

ANTI-HARASSMENT EFFORTS

Sexual harassment of women (and subsequently other types of harassment) have emerged as major personnel issues during the late 1980s and early 1990s. The UN has once again been "behind the curve" in responding to this problem.

However, in the early 1990s, the UN experienced a very major and widely-publicized sexual harassment case, and lesser ones, in which the "barons" proved to be stubbornly defensive and unresponsive, and the Secretariat leadership promptly rallied to support them. Staff efforts within the personnel and "internal justice" systems had little or no success, as the Administration took no action and the Panels on Discrimination and Other Grievances, already weakening, were unable to handle this new challenge.

An example of staff concerns about sexual harassment, and evidence that the UN leadership was (and apparently still is, see below) almost totally unable to respond properly and forcefully to those concerns, is illustrated by an incident in Geneva in 1994:

"The United Nations Wednesday denied reports that it briefly suspended a senior official earlier this year for sexually harassing up to 10 women ... after a disciplinary committee inquiry into sexual harassment allegations by 10 secretaries ...

The United Nations refuses to disclose [such records, which] underscores the difficulty individual workers have in pursuing formal complaints when they believe they have been treated wrongly.

Secrecy laws at the United Nations cover a broad spectrum of regulations but there are no specific guidelines for what will be made public and what will be kept under lock and key.

U.N. staff are not allowed to speak to the press on [work-related matters] for example, nor are they allowed to start any legal proceedings in court without the permission of the Secretary-General.

Even if a senior official is brought to trial, he or she cannot be forced to testify because of diplomatic immunity. Most senior U.N. officials enjoy the protective blanket of immunity which can only be revoked by the U. N. Secretary-General.

'It's an old boy's club and when you have reached the diplomatic level, they all protect each other', said one secretary who requested anonymity."

"U.N. denies sexual harassment", UPN, May 19, 1994.

Only when a determined staff member won a high-profile case in New York in the early 1990s, with much outside help, and

womens' groups and staff representatives applied determined pressure, did the situation finally begin to change, at least on a policy level.

In 1995 a New York joint task force was formed. It began by examining the rather toothless Secretariat policies that had been established in 1992 to deal with sexual harassment in the work place. Given the low incidence of reported harassment, it decided to make a survey of all staff members of the UN at major duty stations. The effort was described as a "benchmark setting exercise" not only for the UN, but also, much more grandly, "for the public and private sectors of the international community." Its findings were to be used to strengthen the standards by which UN staff define unacceptable behaviour and harassment in their workplace.

"Promotion of equal treatment of men and women in the Secretariat," UN document ST/SGB/253 of **19 October 1992**,
Procedures for dealing with sexual harassment," UN document ST/AI/379 of **29 October 1992**, and
"Banishing all harassment from the workplace", Secretariat News (New York), **July-August 1996**, p. 11.

At the same time, the UN's top manager, reflecting on the case of the very senior manager who had lost his job in the high-profile scandal, stated that:

"It is a simple truth that we cannot have a collegial, productive atmosphere when any form of harassment takes place, and it simply will not be tolerated."

"Connor warns of hard times ahead if states won't pay," Diplomatic World Bulletin (New York), **September 25-October 2, 1995**, p. 13.

As the head of OHRM firmly described the effort in late 1995 when the survey work drew to a close:

"Harassment: we need to properly define it, recognize its many faces and forms, capture them and bury them all deep. It has no place in the United Nations."

"Banishing all harassment from the workplace", Secretariat News (New York), **July-August 1996**, p. 11.

A 1997 circular distributed the questionnaire to staff, noting that harassment is "an abuse of power" that generally yields feelings of powerlessness, and that to create an optimum work environment:

"... it is an organizational responsibility to [install] policies and programmes ... to ensure that harassment will not be tolerated and that, if it does occur, it will be dealt with promptly and effectively. ...

... the results of the survey will be utilized to reexamine and revise ... mechanisms for dealing with harassment ... and build ... the fullest understanding of

harassment issues and commitment at all levels to ensuring that harassment will not be tolerated in any form in the United Nations workplace."

"United Nations harassment survey," UN document IC/Geneva/4346, **7 July 1997**.

