

REPORT OF THE ETHICS OFFICE

Organizational oversight reports

Additional documents for this item:

Intersessional Establishment of the UNAIDS Independent External Oversight Advisory Committee (UNAIDS/PCB (50)/22.17)

Report of the Internal Auditor (UNAIDS/PCB (50)/22.18)

Report of the External Auditor (UNAIDS/PCB (50)/22.19)

Report of the Independent External Oversight Advisory Committee (UNAIDS/PCB (50)/22.21)

Management Response to the Organizational Oversight Reports (UNAIDS/PCB (50)/22.22)

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

73. *take note of* the Report of the Ethics Office.

Cost implications for the implementation of the decisions: *none*

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Executive summary

1. This report is submitted in accordance with the decision of the 44th session of the Programme Coordinating Board (PCB), which requested that the Executive Director ensure that the Secretariat Ethics function at the Joint United Nations Programme on HIV/AIDS (UNAIDS) conform to standards of the Joint Inspection Unit.ⁱ This included establishing a new, independent Ethics Office and ensuring that the Ethics Office submits an annual report, unchanged by management, to the PCB, as well as the inclusion of a stand-alone agenda item at the PCB covering ethics.ⁱⁱ
2. This is the second report submitted to the PCB on the ethics function at UNAIDS. This report covers the 2021 reporting period and it reviews:
 - background information;
 - the establishment of a new independent Ethics Office;
 - functioning of the Ethics Office and activities in the areas of confidential advisory services, addressing misconduct, protection from retaliation, prevention of sexual exploitation and abuse, the declaration of interest programme, training outreach and communications, ensuring policy coherence, participation in the Ethics Multilateral Network; and
 - additional issues and identified priorities for the future.
3. A new, independent Ethics Office has been established and the recruitment of the new head of the Ethics Office has been completed. While many of the recommendations by the JIU on the ethics function have been implemented, additional measures are still needed to provide sufficient resources and support to the Ethics Office. With regard to the functioning of the Ethics Office, the provision of confidential ethics advice decreased in 2021 compared to 2020. This may be due to the COVID-19 pandemic, the fact that there were transitions in the Ethics Office, and the heavy focus of the organization on the ongoing alignment restructuring.
4. With regard to addressing and reporting misconduct, a new World Health Organization (WHO) policy on preventing and addressing abusive conduct, including harassment, sexual harassment, discrimination, and abuse of authority, was released in March 2021 and is applicable at UNAIDS. The policy is broader in scope and articulates a zero-tolerance standard for all forms of abusive conduct. The Ethics Office hereby commits to prioritize matters brought to its attention that involve allegations of sexual misconduct, to ensure that they are treated promptly and with the appropriate level of sensitivity and care, and with a victim-centered approach.
5. The Integrity Hotline service is still in use, which allows any party, internal or external, to report allegations of misconduct or other issues involving UNAIDS. In 2021, the external service provider for the hotline was changed to a different external company. Additional outreach efforts are needed to promote use of the Integrity Hotline as a valuable accountability tool. The Ethics Office continues to administer the WHO policy on whistleblowing and protection against retaliation, as adapted to UNAIDS. In addition to the whistleblower policy, the new policy on preventing and addressing abusive conduct also includes measures to strengthen protection against retaliation. There were no formal requests for protection against retaliation filed with the Ethics Office in 2021. Increasing the trust and confidence of staff members in the mechanisms in place to protect them from retaliation is identified as a key priority.
6. In December 2021, the previous WHO policy on preventing sexual exploitation and abuse was placed in abeyance. It is currently under review and a new policy directive on

protection against sexual exploitation and abuse was issued. This policy directive reiterates the standards in ensuring prevention and aligns with the provisions of the United Nations Secretary-General's Bulletin on "Special Measures for Protection from Sexual Exploitation and Abuse" (ST/SGB/2003/13).

7. The eligibility criteria for financial disclosures and participation in the declaration of interest programme have increased, resulting in 440 eligible staff completing the declaration of interest form (a 96% completion rate in 2021 for the 2020 reporting year, compared to 193 staff members in the previous year). A total of 11 potential conflicts of interest were identified and resolved.
8. Ethics awareness and training activities took place, including in relation to promotion of the new policy on preventing and addressing abusive conduct in collaboration with other stakeholders and departments throughout the organization. Additional trainings will be resumed in the future, to enhance awareness of ethics standards and principles. With regard to policy coherence and ensuring consistent application of the rules, in 2021 the Ethics Office participated in Alignment Task Team meetings, to advise on ethics considerations in relation to the alignment restructuring. The Ethics Office will resume participation in meetings of the Ethics Multilateral Network in an effort to gather learnings and best practices that can be shared and implemented within the UNAIDS context.
9. Key priorities identified going forward include enhancing the promotion of diversity, equity and inclusion as a core UNAIDS value, in an effort to further ensure a safe and respectful work environment and reduce instances of misconduct. Efforts are also needed to simplify communications materials, policies and procedures related to ethics; to make it easier for staff members and partners to retrieve essential information; and to ensure compliance with the regulatory framework. Going forward, enhanced collaboration with key functions is also envisioned, including but not limited to the WHO Office of Internal Investigation Services (IOS), to ensure proper coordination on matters under the remit of the Ethics Office (such as retaliation) as well as the Office of the Ombudsman to promote informal dispute resolution as appropriate.
10. The PCB is invited to take note of the report of the Ethics Office.

Introduction and background

11. This report is submitted to the PCB following the implementation of recommendations to strengthen the accountability and ethics functions at UNAIDS. Specifically, the PCB Working Group to strengthen monitoring and evaluation on zero tolerance against harassment, including sexual harassment, bullying and abuse of power at UNAIDS, presented a report at the 44th PCB meeting that included recommendations on the Secretariat ethics function.ⁱⁱⁱ The Working Group's report recommended that the PCB request that the UNAIDS Executive Director ensure that the Secretariat ethics function conform to the standards articulated by the Joint Inspection Unit (JIU).^{iv} Based on the recommendations of the Working Group, the PCB also requested that the Executive Director ensure that the UNAIDS Secretariat ethics function conforms to JIU standards.^v
12. Key among these standards were transparency in recruitment for the position of head of the Ethics Office, professional background in ethics for ethics staff, term limits, reporting directly to the executive head, having both formal and informal access to the legislative body, and ensuring the submission of a report, unchanged by management, directly to the PCB.^{vi} Thereafter, the JIU also issued its Review of the Management and Administration of UNAIDS, in November 2019. Its various recommendations included the further strengthening of the Secretariat ethics function by establishing a fully independent Ethics Office and ensuring the submission of an annual report directly to the PCB. It was also recommended to include a stand-alone agenda item on ethics for PCB meetings.^{vii} At the 45th PCB meeting in December 2019, the PCB affirmed the commitment to establish a regular stand-alone agenda item to cover ethics and other topics related to accountability.^{viii} On 26 May 2020, the Executive Director issued an internal memorandum on the ethics function, which included several decisions to implement the aforementioned recommendations.
13. The first report of the Ethics Office was presented to the PCB at its 48th session in June 2021.^{ix} The current second report includes information on the activities of the UNAIDS Ethics Office for the reporting period 1 January 2021 to 31 December 2021. It is noted that during the reporting period the former senior ethics officer departed in August 2021 and was replaced by an acting interim senior ethics officer from October 2021 until 28 February 2022. The newly recruited head of the Ethics Office started in the position on 1 March 2022. While the reporting period covers 2021, limited insights are included for early 2022 following the recruitment of the new incoming head of the Ethics Office.¹

