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In reply please  
refer to:

Your reference:

Reem Alsalem  
Special Rapporteur on Violence Against  
Women in Causes and Consequences

Tlaleng Mofokeng  
Special Rapporteur on the Right of  
Everyone to the Enjoyment of the Highest  
Attainable Standard of Physical and  
Mental Health

Melissa Upreti  
Chair-Rapporteur of the Working Group on  
Discrimination Against Women and Girls  
United Nations Human rights  
Office of the High Commissioner  
Palais des Nations  
1211 Geneva

20 May 2022

Dear Special Rapporteurs,

I would like to thank you for your letter dated 14 March 2022. First of all, I must apologize for the fact that I am only replying to you now but, as a result of an administrative error the letter from you and your esteemed colleagues only reached me today, Friday, 20 May 2022. However, despite this regrettable delay please be assured of my profound, personal commitment to addressing the issues of sexual exploitation and abuse, and violence and discrimination against women and girls in all its forms.

Indeed, since the publication of the report of the Independent Commission on the 10<sup>th</sup> Ebola outbreak in the Democratic Republic of the Congo I have led an organization-wide response to the shocking findings of the Commission, a response that I believe will have far-reaching and lasting impact on the World Health Organization and our partners. The actions we have taken so far and the plans we are currently implementing are detailed and substantive and we have at all times engaged our governing bodies of WHO Member States and a broad group of other stakeholders – most importantly the victims and survivors.

In order to respond fully to the points in your report, and to ensure you have all the most up-to-date factual information about WHO's response to the Independent Commission's report and to the issue of sexual exploitation and abuse more broadly, I have asked my Director of Prevention of and Response to Sexual Misconduct, Dr Gaya Gamhewage, to prepare a detailed response. I have asked that this is prepared as a matter of urgency and transmitted to you.

Yours faithfully,



Dr Tedros Adhanom Ghebreyesus  
Director-General

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21 May 2022

Dear Special Rapporteurs,

I write in response to your letter dated 14 March 2022 and as a follow-up to the response by Dr Tedros Adhanom Ghebreyesus, Director-General, World Health Organization (WHO), dated 20 May 2022. WHO welcomes all inputs into how we can continue to improve the prevention and response to sexual misconduct by our personnel.

Your letter refers to information that was released in the Report of the Independent Commission (IC), which the Director-General established to investigate the allegations of Sexual Exploitation and Abuse (SEA) during the response to the 10th Ebola outbreak in the Democratic Republic of Congo (DRC). The WHO Management Response Plan (MRP) and its [WHO Implementation Plan](#) on the actions being taken following the IC report are publicly available and updated regularly to ensure progress is transparent. WHO's progress on this has been closely monitored by the WHO Member States and external experts. This has included quarterly briefings for all 194 WHO Member states and standing agenda items in all our governing bodies' meetings.

Here are my responses to the eight (8) points you have raised and clarifications and corrections of factual errors in your letter. Extracts from *your letter are in italics* for easy reference.

1. Regarding *additional information and/or comment(s) on the (above-mentioned) allegations (in the letter)*

At the outset, you have characterized WHO's response to the grave allegations of SEA thus "*inadequate response by the World Health Organization (WHO) to allegations of sexual exploitation and abuses during the 10th Ebola response in North Kivu and Ituri, the Democratic Republic of the Congo from August 2018 to June 2020 that may have prevented a fair and*

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*thorough investigation of crimes of sexual harassment, exploitation, and abuse, allegedly committed by persons who are WHO personnel and contractors and may have weakened the accountability for these crimes allowing perpetrators of these crimes to go unpunished.”* WHO has been very clear that it takes responsibility for not taking sufficient measures to prevent SEA. However, I want to state that, once we became aware of the allegations, on the contrary, the Organization has gone to extraordinary lengths in response to these - to support victims and survivors and to bring those responsible to justice. Working within the UN policies and practices, WHO’s response to the allegations was done in all transparency, with independence and in search of accountability (please see more details in the points below), has been closely monitored by our Member States. The work is also monitored at a more granular level by the Independent Expert Oversight Advisory Committee, which reports directly to our Executive Board. However, we recognize that there is always room for improvement.