The staff rules were duly revised in 1998 to state that:

"Any form of discrimination or harassment, including sexual or gender harassment, as well as physical or verbal abuse at the workplace or in connection with work, is prohibited."

UN Staff Rule 101.2, Specific instances of prohibited conduct, part (d), in "Status, basic rights and duties of United Nations staff members", ST/SGB/2002/13 of 1 November 2002.

Despite this strong language, however, serious and ugly workplace harassment -- both spontaneous actions and wilful misuse of laws, regulations, policies, and power -- seems to continue unabated in the UN Secretariat. As in so many other areas, the eventual statement of a firm UN policy, if not followed by implementation, enforcement, and sanctions, is only a set of empty words. [In 2000, as discussed below, the Secretariat did announce another worldwide survey, this time of "work/life" issues, to create new policies which, it blithely stated, "will continue to promote optimal performance by all staff members."]

Especially in light of Mr. Paschke's adventurous attempt [and resounding failure] at the OIOS in 1995 to curtail the baronial tradition of UN jobs for "friends and lovers," the continuing non-accountability of UN managers and the lack of any follow-up reporting make it unclear whether the blunt new anti-harassment rules are being applied and UN harassment problems reduced. Regrettably, it seems more likely that the above staff rule will be used only to punish a staff member who reacts to stress in an abusive workplace with an explosion of angry language (this has happened), rather than to punish a UN manager who precipitates such an explosion, or a baron who insists on sexual favors as a condition of job retention or advancement (these seem never to have happened).

Things were then rather quiet on the UN anti-harassment front for several years. However, this probably only reflects the inability of (and staff mistrust of) the "internal justice" system, or of OHRM, or of the strongly-stated UN policies to resolve and provide redress for sexual harassment, particularly when committed by those who are in power positions throughout the Organization. After all the discussions, promises, and frustrations of more than a decade of efforts, the issue fell back into the doldrums.

However, in mid-2004, several sexual harassment allegations against very high-level UN officials emerged. A May 2004 article from Geneva disclosed that:

"Ruud Lubbers, the high commissioner for refugees [UNHCR] ... confirmed ... a sexual harassment complaint filed against him by a staff member.

Lubbers, 65, a former Dutch prime minister, denied the allegations. ...

The woman ... said the incident occurred at the end of a meeting as she, Lubbers and five male staff members were leaving the room. The woman told other staff members that she was "shocked and horrified," associates said.

Lubbers said Dileep Nair, chief of the [OIOS] had told him of the complaint ... filed ... four months after the alleged harassment took place.

Two UN investigators were sent ... to Geneva by OIOS ..."

Fiona Fleck, "Harassment complaint lodged against UN official", International Herald Tribune, **May 19, 2004**.

The case was updated in July 2004, when Mr. Lubbers took the initiative:

"[He] has written a staff member who formally accused him of sexual harassment, asking that she drop the case and promising to protect her from reprisals, people familiar with the case said.

The charge has been under investigation by [the OIOS].

[In late May Mr. Lubbers] circulated an e-mail message among his staff acknowledging that he was under investigation ...

The people familiar with the case said that after the woman complained to associates that Lubbers 'grabbed her from behind', four more women staff members told UN investigators of similar treatment. ...

... [Lubbers received] the investigators' final report in June ... [which was] in New York awaiting official action.

In the May 28 staff message, Lubbers acknowledged an incident with the ... staffer but disputed its interpretation as abuse. ... he concluded, 'I'm really sorry for that.'

... Lubber's letter to the complainant ... which she forwarded to the UN in New York as evidence of possible intimidation -- prompted an internal memo from Mr. Annan's office noting that UN investigators should be allowed [to investigate] without any outside interference ...

The memo gives assurances [that no action or reprisal is taken against any staff cooperating with the investigation.]"

Fiona Fleck and Warren Hoge, "UN official is said to ask for dropping of sex case", International Herald Tribune, **May 19, 2004**.

Another case had arisen during the same time period in New York, involving another very high UN official who is, interestingly, also a key participant in the investigation of the Lubbers case:

"The United Nation's anti-corruption department has been rocked by accusations that the office itself is corrupt.

