



Claims of sexual harassment and assault threaten UN agency

Sexual harassment and assault investigation at UNAIDS draws attention to an endemic problem. Critics say the UN's internal system is flawed and call for external oversight. John Zarocostas reports.

The controversy over a high-profile investigation that examined allegations of sexual harassment and assault against a top official of UNAIDS has sent shockwaves throughout the international health community, as details emerge that the issue might have reached far more widely than official data indicate, in the midst of a culture of silence, intimidation, and fear.

Allegations were cast against Luiz Loures, then deputy executive director of Programme at UNAIDS and assistant secretary-general of the UN, whose term ended in March, 2018, after he had decided not to seek renewal of his post.

The complainant, Martina Brostrom, a UNAIDS external relations officer, went public about the case in an interview with CNN on Jan 30. She told *The Lancet* "I am speaking up publicly now because I have exhausted all internal UN channels for justice to no avail. Despite strong evidence, most of which was ignored in the investigation and final investigation report, my assailant has been exonerated. I consider the investigation as flawed and biased."

One global health expert says that these allegations at UNAIDS are "just the tip of the iceberg", and something many watched unfold at the Geneva-based agency over much of the past decade. "The situation in the organisation was toxic and endemic and senior managers covered each others' backs...", a former senior UNAIDS official told *The Lancet*. Both experts declined to be identified. "There was a sort of conspiracy of silence. There were umpteen people within the system that I know were predators."

Allegations of sexual harassment and assault

An anonymised UNAIDS staff association survey for 2017, cited by UNAIDS in a statement on Feb 9, found

that 5.4% of the 427 survey respondents said they had experienced sexual harassment in the workplace in the past year. When asked how many sexual misconduct complaints UNAIDS had received during the past 10 years, Mahesh Mahalingam, UNAIDS director of Communications and Global Advocacy, said that one was reported in 2009 and the other in 2016, and that both cases are closed.

"The situation in the organisation was toxic and endemic and senior managers covered each others' backs..."

In the 2016 case, which is Brostrom's case, the internal investigation examining the allegations by Brostrom against Loures, which was led by WHO's Internal Oversight Services (IOS), concluded that although Loures's "reported behaviour in kissing and engaging in physical contact with staff may be viewed as inappropriate", there was "insufficient evidence" to support the allegation of sexual harassment. The IOS also concluded that there was "no evidence" to corroborate Brostrom's allegation "that she was sexually assaulted by Dr Loures [in an elevator] at the Dusit Thani hotel in Bangkok on 8 May 2015". The IOS recommended that the case be closed.

Upon receipt of the IOS report on the complaints against Loures, the UNAIDS acting deputy executive director for Management requested that the Chair of the standing Global Advisory Committee on Harassment constitute a panel to review the IOS report and make recommendations to him. The Committee was composed of three members, each member was designated by the UNAIDS Staff Association, the director of Human Resource Management, and the

UNAIDS Executive Director Michel Sidibé, respectively. Sidibé had recused himself from the final decision-making role in the case, to avoid a perception of conflict of interest and had delegated his authority over the case to his deputy for management.

The panel of the Committee "fully concurred" with the investigation and recommended that the Brostrom case be closed. After reviewing the panel's findings, the UNAIDS acting deputy executive director for Management agreed with the recommendation of the IOS and the Global Advisory Committee on Harassment to close the case and communicated the decision to both parties.

Brostrom told *The Lancet* that she is in the process of preparing to file an appeal with the Administrative Tribunal of the International Labour Organization.

Loures told *The Lancet* that he had been "exonerated", also stating "I deny the allegations. I cooperated fully with the independent investigation and provided proof of my innocence. The claims against me were unsubstantiated."

Doubts cast over the investigation

The case was "grossly mishandled", Paula Donovan, codirector of the AIDS-Free World advocacy group and codirector of the Code Blue Campaign to end impunity for sexual exploitation and abuse by UN personnel, argued in a public letter published on Feb 5. Donovan and AIDS-Free World codirector Stephen Lewis stated that UN Secretary-General António Guterres was "confronted by a gross miscarriage of justice".