In paragraph 2 of page 6, you write: *Moreover, we are disturbed that, despite the gravity and scale of these reported incidents, we have not seen a sincere assuming of responsibility by WHO senior leadership directed to the victims, or an expression of public apology or remorse for the actions that took place by WHO during the press conference of the 28 September 2021 or since then.* This is factually incorrect. I was present at the launch of the IC report, where the Director-General apologized profusely to the victims, survivors and their families. This was extensively covered by all mainstream media. Since then, he has extended his apologies on every possible occasion and has been unwavering in his efforts, together with WHO leadership, to support victims and survivors in the Democratic Republic of the Congo and reform WHO so that a similar situation does not arise again. The link to the press conference and his statements are below.

- Press conference remarks by DG: <https://www.who.int/director-general/speeches/detail/who-director-general-s-remarks-at-the-press-conference-on-the-report-of-the-independent-commission-on-sexual-exploitation-and-abuse---28-september-2021>
- Recording: <https://www.youtube.com/watch?v=u7IJT--ROWs>

## 2. Regarding the *Independent Commission*.

Deeply concerned about the media allegations of SEA in the Democratic Republic of the Congo and acknowledging that the existing systems had not caught these, the Director-General decided to ensure transparency and effectiveness by appointing the Independent Commission (IC) to establish the facts and provide guidance on how to appropriately address the allegations. He consulted civil society organizations who nominated a list of possible candidates. Prominent Human Rights activists and experts were selected to form the Independent Commission. The IC, in turn, selected and supervised a team of independent investigators and investigation experts (Justice Rapid Response) to conduct the fact-finding. The terms of reference of the IC and their membership are available on the WHO’s website: [Final Report of the Independent Commission on the review of sexual abuse and exploitation during the response to the 10th Ebola virus disease epidemic in the Democratic Republic of the Congo \(who.int\)](#).

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WHO provided administrative support and resources but did not participate in the work of the IC in any way. The unedited report of the IC was published in its entirety by WHO on 28 September 2021. The case files with confidential information on the victims and the allegations were transferred to Office of Internal Oversight Services of the United Nations (UN OIOS) for completion of investigations based on a Memorandum of Understanding (MoU) signed with them for this purpose. The IC assured WHO that they observed best practices and took a victim- and survivor-centred approach.

3. Regarding *whether any criminal investigations have taken place and whether WHO has shared the results of its own internal “investigation” with the authorities of the DRC.*

All the case files identified in the IC Report were handed over to the UN OIOS with a request to complete the investigations with complete functional independence from WHO. All investigations related to the 10th Ebola outbreak in the Democratic Republic of the Congo are investigated by UN OIOS, not WHO.

WHO takes a victim- and survivor-centred approach and prioritizes their protection, wishes and needs. This requires obtaining consent from the survivor to share their personal information. As this has not yet been received, WHO has asked UN Investigators to seek such consent.

As a rule, WHO refers findings of criminal actions during an internal administrative investigation to national authorities for investigation, provided that the observance of human rights is guaranteed. Where victim consent is obtained, WHO will refer the case to local authorities, provided the safety of victims is ensured. Once the finalized investigation files are received from UN OIOS, WHO will reconsider the possibility of referral to local authorities in the Democratic Republic of the Congo in cases where victim consent has not been obtained.

4. Regarding *the situation of the other alleged perpetrators beyond those whose termination was announced following the receipt of the final report.*

As mentioned in 4 above, all the case files identified in the IC Report were handed over to the Office of Internal Oversight Services of the United Nations (UN OIOS) with a request to complete the investigations. WHO will take additional appropriate action under its rules once the UN OIOS investigation reports become available.