The head of the [OIOS] ... , Dileep Nair, has been accused of promoting and recruiting people in ways that are not consistent with U. N. rules and regulations. Also, a

senior investigator has been suspended and there have been accusations of financial and sexual misconduct.

The scrutiny of Nair and his division comes at a delicate time, as the United Nations is under intense scrutiny for alleged abuse of the Iraqi oil-for-food program.

Nair has been accused of covering up abuses [in that] ... program. ...

Other allegations of impropriety include charges that some inside the OIOS received financial kickbacks in return for promoting people and that some people were promoted in exchange for sexual favors."

Jonathan Hunt, Watching the UN's watchdog", Fox News, **June 16, 2004**.

An article from Mr. Nair's home country, Singapore, reported further that:

"There are ... allegations that some inside OIOS received financial and sexual favors in return for promoting people.

The United Nations Staff Union has asked UN Secretary-General Kofi Annan to establish an independent investigation of the OIOS, alleging that personnel decisions made by Mr. Nair 'violated the rights of staff members.' ...

The union has also expressed concern over the possibility that Mr. Nair suspended Mr. Francois Pascal, a senior investigator in his organisation, 'because he was making waves over controversial recruitment and promotion decisions Nair had made.'

Mr. Annan -- who handpicked the Singaporean for the job four years ago -- has asked Mr. Nair for an explanation.

Fox News reported that Mr. Nair, currently on sick leave, denied all the allegations made against him.

He stressed that he had done nothing wrong and would step down if the investigations found problems in the OIOS.

Said Mr. Nair: 'That goes without question because that would mean my integrity is impugned and the only thing I work upon in this office is integrity and the credibility that people have in this office ...'"

Lee Ching Wern, "S'porean UN anti-graft unit chief under probe", newstoday.com.sg, **June 19, 2004**.

Secretary-General Annan decided the Lubbers case in July 2004, which subsequently had some significant reverberations.

"One of the UN's most senior figures has been cleared of sexual harassment by Secretary-General Kofi Annan. ...

Mr. Annan found that the complaint against [High Commissioner for Refugees Ruud Lubbers] 'could not be sustained by the evidence,' [a UN spokesman] said.

However, Mr. Annan said in a letter to staff of the [UNHCR] that he had written to Mr. Lubbers 'conveying in the strongest terms my concerns about the incident which gave rise to the complaint.'

The secretary-general said the letter also expressed concern 'about subsequent events during the investigation, some of which may have been construed as likely to influence the course of the investigation.'

Mr. Annan's spokesman said the matter was now 'considered closed' and that efforts were being made to 'rebuild trust and confidence' among UNHCR staff."

"Lubbers cleared of UN sex claim", BBC NEWS, **July 15, 2004**.

"A senior UN official [Ruud Lubbers] was cleared of sexual harassment earlier this year because the secretary general rejected the verdict of an internal watchdog. ...

But a revised report issued by UN watchdogs on Thursday revealed that investigators supported the allegation ... [and recommended appropriate action].

Mr. Annan refused to take action, saying the allegations were 'not sustainable.'

...

Despite the recommendation, Mr. Annan dismissed the complaint, but instead wrote to Mr. Lubbers stressing his concerns 'in the strongest terms.'

UN spokesman Fred Eckhard attempted to explain the secretary-general's verdict on Thursday, asserting that Mr. Annan decided the allegations were unsustainable after seeking legal advice on the matter.

'He did not say there was no evidence. He said he found the evidence unsustainable on a legal basis', Mr. Eckhard said.

The disclosure that the OIOS ruled against Mr. Lubbers was made public when 'technical reasons' meant that details of the case were included in a version of the watchdog's annual report.

An original version ... did not include details of the case against Mr. Lubbers ...

In May Mr. Lubbers acknowledged making a 'friendly gesture' which was misunderstood by the woman.

He denied allegations of improper conduct."

"Kofi Annan 'vetoed UN sex claim'", BBC News, **October 28, 2004.**

(The relevant OIOS report paragraph (with the phrase that was finally added back shown in italics) read as follows.)

