

UNAIDS PCB Bureau

MEETINGS SUMMARY

Dates: Friday 29 June 2018, Monday 9 July 2018, Friday 13 July 2018 and Monday 16 July 2018

PARTICIPANTS

Mr Daniel Graymore, Mr Nicolas Alexander, Ms Fiona Lawless, Ms Sarah Boulton (United Kingdom: representing the Chair), Mr Yang Xiaochen (China: representing the Vice-Chair); Mr Samir Rahem (Algeria: representing the Rapporteur), Ms Sonal Mehta (representing the PCB NGO Delegation); Ms Alessandra Nilo (representing the PCB NGO Delegation) and Mr David Sunderland (UNHCR: representing UNAIDS Cosponsors).

UNAIDS Secretariat: Ms Samia Lounnas, Senior Governance Advisor

Excused: Mr Samir Rahem (meetings of 13 and 16 July), Ms Alessandra Nilo (meeting of 9 July), Ms Ann Burton (UNHCR: representing UNAIDS Cosponsors) and Mr Morten Ussing, Director Governance and Multilateral Affairs, UNAIDS (meetings of 29 June, 13 and 16 July)

The PCB Bureau decided that summaries of the meetings on the selection of the Panel Chair and Panel members would be presented collectively in one document.

Meeting of the 29 June

MEETING AGENDA

1. Welcome and introduction
2. Selection of the Chair of the Independent Expert Panel
3. Agreement on the members of the Independent Expert Panel
4. Any other business

SUMMARY

Chairing the meeting of the PCB Bureau, Mr Daniel Graymore welcomed the Bureau members to the extraordinary meetings to select the Chair and agree on the members of the Independent Expert Panel.

The Chair recalled the decisions of the Board at its 42nd meeting (26-28 June 2018) for agenda item 2: Update on the Independent Expert Panel on prevention of and response to harassment, including sexual harassment, bullying and abuse of power at UNAIDS Secretariat, as follows:

The Programme Coordinating Board:

- *Agreed* 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 to identify best practices and concrete steps to better respond to harassment moving forward;
- *Welcomed* 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;
- *Endorsed* the steps taken by the Programme Coordinating Board Bureau in response to this request;
- *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;
- *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 in response to the request from the UNAIDS Executive Director.

Following a competitive bidding process in accordance with UNAIDS procurement procedures, the PCB Bureau had selected Russell Reynolds Associates (RRA), an executive search firm, to conduct the search for the Panel's Chair and members. The search conducted by RRA considered candidates from four overlapping groups:

- legal professionals, with experience in human rights, ethics and gender equality, and response to sexual harassment;
- human resources professionals and organizational leaders, with experience of designing and operating processes which address workplace discrimination, especially in highly international organisations and multicultural environments;
- people with experience of working with victims groups, including those dealing with violence against women and men in all their diversity, and advocates for victims;
- people with experience of leadership in public oversight bodies, including with experience of conducting or supporting inquiries into episodes of systemic failure.

RRA had contacted a broad range of individuals, while seeking guidance from authoritative sources in their professional spheres on their reputations and effectiveness. There was a strong focus on seeking candidates from the global South. Availability was a critical determinant of the field of eventual candidates. In addition to the outreach from RRA, the Programme Coordinating Board was invited to nominate candidates. RRA conducted due diligence on all candidates, including reference checks, social media screening and reviews of open source media.

RRA had identified 23 individuals as potential candidates for the position of Chair of the Panel, of whom 12 were from the global South, and 16 were women. Following discussions with the PCB Bureau Chair, RRA had narrowed down the selection to a shortlist of four candidates and the PCB Bureau had worked together remotely to agree interview questions.

The PCB Bureau interviewed all four candidates from the shortlist. After careful consideration of the interviews and due diligence material, the Bureau agreed as follows:

- Appoint Professor Gillian Triggs as Chair of the Independent Expert Panel.

Meeting of Monday 9 July 2018

MEETING AGENDA

1. Welcome and introduction
2. Presentation by RRA of potential candidates and principles for selection
3. Discussion and agreement on short list of candidates
4. Proposed approach for communications
5. Any other business

SUMMARY

RRA presented on the long list of potential candidates for panel membership. This included 19 candidates, of whom 9 were from the global South, and 13 were women. One of the candidates had been nominated by the PCB.