Establishing a new independent Ethics Office

14. The ethics function was created in the UNAIDS Secretariat in 2009 with the objective "to assist the Executive Director in ensuring that all staff members observe and perform their functions in consistency with the highest standards of integrity, as required by the Charter of the United Nations, and in accordance with the Standards of Conduct for the International Civil Service."^x Following the recommendations of the JIU, in 2020 the Executive Director approved the establishment of a new and distinct UNAIDS Ethics Office to be staffed by a new head of the Ethics Office following the conclusion of a competitive recruitment process.

¹ Please note that this report was prepared by the new incoming head of the Ethics Office, who had been in the position for approximately one month prior to finalizing the report.

Recruitment of the new head of the Ethics Office

15. The Executive Director accepted the recommendations to implement a recruitment process for the position of head of the Ethics Office, which met the following criteria:^{xi}
- The position has ethics qualifications and experience as a requirement, which should be included in the job description for the post and vacancy announcement;
 - The vacancy announcement is open for both internal and external candidates on an equal basis and the vacancy is widely publicized;
 - The vacancy announcement is prepared in full consultation with staff representatives;
 - A staff representative serves on the appointment board for the selection; and
 - Term limits are applied to the appointment, which should be a nonrenewable appointment of five years, with the possibility of a two-year extension, for a maximum of seven years.²
16. The recruitment process has now been completed and the new incoming head of the Ethics Office, Kara Nottingham, took up her functions on 1 March 2022. As reflected in the vacancy announcement (UNAIDS/21/FT6), the essential qualifications for the position included “substantive experience in corporate ethics and related fields, preferably in the international arena” as well as “experience in the development and implementation of standards, policies, compliance frameworks, and programmes.” The education experience requirements included an “advanced university degree at Master’s level or equivalent in law, international relations, administration, science and technology, or related fields.”
17. The vacancy was open to both internal and external candidates at UNAIDS and was circulated internally to all UNAIDS staff, as well as publicized externally on the UNAIDS website. The Staff Association was requested to provide comments on the vacancy announcement,³ and a staff representative served on the selection panel for the position.⁴ A competitive recruitment was conducted, which included a written test and interview. A term limit of five years is applicable, which may be extended for two years maximum, and the selected candidate is not eligible for any further employment at UNAIDS thereafter.⁵
18. The new head of the Ethics Office has substantive experience in corporate ethics and related fields, as well as experience in the development and implementation of compliance frameworks and programmes. She is a lawyer with broad experience in international legal practice. Her career has spanned working in a global law firm, a multinational corporation, various UN agencies, and a human rights nongovernmental

² The Executive Director modified the internal memorandum of May 2020 on 7 June 2021 to include these specified term year limits.

³ Judgment No. 4230 at consideration 2 of the International Labour Organization Administrative Tribunal articulates the following standard for consultations: “... in order to be considered a proper consultation, there must be a real exchange of views, good faith must be demonstrated, and the relevant staff representative bodies must be ‘timely and fully informed of proposed instructions’ and must be given the opportunity to consult internally on all necessary information so that they may ‘provide informed comments for the Organization to take into due account’”.

⁴ This was required as per section 31 of the former UNAIDS Recruitment Policy. Please note that a new recruitment policy at UNAIDS was issued in March 2022.

⁵ The People Management department was requested to confirm matters related to recruitment for the new head of Ethics Office position, on issues that the new incoming head of the Ethics Office was not aware of as a participant in the selection process.

organization. She has experience with corporate ethics and compliance matters under the United States Foreign Corrupt Practices Act, as well as ethical standards and compliance with the regulatory framework of the United Nations Secretariat. She joined UNAIDS in 2021 in the legal and policy group on a temporary appointment. She holds a Bachelor of Arts degree in political science and spanish from Hampton University, a Juris Doctorate from William & Mary School of Law, and an LLM in international dispute settlement from the Graduate Institute – University of Geneva. She is a member of the Maryland and Washington, DC Bar Associations in the United States, and of the International Bar Association.

Strengthening the independence of the Ethics Office

19. The JIU made the following recommendations with regard to strengthening the Ethics Office and creating a truly independent function:
 - The head of the Ethics Office should report directly to the Executive Director;
 - The head of the Ethics Office should submit an annual report, or summary thereof, unchanged by management, directly to the legislative body together with any comments of the Executive Director thereon;
 - Proposals should be put forward for an internal mechanism to be established to review allegations brought against the Executive Director; and
 - The head of the Ethics Office should be a member of the senior management group and participate in all of its meetings, with an administrative instruction promulgated to that effect.
20. As per the decision of the Executive Director dated 26 May 2020, a new independent, Ethics Office has been established. The independence of the Ethics Office is reflected in the new organigramme following the conclusion of the first stage of the alignment restructuring process. The new head of the Ethics Office substantively reports directly to the Executive Director, with day-to-day management by the Chief of Staff. This structure will be reviewed and reported on in the next report to the PCB. Starting in 2021, the Ethics Office now directly submits to the PCB a report of its activities.
21. As of 2020, an internal mechanism was established for the review of allegations against the Executive Director. These matters are to be governed by the provisions of the United Nations Secretariat Administrative Instruction on Unsatisfactory Conduct (ST/AI/2017/1), investigations and the disciplinary process dated 26 October 2017.^{xii} This arrangement will be reviewed and reported on in the next report to the PCB.
22. As per the May 2020 decision memorandum from the Executive Director, the head of the Ethics Office is to be invited to participate as an observer in the Senior Leadership Team. The terms of reference governing the Senior Leadership Team were revised in 2021 and now state that “a UNAIDS Staff Association representative and the head of Ethics normally [take] part in [Senior Leadership Team] meetings”. These provisions may need to be revisited in order to differentiate the head of the Ethics Office from the Staff Association representative, as well as to include additional details on the modalities governing the term “observer”. It is also noted that the use of the term “normally” in the terms of reference implies that the participation of the head of the Ethics Office in Senior Leadership Team meetings may be a discretionary rather than mandatory requirement. This may be contrary to the aforementioned recommendations. An update on the terms of reference and modalities for participation of the Ethics Office in Senior Leadership meetings will be presented at the next session of the PCB.
23. Finally, the JIU recommended that consideration is given to “how to best support the office with appropriate staffing and/or backup”. As per the aforementioned internal