"In May 2004, OIOS conducted an investigation into a report received from a female staff member of UNHCR who alleged that she had been sexually harassed by the High Commissioner and, in two separate but related incidents, had been subsequently harassed by a senior manager of UNHCR. *OIOS submitted a report to the Secretary-General supporting the allegations and recommended that appropriate actions be taken accordingly.* The Secretary-General reviewed the report and the responses of the High Commissioner and the senior manager to the report, and decided that the complaints could not be substantiated by the evidence and therefore closed the matter."

"Report of the Office of Internal Oversight Services" Note by the Secretary-General", UN document A/59/359 of **13 September 2004**, para. 87.

[Note: the OIOS report had been held up by someone for a month with an altered version stating instead that "*OIOS submitted a report to the Secretary-General on the allegations.*"]

"The lawyer for the [UN] staff member who brought sexual harassment charges [at UNHCR] ... has said that [Secretary-General Annan's admission] ... of having overruled his own investigators in clearing [Ruud] Lubbers would spur an appeal ...

... the admission that UN investigators had found the woman's complaint valid and had recommended punishment emerged this past week in the [OIOS] annual report ... [which restored this damning disclosure in a last-minute restoration] ...

A senior UN official had said earlier that if the claims against Lubbers were found to be true, he would be obliged to resign. ...

When he cleared Lubbers of the formal charges in July, Annan ... did not reveal the negative findings of his own investigators ... and said that the complaint against Lubbers 'could not be sustained.' ...

[The lawyer, Edward Patrick] Flaherty, argued that the doctored document

strengthened his client's case ...

'This demonstrates that there are two sets of [UN] rules ...' Flaherty said. 'One for the protected class and one for the rest. Mr. Lubbers is part of the protected class. My client is not.'

The appeal also cites 12 instances of Lubber's alleged attempts to intimidate the complainant ... "

Fiona Fleck and Warren Hoge, "Appeal is expected in UN sex case: Lawyer cites Annan's overruling of his own investigators", International Herald Tribune, **November 1, 2004**.

This case was particularly serious not just because the Secretary-General "exonerated" Mr. Lubbers despite findings by an OIOS investigation which supported the allegations and recommended corrective action. In fact, in a behind-the-scenes struggle, the release of the entire annual OIOS report to the General Assembly was held up for more than a month in a dispute about how to report the case. The report was finally issued with mention of the OIOS conclusions, but it seems to IO Watch to be the exception which proves the rule. The OIOS finally and clearly urged firm action against an abusive senior official, but someone then attempted to rewrite the OIOS report, and a lengthy standoff ensued.

As already noted, a senior official had said earlier that if the claims against Lubbers were found to be true he would have to resign, and the relevant UN staff rules could not be more clear, when they state decisively that:

"Any form of discrimination or harassment, including sexual or gender harassment, as well as physical or verbal abuse at the workplace or in connection with work, is prohibited." [emphasis added]

UN Staff Rule 101.2, Specific instances of prohibited conduct, part (d), in "Status, basic rights and duties of United Nations staff members", ST/SGB/2002/13 of 1 November 2002.

This exoneration of Mr. Lubbers was quite disturbing to staff representatives and to many others. It supported clearly the idea that the UN "old boy" network takes care of its own, even when they violate a very specific staff rule prohibition. At least Mr. Nair, in this case, attempted to make an in-depth analysis and establish accountability and proper sanctions.

However, in February 2005 the Lubbers case returned with a vengeance, thanks to a newspaper which would not let the situation pass quietly by.

"UN Secretary General Kofi Annan increased pressure on the United Nations' top refugee official, Ruud Lubbers, to resign Friday as new allegations of sexual harassment

by the former Dutch prime minister emerged from an internal investigation into misconduct.

The ... [OIOS] report described a 'pattern of sexual harassment' against female employees by Lubbers ... and charged ... [him] of abusing his authority with 'intense, pervasive and intimidating attempts to influence the outcome of this investigation.' ...

Annan had previously rejected the report's findings and closed the case ... But Annan's closest aides have grown increasingly concerned that the allegations are undercutting the organizations's efforts to restore its battered reputation.

The United Nations has been confronting several crippling scandals, including revelations of corruption in the U.N. administered oil-for-food program and charges of widespread sexual abuse of women and children by U.N. peacekeepers in Congo. ...