In a consultative call with Professor Triggs, the PCB Bureau identified 8 individuals as particularly strong prospective candidates for panel membership. In arriving at this selection, the Bureau had in mind the desire to create a Panel with a mix of professional and experiential competence, which complemented Professor Triggs' acute strengths in the area of human rights law. The PCB Bureau also agreed that the panel membership needed to include an understanding of the lived experience of communities living with HIV. In addition, the Bureau was intent on creating a panel, which included strong leadership from the global South. Finally, the Bureau wanted to have both women and men in the group.

In parallel to Professor Triggs' telephone interviews with the candidates, RRA continued due diligence on the candidates, which consisted of the scrutiny of social media, news, and other open source material and active pursuit of references on the candidates.

The PCB Bureau further agreed on the following:

- A short list of possible members of the Panel to be interviewed by the Panel Chair;
 - The NGO delegation requested an extension of the deadline for submitting nominations for the Panel, which was agreed;
 - The Bureau would meet on Friday 13 July to agree on a final list of Panel members;
 - If required, the Chair of the Panel will request the secretariat to the Panel to bring more experience from the communities and to organize consultations with PCB constituencies to ensure that a wide range of voices are heard by the Panel;
 - The Bureau discussed and agreed that the communication on the Independent Expert Panel to the Board will be through the UNAIDS PCB Bureau following the usual UNAIDS Governance procedures (summary of the Bureau meetings, intersessional decision-making process, PCB website).
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Meeting of Friday 13 July 2018

MEETING AGENDA

1. Welcome and introduction
2. Finalization of Panel composition
3. Approval of draft communication
4. Bureau selection of UNAIDS focal point
5. Any other business

SUMMARY

Finalization of Panel composition

Professor Triggs updated the PCB Bureau on her calls with the shortlisted candidates, commenting that they were all highly impressive. The PCB Bureau discussed the short list, narrowing it down further but requesting additional interviews and due diligence on some candidates. In addition to the short listed candidates, the PCB NGO representatives proposed some additional candidates for review and interview as appropriate.

The PCB Bureau agreed to meet on Monday, 16 July 2018, to agree the final list of Panelists.

Approval of communication

The PCB Bureau agreed that there would be two levels of communication.

The first level of communication will be in the form of a statement released by the PCB Bureau. The statement will be accompanied by the posting of the summary of the PCB Bureau meetings on the selection of the Panel online.

The second level of communication will be led by the Chair of the Panel, who will release a statement. The Chair of the Panel noted that she will need support in handling media enquiries.

Appointment of UNAIDS focal point

The Chair of the PCB Bureau received a list of possible candidates from the UNAIDS Secretariat. The Bureau agreed that there was a need for further clarity on the nature of the role, and that it would need to take into account advice from the Chair of the Panel and the independent secretariat to the Panel.

Any Other Business

The Chair of the PCB Bureau provided some updates to the Bureau.

The company selected by the PCB Bureau following a competitive bidding process in accordance with UNAIDS procurement procedures to act as the secretariat to the Panel, QED Consulting, has now passed through all the stages of the approval process and been contracted.

Meeting of Monday 16 July 2018

MEETING AGENDA

1. Welcome and introduction
2. Final selection of Panel members
3. Any other business

SUMMARY

The PCB Bureau met on Monday 16 July, discussed the final composition of the Panel, and agreed the following:

Chair of the Panel

- Professor Gillian Triggs (Australia)

Panel Members

- Sir Robert Francis (UK)
- Ms Vrinda Grover (India)
- Dr Fulata Moyo (Malawi)
- Ms Charlotte Petri Gornitzka (Sweden)

Next steps

- RRA to inform the selected Panel members of the outcome of the Bureau's meeting
 - As agreed at the previous Bureau meeting, the Bureau to finalise the summary of the Bureau meetings for the selection of the Panel including a statement on behalf of the Bureau
 - The Panel to provide regular updates on its work to the Bureau as per its terms of reference
 - In preparation of the 43rd PCB meeting, the Bureau to discuss and agree on the specific reporting arrangements of the Panel in line with its terms of reference
 - The UNAIDS Secretariat (Governance and Multilateral Affairs team) to provide a briefing to the Chair of the Panel on the Joint Programme governance.
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List of documents annexed to this document

