



Zero Accountability for UNAIDS Sex Abuse Crisis

Abuse of Power Cries out for Investigation, This Time with Oversight

May 4, 2018: UNAIDS is the latest agency under the spotlight in the UN's continuing sexual abuse scandal. Intense criticism of Executive Director Michel Sidibé's handling of a sexual assault claim against his close friend and right-hand man, Deputy Executive Director Luiz Loures, turned to outrage in January when the internal investigative unit assigned to probe the claim, the World Health Organization's "Internal Oversight Service" (WHO-IOS), closed the case, claiming a lack of corroborating evidence.

Loures' contract was extended through this past Monday to allow him to retire with the highest possible donor-funded pension payout. But the damage was done: the Code Blue Campaign had [exposed internal documents](#) proving that the WHO-IOS investigation was a shameless scam; Loures' victim, Martina Brostrom, had gone public on [CNN](#) with the story of her assault and the cover-up led by Sidibé; [The Guardian](#) and [The Lancet](#) had reported that many more women—most too terrified to give their names—were sexually assaulted and harassed by Loures over his 22 years at UNAIDS. A picture has emerged of UNAIDS as a fiefdom, where unquestioning loyalty to the volatile Executive Director is rewarded with choice positions and where anything less is silenced or punished. "Zero tolerance" redefined.

Public reaction was swift. Leaders in the global AIDS response resigned in protest from UNAIDS advisory committees; others delivered piercing critiques through social media; some called for the Executive Director's ouster. Mr. Sidibé moved quickly to defend his honor and protect his job, redirecting the significant UN financial and human resources at his command; crossing the globe to pose for Tweet-able photos with politicians and advocates; deploying his kitchen cabinet to wrest loyalty oaths from staff, to punish resisters, and to ghostwrite praise-songs for distribution through UNAIDS' donor-funded communication networks as civil society sign-on letters.

The "AIDS movement" is up in arms once again, but this time, not as a united front protesting discriminatory laws, lethal funding cuts, or extortionist drug pricing. The global AIDS movement is now fighting itself, divided over the dominion rights of one man who faced a challenge from one female subordinate when her sexual rights were violated. The paradoxes are too many to count.

Now the entire UN system, up to and including Secretary-General António Guterres and guided by high-paid damage-control consultants, is scrambling to prove to the world that matters are in hand.

This week the UN announced that it would “reopen” the case against Loures, this time with the UN’s New York-based Office of Internal Oversight Services (OIOS) as investigators and the Director-General of the World Health Organization as the judge.

Code Blue cries foul.

Why announce the reopening of a case that will serve no clear purpose?

The UN knows well that a just outcome cannot result from reopening the case of Martina Brostrom vs. Luiz Loures. Ms. Brostrom, who learned through the media about the UN’s unilateral decision to reopen her case, unequivocally rejected it. She has informed the Secretary-General that she will have no part in yet another UN investigation, whether by OIOS or any other internal UN body. With no claimant, a reopened investigation simply makes no sense.

Luiz Loures is retired. With no staff member to accuse or sanction, why reopen a case against him? Instead of firing Loures when they had the chance, the UN chose to conduct a bogus investigation, ignore evidence, and let UNAIDS staff members render the final judgement. To no one’s surprise, Loures’ subordinates closed the case, letting him walk away on his own schedule with profuse thanks from his close friend and protector, Executive Director Michel Sidibé, for 22 years of dedicated UNAIDS service. Without Loures on staff to investigate further, reopening the case now cannot reverse any past injustices.

The UN was forced to concede Code Blue’s position: the WHO-IOS investigation of Luiz Loures for sexual assault and Michel Sidibé for abuse of authority was a travesty. Placing the two men’s UNAIDS subordinates in the decision-making role guaranteed that Loures and Sidibé would be happy with the outcome; the staff sitting in judgement were well aware that a decision of guilty could end their own UNAIDS careers. Conflict of interest invalidates the UN’s handling of every sex-offense claim made against its own personnel, but under public scrutiny, it was embarrassingly obvious.

Perhaps UN leadership feels remorseful about the sham WHO-IOS investigation. Perhaps they’re nervous that, on the rare occasions when it’s fully exposed, the UN’s internal justice system looks less like “zero tolerance” than institutionalized impunity for serial sexual predators. Perhaps the damage-control gurus advised them that distracting the media with the words “in light of additional allegations against Dr. Loures” would cause people to forget that the light was shone long before Loures retired, and now he can’t be held accountable. Or perhaps senior UN leaders believe that the organization’s reputation can weather this storm if they create the false impression that the head of WHO, not the Secretary-General, is directly responsible for UNAIDS and its Executive Director.

Perhaps. But it’s more likely that the UN is relying on its tried-and-true tactic: announcing an investigation buys time. Hearing “We are not at liberty to discuss the details of an ongoing OIOS investigation,” repeated over and over, has a numbing effect, causing public attention to wane. Once Loures is a distant memory, the predetermined outcome can be announced, late on a Friday afternoon. Its headline may as well be written now: *A report issued by the Director-General of WHO*

today confirmed that OIOS has corroborated the results of the original WHO-IOS investigation. Long live impunity.

What SHOULD happen?

First, WHO's Internal Oversight Service must become the subject of a new investigation.

To ensure that this can't happen again at WHO, UNAIDS, or elsewhere in the UN, Member States need to understand just what led to the closure of the Loures case: was it backroom dealing? intimidation? a fixed outcome enforced by abuse of authority? incompetence on the part of everyone involved? complicity by others? dereliction of duty? some toxic combination of the above?