memorandum, in 2020 the Executive Director agreed to provide administrative support and backup to the Ethics Office. As of the time of submission of this report, the Ethics Office still consists of only one person, despite recognition by the JIU that the Ethics Office at UNAIDS “performs more duties than most in the United Nations system without a backstop,” and recommendations to strengthen the function through providing additional support.^{xiii} While acknowledging that significant progress has been made in setting up the new Ethics Office, additional support and resources are still needed to ensure that the Ethics Office can fulfill its mandate and operate effectively. An update on progress, if any, for additional staffing will be reported on at the next session of the PCB.

Functioning of the Ethics Office

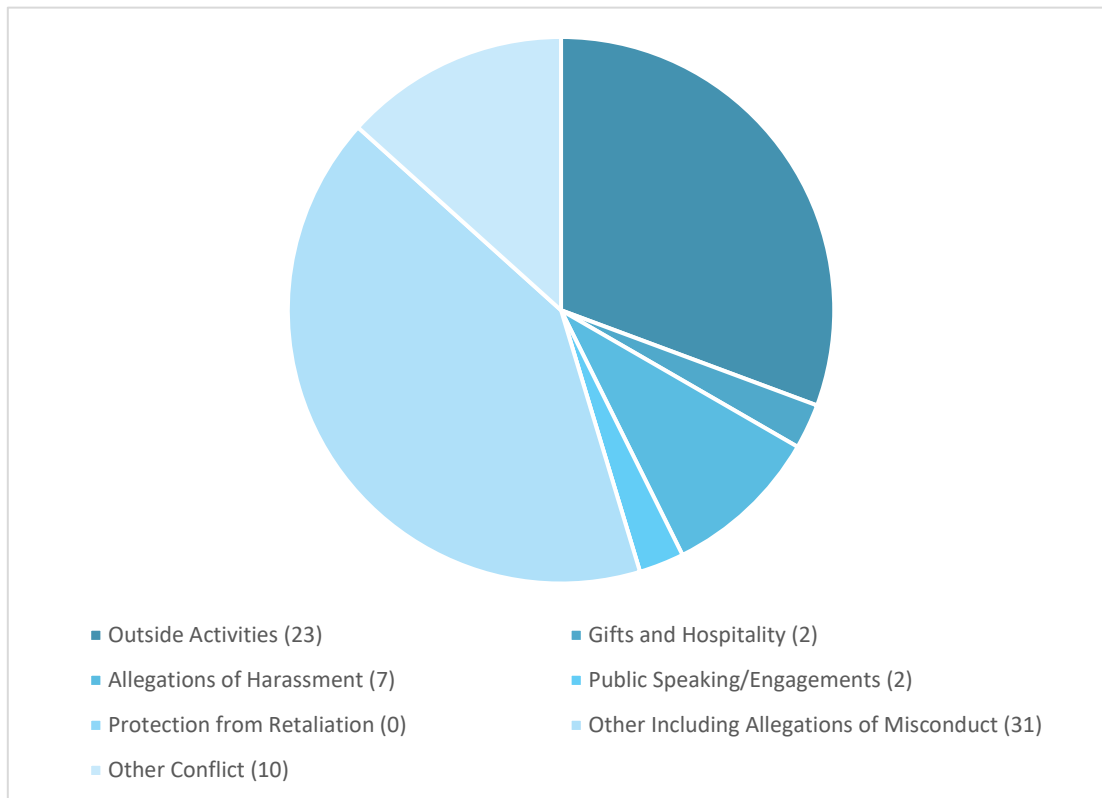
24. The Ethics Office promotes ethical principles and standards throughout the organization, and assists in ensuring that all staff members observe and perform their functions in consistency with the highest standards of conduct. The Ethics Office is guided by the principles of independence, impartiality and confidentiality. The Office promotes the ethical principles derived from the Standards of Conduct of the International Civil Service for all UNAIDS staff and associated personnel. The Office provides confidential advice and seeks to assist staff members to manage their personal affairs in a manner that does not interfere with their official duties. The Office engages in the following specific services and activities:
- provision of confidential and pragmatic ethics advice;
 - supporting staff members in reporting misconduct and reviewing reports of misconduct received through the Integrity Hotline;
 - administering the whistleblower and protection against retaliation policy;
 - prevention of sexual exploitation and abuse;
 - review of financial disclosures and administration of the declaration of interest programme;
 - promotion of ethics awareness, training, standards and education;
 - consulting on and developing standards, policies and principles to ensure consistent and fair application of the rules; and
 - participation in the Ethics Multilateral Network.

Confidential advisory services

25. The Ethics Office provides confidential advisory services and pragmatic advice on a variety of matters, including but not limited to: conflict of interest; accepting gifts, honors and awards; engagement in outside activities; hiring and working with relatives; engagement in political activities; and upholding the standards of conduct of the international civil service. It provides confidential advisory services to both staff and management.
26. The Ethics Office performs a preventive function, by helping to mitigate various risks and by providing staff members with practical advice and steps to eliminate concerns regarding conflict of interest to ensure that their conduct remains in compliance with applicable standards. All requests for advice and consultation by the Ethics Office are strictly confidential, to encourage individuals to come forward and seek guidance.^{xiv}
27. These advisory services relate to matters concerning the professional and personal lives of staff members. In accordance with the Standards of Conduct of the International Civil Service, the conduct of international civil servants in their private lives may also reflect upon the organizations for which they work. It is therefore essential to ensure that staff members have access to a private and confidential service that offers guidance on how