They highlighted that Sidibé himself "was questioned by the investigators regarding allegations of his intrusion in the case".

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For Brostrom's interview see <https://edition.cnn.com/2018/03/30/us/united-nations-martina-brostrom-amanpour-intl/index.html>

For more on UNAIDS's guidelines and procedures to address allegations and complaints see UNAIDS press release published Feb 9 http://www.unaids.org/en/resources/presscentre/pressreleaseandstatementarchive/2018/february/20180131_unaids

For Code Blue Campaign's letter published Feb 5 see <http://www.codebluecampaign.com/press-releases/2018/2/5>

“When the claimant’s lawyer challenged the evident conflict of interest between Mr Sidibé’s designation as a witness and his role in convening the three-member Global Advisory Committee of his own staff that would act as ‘jury’, Code Blue Campaign said in the letter, “he recused himself and designated a subordinate”.

In their investigation, the IOS stated that they “also found it perplexing” that Sidibé had stated having approached Brostrom in “an attempt to seek her agreement to resolve the matter informally, given that Dr Sidibé was aware at the time that the matter was under official investigation by IOS”.

Brostrom told *The Lancet* that, in the middle of the investigation, she was “invited to a secret meeting at the Intercontinental Hotel [in Geneva]” by Sidibé at the end of August, 2017. “...he proposed an upgrade to me. An issue that had been discussed earlier in Sweden in March, 2017. I told him clearly that while I did think my upgrade was overdue, it would not stop me from pursuing the investigation.” Brostrom received the letter of her upgrade while on sick leave, dated Oct 3, 2017, from the UNAIDS director for Human Resource Management and with retroactive effect from Sept 1, 2017. The recommendation for the upgrade from P4 to P5 (senior adviser), the director noted, had been approved by the executive director.

In response to the allegations against Sidibé, Sophie Barton-Knott, a spokesperson for UNAIDS, told *The Lancet* “The executive director did not make an offer of promotion. The complainant received a promotion following a classification review of the position encumbered based on the level of the functions performed as requested by her first level supervisor.”

With regards to her pending appeal on the outcome of the IOS case, Brostrom listed her concerns with the investigation process: “excessive delay in the completion of the investigation, inexplicable closure and reopening of same; the failure of IOS to interview

several corroborating witnesses; the premature disclosure of the IOS purported conclusions, which were improperly conveyed to representatives of at least one governing body member state. Also the irregular involvement of UNAIDS executive director as both witness in the investigation and decision maker in the case.”

“The praise for Loures ‘is unforgivable, especially when there were victims in the room’, said one diplomat.”

In response, Barton-Knott said to *The Lancet* that “UNAIDS has zero tolerance for harassment, sexual harassment, sexual exploitation and abuse, and abuse of authority, with clear guidelines and procedures to address allegations and complaints. Any complaint received is acted upon in accordance with established procedures.”

Townhall meeting

Several AIDS campaigners and diplomats from major UNAIDS donor countries reported to *The Lancet* being disturbed after listening to a leaked recording of a global townhall staff meeting, which took place in late February, 2018. In the recording, Sidibé is heard praising Loures who “took the high road, so UNAIDS could move on...for helping this organisation not to be taken hostage by [the] public opinion court...and I thank him for his courageous decision”. These same campaigners and diplomats said that they were shocked and taken aback by his recorded remarks. The praise for Loures “is unforgivable, especially when there were victims in the room”, said one diplomat.

Similarly, one AIDS health campaigner said that they were distressed by the tone of the speech and by what this source characterised as the “veiled threats” Sidibé made against people who have spoken out about their experience or what they have seen. In the recording, Sidibé is heard saying: “We know there were people taking

their golden handshake from us here and moving jobs and then attacking us. We know all that, we note every single thing, time will come for everything”.

The same sources said that although Sidibé reaffirmed to staff his full commitment to zero tolerance for any kind of harassment and abuse of authority at UNAIDS, he also denounced as “total lying” press reports that a former staff member, on the way out, had told him that the Programme division, the division headed by Loures, had a problem of management.