Annex 1

Terms of Reference for the Independent Expert Panel

Statement of Work – Independent Expert Panel Selection [Executive Search Firm]

Statement of Work – Selection of secretariat [Professional Services Firm] to the Independent Expert Panel

Annex 2

Biography of Independent Expert Panel Chair

Biographies of Panel members

Annex 3

Statement by the Chair of the PCB Bureau on the establishment of the Panel

Annex 1 Terms of Reference for the Independent Expert Panel

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 harassment¹; bullying and abuse of power² 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 organizations and civil society. Harassment, including sexual harassment, is prevalent

¹ 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>

² 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.

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-treatment³, discrimination⁴ and abuse of authority⁵.

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 organisation 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.

³ 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%)

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

⁵ 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 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.
- **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 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.

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 organisational 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 finalise 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:

Action	Description	Date
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 Finalisation of report.	OCT
Development of the management response	UNAIDS leadership preparation of management response.	NOV

43 rd PCB meeting	Presentation of the recommendations and final decision of the Board UNAIDS management response	DEC
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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 finalised 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.

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>Phase 1</p> <ol style="list-style-type: none"> 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. 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.

3. Design and propose to the Bureau for their approval
 - 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
 - b. A framework and methodology for screening all candidates for the Chair and Panellist roles

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.

	<p>8. Prepare complete files and candidate reports (including detailed references) for the short listed candidates for presentation to the Bureau.</p> <p>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> <p>Phase 3</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	

Statement of Work –Selection of 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"> • Review 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. • 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

	<p>workplace;</p> <ul style="list-style-type: none"> • Recommend 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. <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 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	The secretariat (professional services firm) will assist with the overall delivery of the Panel’s work, in an independent, professional, and structured manner.
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"> 1. Mobilisation meetings with: <ul style="list-style-type: none"> • The Panel Chair to establish ways of working and roles and responsibilities; • UNAIDS Secretariat to understand the work of the organisation and the background to the programme. 2. Through engagement with the Panel, develop a workplan to cover activities from contract appointment through to contract end (December 2018). <p><u>Support to the Panel (ongoing)</u></p> <ol style="list-style-type: none"> 3. Administer the Panellists’ contracts, 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.

4. **Work effectively** 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.
5. Provide **secretariat to the work of the Panel**. 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.

Review and evaluate phases (June to September)

6. Conduct a **Literature review and comparative analysis** 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. This review will include, but not be limited to, the following documents:
 - Relevant WHO and UNAIDS Secretariat's policies, including policies on harassment, diversity and inclusion, on the protection of whistle-blowers, etc.;
 - UNAIDS Gender Action Plan;
 - WHO Staff Rules and Regulations;
7. A review of **documented evidence on bullying and harassment** within the UNAIDS Secretariat including from staff association surveys and reported incidents. This review will include, but not be limited to, the following documents:
 - Results of the UNAIDS Staff Association (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, investigated, and resolved through informal and formal means;
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.
9. Taking into account a requirement for strict confidentiality, **arrange and minute interviews** between the Panel and i) current and former UNAIDS Secretariat staff, ii) USSA, iii) relevant civil society and iv) UN Cosponsor organisations.
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

	<p>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 2

Biography of Independent Expert Panel Chair

Gillian Triggs

Gillian Triggs was the President of the Australian Human Rights Commission from 2012-2017.

Gillian was Dean of the Faculty of Law and Challis Professor of International Law at the University of Sydney from 2007-12 and Director of the British Institute of International and Comparative Law from 2005-7. Gillian is a former Barrister with Seven Wentworth Chambers and a Governor of the College of Law.

Gillian graduated in Law from the University of Melbourne in 1968 and gained a PhD in 1982. She has combined an academic career with international commercial legal practice and worked with governments and international organisations advising on including law including human rights law. She is focused on the implementation in Australian law of the human rights treaties to which Australia is a party, and on working with nations in the Asia Pacific region on practical approaches to human rights.

