

# **REPORT ON 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**

**Document prepared by the  
Programme Coordinating Board  
Bureau**

**Additional documents for this item:**

- Report of the Independent Expert Panel on Prevention of and response to harassment, including sexual harassment; bullying and abuse of power at UNAIDS Secretariat: UNAIDS/PCB (43)/CRP1
- Management Response: UNAIDS/PCB (43)/18.22
- Statement by the representative of the UNAIDS Staff Association: UNAIDS/PCB (43)/18.23

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

See decisions in paragraphs below:

The Programme Coordinating Board:

30. *Welcomes* the earlier request of the Executive Director to establish the Independent Expert Panel harassment, including sexual harassment, bullying and abuse of power at UNAIDS Secretariat.
31. *Recalls* that the PCB endorsed the steps taken by the Programme Coordinating Board Bureau in response to this request and agreed that the priority should be for the Panel to be enabled and empowered to provide an authoritative review and a comprehensive set of recommendations pertaining to harassment, including sexual harassment, bullying and abuse of power at UNAIDS Secretariat.
32. *Notes* that the Independent Expert Panel has presented its report and recommendations to the Programme Coordinating Board.
33. *Notes* that UNAIDS Secretariat has presented its Management Response to the Programme Coordinating Board.
34. *Notes* that some of the recommendations of the Independent Expert Panel and Management Response have broader implications for the wider United Nations family.
35. *Welcomes* the statement by the UNAIDS Secretariat Staff Association.
36. *Commits* to enhancing its oversight on human resource management within the UNAIDS Secretariat.
37. *Calls* on the UNAIDS Secretariat to:
  - a. Fully implement the actions set out in the Management Response and requests the Secretariat to further strengthen this response with regards to the Independent Expert Panel recommendations which are under its responsibility in a robust, measurable, timely and ambitious way.
  - b. Operate to the highest standards to tackle harassment, sexual harassment, bullying and abuse of power in order to create and demonstrate an exemplary workplace for the wider United Nations family which values and is empowering of people in all their diversity.
  - c. Provide a Progress Report to the 44<sup>th</sup> PCB on the implementation of the above actions

## 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 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 and 2018 staff surveys, 5.4% (23 people) and 3.8% (18) of the respondents reported that they had experienced sexual harassment in the workplace, respectively. In the 2018 survey, 58% (270 respondents) reported that they had experienced some form of ill-treatment at least once by supervisors or peers, 13.7% (64 respondents) reported having been discriminated against and 43.2% (201 respondents) reported having experienced some form of abuse of authority.
3. UNAIDS Secretariat has taken measures to prevent and address harassment in the workplace. However, despite these measures, 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, in early 2018 UNAIDS Secretariat had a formal complaint concerning sexual harassment which attracted media attention.
4. Due to the continuing challenges in this area, the PCB Board made it clear that tackling harassment must be a priority for UNAIDS and for the wider UN family. The Bureau agreed that a priority area of work for the PCB in 2018 was to address and prevent harassment, including sexual harassment, bullying and abuse of power at the UNAIDS Secretariat.
5. In February 2018, a Five-Point plan was 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.
6. As of September 2018, the Five-point+ plan has evolved into a broader Dignity at Work agenda with four main thematic elements: Gender equality and diversity, inclusion, and non-discrimination; conflict, bullying, harassment and abuse of authority; mental health and wellbeing; and knowing your rights at work – policies and procedures, the internal justice system, and support services. A Dignity at work Adviser programme was launched in October and dedicated capacity has been added to the Office of the Deputy Executive Director for Management and Governance to help take the plan forward in 2018-2019, and drive implementation of the recommendations of the Independent Expert Panel.
7. In addition, following the 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. The PCB Bureau 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.

## 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.

## PROCESS FOR THE ESTABLISHMENT OF THE INDEPENDENT EXPERT PANEL

10. It was agreed that following endorsement at the 2018 June PCB meeting, that the Panel would present a final report with recommendations for discussion at the December 2018 PCB meeting. It would be accompanied by a Management Response and a Statement by the UNAIDS Staff Association.
11. The PCB Bureau agreed that, in line with its terms of reference as the coordinating mechanism for the PCB that the Bureau act as the oversight structure for the Panel. The work of the Panel should also be guided by specific Terms of Reference (TOR) that would be developed in consultation with PCB Members and be approved by the 42<sup>nd</sup> PCB in June.
12. In order to ensure the independence of the Panel members, it was agreed that they should be identified and recruited through an executive search agency and that a professional services firm (secretariat) should be contracted to provide technical, professional and administrative support to facilitate the work of the Panel.
13. On 4 June, Russell Reynolds Associates (RRA) were contracted through a competitive bidding procurement process to identify, recruit and conduct due diligence assessments for the Chair and panellists of the Independent Expert Panel. The competitive procurement process for the selection of the independent secretariat, QED Consulting, finished on 28 June.
14. At the June 2018 PCB, the Board endorsed the steps taken by the Bureau and called for the UNAIDS Secretariat to provide its full support and cooperation to the Panel, including sharing all information necessary to the work of the Panel. It agreed that the priority should be for the Panel to be enabled and empowered to provide an authoritative review and a comprehensive set of recommendations. The PCB also agreed that, alongside the Panel report and Management Response, the USSA would present an update from at the December PCB.

15. From 3 to 16 July, the Bureau selected the Chair of the Independent Expert Panel, Professor Emirata Gillian Triggs, and the remaining Panellists, Dr Fulata Moyo, Sir Robert Francis QC, Counsel Vrinda Grover and Ms Charlotte Petri Gornitzka, from shortlists presented by RRA.
16. On 12 September, Ms Charlotte Petri Gornitzka stepped down from the Panel as a result of her taking up high level position at the UN and the resulting potential conflict of interest.