“Not so—I know at least three of us who did [warn Sidibé]”, one UNAIDS insider, who requested anonymity, told *The Lancet*, and added that what was most striking was “the lack of any acknowledgment” by the executive director of “how hard it was and is for women, and perhaps men, who have suffered harassment, and who have been worrying about this for a long time”.

The same UNAIDS insider said that there was certainly a recognition by Sidibé of the concerns and fears of colleagues at UNAIDS, who worried that UNAIDS might lose funding, but said that there seemed to be “absolutely no genuine appreciation for the trauma people go through in workplaces with sexual predators”.

Gunilla Carlsson, newly appointed UNAIDS deputy executive director for Management, told the same townhall meeting: “We are in a very serious situation and I’m afraid that things will get worse before they get better and I think we have a long way to travel ahead together...You have heard from Michel today that it’s not status quo any longer. Changes are here and my role is to see that we implement them in a good manner.”

Barriers to reporting

Critics say that not much is likely to change until the complaints mechanisms currently in place at UNAIDS—and at other UN entities—are drastically reformed. They say the current system is flawed, far from impartial, and tilted in favour of the

executive, and argue that reform is only likely to happen if the UN's 193 member states take the lead.

"I am getting calls from people all over the UN system...people are begging for some sort of external intervention because they have no faith in the internal [justice] system", Donovan told *The Lancet*.

A high-level UN official familiar with the complaints mechanisms told *The Lancet* "Many staff members are scared of putting claims of harassment; they don't have confidence how they will be handled".

In February, 2018, Malayah Harper, now general secretary of the World Young Women's Christian Association, and a former director of Gender Equality and Diversity for UNAIDS, alleged in an interview published in *The Guardian* that, while working for UNAIDS, she had been sexually harassed for years and had been sexually assaulted in a lift in 2013 by Loures. Harper did not report the incidents at the time, the news report says, because she believed no action would be taken.

Regarding Harper, Loures stated: "I am surprised and deny the allegation. I have for many years had a good professional and personal relationship with her, as per evidence I have on file."

At the townhall meeting, Sidibé outlined the agency's new five-point plan, which was published by UNAIDS in a press release on Feb 27, aimed at preventing and addressing harassment, including sexual harassment and unethical behaviour within UNAIDS.

The plan includes the appointment of focal points in each department, country office, liaison office, and regional office, who will have structured reporting mechanisms in place; the creation of an open platform for staff to report on harassment, abuse of authority, or unethical behaviour; and face-to-face staff training—to recognise inappropriate behaviour and improve skills to prevent harassment and empower staff to rapidly report any cases of abuse they might encounter or witness—is also to be stepped up.

The plan also provides for the development and conduct of an annual comprehensive and independent organisation-wide survey on staff wellbeing, which includes questions on sexual harassment and unethical behaviour, and for the further enhancement of a recently introduced performance management system.

Sidibé also announced that he would establish an external, independent panel to provide, within 30 days, recommendations on how to further strengthen the zero tolerance policy on sexual harassment. One international expert who requested anonymity told *The Lancet* that there were "kernels of goodness" in the five-point plan but stressed that the plan needed to be led correctly.

Diplomats who spoke to *The Lancet* said that the creation of the external panel must be done with assurances that there will be a separation from the current leadership; that the panel must report to the governing body of UNAIDS, the UNAIDS Programme Coordinating Board (PCB), and that the PCB must be able to take whatever action is required.

Barton-Knott told *The Lancet*: "The independent panel is under the leadership of UNAIDS PCB, chaired by the UK, which is currently working on finalising the terms of reference."

"[These] are anticipated to be finalised following a PCB Bureau meeting... The independent, external panellists will then be appointed by the PCB Bureau", Barton-Knott stated. The meeting is scheduled to take place on April 18.

Donovan was critical of the UNAIDS response initiatives: "I think everything they are doing, from the five-point plan to every other effort they are taking, is desperate attempts to save themselves. They are now under the microscope and they are in full on 'damage control mode'", she told *The Lancet*. "[These initiatives] are all driven internally, even if it says they're external...The very people who are accused of abuse of authority are asked to exercise their authority, once again, and sit behind a

closed door and come up with a five-point plan...It remains a problem, it has never been acknowledged..."