Gillian has been a consultant on International Law to King & Wood Mallesons, the Australian representative on the Council of Jurists for the Asia Pacific Forum for National Human Rights Institutions, Chair of the Board of the Australian International Health Institute, a member of the Attorney General's International Legal Service Advisory Council and Chair of the Council of Australian Law Deans. She is Vice President of the Tribunal for the Asian Development Bank.

She is the author of many books and paper, including *International Law: Contemporary Principles and Practices* (Second Edition, 2011).

Gillian also served the Commission as Acting Aboriginal and Torres Strait Islander Social Justice Commissioner from 1 August 2016 to 9 February 2017.



Biographies of Panel members

Sir Robert Francis QC

Sir Robert Francis QC is a barrister and non-executive director of the Care Quality Commission. He has been a barrister since 1973 and became a Queen's Counsel in 1992. He is a Recorder (part time Crown Court judge) and authorised to sit as a Deputy High Court Judge. He is a governing Bencher of the Honourable Society of the Inner Temple, where he has chaired its Education and Training Committee.

Francis specialises in medical law, including medical and mental health treatment and capacity issues, clinical negligence and professional discipline. He has appeared in a number of healthcare-related inquiries and between 2009 and 2013 chaired the Independent Inquiry into the care provided by the Mid Staffordshire NHS Foundation Trust, and subsequently the Mid Staffordshire NHS Foundation Trust Public Inquiry, in which he made wide-ranging recommendations for culture change. He then led the Freedom to Speak Up Review for the Department of Health into the treatment of whistleblowers in the NHS.

He is the honorary President of the Patients Association and a trustee of the Point of Care Foundation and the Prostate Cancer Research Centre. He has also been elected to Honorary Fellowships of the Royal College of Surgeons (England), the Royal College of Anaesthetists and the Royal College of Pathologists.



Vrinda Grover

Vrinda Grover is a lawyer, researcher, and human rights and women's rights activist. She has been a fearless champion of rights, but also of due process. She has contributed to the drafting of laws including, The Protection of Women from Domestic Violence Act, 2005; The Protection of Children from Sexual Offences Act, 2012; The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013; The Criminal Law Amendment Act, 2013 – relating to sexual violence against women; the Prevention of Torture Bill, 2010; a legislation for protection from communal and targeted violence. She has a nuanced understanding of the concerns of people from different communities affected by HIV. She has, for example, stood in solidarity with sex workers in India and intervened to assert the distinction between sexual exploitation and sex work.



Grover has also appeared for the victims in prominent cases in India, such as the Soni Sori rape-torture case, 1984 anti-Sikh riots, 1987 Hashimpura police killings and the 2008 anti-Christian riots in Kandhamal. In the aftermath of the 2013 Muzaffarnagar communal attack, she represented seven of the gang rape survivors. She has also been a vocal critic of abuses of power when she has encountered them. Focused on the impunity of the state in relation to human rights violations, her research and writing looks into the role of law in the subordination of women; the failure of the criminal justice system during communal and targeted violence; the effect of 'security' laws on human rights; rights of undocumented workers; challenges

confronting internally displaced persons; and examines impunity for enforced disappearances and torture in conflict situations.

She is a Board member of the International Service for Human Rights, and was part of the team which drafted the Model Law on the Recognition and Protection of Human Rights Defenders. She has associated with Amnesty International, Human Rights Watch and the International Commission of Jurists on responses to torture, arbitrary detention, sexual violence and extra-judicial killings.

Grover graduated from St. Stephen's College, Delhi, where she was a student in History. She obtained her degree in law from Delhi University and a Masters in Law from New York University.

Fulata Moyo

Fulata Moyo is President and Co-Founder, Global Studies in Gender and Religion Incorporated (in the process of registering). Moyo has spent her professional career challenging religious communities to address a host of issues around gender justice as intersectional with sexuality and other marginalisation. A substantial area of focus for her work is also the 'ethic of care': pursuing a meaningful, compassionate, faith-inspired response to issues such as human trafficking, which she started developing in 2016 at Harvard Divinity School as a visiting scholar.



