



26 March 2019

Facing the Challenge of Change

Statement to the UNAIDS Programme Coordinating Board regarding recommendations of the Independent Expert Panel and priorities for new leadership at the UNAIDS Secretariat

In advance of the special session of the UNAIDS Programme Coordinating Board (PCB) scheduled for March 28, 2019 to discuss the findings and recommendations of the Independent Expert Panel (IEP) set up to investigate allegations of harassment, bully and abuse of power at the UNAIDS Secretariat, the UNAIDS Reference Group on HIV and Human Rights wishes to provide its perspective to the members of the PCB to inform their deliberations and the search for a new Executive Director of UNAIDS.

Background

The Reference Group is an independent body that serves as an expert resource for UNAIDS to ensure systematic and timely attention to human rights across the work of UNAIDS, reflecting the fact that respecting, protecting and fulfilling human rights is essential to an effective HIV response.

Over the course of the past year, the Reference Group has engaged repeatedly with the senior management of UNAIDS, including the Executive Director, regarding the handling of an investigation into allegations of sexual harassment and assault by a former staff person and the creation of the IEP to review these matters. This has included a number of in-person discussions and [formal correspondence](#).

On December 4, 2018, the Reference Group issued a [public statement](#), shared with the Executive Director and the PCB, urging that the report of the IEP be made public immediately.

On December 11, 2018, having reviewed the [IEP report](#) and the [response of UNAIDS Secretariat's management](#), the Reference Group released a [preliminary statement](#) noting the strong, comprehensive and well-substantiated recommendations of the IEP and urging the PCB to enable the implementation of these recommendations as a matter of urgency to ensure that UNAIDS can play its critical role in the global response to HIV.

The Reference Group also determined that it would provide more detailed views to the PCB as it considers the way forward to address the findings of the IEP and searches for a new Executive Director to lead the UNAIDS Secretariat. It therefore provides the observations laid out before for the PCB's consideration.

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Observations and recommendations

At the outset, the Reference Group wishes to highlight two fundamental propositions that should guide the deliberations of the PCB.

First, the UNAIDS Secretariat, including its management and its governing body, must take firm and decisive action to address the concerns identified in the IEP report. Failure to address harassment and assault (including those that are sexual in nature) and discrimination in the workplace is itself a human rights failure and betrays key principles on which UNAIDS was founded. It also undermines the credibility and effectiveness of UNAIDS, both the Secretariat and the Joint Programme as a whole, in advocating for human rights-based responses to HIV and AIDS. The PCB must ensure that the management of UNAIDS Secretariat, including the new Executive Director, acts accordingly to ensure a workplace free of such abuses.

Second, all members of the PCB, and all states, donors and other actors of the international community, as well as civil society, should fully support the programmatic work of the Joint Programme and of the UNAIDS Secretariat—and in particular should support, in various ways (including donor funding), the capacity of the Secretariat, and the Joint Programme as a whole, to defend and advance human rights, including gender equality, in the global HIV response. The Reference Group wishes to underscore for all members of the PCB, and the international community as a whole, its grave concern that attention to the global HIV epidemic is faltering, even as Member States have unanimously declared their commitment to achieving the “end of the epidemic of AIDS” by 2030, and to “fast-tracking” the achievement of targets on prevention, treatment and discrimination in order to realize this Sustainable Development Goal. Inequities and human rights abuses continue to fuel the epidemic. Any effective response to the epidemic must address these, something that Member States have repeatedly recognized in the various Political Declarations on HIV and AIDS adopted by the UN General Assembly.

A strong Joint Programme must be part of that response. Therefore, attention must now be given to ensuring that commitment to human rights, and action to defend and advance them, are both central to its programmes and embedded in the leadership, management, governance and policy of UNAIDS. The findings and recommendations of the IEP must be taken forward.

Implementation of the IEP's recommendations

The Reference Group therefore also urges the PCB as follows:

- There must be an **effective mechanism for oversight** (i) to ensure the implementation of the IEP recommendations, actions already identified in the management response, and any additional actions identified by the working group and approved by the PCB, to prevent and provide redress for harassment and abuse of power within the UNAIDS workplace, and (ii) to ensure on an ongoing basis that effective measures and responses are in place to this end.
- There should be an **independent review** undertaken, within one year of the PCB's session in June 2019, to assess progress in implementing the IEP recommendations, the actions already identified in the management response, and any additional actions identified by the working group and approved by the PCB, to address harassment and abuse of power within the UNAIDS workplace.

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- The PCB, including through such an oversight mechanism as described above, needs to hold management accountable for implementing structural changes within the UNAIDS Secretariat such as greater **independence of the Ethics Office** from the senior management, as well as senior management dedicated to human resources and to the implementation of a **human resources strategy** aimed at achieving a workplace free of harassment and abuse, including training of staff at all levels.
- The Reference Group supports the recommendation to establish an **independent body external to UNAIDS to receive and investigate complaints** of harassment (including sexual harassment) and abuse of power. As such proceedings do not constitute criminal investigations, any findings should be made using the balance of probabilities as the requisite standard of proof. Such a body must have staff with expertise in investigating such allegations and be adequately resourced in light of the scope of its mandate.
- We urge donors to the Joint Programme, including those on the PCB, to collectively ensure that the **additional necessary resources** are provided to implement the above measures, and to strengthen the programmatic work on human rights of the UNAIDS Secretariat and the Joint Programme as a whole.

Ensuring human rights leadership within UNAIDS

As is reflected in the observations and commentary of the IEP report, there must be leadership from the very top of the UNAIDS Secretariat in ensuring a workplace culture that is protective against sexual and other harassment and abuse of power. Furthermore, leadership is also required in strengthening the programmatic work of UNAIDS to advance human rights the HIV response, including addressing gender inequality in its various manifestations.

As the search continues for a new Executive Director, the Reference Group stresses the importance of ensuring that any candidate under consideration should be able to demonstrate:

- their commitment to implementing the recommendations of the IEP and related measures to prevent and address harassment and abuse of power in the workplan; and
- their knowledge and understanding of the human rights dimensions of the HIV epidemic, as well as a commitment to strengthening the programmatic work of the UNAIDS Secretariat, and that of Joint Programme co-sponsors, on the human rights challenges that continue to impede an effective response to HIV.

The new Executive Director must be a champion for human rights, both within the organization and externally. The Reference Group would be pleased to provide any assistance or input in the recruitment process to ensure these qualifications, and looks forward to working with the new Executive Director to ensure attention to human rights within the UNAIDS Secretariat and in the world's response to HIV.

The UNAIDS Reference Group on HIV and Human Rights was established in 2002 to advise the Joint United Nations Programme on HIV/AIDS on all matters relating to HIV and human rights. The Reference Group speaks with an independent voice; thus, its views do not necessarily reflect the views of the UNAIDS Secretariat or any of the UNAIDS Cosponsors.