



Report of the first meeting of the Working Group of the Programme Coordinating Board (PCB) to strengthen the PCB's monitoring and evaluation role on zero tolerance against harassment, including sexual harassment, bullying and abuse of power at UNAIDS

DATE: 15 March 2019

VENUE: Kofi Anan Room, UNAIDS Headquarters, Geneva

BACKGROUND

1. The Working Group which was set up to guide and strengthen the UNAIDS Programme Coordinating Board's (PCB) monitoring and evaluation of the UNAIDS Secretariat's actions on the prevention of and response to harassment, including sexual harassment, bullying and abuse of power met for the first time on 15 March 2019 at UNAIDS Headquarters in Geneva.

1. OPENING OF THE MEETING AND ADOPTION OF THE AGENDA

2. UNAIDS' Director of Governance and Multilateral Affairs, opened the meeting by recalling the background to the creation of the Working Group, which stemmed from a decision taken at the 43rd meeting of the PCB in December 2018. He also outlined the main tasks of the Working Group ahead of the PCB's Special Session on 28 March 2019 and its 44th meeting in June 2019.
3. The meeting adopted the agenda.

2. OPENING REMARKS

4. The Deputy Executive Director of UNAIDS paid tribute to United Nations (UN) colleagues and others who had lost their lives in the Ethiopian Airlines disaster. She presented the UNAIDS Management Action Plan and briefed the meeting on the development of the Plan.
5. Reminding the meeting of the Joint Programme's unique structure (as the only UN entity that coordinates the activities of 11 Cosponsors.), the Deputy Executive Director noted that the Secretariat had been set up to be less bureaucratic than was the norm in the UN. The Management Action Plan seeks to retain the creative spirit of UNAIDS while strengthening public management and governance. The operational details of that process were being developed and implemented; the PCB Working Group had an important role in that process.
6. The Deputy Executive Director then sketched the background to the report of the Independent Expert Panel (IEP), which had been mandated at the 43rd PCB meeting in June 2018 and noted reactions to the UNAIDS Management Response and the UNAIDS Staff Association response to that report. This had led to the drafting of a Management Action Plan in close consultation with senior management and UNAIDS staff. One of the Working Group's first tasks would be to review that Plan.
7. The Deputy Executive Director told the Working Group that vital changes were already underway at UNAIDS but added there were no quick fixes; the issues were complex and change had to occur collectively and with strong leadership.
8. Among the changes introduced since February 2018 were increased transparency and communication with staff, an enhanced process for the selection of UNAIDS Country Directors within the mobility process, and expanded investment in women's leadership. UNAIDS had also launched its Dignity-At-Work adviser programme, while a new approach to "stretch assignments" was being adopted and an "upward feedback" process was being set up.

9. The upshot was greater transparency, clarity about processes, inclusiveness and the fostering of diversity and empowerment of staff. At the same time, changes were being introduced to strengthen accountability and increase capacity.
10. Success required putting staff at the centre of change and leveraging their commitment and engagement, the Deputy Executive Director said. UNAIDS staff were remarkably dedicated and hardworking, and they deserved stronger institutional support. She reminded the meeting that a significant proportion of UNAIDS staff had felt that the Management Response to the IEP report required strengthening. The Management Action Plan responded to that advice.
11. The Deputy Executive Director told the meeting that the Action Plan had been developed through extensive consultation with staff, including "virtual" consultations and an online staff survey. Those inputs had been fed into a two-day meeting of the UNAIDS Dignity-at-Work Task Force, which in turn informed a Senior Management Team discussions on the Action Plan. She said that staff had high expectations of the process of change and were impatient for action and results.
12. The Action Plan has five main action areas:
 - Putting staff at the centre—ensuring dignity at work, upholding duty of care, investing in staff wellbeing;
 - Strengthening leadership;
 - Reinforcing policies and procedures, and making accountability visible;
 - Modernizing people management and career development; and
 - Reviewing and reporting on progress.
13. Each of the action areas has several action points for which a rough timeline had been developed. Some of the action points applied more broadly within the UN system as well. Fifteen measures of success had also been identified. The Deputy Executive Director said that UNAIDS wanted to be ambitious in pursuing this agenda and aimed to achieve:
 - a healthy and productive work environment;
 - a strong framework for the delegation of authority;
 - increased transparency and staff confidence in management decisions;
 - strong staff knowledge of their rights and responsibilities;
 - reduced harassment, bullying and abuse of authority;
 - continued progress towards the gender action plan targets; and
 - PCB engagement and oversight on strategic human resources management related to staff welfare and the working environment.