She has worked for more than ten years on addressing human rights and gender justice and peace with no sexual and gender based violence as programme executive with the World Council of Churches (WCC) in the 120 countries that WCC works through member churches and their Faith based organisation partners and other international partners, including the United Nations. Her work here has involved challenging accepted patriarchal patriarchy through research and dialogue. She has an extensive track record of working across national borders and linguistic and ethnic contexts to create theoretical frameworks, which can then be applied in specific contexts.

Moyo holds a Bachelor of Arts from the University of Malawi and a Master of Arts in Religious Studies from the University of Zimbabwe. In 2003, she held a Research Fellowship for Interdisciplinary Research on AIDS at Yale Divinity School. She has also completed a PhD. In Religion and Theology at the University of KwaZulu-Natal.

Charlotte Petri Gornitzka

Charlotte Petri Gornitzka was elected as Chair of the OECD's Development Assistance Committee (DAC) in 2016. Prior to this, she served as Director-General of the Swedish International Development Co-operation Agency (SIDA) where she emphasised Sweden's role as leader in development co-operation and led efforts to implement innovative models to stimulate private sector engagement in development activities. There she established a network of Swedish and Swedish-based companies that work together to demonstrate leadership in sustainable global development. She has previously served as Secretary-General of Save the Children International (2008-2010) and Secretary-General of Save the Children Sweden (2003-2008). From 1998-2002, she served as Under Secretary-



General and Director of Communications for the Swedish Red Cross.

Petri Gornitzka has a background in management consulting with a focus on change management and communications. She studied at the Stockholm University College of Music Education and has a degree in Business and Marketing studies from IHM Business School. She serves as Co-chair of the World Economic Forum Global Future Council on International Governance, Public-Private Cooperation and Sustainable Development. She is also a Member of the Stewardship Board for Economic Growth and Social Inclusion as well as a Member of the 2030 Water Resources Group Governing Council.

Annex 3

Statement by the PCB Bureau Chair on the establishment of the Independent Expert Panel

[The statement will be sent on behalf of the PCB Bureau to PCB Member States, PCB NGO Delegation and Cosponsors with a copy to all the Geneva based Missions. It will also be posted on the PCB website, under Bureau documents.]

Dear members of the UNAIDS Programme Coordinating Board,

On behalf of the PCB Bureau, we would like to take this opportunity to thank you all for the constructive dialogue and solid decisions we collectively made at the 42nd meeting of the PCB two weeks ago.

Following the Board's discussion on addressing and preventing harassment, including sexual harassment, bullying and abuse of power at UNAIDS Secretariat, the PCB Bureau has continued its work, on behalf of the Board, to constitute the Independent Expert Panel with the assistance of Russell Reynolds Associates, an executive search firm.

We wanted to take this opportunity to inform the Board that we now have a panel of exceptionally strong members, to be led by Professor Gillian Triggs, former President of the Australian Human Rights Commission. We also wanted to thank all PCB Members who put forward nominations for candidates. All of these were considered by the Bureau amongst a very high quality group, noting the need for gender and geographical diversity.

The Panel is composed as follows:

Chair of the Panel

- Professor Gillian Triggs (Australia)

Panel Members

- Sir Robert Francis (United Kingdom)
- Ms Vrinda Grover (India)
- Dr Fulata Moyo (Malawi)
- Ms Charlotte Petri Gornitzka (Sweden)

The PCB Bureau is also taking the opportunity to inform the PCB that following a competitive tendering process the PCB Bureau acted as the technical review committee and selected QED Consulting to perform the function of Secretariat to the Independent Expert Panel. As discussed at the 42nd meeting of the PCB, this arrangement will contribute significantly to the independence of the process.

The PCB Bureau will continue to keep the Board informed of the work of the Panel as it evolves including opportunities for engagement with the Panel and in its work. The Panel will have a dedicated section of the UNAIDS PCB website (<http://www.unaids.org/en/howeare/pcb/iep>) where further information and updates are available. We are expecting the next update to be sent following the first meeting of the Panel.

Best regards,

Daniel Graymore
PCB Bureau Chair on behalf of the PCB Bureau