The Code Blue Campaign has proposed that member states appoint an independent oversight panel to closely monitor and evaluate, in real time, the UN's response to individual allegations of sexualised offences.

"The problem with the internal justice system of specialised agencies like UNAIDS is that it's one-sided, biased, and it's secret", says Edward Flaherty, a Geneva-based lawyer who has represented international civil servants for more than two decades. "There's no independence to ensure accountability. The UN is reviewing itself", he told *The Lancet*.

As one UNAIDS staff member remarked during the townhall meeting, "we can review policies, we can revise policies...but ultimately my view is what's going to make staff members feel safe is that ultimate impact indicator...Offenders need to be punished, then we'll trust the system..."

The HIV/AIDS community responds

The Treatment Action Campaign, SECTION27, and Sonke Gender Justice have called for an independent investigation in a statement released on April 9, saying "We do not propose that it should simply be assumed that Loures is guilty. But we do expect UNAIDS to handle such allegations, and its internal and external communications surrounding such allegations, with both seriousness, urgency, and respect for the dignity of the persons involved."

Francois Venter, deputy executive director of the Wits Reproductive Health and HIV Institute at the University of the Witwatersrand, announced, on April 9, that he would be stepping down from the UNAIDS Scientific and Technical Advisory Committee in response to the UNAIDS's "deeply disturbing and tone-deaf" response. Venter told *The Lancet* that he was doing so in the hope that "the issue will be taken more seriously".

For more on **UNAIDS's five-point plan** see http://www.unaids.org/en/resources/presscentre/featurestories/2018/february/20180227_unaids

For the **Treatment Action Campaign SECTION27, and Sonke Gender Justice statement** see <https://tac.org.za/news/tac-section27-sonke-gender-justice-call-for-an-independent-investigation-into-unaidss-mishandling-of-sexual-harassment-allegations/>

For the **AIDS Healthcare Foundation statement** see https://www.aidshealth.org/wp-content/uploads/2018/04/UNAIDS_statement_v5.3.pdf-signed.pdf

For **Allegations of Sexual Harassment at UNAIDS: The Other Side of the Story prepared by Concerned Women**

At UNAIDS see https://docs.google.com/document/d/11FM1qxcDr91spjaXd9v9Z9eXMs00-AH5yTt8FHJ_E/edit

For **Guterres's Spokesperson Stephane Dujarric's statement** see <http://www.innerecitypress.com/metooun3unaids/guterres041618.html> and <https://twitter.com/innerecitypress/status/985977954462257154>

For **Guterres's statement in Feb 2** see <https://www.un.org/sg/en/content/sg/speeches/2018-02-02/opening-remarks-press-stakeout>

For **Tedros's statement** see <http://webtv.un.org/meetings-events/treaty-bodies/watch/who-press-conference-director-generals-first-7-months-geneva-7-february-2018/5727270642001/?term=?!anoriginal&sort=date>

"[UNAIDS] have never been more important...They also have some truly inspirational staff. But to maintain credibility, leaders can't preach human rights on the one hand and have a bullying, women-unfriendly workplace on the other. The leadership needs to get its internal house in order fast, so we can focus on the ongoing HIV crisis", Venter told *The Lancet*.

Michael Weinstein, president of the AIDS Healthcare Foundation, has called for Sidibé to resign. "After mishandling allegations of sexual harassment and assault by senior leadership, [Sidibé] has damaged [UNAIDS's] reputation and is incapable of leading it", he said in a letter dated April 11.

Some stood in support of UNAIDS executive leaders. The International Community of Women Living With HIV&AIDS Western Africa said in a public statement dated April 5 that they had "found professional individuals of good standing, who have respect for the dignity of all people" in Loures and other men and women in the senior management team.