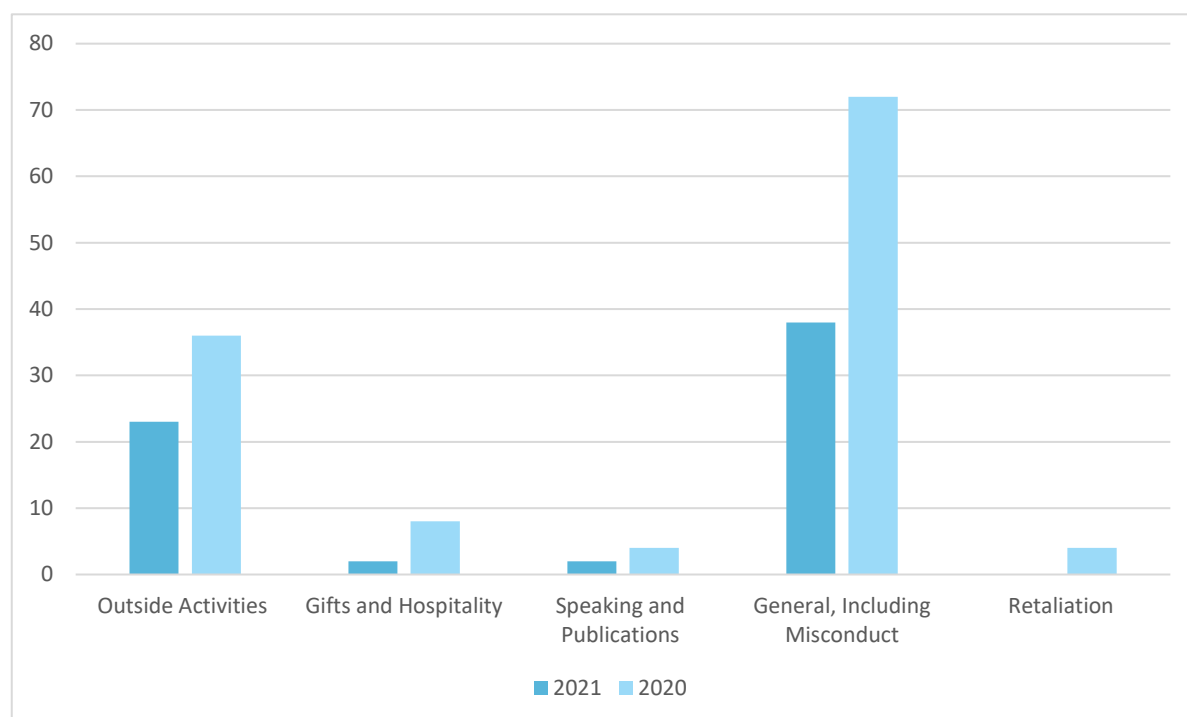
to mitigate potential conflicts and risks in an appropriate manner. The establishment of the new and independent Ethics Office will hopefully help enhance trust among staff and encourage more staff members to seek confidential advice and guidance. This is especially relevant considering that lack of trust in the independence of the function was previously identified as a key concern.^{xv} In 2021, the Ethics Office received a total of 75 requests for advice on the subject areas reflected in the graphic below.

Figure 1. Ethics Office advisory services, 2021



28. It is noted that none of the seven requests for advice concerning alleged harassment in 2021 were qualified as allegations of sexual harassment.

29. The 75 requests for advice received in 2021 were 43% fewer than the 124 requests in 2020 (Figure 2). This decrease may have been due to the COVID-19 pandemic and the fact that staff were heavily focused on the alignment processes and procedures during the 2021 reporting period. In addition, the post was not occupied during August to October 2021. The post was temporarily filled by an acting interim senior ethics officer, from October 2021 to end-February 2022.

Figure 2. Ethics Office advisory services, 2020–2021

30. It is noted that the reporting to date has grouped together all requests for advice regarding alleged misconduct in a general category, which included other requests for general advice and additional information. Going forward, statistical reporting will be reviewed and additional adjustments may be made, as appropriate, to increase transparency.
31. It is also noted that a newly revised recruitment policy was released in early 2022, which includes a section requiring an integrity assessment of candidates in selection exercises, upon request of the People Management department. The new recruitment policy states that a candidate will not be eligible for selection upon a determination that the candidate does not meet the highest standards of integrity, and that the Ethics Office may be consulted, as necessary, in relation to such determinations. This represents a new area which the Ethics Office may be involved in to ensure that all candidates selected at UNAIDS meet the highest standards of integrity.

Ensuring the highest standards of conduct

32. Requests for advice concerning alleged misconduct or other matters can be made to the Ethics Office, either directly or through the Integrity Hotline. The role of the Ethics Office is to advise, support and assist staff members and other individuals to ensure the highest standards of conduct and to guide staff members and other individuals on possible courses of action to address their concerns.
33. A new policy on preventing and addressing abusive conduct was released in March 2021. The new policy is broader in scope and includes a zero-tolerance stance on all forms of abusive conduct, including harassment, sexual harassment, discrimination and abuse of authority. Under the new policy, all staff are required to report abusive conduct and all managers are obliged to respond promptly to reports of abusive conduct.^{xvi} The policy details the requirements for both informal and formal measures to address abusive conduct, including investigations and corrective actions. Another key feature is that there

are no deadlines in the policy for reporting abusive conduct, removing any statute of limitations for bringing claims forward.

34. Under section 7.4 of the new policy, the Ethics Office may also be consulted directly by staff and other individuals for advice and assistance related to experiencing or witnessing abusive conduct. Staff members are encouraged to reach out to the Ethics Office to seek guidance on the appropriate way forward, including, if necessary, filing a formal complaint with WHO IOS for investigation. The Ethics Office will continue to give confidential advice to staff members regarding how to address instances of abusive conduct under this new framework, with the hope of eliminating instances of abusive conduct in accordance with the zero-tolerance commitment articulated in the new policy. The Ethics Office hereby makes a commitment to prioritize all matters involving allegations of sexual misconduct, to ensure that they are treated promptly, with the appropriate level of sensitivity and care, and with a victim-centered approach.
35. Complaints of misconduct or other concerns at UNAIDS can be made by any party, either external or internal, via the Integrity Hotline. The Integrity Hotline is a confidential, free, 24-hours-a-day, 365-days-a-year service which can be accessed from any location to raise ethical concerns or report issues regarding UNAIDS. It is administered in all six United Nations languages. Reports can be filed directly online via this [link](#) or by telephone. The Integrity Hotline accepts anonymous reports and is contractually bound not to release any identifying information about anyone using it, unless a user provides express permission. Reporters can use the UNAIDS Integrity Hotline in total confidence knowing that anonymous reports will not be traced. As of December 2021, the Integrity Hotline is administered by a new professional third-party company, to help maintain confidentiality and, when requested, anonymity.
36. The Hotline is open to anyone who has a concern, including UNAIDS staff members, nonstaff workforce, contractors, partners and people external to the organization. The Integrity Hotline does not replace or alter other UNAIDS reporting methodologies or policies, which remain in force. It is intended to complement existing mechanisms and make it easier for people to express concerns in a confidential manner. The Ethics Office is involved in the review of reports received via the Integrity Hotline. Specifically, the platform automatically notifies the Ethics Office when a report concerning UNAIDS is received. The Ethics Office can then access the report on the platform. In instances where anonymous reports are made, the Ethics Office is unable to see or trace the origin of the report.
37. The Ethics Office is bound by strict confidentiality and any report received is confidentially processed and addressed to the relevant department, including either WHO IOS, People Management or another department, as appropriate. Depending on the nature of the report, the reporter, including for anonymous reports, may be contacted directly via the platform, which preserves anonymity, for a consultation and/or next steps. In 2021 a total of five reports were received via the Integrity Hotline, compared to a total of nine reports in 2020. Four of these reports related to alleged harassment and one related to health and safety (COVID-19). The Integrity Hotline is a tool to help further ensure UNAIDS's commitment to the highest standards of ethics. The Ethics Office intends to take further steps to promote the use of the Integrity Hotline both internally and externally, as this is an important accountability tool for the organization. Increased visibility and use of the Integrity Hotline can help ensure increased accountability for all UNAIDS operations and activities, including all staff and personnel.