3. PRESENTATION BY THE OFFICE OF INTERNAL OVERSIGHT SERVICES

14. The Director of the Office of Internal Oversight Services (IOS) at WHO briefed the meeting on the mandate, investigative procedures and powers of the IOS, which also investigates complaints pertaining to UNAIDS.
15. He said the IOS had received 8 "reports of concern" relating to UNAIDS in 2016, none in 2017 and 14 in 2018. He emphasized that IOS is entirely independent from UNAIDS authority: it reports to the Director General of WHO, not to the Executive Director of UNAIDS.
16. The Director of IOS described the staffing and investigative capacity of IOS, as well as the protocols and processes for intake and screening complaints, for the decision

on whether to initiate investigations, and for conducting investigations. A typical investigation comprises six steps (i.e. document review, witness interviews, forensic analysis, subject interview, additional follow-up interviews and analysis, and report preparation), he said. Although cases vary in complexity, the aim is to complete the process on average within nine months. However, many factors can cause delays (including issues beyond IOS' control, e.g. availability of witnesses since staff usually cannot be interviewed while on sick leave, and access to information for digital forensics etc.).

17. An IOS investigation can only conclude whether the evidence supports that an allegation is substantiated or unsubstantiated, he said; it is not IOS' role to determine whether whether misconduct indeed occurred. Once the finding is made—i.e. the allegation is found to be either "substantiated" or "not substantiated"—it is then up to UNAIDS management to review the investigation report and to decide on the actions to be taken, including disciplinary proceedings, if any.
18. Asked whether he had ever been pressured by the UNAIDS executive to influence or speed up an investigation into misconduct, the IOS Director said this had never happened. In reply to a question whether the IOS process perhaps leaves too much discretion with management regarding actions to be taken, he said the conclusion of an investigation usually details the findings and recommendations for action, and where appropriate, requires report-back regarding actions taken by management. IOS usually also reports summaries of the investigations in the annual report to the governing body. However, the full post-investigation follow-up can entail a lengthy process.
19. Referring to the UN Office of Staff Legal Assistance, a question was raised regarding staff's access to support during lengthy investigations. The IOS Director said this generally was being provided or facilitated by the Staff Association, the human resources department, an ombudsman or other sections of the organization, such as the Ethics Office. Staff could also engage external legal counsel.
20. He suggested that a staff legal support office, such as the UN Office of Staff Legal Assistance, could be important to help staff understand their rights and the processes for seeking redress. It could also assist in guiding staff through those processes.
21. He said UNAIDS could opt to set up an independent investigative mechanism but that he was unsure of the feasibility of creating a body that combines the wide range of complicated, time-consuming functions envisaged by the IEP in one entity. It was advisable, in line with the ILOAT jurisprudence, to at least separate the investigative function from the disciplinary process, each of which should also be separate from the other ongoing efforts to ensure a supportive and healthy working environment is achieved.
22. The Director of IO said that the IOS generally took a conservative view of the level of required evidence to deem a harassment complaint as being "complete" (i.e. in order for it to satisfy the requirements of the harassment policy to initiate an investigation). Asked whether the IOS was able to investigate harassment or sexual harassment complaints dating back many years, he said generally the time limit was not itself an issue. However, this type of situation added significant practical complications for conducting an investigation. Asked whether some complaints may be false, he said that policy provisions exist to address false (i.e. *mala fide*) claims, which if proven could constitute misconduct in their own right.

23. The Deputy Executive Director noted that some of the elements of complaints and investigative process were beyond UNAIDS' control (e.g. the duration of investigations) and that the Action Plan should perhaps focus on those factors which UNAIDS can change. They would include fostering an inclusive and caring work culture and environment among senior managers, improving work behaviours and strengthening internal justice processes.
24. She emphasized that UNAIDS had a duty of care to all staff and that its systems and procedures and the behaviour of management and staff had to promote and realize that duty of care. Asked whether the "360" feedback process had been implemented, she said it was a work-in-progress. At the moment, an "upward" or "180" feedback process was being piloted.
25. The Director of Human Resources Management at UNAIDS commented that a shortage of qualified investigators, especially for cases of sexual harassment, may make it difficult to accelerate investigations. She suggested that a focus should perhaps be on protecting complainants and ensuring that a conducive and supportive work environment was maintained while complaints were investigated.