## PROCESS AND GOVERNANCE

17. As per the Panel's Terms of Reference (TOR), the Panel would provide monthly reports to the Bureau, which would act as its oversight structure. To preserve the independence of the Panel, all discussions relating to the Panel by the Bureau took place without UNAIDS Secretariat present and without publishing summaries of the meetings, as required by the Bureau's Modus Operandi.
18. One staff member of UNAIDS Secretariat was chosen as focal person to provide the relevant information, as required, by the Panel and the PCB Bureau. The Panel limited its contacts with UNAIDS to coordination of activities, reports of its workplan to the PCB, requests for information and reference materials, and requests for interviews sought with specific individuals with direct knowledge of the issues under review.
19. At all meetings the Panel members were required to submit declarations of interest, sign confidentiality undertakings and declare any conflicts of interest.
20. The Panel also set up an independent external email address through a secure link with replies directly only to the Panel for accepting all submissions confidentially. All records of submissions to the Panel will be destroyed within a year of the submission of the Panel's report.
21. As the PCB Bureau does not have separate budget, it was decided to resource the work of the Panel through the UNAIDS United Budget, Results and Accountability Framework (UBRAF) approved by the PCB.

## DELIVERY PHASE

22. The 'delivery phase' of the Panel ran from end-July to early-November 2018. The Panel identified and studied similar external inquiries, researched the areas under review to glean global best practices that may apply, and drew on evidence from other evaluations and assessments in UN system organisations. It also issued open invitations to stakeholder groups for anyone to provide submissions and/or request an interview. The Panel also conducted an online survey targeted to all UNAIDS staff, consultants and interns for confidential and anonymous responses to structured questions and open comments.
23. The Panel did not undertake specific investigations into individual cases. Some interviewees and submissions raised specific complaints and identified parties. The Panel noted these collective examples in its weighing of the evidence, where relevant, of wider systemic practices.
24. On 19 November, the final Panel report (UNAIDS/PCB (43)/CRP1) was endorsed on a consensus basis by the Panel and sent to the Bureau. Following a meeting on 22 November, the Bureau decided to transmit the Panel Report to UNAIDS Secretariat for

the preparation of the management response prior to the release of the report and the management response to the PCB membership.

25. Subsequent to the Bureau meeting on 19 November, the UNAIDS Secretariat provided the Bureau with advice from the Independent Legal Counsel to the PCB on the modalities for the dissemination of the Independent Expert Panel report. This included advice that the Bureau had to reach consensus and provide explicit advice to the Secretariat as to whether the report should be publically released via 'a normal release' or only sent to PCB Members.
26. The Bureau could not agree, by consensus, on the modalities to release the report to the PCB members. Therefore, the independent legal counsel advised that the Bureau would need to put a vote to PCB members to resolve a lack of consensus in the Bureau through intersessional decision-making (as per paragraph 3 of the Annex 3 of Modus Operandi).
27. On 6 December, the intersessional decision-making concluded and the Independent Expert Panel Report and Management Response were publically released on the UNAIDS website.
28. The Independent Expert Panel report, Management Response, and Statement by the representative of the UNAIDS Staff Association have been made publically available on the UNAIDS website with the references UNAIDS/PCB (43)/CRP1, UNAIDS/PCB (43)/18.22 and UNAIDS/PCB (43)/18.23, respectively.

## PROPOSED DECISIONS

29. The Programme Coordinating Board:
30. *Welcomes* the earlier request of the Executive Director to establish the Independent Expert Panel harassment, including sexual harassment, bullying and abuse of power at UNAIDS Secretariat.
31. *Recalls* that the PCB endorsed the steps taken by the Programme Coordinating Board Bureau in response to this request and agreed that the priority should be for the Panel to be enabled and empowered to provide an authoritative review and a comprehensive set of recommendations pertaining to harassment, including sexual harassment, bullying and abuse of power at UNAIDS Secretariat.
32. *Notes* that the Independent Expert Panel has presented its report and recommendations to the Programme Coordinating Board.
33. *Notes* that UNAIDS Secretariat has presented its Management Response to the Programme Coordinating Board.
34. *Notes* that some of the recommendations of the Independent Expert Panel and Management Response have broader implications for the wider United Nations family.
35. *Welcomes* the statement by the UNAIDS Secretariat Staff Association.
36. *Commits* to enhancing its oversight on human resource management within the UNAIDS Secretariat.
37. *Calls* on the UNAIDS Secretariat to:

- a. Fully implement the actions set out in the Management Response and requests the Secretariat to further strengthen this response with regards to the Independent Expert Panel recommendations which are under its responsibility in a robust, measurable, timely and ambitious way.
- b. Operate to the highest standards to tackle harassment, sexual harassment, bullying and abuse of power in order to create and demonstrate an exemplary workplace for the wider United Nations family which values and is empowering of people in all their diversity.
- c. Provide a Progress Report to the 44<sup>th</sup> PCB on the implementation of the above actions

*[Annexes follow]*

## Annex 1 – Terms of Reference of the Independent Expert Panel

### 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

---

<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.



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

---

<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%)

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.

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 remedial 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	OCT

	Finalization of report.	
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: 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.

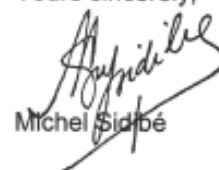
My focus now is on moving UNAIDS forward, further empowering, supporting and safeguarding all staff so collectively, we can deliver results for the people we serve. Achieving UNAIDS' vision - zero new HIV infections, zero AIDS-related deaths and zero discrimination - requires a strong, transparent and 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 3

## 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

*[End of document]*