Second, UNAIDS management must also be investigated.

Public exposure of this case raised alarms about a previously hidden culture of abuse of authority at UNAIDS overall: systemic sexual harassment and sexual assault; bullying; flouting of UN rules and regulations; a warped meritocracy that rewards loyalty and silence; and intimidation of staff and civil society "partners" by the Executive Director and his hand-picked inner circle. Evidence and concerns of this magnitude simply cannot be left unexamined. Even the resignation of the Executive Director, whether voluntary or forced, would leave in place the corroded management structure he built.

Third, and most important, Member States must monitor the investigations in real-time.

This is the revolutionary but simple reform to UN business-as-usual that can and should be enacted right away. Granted, the immediate need to probe both the WHO-IOS investigation and UNAIDS' management culture poses dilemmas for Member States:

- OIOS independence from the UN organization is mythical: its [head is selected by the Secretary-General](#). This week in London, current OIOS Under-Secretary-General Heidi Mendoza is attending Mr. Guterres' annual Chief Executives Board retreat along with his other top-ranking UN officials.
- A fraternity of investigators is transferred from one UN agency's investigative unit to another, establishing close personal ties; three investigators now with OIOS were employed by WHO-IOS during the Loures investigation.
- Problems with OIOS are well documented. Notably, in 2015, the [Code Blue Campaign exposed collusion](#) between Ms. Mendoza's predecessor and high-level UN officials to draw attention away from the latter's mishandling of a child sexual abuse scandal in the Central African Republic.
- But, realistically, even with strong political will, creating an entirely new, truly external and independent UN investigative unit and decision-making process could take years. Investigation of the crisis at UNAIDS cannot wait.

A Temporary Independent Oversight Panel under Member State authority

Code Blue has an immediate solution. We propose a temporary fail-safe to allow the investigations to proceed while limiting conflicts of interest and protecting Member States against more manipulation by their international civil servants. We agree that OIOS should conduct an investigation—although not a pointless reopening of the Brostrom vs. Loures case. OIOS must launch an entirely new investigation into WHO-IOS’s atrocious handling of the sexual assault claim against Loures. Whether separately or as part of one broad probe, OIOS must also investigate the evidence of crisis-level sexual harassment and sexual assault, abuse of authority, intimidation, and mismanagement at UNAIDS that came to light when that sexual assault scandal and its cover-up were exposed.

However:

- Member States must urgently create a [Temporary Independent Oversight Panel](#) of relevant experts to monitor the entire process in real-time, overseeing every move OIOS makes, auditing every interview, reading every word unearthed and written, sitting in on every phone call and meeting. The Temporary Independent Oversight Panel must have no connection whatsoever to any part of the UN organization or the Secretary-General; its experts must report directly, constantly, and only to Member States.
- A crisis this serious deserves the Secretary-General’s personal attention. OIOS investigative findings must be delivered to, and ALL decisions flowing from those findings must be made by, just one person: António Guterres. And in line with his calls for transparency, the Secretary-General’s actions and decisions should also be taken in the presence of the Temporary Independent Oversight Panel.

A Temporary Independent Oversight Panel will provide the best assurance of accountability and transparency on an urgent basis, immediately providing Member States the real-time oversight that has been missing throughout the UN’s sexual exploitation, abuse, and harassment crisis.

Forward-looking policy reviews *only* work if paired with accountability mechanisms.

An “Independent Expert Panel” was also announced this week by the UNAIDS Programme Coordinating Board (PCB)—a long, expensive endeavor mapped out, no doubt in good faith, by the PCB but shadowed by the clever hand of Michel Sidibé at every turn. Following exposure of UNAIDS’ scathing scandal, the PCB chair told Code Blue that there is “no appetite” in Geneva for looking at wrongdoing by *individuals*. The Board will let bygones be bygones, working hand-in-glove with the same UNAIDS leaders who are now under fire, taking a dispassionate look at policies, procedures, best practices, lessons learned. It will bury its collective head in paperwork, meetings, and conference calls. In place of a probe, the experts it appoints will have anodyne chats with UNAIDS staff who are resigned to accepting sexual ‘misconduct’ in silence as the price of membership in the UN family. The experts will meet every six weeks until December. Meanwhile, behind their closed doors, the UNAIDS

corrosive leadership will continue to rule by intimidation, eliminating disbelievers, and doling out desirable posts and rapid promotions to staff who pledge allegiance and hide ugly secrets. Ironically, the UK-led PCB has embraced a theory that's antithetical to the HIV response. One cannot diagnose and treat what's ailing the management of UNAIDS and magically cure the disease's most debilitating symptoms—unchecked sexual abuse and harassment—without examining a single patient or identifying a single vector of the disease. In fact, its panel's experts won't even be authorized to demand answers to any questions that arise because the UN is not obliged to divulge anything it chooses not to share. Unlike investigators, the experts will rely on an honor system.

Member States must focus their full attention on monitoring OIOS investigations, as described above. They won't disband this "Independent Expert Panel," but they can and should be aware when the wool is being pulled over their eyes. Unless and until Member States develop an appetite for holding individuals to account, a policy review exercise like this one will achieve just two ends: salvaging Michel Sidibé's reputation and reaffirming that the UN can ride any wave that the #MeToo movement brings close to its shores while keeping its antiquated, abusive fraternity intact. Without parallel Member States-monitored OIOS investigations, the Independent Expert Panel could better be named "Zero Tolerance for Accountability." It will only serve to prove that the UN organization, alone among all the world's institutions, corporations, industries, religious bodies, and humanitarian and development organizations, is absolutely immune to change.