have never tolerated, and will never tolerate, harassment, sexual or otherwise, abuse or unethical behaviour. All allegations that have been

UNAIDS  
JOINT UNITED NATIONS  
PROGRAMME ON HIV/AIDS

UNHCR  
UNICEF  
WFP  
UNDP  
UNFPA  
UNODC  
UN WOMEN  
ILO  
UNESCO  
WHO  
WORLD BANK

20 Avenue Appia  
1211 Geneva 27  
Switzerland

+41 22 791 4722 office  
+41 22 791 4179 fax

unaids.org

formally raised at UNAIDS to date have been investigated through the processes currently in place. All who were subject to harassment were given full protection.

I appreciate that better prevention of harassment and a system capable of responding more quickly to allegations of harassment are both critical ways in which UNAIDS must evolve its approach. That is why I called for the creation of the Independent Expert Panel in addition to UNAIDS' interim Five-Point Plan. The Five-Point Plan was launched in February 2018 and is designed to ensure that any inappropriate behavior - including harassment/sexual harassment - or abuse of authority is identified immediately, and that complaints are properly documented and acted upon swiftly, and effectively. The Five-Point Plan also calls for enhanced protections for plaintiffs and whistle-blowers.

However, no organization and no leader is perfect. I want to say that it was never my intention to upset or be hurtful to anyone, and if I did, at any point, I apologize. I am profoundly sorry for what some UNAIDS' staff members have experienced. No one should have to face harassment of any kind, ever. I will do all in my power to ensure UNAIDS' culture is one in which it is clear that no one should feel threatened - and in which no one is threatened. I am committed to taking action against perpetrators and protecting victims. People who speak out and bring complaints forward help the organization. UNAIDS cannot in any way condone inappropriate behaviour that violates our policies.

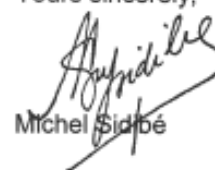
My focus now is on moving UNAIDS forward, further empowering, supporting and safeguarding all staff so collectively, we can deliver results for the people we serve. Achieving UNAIDS' vision - zero new HIV infections, zero AIDS-related deaths and zero discrimination - requires a strong, transparent and ethical UNAIDS, that walks the talk of its core values. This process begins with me. Zero tolerance for harassment, abuse and unethical behaviour is central to our mission and must be effectively enforced in our workplace.

I have fought for gender equality and to promote women's leadership all my life. I know it is my responsibility to ensure that UNAIDS is a place where women are safe, valued and have power and opportunity equal to that of their male colleagues. I take that responsibility very seriously. That is why I have called for the establishment of a new Gender Action Plan 2018-2023.

In the last five years, UNAIDS has made good progress toward our goal of gender parity. The proportion of UNAIDS' Country Directors who are women rose from 27% in 2013 to 48% by 2015; 54% of all UNAIDS staff are women, 47% of all staff above P4 level are women and 44% of all staff above P5 level are women. The objective of UNAIDS new Gender Action Plan is singular: gender parity across all levels in UNAIDS.

Again, I deeply appreciate your support and leadership and look forward to working with you to make UNAIDS a model of reform.

Yours sincerely,



Michel Sidibé

## Annex 5

### LETTER FROM THE PCB BUREAU TO THE UNAIDS EXECUTIVE DIRECTOR ON 17 MAY

Michel Sidibe  
Executive Director of UNAIDS

17 May 2018

#### Independent Expert Panel on Preventing and Addressing Harassment

Dear Michel,

We are writing on behalf of the UNAIDS Programme Coordinating Board (PCB) Bureau, made up of the United Kingdom as the Chair of the PCB; China as the Vice Chair; Algeria as the Rapporteur; GESTOS-HIV, Communication and Gender representing the PCB NGO Delegation; and UNHCR as the Chair of the Committee of Cosponsoring Organisations. We wish to thank you for your message to the PCB of 22<sup>nd</sup> April 2018, and in it your clear statement of support for the work of the Independent Expert Panel on prevention of and response to harassment, including sexual harassment, bullying and abuse of power at UNAIDS Secretariat (the Panel), and your commitment to rapidly implement its recommendations.

The Bureau, on behalf of the PCB, is expecting the Panel to provide strong recommendations on all aspects of preventing and addressing harassment, including any sexual harassment, abuse and unethical behaviour at UNAIDS. We expect that the recommendations will be relevant beyond UNAIDS.

The Panel's work will be concurrent with the implementation of the Five-point Plan, which aims to ensure that inappropriate behaviour and abuse of authority is identified early on, that measures taken are properly documented and that action to be taken follows due process with swift and effective results.

On 30<sup>th</sup> April the Bureau met to discuss and agree the draft terms of reference (TORs), governance arrangements and process for panel selection, as well as the reporting timeline in the run up to the 42<sup>nd</sup> PCB meeting in June and beyond to the 43<sup>rd</sup> PCB in December this year.

While the work of the Panel will be forward looking, it will **review** the current situation in the UNAIDS Secretariat, including by looking back over the last seven years, so as to assess the organisational culture with particular reference to harassment, including sexual harassment, bullying and abuse of power.

It will **evaluate** the effectiveness of existing policies and procedures. And it will **recommend** a comprehensive set of prioritised measures relating to organisational culture, policies and procedures which will enable the UNAIDS Secretariat – and, as appropriate, the wider UN System – to effectively prevent and address harassment, including sexual harassment; sexual exploitation and abuse; bullying and abuse of power in the workplace.



It is not the intention that the Panel re-open or specifically investigate individual cases from the past. But the Panel will need access to all relevant information on past cases so as to assess how such complaints have been handled through informal and formal means. The Panel will be sufficiently and adequately resourced to achieve its objectives. This will include the contracting of an executive search firm and professional services firm to convene the Panel and support the delivery of its report, respectively.

To finalise the TORs and other arrangements, the PCB Bureau consulted with Members States, NGOs and Cosponsors.

The Panel will aim to present a finalised report to the 43<sup>rd</sup> PCB in December this year, at which point the PCB will expect a management response to the report.

Through this joint letter the Bureau request your full cooperation and support as well as that of your senior management and staff. This will include facilitating access to all relevant internal documents and sensitive information.

We welcome your commitment in your letter to provide whatever is needed to ensure this process is as transparent and successful as possible.

Yours sincerely,

H.E Julian Braithwaite,  
Chair, UNAIDS Programme Coordinating  
Board

Ms. Zhao Lina,  
Vice Chair, UNAIDS Programme  
Coordinating Board

H.E. Mr. Boudjemâa Delmi,  
Rapporteur, UNAIDS Programme  
Coordinating Board

Mr Filippo Grandi,  
Chair of the Committee of Cosponsoring  
Organisations

Alessandra Nilo,  
GESTOS-HIV, Communication and Gender,  
NGO Delegation