The sexual harassment investigation was launched in May 2004. ... [It] turned up instances of sexual harassment by four other women ... The women, who said they feared 'retaliation and public humiliation,' declined to file formal complaints against Lubbers."

Colum Lynch, "U.N. report alleges sexual harassment by official", Washington Post, **February 19, 2005**.

"Ruud Lubbers told Secretary General Kofi Annan on Sunday that he was resigning as the high commissioner for refugees because of a lack of confidence in him over sexual harassment charges.

'The complaint of sexual harassment could not be substantiated', Lubbers wrote [in his letter of resignation.] ...

[Earlier], Annan said there were insufficient grounds to dismiss him.

But on Friday, Annan consulted lawyers, clearly angered at the resurgence of sexual harassment allegations after a newspaper report that included graphic details. ...

[The] article appeared in the London newspaper *The Independent* citing previously unpublished details from the UN report last summer that confirmed the sexual harassment charges. ...

Diplomats at the United Nations said ... Lubbers ... had fought the charges with a battery of prominent lawyers and that Annan, consulting employment lawyers outside the United Nations, was advised that Lubbers would win a legal test."

"Embattled Lubbers resigns UN post", *Associated Press*, Warren Hoge, in the International Herald Tribune, **February 21, 2005**.

"Ruud Lubbers ... yesterday resigned as head of the [UNHCR] after a British newspaper published details of an internal investigation upholding allegations made against him for sexual harassment. ...

But in yesterday's bitterly worded resignation letter addressed to [Kofi] Annan, Mr. Lubbers accused the UN secretary general of bowing to media pressure amid the oil-for-food and other scandals. ...

On Friday Mr. Lubbers had claimed that the staff in Geneva would be devastated if he resigned. He even claimed they wanted him to stay on longer than his current term, and roundly criticized the investigation into the allegations of sexual misconduct."

Frances Williams, Mark Turner, and Ian Bickerton, "Lubbers quits after harassment probe published", Financial Times (UK), **February 21, 2005**.

"The resignation of Ruud Lubbers ... over allegations of sexually inappropriate behaviour brought sighs of relief yesterday from UN officials in New York.

After allegations surfaced last year, Mr. Lubbers mounted a vigorous defence.

Mr. Annan chose to issue a stern warning but take no further action. Since then, the UN has struggled to convince an increasingly skeptical audience that it is serious about addressing mismanagement.

[In New York this past week, Mr. Lubbers] ... gave an extraordinarily defiant press conference.

His position became untenable and disciplinary action was threatened. He resigned.

Yesterday UN officials were wishing the affair could have been dealt with sooner. 'The mistake was that it was treated as a legal problem when it was a management problem,' one said.

But it is also clear that ... something of a revolution is also needed.

For a start, [UN senior officials] believe that the UN can no longer hand out 'jobs for the boys' behind closed doors. ...

... According to [an adviser to Mr. Annan], the UN faces 'a real crisis ... an architectural crisis.' The next seven months will determine whether the edifice can be refurbished or comes crashing down."

Mark Turner, "UN reformists see opportunity for change as Lubbers leaves", Financial Times (UK), **February 22, 2005**.

The mess of the Lubbers case was in fact quite predictable. An international law firm made a detailed study of UN sexual harassment policy in May 2001 which was quite critical of UN implementation of that policy. The above developments indicate that the Secretariat has still not corrected the problems that it identified. The report found that:

"The UN Sexual Harassment Policy, although in some respects reading well on the surface, *is deficient* when measured against standards presently applicable under host country [US] law. It is not enough to simply have a written policy which prohibits sexual harassment and purports to provide a mechanism for making and resolving complaints ...

... **the UN Policy is remarkable for its complete failure to mention retaliation. In addition, it [seems to involve] ... disciplinary procedures which are confusing, cumbersome, bureaucratic and painfully slow.** Moreover, because the investigation and determination procedures are adversary in nature and the basis of determinations apparently kept secret, it seems inevitable that employees perceive the process as being unfair and many actions as being retaliatory. ...