Protection from retaliation

38. The Ethics Office is responsible for administering the WHO whistleblower and protection against retaliation policy, as adapted for UNAIDS.^{xvii} This policy covers the reporting of suspected wrongdoing that implies corporate risk, as well as instances of actual or threatened retaliation. It details mechanisms in place to address suspected wrongdoing and how UNAIDS can protect whistleblowers. Under this policy, individuals may submit requests for protection from retaliation to the Ethics Office, and the Ethics Office is empowered to issue recommendations to impose interim measures to protect individuals from retaliation. The policy applies to staff members who report, in good faith, suspected wrongdoing of corporate significance and who may be subjected to retaliation as a consequence. The policy in spirit and principle also applies to nonstaff members who report suspected wrongdoing.⁶
39. In addition to this framework, it is also noted that under the newly issued policy on preventing and addressing abusive conduct, the Ethics Office may be involved in assessing retaliation concerns. Specifically, where a complaint of abusive conduct may present a risk of immediate or future retaliation at any time during an investigation, the WHO IOS investigation service will consult with the Ethics Office, which may recommend measures to protect against retaliation, in conformity with the whistleblower policy.^{xviii} The linking of the new policy to the whistleblower policy is a welcome development.
40. Retaliation against any individual who has reported abusive conduct or cooperated with a related investigation is also prohibited under the abusive conduct policy, strengthening the prohibition on retaliation provisions, which are included in the whistleblower policy.^{xix} In addition, anonymous reporting is allowed under the new policy on preventing and addressing abusive conduct. This adds an additional layer of protection for staff members against any form of retaliation. The Integrity Hotline also allows for anonymous reporting.
41. Ensuring effective protection from retaliation for staff members is identified as a key priority of the Ethics Office going forward, as speaking up and reporting misconduct is essential to rooting out prohibited behaviours and ensuring accountability. Enforcement and enhancement of measures to protect staff from retaliation is critical for ensuring that UNAIDS is a safe, equal and empowering workplace, where prohibited conduct does not occur. This is identified as an area of improvement for the organization, based on the results of the 2020 Global Staff Survey, in which only 37% of responding staff members indicated that they felt confident they would not face adverse consequences if they reported a case of abusive conduct. This was also identified as a key area of concern in the *Report of the independent expert panel on prevention of and response to harassment, including sexual harassment, bullying and abuse of power at UNAIDS*.^{xx}
42. It is noted that no formal requests for protection against retaliation were filed with the Ethics Office in 2021. In order to have an accurate picture of the activities taking place within the organization from an accountability perspective, staff members must feel comfortable speaking up. The Ethics Office hopes to increase the confidence of staff members in the mechanisms in place to protect them from retaliation, as a means of encouraging the reporting of prohibited behaviours.

⁶Based on section 1(7) the WHO policy on whistleblowing and protection against retaliation (2015) serves as a guide to devise effective measures on a case-by-case basis to address specific circumstances of non-staff members and their particular vulnerability to retaliatory action.

Prevention of sexual exploitation and abuse

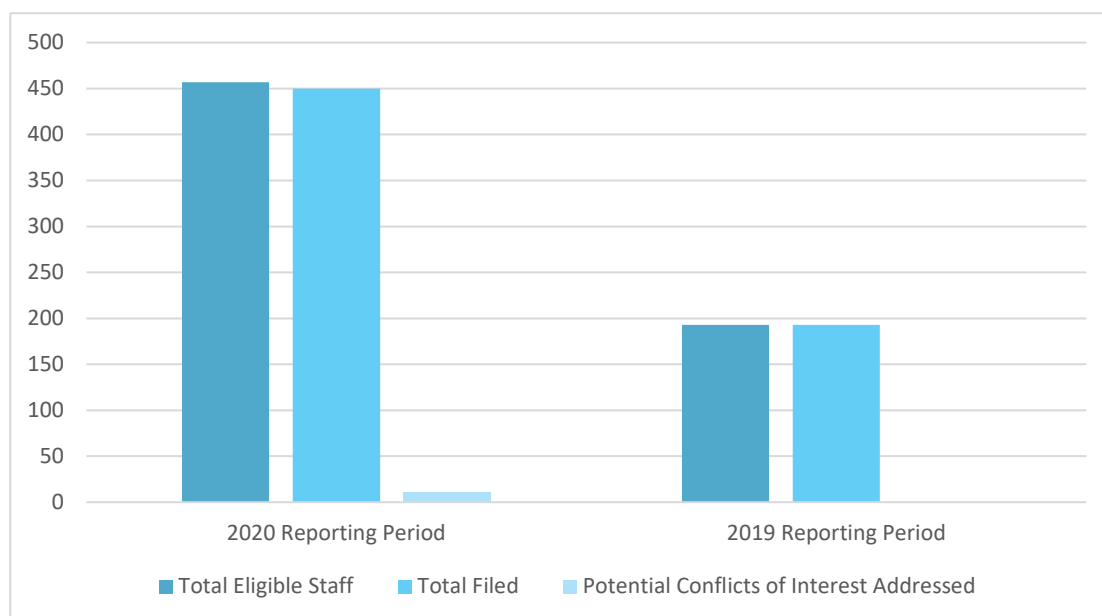
43. As of 3 December 2021, the former WHO policy on preventing sexual exploitation and abuse was placed in abeyance; it is currently under review. A policy directive on protection against sexual exploitation and abuse was issued^{xxi} and distributed to all UNAIDS staff in December 2021. The new directive reiterates the standards in ensuring protection from sexual exploitation and abuse, aligned with the UN Secretary-General's Bulletin on "Special Measures for Protection from Sexual Exploitation and Abuse (ST/SGB/2003/13)".
44. The new policy directive strictly prohibits all forms of sexual exploitation and abuse, declaring that those violate universally recognized international legal norms and standards. Sexual exploitation and abuse are qualified as acts of serious misconduct, which are grounds for disciplinary measures, including summary dismissal or termination of contract. Under the new policy directive, the head of office, department, emergency response or mission, as appropriate, is responsible for creating and maintaining an environment that prevents sexual exploitation and abuse, and they are required to take appropriate measures for this purpose. The head of office or other delegated official is required to inform his or her staff of the expected standards of conduct and to ensure that each member of personnel takes the mandatory training for preventing and addressing sexual exploitation and abuse.
45. The head of office or designated official, as appropriate, is responsible for taking action in cases where there is reason to believe that any of the standards have been violated. These actions must be in accordance with established rules and procedures and/or the contractual status of the individual, and they include reporting suspicions to the WHO IOS service for review and investigation, as appropriate. The head of office is required to appoint an official, at a sufficient level, to serve as the focal point for receiving reports on cases of sexual exploitation and abuse. All reports of sexual exploitation and abuse shall be handled in a confidential manner and must be reported to WHO IOS without delay.
46. To date, focal points have been nominated at UNAIDS and additional measures will be taken to ensure compliance with the policy directive and appropriate training. It is also noted that all staff members are required to complete mandatory prevention of sexual exploitation and abuse training. The completion rate at UNAIDS is currently 83%.