The Pan African Positive Women's Coalition said in a statement dated April 4: "we are concerned that the UNAIDS Executive Director, is very unfairly being singled out for public lynching. There are similar cases at UNESCO, UNHCR and UNICEF, yet Michel Sidibé seems to be the one singled out to be 'responsible' for all the institutionalised patriarchy, misogyny and gender inequalities entrenched in our structures and our societies for centuries...We, women living with HIV do not want to be distracted from the solid course UNAIDS has set nor silenced in the #me-too movement, because of a few callous, dishonest and ambitious individuals with hidden agendas."

In a document released on Twitter dated April 10 entitled *Allegations of Sexual Harassment at UNAIDS: The Other Side of the Story prepared by Concerned Women At UNAIDS*, which is to date unattributed, Concerned Women At UNAIDS declare that they "...feel that the

current narrative is greatly distorting our reality", the document reports. "We stand with pride and dignity as UNAIDS women staff, appreciative of what the organization has done for us."

When questioned on April 16 about the AHF's call to resign, Guterres's Spokesperson Stephane Dujarric stated that "Mr Sidibé continues to have the confidence of the secretary general".

As we went to press, the UNAIDS executive director had not responded to requests from *The Lancet* for comment.

A UN-wide problem

A range of compliance reports and survey data suggest that harassment and sexual misconduct are burning issues of concern and recurrent problems, not only for UNAIDS, but also for the UN Secretariat, most UN entities, and UN partners.

"The leadership needs to get its internal house in order fast, so we can focus on the ongoing HIV crisis'..."

Donovan told *The Lancet* that, in her view, the 193-member states have not taken a leadership role and have not forced the hand of the UN bureaucracy. In February, 2018, results of the first global UN staff engagement survey, which polled over 14 000 staff members, or about 39% of the UN Secretariat population, found that 37% do not feel comfortable challenging the status quo, and 30% expressed concern about ethical conduct and about accountability in the Secretariat. Guterres said in an email message to staff on Feb 28 that this fact "requires closer scrutiny".

In addition, in a March 2 letter obtained by *The Lancet* on combating sexual harassment and abuse that was addressed to UN Chief Executives Board Members, Guterres noted that "we are strengthening our capacity to investigate and respond to allegations", and indicated that he was intensifying efforts to raise awareness, and developing a survey

"to better understand the prevalence of sexual harassment, which is often under reported, so that we can respond more effectively".

Farhan Haq, deputy spokesman for the UN secretary-general, told *The Lancet* that, with regards to UN Secretariat staff, the Office of Internal Oversight Services had received 15 reports involving sexual harassment in 2016, and 18 similar reports in 2017. He said that following investigations, in 2016, four cases had been referred to the office of Human Resource Management for possible disciplinary action, and a similar number in 2017. Additionally, two people were fired in 2016 due to allegations of sexual harassment, he said, noting that, over the past few years, alleged offenders in several cases had resigned before the disciplinary process had finished.

On Feb 2, Guterres said that he was well aware of the male-dominated culture that "permeates governments, the private sector, international organisations, and even areas of civil society. This creates obstacles to upholding zero tolerance policies on sexual harassment, including here at the [UN]. I am determined to remove them...My message is simple: we will not tolerate sexual harassment anytime, anywhere."

WHO chief says building an open organisation is key

When asked about his views on the problem of sexual harassment, Tedros Adhanom Ghebreyesus, WHO director-general, told reporters on Feb 7, "First of all, I would like to assure you that we have zero tolerance. The strategic solution to really preventing and managing sexual harassment is building an open organisation. Open, open, open. And that's what we started. We're communicating with our staff openly, but we need to have the right guidelines, the right tools, the right laws to really make our WHO as open as possible. UNAIDS being under one organisation, the same thing. So, that's the direction, the strategic solution."

WHO received one sexual harassment case in 2018, three cases last year, four cases in 2016, two cases in 2015, and one case in 2014. They received one report of sexual exploitation and abuse in 2017, WHO officials said.