... we believe... that the [UN policy] would not meet [US] current standards for an effective anti-sexual harassment policy. ... **the 'four P's' are either not sufficiently present or are lacking entirely, i.e., Policy in writing, Prompt investigation, Protection of the victim, Punishment of the harasser.**"

"Report commenting on United Nations sexual harassment policy", Chadbourne & Park LLP, New York, **March 2001**, to be found at www.un.org/staff/panelofcounsel/shrep.htm . [emphasis added]

Even after Mr. Lubbers' final and forced departure, IO Watch believes that Mr. Annan's handling of the Lubbers and Nair cases sends two very strong negative messages for current UN office behaviour. First, senior managers accused of harassment have, at worst and rarely, only the risk of some media harassment. Second, and even more seriously, staff who are harassed by senior officials and formally protest can expect only

a great deal of unpleasantness, or worse, for attempting to protect their dignity and their rights.

Perhaps, as in the high-profile case of the early 1990s, the above events might eventually revive some attention to the serious and long-standing problems of actually taking systematic action to combat sexual and other harassment in the UN Secretariat. And perhaps this time the UN might implement some reliable, prompt, and transparent procedures and processes; provide serious anti-harassment leadership (including from the General Assembly); and make a firm commitment to provide real redress and protection for abused staff, in order to ensure that such abuses are, indeed, "prohibited."

The past record gives strong reason for skepticism. But since, this time, the harassment cases occurred in conjunction with other serious scandals in the UN's "annus horribilis" of 2004 (and now 2005), they may not be as easily swept under the rug in the future for the many other sexual harassment cases which surely lie just below the surface in the UN Secretariat. One harsh example is illustrated by a recent article:

" ... When I worked in Liberia in the mid-Nineties a new [UN] chief administrative officer ... [arrived and moved aggressively] for a 15 percent kickback on everything we purchased.

[He also tried to force many] ... of his young 'local staff' to sleep with him ...

I was the human rights lawyer and these girls would come to my office in tears asking for help. I wrote memo after memo of complaint to my chain of command, but no one ever did anything. **When I visited the UN [personnel] office in New York to complain personally, they laughed at my naïve outrage: 'It happens all the time in the field', they said. 'There's nothing we can do.'** ...

That CAO had been knocking around West Africa for years, always mired in corruption, never disciplined ... - during which time the head of personnel was Kofi Annan. [The CAO] ... was eventually indicted by US federal prosecutors in New York for \$1.5 million of fraudulent kickbacks ... He has since died.]

What kind of leadership would tolerate this conduct 10 years ago? ... Precisely the same leadership that [has now] ... permitted the oil-for-food scandal and the sex-for-food scandal.

Kenneth Cain, "How many more must die before Kofi quits?", The Observer (UK), **April 2, 2005**.

[Note: Mr. Cain is a former UN human rights lawyer who served in U.N. peacekeeping operations in Somalia, Rwanda, Haiti and Liberia.]

Important perspectives on this situation are also provided by the two following quotes:

"Imagine if U.S. troops were accused of sexually exploiting children in impoverished nations ... a U.S. Cabinet Secretary were accused of groping a female

subordinate, [but then exonerated] ... by the president [an agency head] ... and the president's own offspring stood accused of complicity in [a massive embezzlement racket] ...

... [These things happened in the UN this year.]

Where's the outrage? ... Why didn't the mainstream ... devote more attention to these scandals? Far from demanding high-level resignations, they are circling the wagons.

The U.N.'s friends are doing ... no favors with this knee-jerk defense. Even [Kofi] Annan recognizes [the problems with his 1997 and 2002 management reform attempts, and reports on Rwanda, Bosnia, and general peacekeeping failures.] ...

[Yet] all the *reformistas'* efforts founder on the rocks of apathy and inertia. ... Most of the U.N.'s 191 member states ... [and] 49,000 employees ... have other priorities.

Flawed as it is, the UN does some useful things ... Leaving the U.N. ... is unrealistic. But it will never live up to the grandiose expectations of its starry-eyed supporters, unless they get mad enough to demand real change. So far there's no sign of that happening."

Max Boot, "Why U.N. stays mired in its defects: Start with too-friendly media, apathy and members' entrenched interests", Los Angeles Times, **December 9, 2004**. [emphasis added]

" ... [Secretary-General Kofi] Annan is doing the right thing by planning further management changes ... Major shakeups are needed in critical areas like peacekeeping and refugee assistance.

