



UNAIDS PCB Bureau meeting

MEETING SUMMARY

DATE: Tuesday 7 May 2019

PARTICIPANTS

PCB Bureau: Mr Yang Xiaochen (China: representing the Chair); Ms Tracy Carson (United States of America: representing the Vice-Chair); Mr Dmitry Nikalayenia (Belarus: representing the Rapporteur); Mr Jonathan Gunthorp (representing the PCB NGO Delegation); and Ms Elisabeth Benomar (UNFPA: representing UNAIDS Cosponsors).

PCB Working Group: Ms Laurie Newell, Global Coordinator UN Cares, UNFPA and Chair of the Working Group

UNAIDS Secretariat: Ms Gunilla Carlsson, Deputy Executive Director Management and Governance; Mr Morten Ussing, Director, Governance and Multilateral Affairs and Ms Samia Lounnas, Senior Governance Advisor, Governance and Multilateral Affairs.

MEETING AGENDA

1. Presentation by Ms Laurie Newell, Chair of the PCB Working Group (WG) to strengthen the PCB's monitoring and evaluation role on zero tolerance against harassment, including sexual harassment, bullying and abuse of power at the UNAIDS Secretariat, of an update on progress made by the WG
2. Review of the draft annotated agenda of the 44th PCB meeting (25-27 June 2019)

SUMMARY

Introduction

The Chair of the Bureau thanked the Bureau members for availing themselves for a Bureau meeting called at the request of Ms Laurie Newell, Chair of the PCB Working Group (WG) to strengthen the PCB's monitoring and evaluation role on zero tolerance against harassment, including sexual harassment, bullying and abuse of power at the UNAIDS Secretariat. The Bureau will receive an update on progress made by the WG in preparation of the agenda item to the 44th PCB meeting in June.

The Chair informed the Bureau that the Bureau would seize the opportunity of this meeting to also discuss and agree on a final draft agenda of the 44th PCB meeting. He stressed the importance of reaching a consensus on the draft agenda of the 44th PCB meeting so that the Secretariat can send the invitations to the PCB participants noting that the UNAIDS

Modus Operandi requires that the invitations are sent 60 days ahead of the PCB meeting. This deadline has already passed.

1. Presentation by Ms Laurie Newell, Chair of the PCB Working Group (WG) to strengthen the PCB's monitoring and evaluation role on zero tolerance against harassment, including sexual harassment, bullying and abuse of power at the UNAIDS Secretariat, of an update on progress made by the WG

Ms Laurie Newell presented the achievements of the Working Group based on the 5 tasks as mandated by the PCB in the scope of work in the approved TOR, as follows:

- **Meetings:** The Working Group had seven meetings, including 2 face to face meetings and 5 virtual meetings, and more meetings are planned, as necessary, to finalize the report as well as to reach agreement on pending issues.
- **Report of the WG:** The proposed structure of the report of the WG to the PCB builds on the TOR as follows:
 - Analysis of the IEP report and management response - narrative and a matrix comparing the recommendations of the IEP against the actions in the management action plan which would be an annex to the report.
 - Analysis of IEP report and management action plan and the statement of UNAIDS Secretariat staff Association (USSA): narrative and a matrix comparing the recommendations of the IEP against the actions in the management action plan and the requests of the USSA which would be an annex to the report.
 - Monitor and guide on harassment and related issues
 - Enhanced human resources reporting
 - Evaluation (investment, architecture and membership)
- **Evaluation function:** The Chair of the WG informed the Bureau that there was consensus on the draft evaluation policy as proposed by the Secretariat in consultation with the Cosponsors and discussed during a multistakeholder consultation following the Special Session of the PCB in March.

Ms Newell requested the views of the Bureau on a pending issue in terms of membership of the Expert Advisory Group on Evaluation, on which the WG is yet to reach consensus between three member states versus five member states.

- **Legal issues raised by the PCB Independent Legal Counsel:** The Chair of the WG informed the Bureau that Mr. Picard, independent legal counsel of the PCB attended one of the virtual meetings to provide his legal advise as a follow-up to the Special Session of the PCB on 28 March. He referred to the founding ECOSOC resolution 1994/24 and the UNAIDS Modus Operandi deriving from it as the basis for his legal opinions. He noted that the PCB and the Working Group (subcommittee established by PCB) do not have authority on UNAIDS Secretariat Human Resources. He agreed as a way forward for the Working Group to:
 - To clarify the meaning of the terms "monitor and guide the work of UNAIDS Secretariat in strengthening and further institutionalizing existing systems to tackle harassment". In light of clarifications provided on the mandate of the Board during the Special Session (28 March 2019) and recalled to the Working Group at its request, it is within the mandate of the Board (as it already happens at each meeting with UNAIDS Secretariat Staff Association (USSA)), to be informed, on a regular basis, of 1) cases of harassment, including sexual harassment, bullying and abuse of authority which may have arisen together with related decisions

subsequently taken by competent authorities and 2), as the case may be, of the general measures that the Executive Director intends to take to ensure that the goal of zero tolerance against any form of harassment is met.