Declaration of Interest programme

47. The Ethics Office is mandated to administer an annual Declaration of Interest programme pursuant to Staff Rule 110.7.2 and WHO eManual III.1.2, as summarized in UNAIDS Information Note 3 – 2020 (PFA-FRM-IN-2020-3). The goal of the programme is to review any direct or potential conflict of interest that may have adverse consequences for staff members and/or UNAIDS. Key Management Personnel also file IPSAS 20 disclosures which are included in the financial statements of UNAIDS. The two forms were merged in 2021. The eligibility framework was also broadened to include, among others, all staff members at the G5 level and above (or local equivalent) with a procurement requestor role.
48. The Ethics Office reviews the declarations and addresses any potential conflicts of interest that are identified directly with the staff member concerned. In 2021, the new form was launched, covering the 2020 reporting period. The form was sent to 457 staff, 440 of whom completed it, for a completion rate of 96%. Eleven potential conflicts of interest were identified, all of which were resolved. The broadened framework expanded the eligibility requirements by 137%, which resulted in a significantly higher number of

staff required to submit the form, compared with only 193 submissions in 2020, covering the 2019 reporting period (Figure 3).

Figure 3. Declaration of interest reporting



49. Going forward, the Declaration of Interest process will be reviewed to assess new measures that may need to be put in place (besides the annual declaration form) to ensure that certain categories of individuals declare potential conflicts during their initial onboarding with the organization, as necessary.

Ethics, awareness, communications and outreach

50. An essential function of the Ethics Office is to assist in the development of training and education on ethics issues, in coordination with other offices, and to conduct ethics-related outreach activities. This helps increase awareness of ethics-related matters among staff and management alike, as well as increase awareness of relevant policies and procedures, and enhance compliance with the organization's regulatory framework. In 2021 the Ethics Office participated in training and outreach activities in various capacities, including in relation to awareness-raising events that promote zero tolerance for all forms of abusive conduct, including discrimination, abuse of authority, harassment and sexual harassment.
51. In April 2021, a virtual training was held for the Democratic Republic of Congo Country Office on ethics and standards of conduct. The training was done by the former senior ethics officer. It was offered to the country team as part of a series of sessions aimed at supporting culture transformation, teamwork and performance effectiveness. The ethics training followed an initial session with the team on antiracism and respect for diversity, and it provided guidance on the appropriate standards of conduct in the organization. The ethics training laid the ground for follow-up sessions on effective team communication prepared with a consultant to the Office of the Ombudsman for the UN Funds and Programmes in New York, in collaboration with the WHO Office of the Ombudsman and complemented by an interactive session with a musical group. The communication training focused on dignity, civility and respect, as the foundations for positive work relationships, consistent with UN values and core competencies. The

course focused on encouraging a respectful workplace and looked at strategies to create a workplace culture that is healthy, safe and inclusive. In addition to the original ethics training session, the former senior ethics officer held additional follow-up sessions with the Democratic Republic of the Congo Country Office in 2021.

52. The adoption of the new policy on preventing and addressing abusive conduct in March 2021 was accompanied by webinar training for all staff on the content of the policy. Held in April 2021, the training was a collaboration between various teams at UNAIDS, including the Ethics Office, Internal Communications, the policy and legal group of People Management, Culture Transformation, the Office of the Ombudsman, the Staff Association, and the staff counsellor. The training emphasized understanding the new provisions of the policy, how to report abusive conduct, and the support services that are available to staff. Zero tolerance was emphasized along with managers' specific obligation to address reports of abusive conduct. The training was conducted with translations available in different languages and attended by staff members worldwide.
53. In addition, a multiyear workplace campaign on preventing and addressing abusive conduct (#Respect) was launched by the Internal Communications team, which included the distribution of educational materials to all UNAIDS staff worldwide. The materials reinforce the message that all forms of abusive conduct are prohibited and they provide staff with contact information for various support services across the organization to assist them in instances where they may experience or witness abusive conduct. In the context of this multiyear communications campaign, roundtable discussions and trainings are being provided to staff on different aspects of the new policy.
54. Within the framework, an inaugural session was held in November 2021, which focused specifically on preventing and addressing sexual harassment. The new head of the Ethics Office presented the provisions of the policy relating to preventing sexual harassment, behaviours which may be qualified as sexual harassment, as well as mechanisms available to support staff if they experience instances of sexual harassment in the workplace.⁷ The Ethics Office will continue to participate in training efforts to reduce instances of abusive conduct and it will encourage awareness and training among staff in creating a respectful and safe work environment.
55. In addition, all staff at UNAIDS are required to complete mandatory training courses, including the Prevention of Sexual Exploitation and Abuse (PSEA) training for UN personnel, as well as a course on ethics and integrity at the UN. As of March 2022, 77% of staff members had completed their ethics and integrity training, 91% had completed the prevention of harassment and abuse of authority training, 83% had completed the PSEA training, and 64% had completed the preventing fraud and corruption training. Reminders will be sent to the staff members who have not completed their mandatory trainings to encourage them to complete their courses.
56. In the future, the Ethics Office plans to resume training activities which it previously conducted but which were put on hold due to the COVID-19 pandemic and transitions in the Ethics Office. This includes assisting with the induction and onboarding of senior leaders within UNAIDS, in coordination and collaboration with the People Management team, as well as assisting with trainings for new Country Directors and various teams throughout the organization. These trainings would focus on the role of the Ethics Office, ethical concerns and red flags that staff members need to be aware of, conflict of interest, acceptance of instructions from member states and engagement in political

⁷ The new incoming head of the Ethics Office gave this presentation while in her previous temporary position at UNAIDS as legal and policy advisor.

activities. Trainings would also cover various obligations, including filing declaration of interest forms, as applicable.