4. ELECTION OF CHAIR

26. Representatives of the UNAIDS Secretariat declined to put their names forward, while the NGO representatives shared their own reservations about having sufficient time and resources to serve as Chair.
27. The Director of Governance and Multilateral Affairs informed the group that UNAIDS may be able to provide consultant support to the Chair. He reminded the Work Group that the Chair's workload would be substantial and would relate to both the framing of policy and the scrutiny of actions taken.
28. Working Group members felt strongly that the Chair should be a woman. Laurie Newell, UNFPA Human Resources and UNFPA nominee to the Working Group, was nominated and she accepted the nomination, while suggesting that back-up support would be appreciated. Members said that the Working Group included a great deal and variety of expertise and experience, and said the Chair was free to call on their assistance.
29. Further discussion focused on whether a co-Chair or vice-Chair should be elected as well. There was support for this option, though it prompted a suggestion that each of the three constituencies in the Working Group should then be represented among the Chairs. Another view was that, in a group of this size, a single Chair should suffice and that the Chair could call on the expertise and support of the members, as needed.
30. The meeting elected Ms Newell as Chair and decided to postpone a decision regarding co- or Vice-Chairs.

5. MODALITIES OF WORK

31. Discussion then turned to decision-making procedures. It was agreed that decisions would be taken by consensus. In the event that consensus cannot be reached, the views of individual members would be reflected in the meeting report.

6. DISCUSSION OF TERMS OF REFERENCE

32. The Working Group agreed on its terms of reference and noted that it could request updates from UNAIDS on relevant human resources issues and initiatives as well as on other pertinent management matters.
33. It was noted that Working Group members could consult with their respective constituencies when necessary. The Working Group would adopt transparent procedures with meeting reports to be posted on the UNAIDS website.

7. VALIDATION OF WORK SCHEDULE

34. The meeting then reviewed the key tasks of the Working Group. Those tasks were deemed to include reporting to the March 2019 Special Session of the PCB a review of the recommendations of the IEP report and a review of the UNAIDS management response (which had developed into the Management Action Plan) and its implementation; proposing recommendations which the PCB could convey to the UN Secretary General; and proposing ways to strengthen the PCB's oversight role with regard to addressing harassment, bullying and abuse of power at the UNAIDS Secretariat.
35. The meeting was referred specifically to Decision Points 5.13 and 5.14 of the 43rd PCB meeting, which state that the PCB:
 - "Decides that, at a special session of the PCB no later than March 2019, the PCB after complete consideration of the IEP report may elect or choose to bring specific recommendations to the attention of the UN Secretary-General" and
 - "Decides to establish a working group of the PCB to oversee the immediate implementation of the management response and to further review the conclusions and recommendations contained in the IEP report, and the management response, proposing options to the next PCB meeting, for strengthening the PCB's monitoring and evaluation role on the UNAIDS Secretariat with the view of ensuring zero tolerance against harassment, including sexual harassment, bullying and abuse of power at the UNAIDS Secretariat".
36. Members discussed whether the Working Group was required or had a mandate to provide the UN Secretary-General with an update and recommendations pertaining to harassment, bullying and abuse of power at UNAIDS. It was stated that some PCB Member States felt it was important for the Working Group to share such information with the Secretary-General.
37. The meeting was told, as a point of information, that the PCB had in the past communicated with the Secretary-General on matters of relevance and that the Working Group had a mandate to provide input to the PCB on possible recommendations to the Secretary-General.
38. It was suggested that the Working Group prepare for the Secretary-General an information note outlining the current and envisaged processes and actions at UNAIDS regarding harassment, bullying and abuse of power. The note would also indicate elements that potentially require action across the UN system. The Chair volunteered to draft such a note for review at the next Working Group meeting. The final note could be conveyed to the Secretary-General via the PCB.

39. Regarding the Working Group's review of the Management Action Plan, the meeting was reminded that several PCB members had found the initial UNAIDS management response unsatisfactory. The current Action Plan was an attempt to address those concerns and it represented inputs gathered over several rounds of consultation with senior management and staff.
40. The meeting agreed that the Working Group would provide comments on the Action Plan to the March 2019 Special Session of the PCB. It was noted that, since there may be too little time to consult comprehensively with constituencies ahead of the Special Session in March, such consultation could continue after that meeting.
41. The Senior Adviser for Change Management in the UNAIDS' Governance and Multilateral Affairs Department, briefed the Working Group on the theory of change underpinning the Action Plan and on the proposed measures of success. The Plan brought together cultural and structural changes along with mechanisms for redress and accountability. A significant focus of the Action Plan, he said, was to improve the work life, wellbeing and mental health of staff, and this would contribute to building a stronger, more inclusive and effective UNAIDS.