5. Regarding *steps WHO has taken in order to inform victims of their right to pursue criminal avenues for investigation and justice in the Democratic Republic of the Congo or other countries that may have jurisdiction.*

WHO has signed an agreement with a qualified, local, women-led legal aid organization in Goma, the Democratic Republic of the Congo, to provide free legal aid for victims who want to pursue legal action. The nongovernmental organization is extensively present in the affected areas and conducts awareness raising on the legal redress available to victims and offers the service for free. WHO also supports HealAfrica, which provides holistic victims' services that include legal support. WHO has kept the reporting hotline used by the IC open for the past seven months and has provided information on the above services to all callers as well as to community-based organizations working with the victims. In addition, UN and national hotlines are also available to receive complaints. WHO discussed support for victims and survivors with

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the senior government officials responsible for justice, public health and gender in the Democratic Republic of the Congo and will share findings substantiating allegations of rape and other criminal conduct once received, to the extent that the safety of victims can be reasonably ensured.

6. Regarding *measures that WHO has undertaken to hold all those responsible for the systematic institutional failures that resulted in creating an enabling environment for the alleged SEA by WHO staff and contractors against beneficiaries accountable.*

UN OIOS has also been requested to investigate allegations of managerial negligence raised in the IC report and, as the case may be, to investigate any other members of the workforce or leadership depending on the evidence they uncover. In addition, an external and independent audit into the accountability functions responsible for receiving complaints and conducting investigations into sexual misconduct is underway.

7. Regarding *measures WHO is taking to ensure the right of victims of SEA to integral reparations and to fully involve them in their implementation.*

The UN rules do not allow for paying monetary reparation or compensation to victims of SEA. WHO has provided victim support in line with the UN protocol on assistance to victims of SEA and in coordination with the UN Victims' Rights Advocate. However, realizing the paucity of services afforded to victims in the Democratic Republic of the Congo, the Director-General instructed on 28 September 2021 that a WHO Survivor Assistance Fund of US\$ 2 million be established to provide support to any victim of sexual exploitation and abuse (SEA). Approximately US\$ 350,000 has been transferred to service providers in the Democratic Republic of the Congo for victim and survivor support to go beyond basic medical and psychosocial services to include legal aid and socio-economic support so victims can learn a trade, if they wish, and commence a financially independent life. This support is provided to all victims and survivors regardless of the affiliation of the alleged perpetrator and regardless of the status of ongoing investigations.

8. Regarding *measures that WHO is taking to rectify the institutional failures to prevent alleged SEA by WHO staff and contractors, as well as any organizational cultural reform initiatives implemented.*

WHO has committed to a Zero Tolerance culture for sexual misconduct – sexual exploitation and abuse, and sexual harassment. In December 2021, WHO issued a new Policy Directive on protection from SEA that addresses the lack of clarity, including the interpretation of terminology on “beneficiaries”, and is implementing an ambitious programme of work to ensure that SEA is prevented, detected and responded to effectively. We have reformed our investigation services, cleared the backlog of cases pertaining to sexual misconduct, and are meeting a new 120-day benchmark for completing investigations into SEA and SH. As part of the culture change at WHO, the Organization's workforce has been engaged intensively and extensively. All personnel are required to complete UN mandatory training on preventing, reporting and addressing sexual misconduct, and those deployed to emergencies (including to the Democratic Republic of the Congo) have additional training and briefings. An assessment of leadership culture, surveys and further staff engagement are planned for 2022.

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WHO has committed to a budget of US\$ 50 million for SEA and sexual harassment work, which includes a dedicated team that I head in the Office of the Director-General, a senior expert in the offices of each of the six WHO regional directors, a full-time expert in 12 priority country offices (including in the Democratic Republic of the Congo), and a part-time focal point in each WHO country office across the world. All health emergency responses involve the deployment of experts for the prevention and response to SEA and SH. The Director General's report A75/29 to this year's World Health Assembly provides a fuller account of progress made and the challenges that remain.

Having addressed the specific points you raised, I would appreciate a meeting with you to further discuss concrete and current actions that WHO can take in this regard. I recently visited the Democratic Republic of the Congo at the end of 2021 to further strengthen WHO's support for victims and survivors, and I am fully aware of the challenges survivors face. I and my colleagues remain committed to doing everything in my Organization's power to bring meaningful support to all survivors.

Yours faithfully,



Dr Gaya Gamhewage  
Director  
Prevention and Response to Sexual  
Misconduct  
Office of the Director-General