57. A core focus of additional trainings would also be the obligation to adhere to the highest standards of conduct. Another core focus would be increasing awareness regarding the whistleblower and protection against retaliation policy and the ways in which individuals can seek advice and assistance from the Ethics Office in the event that they engage in a protected activity under the policy, as well as ensuring the prevention of sexual exploitation and abuse.

Policy coherence

58. A key role of the Ethics Office is to promote policy coherence and to ensure consistent and fair application of the organization's rules. The Ethics Office provides advice and guidance to staff and management to ensure that the organization's policies and procedures are applied properly and to ensure that conflicts of interest are mitigated. In this regard, the head of the Ethics Office participates as a member of the Alignment Task Team, attending its meetings and providing inputs from an ethics perspective on the alignment process. These contributions are intended to harmonize practices and procedures, achieve consistent and fair application of the regulatory framework, and ensure that the alignment process is carried out in a fair and transparent manner.

Participation in the ethics multilateral network

59. The Ethics Office interacts with other agencies through the Ethics Network of Multilateral Organizations (ENMO), comprising the Ethics Offices of UN System organizations, International Finance Institutions and other multilateral organizations. ENMO provides a forum for members to exchange information and experiences, and to collaborate on issues of common interest and general applicability to their functions. The purpose is to enhance the professional capacity of the ethics functions and to promote standards of practice and responsibilities among member organizations. ENMO organizes annual conferences that discuss issues of mutual interest. Going forward, the Ethics Office will attend ENMO meetings to encourage collaboration with the Ethics Network and to gather learnings and best practices that can be implemented within the UNAIDS context.

Additional issues and identified priorities

Diversity equity and inclusion

60. The Ethics Office seeks to help to promote diversity equity and inclusion at UNAIDS by supporting the Culture Transformation team and other departments in creating a safe, equal and empowering work environment, and by encouraging respect for diversity as a core UNAIDS value. Specifically, the UNAIDS Secretariat ethics guide states that the core values at UNAIDS include (i) commitment to the HIV response; (ii) integrity; and (iii) respect for diversity.⁸ Respect for diversity includes treating all people with dignity and respect, leveraging the diverse perspectives of colleagues and partners, being aware of one's biases, acting to confront discrimination or intolerance, and including diverse points of view in daily work and decision-making.^{xxii}
61. Specific culture transformation initiatives are envisioned at UNAIDS in the future in relation to promoting diversity, gender equality, feminism and antiracism. Support for these initiatives and ensuring that UNAIDS is a diverse equal and inclusive workplace are critical for ensuring that the organization is a credible leader in tackling inequalities

⁸ These core values are derived from the UNAIDS Secretariat Competency Framework.

and discrimination within the context of the global HIV response. It is recalled that promoting a diverse, equal and inclusive work environment can play a critical role in rooting out and addressing various forms of misconduct, in particular, sexual misconduct. For example, research shows that inequalities and discrimination are the foundation of sexual harassment.^{xxiii} Research also shows that “one of the most important predictors of sexual harassment is the organizational culture” and that ensuring a respectful work environment and the promotion of diverse leadership can play a critical role in reducing such prohibited behaviours.^{xxiv}

62. Based on the findings and conclusions included in the Independent Expert Panel report, additional improvement in these areas may be required. A preliminary assessment of the work environment at UNAIDS also shows that additional measures should be introduced to promote antiracism within the organization. The UNAIDS diversity and inclusion policy was issued in 2009 and needs to be revised to comprehensively address these issues, as well as to accurately reflect the current state of affairs and the needs of the organization. It is also noted that the JIU is currently conducting a UN-system wide review and survey on antiracism initiatives, the outcome of which will be assessed and incorporated in areas that involve the mandate of the Ethics Office.
63. The Ethics Office seeks to encourage the promotion of respect for diversity as a core value through participation in training, discussions, and other initiatives. This will require effective case management for matters that are reported to the Ethics Office under this area, and encouragement of corrective actions for behaviours that fall short of this value. As stated above, this may also require enhanced reporting and collection of anonymized data on matters addressed to the Ethics Office which relate to issues falling under this subject area, particularly allegations concerning any form of sexual misconduct or racial or other forms of discrimination.

Enhancing outreach and streamlining processes and procedures

64. Another immediate priority includes updating and simplifying communications materials, both internally and externally, to make it easier for staff, personnel and partners to retrieve essential information, as well as access applicable policies and procedures on issues that fall under the mandate of the Ethics Office. This includes making information more readily accessible regarding the Integrity Hotline so that anyone, including external partners, can report issues pertaining to UNAIDS.
65. Efforts will be made to streamline processes and procedures, to make it easier for staff and management to ensure compliance with the regulatory framework. This includes updating the Ethics website and the possible creation of standardized forms that can be submitted directly to the Ethics Office for review. Preliminary observations show that the process governing secondments and engagements with nonstate actors may also need to be assessed, to ensure appropriate clarity.
66. The provisions of the UNAIDS Secretariat ethics guide, originally published in 2015, will need to be revised to accurately reflect current realities, along with the updated regulatory framework of the organization. This process has already started and will continue until completed. Additional changes to the UNAIDS Secretariat ethics guide may also need to be made to reflect the results of the upcoming JIU report on ethics in the UN system, which is expected to be released in the near future.
67. Emphasis will also be placed on training efforts, awareness and outreach to ensure that all UNAIDS staff and personnel are aware of the relevant standards applicable to them and that they conduct themselves in accordance with these standards.