In May, 2015, a complaint of sexual harassment was filed at WHO headquarters by an employee from a WHO implementing partner against a staff member who was their direct supervisor, according to a report of the Internal Auditor. The complaint alleged that “while working as a consultant at WHO headquarters, the external employee was sexually harassed by the supervisor through behaviour, text messages, and words, on several occasions and in various locations”.

The report notes that the IOS office investigated the allegation and found that “although certain events in the complainant’s statement did take place, in the absence of an independent witness and/or documentary evidence, the investigation could only reasonably conclude that there was no independent evidence corroborating that the complainant had been sexually harassed by the WHO staff member”.

UNICEF seeks to enhance investigations process

In a recent UNICEF townhall meeting in New York, a UN official, who requested anonymity, said that staff were “very angry” about Justin Forsyth, then deputy executive director at UNICEF, being recruited given his past history, questioning the vetting process. Forsyth resigned from UNICEF on Feb 22 in the wake of complaints of inappropriate behaviour towards female colleagues when he was chief of Save the Children.

On March 9, UNICEF’s new executive director, Henrietta H Fore, said in a statement that current data by the agency indicate “there were 27 reports of sexual misconduct against UNICEF staff members over the past 5 years”. Of these, she added, three are currently under investigation, nine ended with the

staff member’s dismissal or separation, 12 complaints could not be substantiated, and, in three cases, no formal complaints were filed or the complaints were withdrawn.

Going forward, Fore said that she was engaging an outside firm to conduct an independent review of how the organisation has dealt with claims of sexual misconduct and harassment in the past, that she would enhance the investigation process, and that she would assemble a task force of external and internal advisers to make recommendations on how UNICEF can improve its policies.

UNFPA looks for higher standards

In view of the heightened public interest in the UN’s stance on sexual harassment, Natalia Kanem, executive director of the UN Population Fund (UNFPA) told *The Lancet* that “UNFPA takes every claim of sexual harassment very seriously. We investigate all claims of sexual harassment, exploitation, and abuse.”

“UNFPA also has strengthened protections against retaliation. If proven, cases result in punitive measures, which include dismissal. For transparency, the results of investigations are published on the UNFPA website”, Kanem noted, and added that “because of who we are, and our mandate, we at UNFPA must hold ourselves and our associated partners to the highest standard”.

But like other agencies, UNFPA has been affected by sexual harassment cases. Between May, 2014, and July, 2016, a staff member—who used discriminatory, derogatory, and abusive language on several occasions against colleagues and co-workers on the basis of sexual orientation, race, and HIV status—was dismissed; a second staff member was dismissed for use of pornography, a UNFPA spokesman said.

Pressed about three allegations of harassment and one allegation of sexual harassment, which were filed with the Indian authorities,

made by a UNFPA implementing partner consultant against three staff members of the UNFPA India office, the spokesman said that “The UNFPA Office of Audit and Investigation Services is currently assessing available information on the allegations made. UNFPA cannot comment on this confidential process at this time.”

Overall, some UN officials from the UN Secretariat and from UN specialised agencies say that the UN’s top management response to sexual harassment and abuse always sticks to brand damage concerns, and they are reluctant to be more transparent. Even when UN executives have periodically underscored their commitment to zero tolerance, the media guidance from a number of UN agencies’ communications departments has been far from proactive. Media officers are instructed to follow an “if asked” press briefing policy, the UN officials admit in private. The guarded approach, say some UN officials, is at variance with the detailed documentation and public reporting by UN agencies of sexual violence and abuse in conflict zones such as DR Congo, Myanmar, Syria, Iraq, and other global hotspots.

Michael Møller, director-general of the UN Office in Geneva, told reporters on March 23 that the UN’s zero tolerance policy has had a hard time being operationalised properly, because “we have an organisation where the word accountability sometimes disappears from the vocabulary. This is something the [UN] secretary-general—and I support him 1000% on that—is trying to change and put back in”.

UN staff want confidentiality to make complaints and they want speed, say UN officials engaged in the reform process but also stress that they want all aspects of harassment addressed equally, not only sexual harassment. But it remains to be seen whether Guterres will be able to deliver results and bring about a change in the UN shielded mindset, say some officials.

John Zarocostas