8. CONCLUSION

42. The Chair proposed that the Working Group review the Management Action Plan, including the "proposed measures for success", and meet again "virtually" on 21 March. Working Group members would consult with their constituencies and provide comments from incorporation in the next draft of the Action Plan.
43. The Working Group agreed that the current draft of the Action Plan would be posted online on 19 March to give PCB members sufficient time to study the text ahead of the Special Session of the PCB on 28 March. The Group would present a summary of its proposed changes for the Action Plan to the Special Session.
44. The Working Group also agreed that the Chair would prepare a draft note for consideration by the Group and which the Group may decide to convey to the UN Secretary General.

9. OTHER BUSINESS

45. There was no other business.

10. CLOSING OF THE MEETING

46. The meeting was adjourned.

[Annexes follow]

Annex 1

Annotated agenda

FRIDAY, 15 MARCH 2019
09H30 – 15h30

1. Opening of the meeting and adoption of the agenda
2. Opening remarks by Gunilla Carlsson, Deputy Executive Director, Management and Governance, UNAIDS
3. Presentation by David Webb, Director, Office of Internal Oversight Services (IOS), World Health Organization
4. Election of Chair
5. Discussion and review of the terms of reference and expected outcomes of the Working Group
6. Agreement on modalities of work and division of labour among members of the Working Group
7. Validation of schedule of work and deliverables
8. Conclusion and statement of the Working Group at the Special Session of the PCB (28 March 2019)
9. Any other business
10. Closing of the meeting

Annex 2

List of participants

MEMBER STATES – ÉTATS MEMBRES

African States – États d’Afrique

Madagascar

Marc Rajaonarison, Attaché, Permanent Mission of the Republic of Madagascar to the United Nations Office and specialized institutions in Geneva, Switzerland.

Asian States - États d’Asie

Islamic Republic of Iran – République Islamique d’Iran

Tofigh Sedigh Mostahkam, Minister, Permanent Mission of Iran to the United Nations Office at Geneva and other international organizations in Geneva, Switzerland.

Eastern European States - États d’Europe orientale

Russian Federation – Fédération de Russie

Dilyara Raviyeva-Borovik, Deputy Director of the Department of International Organizations, Ministry of Foreign Affairs of the Russian Federation, Moscow, Russian Federation.

Latin American and Caribbean States - États d’Amérique latine et des Caraïbes

Mexico – Mexique

Sofia Varguez, Attaché, Permanent Mission of Mexico to the United Nations Office and other international organizations in Geneva, Switzerland.

Western European and Other States - États d’Europe occidentale et autres États

United Kingdom – Royaume-Uni

Danny Graymore, Head, Global Funds Department, Department for International Development (DfID), Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office and other international organizations in Geneva, Switzerland.

COSPONSORING ORGANIZATIONS – ORGANISMES COPARRAINANTS

World Food Programme – Programme Alimentaire Mondial

Fatiha Terki, Deputy Director, Nutrition Division, World Food Programme, Rome, Italy.

United Nations Population Fund – Fonds des Nations Unies pour la population

Ms Laurie Newell, Global Coordinator UN Cares, United Nations Population Fund, New York, United States.

REPRESENTATIVES OF NONGOVERNMENTAL ORGANIZATIONS/PEOPLE LIVING WITH HIV – REPRESENTANTS DES ORGANISATIONS NON GOUVERNEMENTALES / PERSONNES VIVANT AVEC LE VIH

Africa – L’Afrique

Lucy Wanjiku, Team Leader, Positive Young Women Voices (PYWV), Nairobi, Kenya.

Europe – L’Europe

Alexander Pastoors, Representative International Affairs, HIV Vereniging Nederland, Amsterdam, Netherlands.

UNAIDS SECRETARIAT – SECRÉTARIAT DE L’ONUSIDA

Alison Holmes, Director, Human Resources Management, UNAIDS Headquarters, Geneva, Switzerland.

Vinay Saldanha, Director, Regional Support Team, Eastern Europe and Central Asia, Moscow, Russian Federation.