Enhanced collaboration and building an ethical culture

68. Final priority areas include enhanced collaboration with WHO IOS to ensure that appropriate measures are in place with regard to the referral and treatment of cases, and consultation on matters regarding protection from retaliation. In this regard, a new memorandum of understanding with WHO IOS was finalized in early 2022 to ensure that investigations for UNAIDS are carried out within a defined framework. The Ethics Office commends these efforts and will collaborate with WHO IOS to ensure that proper coordination takes place on areas that fall under the remit of the Ethics Office.
69. Additional efforts are also foreseen to ensure continued collaboration with the WHO Office of the Ombudsman and to promote informal dispute resolution. Informal dispute resolution through the use of a mediator is proven to be beneficial within the employment context, as it can help facilitate dialogue and restore working relations in a less adversarial environment, as well as resolve interpersonal conflicts.^{xxv} To the extent that such conflicts may be directed to the Ethics Office, informal dispute resolution will be encouraged, as appropriate. Based on information received from the WHO Office of the Ombudsman, the number of cases received from UNAIDS for 2021 decreased in comparison to 2020. The Ethics Office plans to work with the Office of the Ombudsman to encourage staff members to seek informal dispute resolution where useful.
70. Enhanced informal resolution of disputes through various means may help create a more positive work environment, as well as decrease costs. As indicated in the 2019 JIU report, formal dispute resolution and legal costs have entailed significant expenditures. Specifically, overall legal costs in 2016–2018 more than doubled and recent misconduct cases were estimated to have cost the Secretariat nearly US\$ 1.3 million.^{xxvi} These estimated costs do not take into account the impact of misconduct cases and reputational damage on UNAIDS resource mobilization efforts.^{xxvii}
71. As noted in the 2010 JIU Report on Ethics in the United Nations System, it is hoped that the ethics function may "prevent issues from becoming problems needing conflict resolution" and that "as ethics offices become entrenched in organizations, resources devoted to conflict resolution would decline".^{xxviii} This model and standard is particularly relevant for UNAIDS at this critical juncture. It is hoped that strengthening, enhancing and empowering the independent Ethics Office can be a key preventive measure for mitigating risks and resolving issues and disputes before they arise to a level requiring formal resolution or creating significant problems.

Conclusion

72. Key achievements were made during the reporting period in strengthening the ethics function and setting up the new independent Ethics Office. Additional measures are needed to ensure the effective functioning of the Ethics Office, particularly in relation to providing appropriate resources and support, as well as clarifying certain policies and procedures. The new Ethics Office hopes to build on the efforts made to date to encourage a strong culture of ethics and accountability at UNAIDS, including through helping to reduce instances of misconduct and other prohibited behaviours, and through encouraging a positive work environment built on the principles of mutual collaboration, inclusion and respect.

Proposed Decision Points

73. The PCB is invited to take note of the report of the Ethics Office.

References

- ⁱ Report of the 44th Programme Coordinating Board Meeting, (UNAIDS/PCB (44)/19.22), December 2019, pp. 41-42 ([05112019_UNAIDS_PCB45_Report-44thPCB_EN.pdf](#)).
- ⁱⁱ Report on the Working Group of the Programme Coordinating Board 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 (hereinafter "2019 Working Group Report"), June 2019, (UNAIDS/PCB (44)/19.5), pp. 36 and 47 ([UNAIDS_PCB44_19.5_EN.pdf](#)).
- ⁱⁱⁱ See also Report of the Joint Inspection Unit on Ethics in the United Nations System (hereinafter "2010 JIU Report") (JIU/REP/2010/3) ([Joint Inspection Unit Report on Ethics in the United Nations System](#)).
- ^{iv} Note *ii*, above, 2019 Working Group Report at para. 73.
- ^v Note *i*, above, at pp. 41-42.
- ^{vi} Note *ii*, above, 2019 Working Group Report.
- ^{vii} Review of the Management and Administration of the Joint United Nations Programme on HIV/AIDS, (JIU/REP/2019/7), at paras. 101–104 and 124 ([14112019_UNAIDS_PCB45_JIU_REP_2019_EN.pdf](#)).
- ^{viii} Report of the 45th Meeting of the Programme Coordinating Board, (UNAIDS/PCB (45)/19.38), at pp. 46, 47 ([UNAIDS_PCB46_Report-of-the-45th-PCB_EN.pdf](#)).
- ^{ix} Report of the Ethics Office – Organizational Oversight Reports, (UNAIDS/PCB (48)/21.6) ([PCB_48_Ethics_Office_Report_EN.pdf \(unaids.org\)](#)).
- ^x Note *vii*, above, at para. 101.
- ^{xi} Notes *ii*, *iii*, and *ix*, above.
- ^{xii} United Nations Secretariat Administrative Instruction, Unsatisfactory Conduct, Investigations and the Disciplinary Process, (ST/AI/2017/1), October 2017 ([ST/AI/2017/1 - E - ST/AI/2017/1 -Desktop \(undocs.org\)](#)).
- ^{xiii} Note *vii*, above, at p. 24.
- ^{xiv} Section 1.4 of the UNAIDS Secretariat Ethics Guide.
- ^{xv} See, for example, the Report on the work of the Independent Expert Panel on prevention of and response to harassment, including sexual harassment, bullying and abuse of power at UNAIDS Secretariat (hereinafter "Report of the Independent Expert Panel"), at paras. 109 and 165 ([Report of the Independent Expert Panel on prevention of and response to harassment, including sexual harassment, bullying and abuse of power at UNAIDS Secretariat](#)).
- ^{xvi} Section 4.1(g) and Section 5 of the WHO policy on preventing and addressing abusive conduct, March 2021 ([policy-on-addressing-and-preventing-abusive-conduct-01032021.pdf \(who.int\)](#)).
- ^{xvii} WHO policy on whistleblowing and protection against retaliation, 2015.
- ^{xviii} Note *xvii*, above, at section 8.8.
- ^{xix} *Id.* at section 4.1(h).
- ^{xx} Note *xv*, above, at paras. 78, 110, and 165–167.
- ^{xxi} See [Information on Policy Directive on Protection from sexual exploitation and sexual abuse \(SEA\) \(who.int\)](#)
- ^{xxii} Section 2.4.3 of the UNAIDS Secretariat Ethics Guide.
- ^{xxiii} What will it take? Promoting cultural change to end sexual harassment. New York: UN Women; September 2019, p. 9 ([Discussion-paper-What-will-it-take-Promoting-cultural-change-to-end-sexual-harassment-en.pdf](#)).
- ^{xxiv} Note *ii*, above, at para. 36. (Report of the PCB WG on harassment)
- ^{xxv} See Activities of the Office of the United Nations Ombudsman and Mediation Services, Report of the Secretary-General, A/76/140, para. 93 ([N2119136.pdf \(un.org\)](#)) ("The Office [of the United Nations Ombudsman] continues to play a key role in promoting and facilitating dialogue between parties in dispute and transforming difficult situations into ones of mutual understanding"). See also United Nations Guidance for Effective Mediation, at p. 1 ([8 November 2019 \(Mediation and Negotiation\) Guidance Effective Mediation_UNDPA2012\(english\).pdf](#)). ("Mediation is one of the most effective methods of preventing, managing and resolving conflicts").
- ^{xxvi} Note *vii*, above, at para. 68.
- ^{xxvii} *Id.* at para. 69.
- ^{xxviii} Note *iii*, above, 2010 JIU Report, at para. 16.

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