



## UNAIDS PCB Bureau meeting

### MEETING SUMMARY

DATE: Thursday 22 November 2018

### PARTICIPANTS

**PCB Bureau:** Mr Daniel Graymore, Dr Fiona Campbell and Mr Nicolas Alexander (United Kingdom: representing the Chair); Mr Yang Xiaochen (China: representing the Vice-Chair); Mr Chemakh Amar (Algeria: representing the Rapporteur); Ms Sonal Mehta (representing the PCB NGO Delegation); Ms Ann Burton and Mr David Sunderland (UNHCR: representing UNAIDS Cosponsors).

**UNAIDS Secretariat:** Mr Morten Ussing, Director and Ms Samia Lounnas, Senior Governance Advisor (Governance and Multilateral Affairs, UNAIDS)

**Excused:** Mr Samir Rahem (Algeria: representing the Rapporteur), Ms Alessandra Nilo (representing the PCB NGO Delegation)

### MEETING AGENDA

Discussion on the report of the Independent Expert Panel on prevention of and response to harassment, including sexual harassment, bullying and abuse of power at UNAIDS Secretariat.

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### SUMMARY

Mr Daniel Graymore, representing the PCB Chair, welcomed participants to the meeting.

The Chair explained that, as required by the rules of procedures of the UNAIDS Programme Coordinating Board and as defined in the modus operandi, the PCB Bureau should not be held without the presence of UNAIDS Secretariat. The Secretariat clarified that one of the roles of the Secretariat is to ensure due process is followed. To this effect, the Secretariat indicated that the PCB independent legal counsel was available on call for any legal or procedural issues.

In view of the sensitivity and confidentiality requirements of the undertaking, the Secretariat was asked to leave the room to allow for informal discussions, with the understanding that the Secretariat would be called if advice was required. The overall purpose of the informal discussion was to discuss whether the Independent Expert Panel fulfilled or not the Terms of Reference endorsed by the 42nd Programme Coordinating Board in June 2018. There was no consensus on this issue.

The Bureau then reconvened with the Secretariat into a formal session and decided to transmit the Independent Expert 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.

Subsequent to the meeting, 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 provide explicit advice to the Secretariat as to whether the report should be released publicly or only sent to PCB Members. The legal advice emphasized that the Bureau would need to reach consensus on this issue and set out the following three options:

The Bureau would need to reach consensus on whether to have:

1. A 'normal' release: the Bureau agreeing and asking the Secretariat to post the report on the site of the 43rd PCB as per the Bureau's communication to the PCB Membership on 26 October **or**;
2. A release to the PCB membership: a private communication by the Secretariat of the report to the only members of the PCB (22-member States, 11 cosponsors and five NGOs) in the form of an encrypted password protected release.

If the Bureau cannot, by consensus, agree on the modalities to release the report to the PCB members, the Bureau would need to put a vote to PCB members to resolve a lack of consensus in the Bureau. The method of this vote would be through intersessional decision-making (as per paragraph 3 of the Annex 3 of Modus Operandi), which is applicable for decisions that are required by the Bureau to complete functions that have been specifically mandated to it by the PCB. The implementation of this procedure would mean the Bureau asking members of the PCB, who have the right to vote (22 member states), to vote on the preferred approach of the dissemination of the report.

By Monday 3 December there was no consensus amongst the Bureau on a preferred option. It was therefore required that the Bureau launch an intersessional decision-making process.