.... Helping the poor and desperate ... demands strengthening the management of peacekeeping operations. Some kind of appalling nadir was reached last month with reports that members of an international contingent of UN peacekeepers in Congo had been raping the young girls they had been sent to protect. Annan and his staff must spare no effort to see that these crimes are prosecuted and punished

Sweeping changes are also needed at the UN refugee agency ... Not only has the current high commissioner, Ruud Lubbers, performed uninspiringly, but **his relations with his staff have been embittered by a charge of sexual harassment**. Although ... the complainant withdrew formal charges and Lubbers says he intends to finish his term, which ends in December. He should be asked to leave now.

Given the unremitting hostility of the Bush administration, the survival of the United Nations as an effective organization cannot be taken for granted. **Annan will have to challenge the self-protective bureaucracy more radically than it has ever been challenged.**"

"Housecleaning at the UN", International Herald Tribune, **January 12, 2005**. [emphasis added]

In May 2005 the Secretariat released a new management reform document for "real action now" and immediate reform, "particularly in the critical areas of management, oversight and accountability." With regard to protection against harassment in the workplace, it stated that:

"While the UN has a strict sexual harassment policy in place, OHRM is now finalizing a new, broader policy to encompass wider forms of harassment for consultation with the Staff Representative bodies. It is also assessing more effective ways of disseminating the provisions of this new policy.

Status: This policy will be discussed with staff representatives at the next Staff

Management Coordination Committee later this year."

"Fréchette unveils UN reforms responding to Volcker panel's criticisms", UN News Service, **17 May 2005**, and

"UN management reforms 2005: Management reform measures to strengthen accountability, ethical conduct and management performance", **May 17, 2005**, pp. 5-6, available at www.un.org/reform_update.html.

The UN may have a "strict sexual harassment policy in place" as the 2005 reform document states, and it is no doubt useful to broaden it. But that policy is meaningless if it is not enforced, which seems very much to be the case in 2004 and 2005, as shown by several key elements.

-- The Secretary-General himself, as discussed above, rejected (and apparently blocked) OIOS conclusions about harassment in the Lubbers case at UNHCR, and reversed his decision months later only because of media pressure and the rapidly-expanding Iraq oil-for-food programme embarrassments (and allegations of harassment also arose in the OIOS itself).

-- There seem to be no factual statistics on UN anti-harassment cases, their volume, and their outcomes, suggesting that the Lubbers case may be one of very few, and one which sends a clear message: only with great struggle, and unpleasantness, and determined media attention, can anything be done to counter sexual harassment in the UN Secretariat.

[Note: the World Bank has provided such detailed statistics, (i.e., transparency) for years, as shown by the chart at the end of the first part of the subsection on [Investigation efforts: Is the OIOS a fig leaf?](#)]

-- The UN integrity survey of June 2004 showed clearly that many staff have severe doubts about the true situation:

"A new survey of ... [UN integrity perceptions] has found that while structures for reporting and combating corruption exist, most staff members are either unaware of how to use them or afraid to do so for fear of high-level retaliation.

'The UN has a 'phone book' of rules and regulations which are totally useless as they are never practiced', a staff member is quoted as saying ... [Another says.] 'Senior leaders caught in serious breaches of ethics should be punished, not promoted as usual.'

The new study[s] ,, most negative findings have to do with ingrown leadership and the lack of response to reports of corruption.

'Get rid of the old boy network,' one staff member ... [says.] 'That network is wide, tenacious and powerful. ... Opposing the network is certainly the end of a UN career.'

Warren Hoge, "Report criticizes the way UN fights corruption", International Herald Tribune, **June 16, 2004**. [emphasis added.]

-- And, as the external expert survey made of the UN policy

in 2001 (cited above) underscores, it seems clear that the Secretariat still does not meet proper standards for such policies -- Policy in writing, Prompt investigation, Protection of the victim, Punishment of the harasser -- and especially the last two.

The UN presently has a long way to go in order to convince staff and outside observers that it strictly enforces anti-harassment measures, no matter how strict the policy words may be. IO Watch will follow future developments in this area -- if there are any.