- Within this framework, the Working Group may deem appropriate to strengthen this monitoring function by recommending, for example, that additional information in this matter be provided by UNAIDS Secretariat.

With regards to the guidance function stated in the TOR, the Working Group – after having been appraised of the above information – may suggest to the attention of the Executive Director any type of non-binding proposals it deems appropriate.

- **Recommendation to UN Secretary-General** - current thinking as based on legal advice.

Ms Newell explained to the PCB Bureau that Mr Picard, independent legal counsel, recommended that the PCB can submit its recommendations to the Executive Director of UNAIDS who in turn can submit them to the UN Secretary-General.

The PCB Bureau agreed that the recommendation of the legal counsel is the best way forward.

- **Future of working group or other structure on these issues.**

Ms Newell informed and requested the views of the PCB Bureau on the future of the Working Group further to the presentation of its recommendations to the 44th PCB meeting in June 2019.

Referring to decision 5.14 of the 43rd PCB meeting- *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, Ms Newell indicated that most of the Working Group members understand that functions will end at the 44th PCB meeting. She requested the views of the PCB Bureau on this matter as a few members of the Working Group suggest that the Working Group continues its work beyond the 44th PCB and suggest that the scope, mandate and timeline would be part of the recommendations of the WG to the 44th PCB meeting.

The PCB Bureau members commended the Chair and the Working Group for their achievements to date. Some members of the PCB Bureau advised that the Working Group should also present in its report and recommendations on a rationale for the Working Group to continue its work beyond the 44th PCB meeting. This would also include a new timeline and scope of work.

2. Review of the draft annotated agenda of the 44th PCB meeting (25-27 June 2019)

Further to the circulation by the Secretariat of a draft agenda of the 44th PCB meeting on behalf of the Chair on 26 April, comments were received by the PCB Bureau members as follows:

- Overall agreement that a 3-day meeting as initially planned by the PCB at its 39th meeting in December 2016 is the best option.
- The agenda item on Leadership in the AIDS response could be postponed as no high-level guest speaker was yet identified.
- The UBRAF results reporting is a new format and one in which the Joint Programme has been working on since the discussions at the 42nd meeting of the PCB. Adequate time should be allotted to the UBRAF agenda items. The Bureau stressed the importance for members to engage in the results and the reporting framework. Results reporting and tracking is central to the role of UNAIDS.
- The Working Group report and discussion could be allocated with more time so as to be properly. The subject of harassment and bullying has been taken seriously by the PCB and the Secretariat and much effort has gone into structuring a positive way forward. Due time and consideration should be afforded.
- The update on strategic human resources management issues and statement of the UNAIDS Secretariat Staff Association should follow the report of the Working Group and the discussion should be opened after the 3 agenda items have been presented.
- The Executive Director search agenda item is anticipated to require a minimum of 4 hours to allow for all members and observers to provide comment on the process and the candidates. The PCB decision on the formation of the Bureau+ Search Committee was predicated on the decision to have an extra day on the search at the June PCB meeting. While the Bureau stressed the importance of holding to PCB decisions, it recognized the need to balance due time consideration with ensuring maximum participation throughout the meeting. In order to accomplish both goals, extensions to the first two days were proposed. Members suggested shifting the Executive Director search item to Day 2 of the meeting to improve flow and to allow time for a decision point to be drafted and negotiated as may be necessary and tabled for the morning of 27 June. It is important that it not be at the end of the meeting.
- The Thematic Segment is important, and a shortened time frame will not allow for a rich dialogue and will limit the opportunity for an impactful discussion. Due time and consideration should be afforded, particularly in light of the relevant topic. Thematic Segment with UHC should remain in June session.

Considering all the above-mentioned comments, the PCB Bureau agreed on a draft annotated and a time wise agenda. The Chair requested the Secretariat to circulate to the Bureau members the draft for electronic approval. Further to which the Secretariat is requested to post the draft agenda on the PCB website and to send the invitations to PCB stakeholders as required.

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