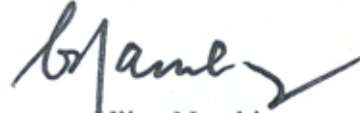


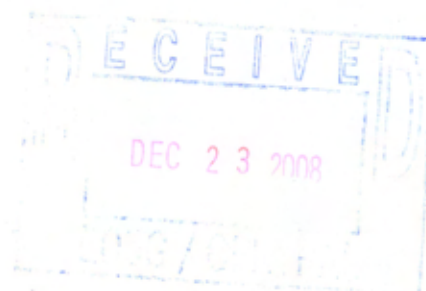
Note to Ms. Kane

DM  
DAW  
Proc. of "E"

Re: Administration of Justice

I wish to bring to your attention for appropriate action by the Department of Management a letter dated 31 October 2008 from Ms. Jessica Neuwirth, which raises a number of concerns with respect to the UN system of justice and the protection of women. Thank you.

  
Vijay Nambiar  
22 December 2008





"Yasmeen Hassan"  
<yhassan@equalitynow.org>

17/12/2008 04:47 PM

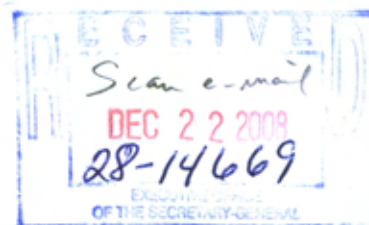
Please respond to  
<yhassan@equalitynow.org>

To <nambiarv@un.org>

cc

bcc

Subject Letter to SG



Dear Mr. Nambiar,

It was a pleasure to meet you on December 3 at the SG's meeting with non-governmental organizations. At the meeting, I presented the concerns of seven women's rights organizations with the UN's internal system of justice as it relates to cases of sexual harassment and/or discrimination.

I am writing to you to see if you have any thoughts on how we can better engage the UN system on these issues. We would be happy to assist in any way that we can. I am attaching a copy of our letter that was sent to the SG on October 31, for ease of reference. 28-12847

I look forward to hearing from you.

Warm regards, Yasmeen

Yasmeen Hassan  
Equality Now  
212-586-0906



yhassan@equalitynow.org SG.letter.10.31.08.pdf

Pt. have this processed by BY

BY

log 28-12847 → DSR



Equality Now  
250 West 57<sup>th</sup> Street  
Suite 1527  
New York, NY 10107



H.E. Ban Ki-moon  
Secretary-General  
United Nations, S-3800  
New York, NY 10017  
By email and fax: 212-963-2155

31 October 2008

Dear Secretary-General Ban,



On behalf of Center for Women's Global Leadership, Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM), Eastern African Sub-regional Support Initiative for the Advancement of Women (EASSI), International Women's Rights Action Watch - Asia Pacific (IWRAP Asia Pacific), The African Women's Development and Communication Network (FEMNET), Women Living Under Muslim Laws (WLUML) and Equality Now, I have the honour to transmit to you this letter.



All of the organizations endorsing this letter are concerned with the protection and promotion of the rights of women and girls worldwide. In this regard, we are very inspired by the leadership that you have shown in furthering the United Nations' commitment to gender equality, in particular by increasing the number of women in high level positions in the United Nations. We also want to commend you on your initiative in launching your multi-year system-wide campaign on violence against women. Your personal involvement in this issue and your drive to involve other male leaders will play an important role in increasing attention to addressing violence against women all over the world.



In light of your commitment to the advancement of women, we want to bring to your attention some concerns that we have with respect to the UN system of justice, especially as it impacts women working in the United Nations. Over the years, we have heard regularly from women who have brought formal complaints of sexual harassment and sex discrimination, which

محاولات زبیر اش مسام قوانین  
Women living under muslim laws  
النساء في ظل قوانين المسلمين  
Femmes sous lois musulmanes



often lead to the termination of their employment. Such complainants claim that their termination is retaliatory action related to the harassment and discrimination. As you know, these cases are very challenging and sometimes come down to the word of one staff member against another. Each case must be dealt with on an individual basis with regard to due process considerations. However, we believe there are some issues that come up repeatedly and indicate systemic failings that make it very difficult for women who have been violated to secure justice.

First, the policy of the Office of Internal Oversight (OIOS) (and possibly other investigative bodies of the UN) to not share investigation reports with complainants, including those who have alleged sexual harassment, rape or sexual abuse, severely impacts victims' access to justice, including by limiting their ability to challenge the findings of the report and/or the dismissal of their cases. This has been the case in at least two internal UN cases that have been brought to our attention – namely those of Ms. Leila Ezzarqui and Ms. Fatima Moussa. Ms. Ezzarqui complained of severe sexual harassment at the hands of the former Executive Director of UNRWA. Her allegations were investigated by OIOS but she has never been given the investigative report, despite repeated attempts (including by Mr. Burnham, the former USG of Management). OIOS maintains that such reports can only be released upon request of a Member State. In the absence of this investigative report, Ms. Ezzarqui is unable to challenge the dismissal of her case, resulting in a denial of her due process rights. Similarly, Ms. Moussa complained of rape and sexual abuse at the hands of another UN employee and of retaliation by the United Nations Independent Investigation Commission (UNIIC) after she reported the abuse. While UNIIC claims to have investigated the incidents of rape and sexual abuse, the report of this investigation has not been provided to Ms. Moussa and she has not been informed of the findings of the investigators. This is despite the DSG's letter to Ms. Moussa, dated 15 July 2008, indicating that you would request UNIIC to inform Ms. Moussa of the outcome of the investigation into her complaint.

In those cases where a complainant has prevailed, there appears to be a lack of follow-up mechanism to ensure that the perpetrator is held accountable and that his actionable behavior is not repeated. In fact, we have observed that perpetrators are often transferred and sometimes even promoted, which is tremendously demoralizing to women working in the UN system and which supports a culture of impunity for perpetrators. Their conduct is costly to the United Nations in many ways, and systematic intervention through disciplinary proceedings could play an important role in reducing the incidence of sexual abuse and sex discrimination, which hinders the advancement of women in the United Nations.

Relatedly, from cases that have come to our attention, it appears that systematic training on gender sensitivity and violence against women, including sexual harassment, is not being provided to UN investigators assigned to cases of violence against women. The Secretary-General's in-depth study on violence against women, 2006, recommends that such training be given to all personnel, particularly those involved in the system of justice, in order to ensure that victims of violence against women have real and



meaningful access to justice. Failure to provide such training may result in the re-victimization of the complainant in the investigative process.

Lastly but importantly, as this impacts the work of the international women's rights movement, we want to draw your attention to the reported conduct and remarks of the Executive Secretary of the Economic and Social Commission for Western Asia (ESCWA), which appear to be in violation of the basic principles of human rights and gender equality upheld by the UN. In particular, we note the Executive Secretary's dismissal of Ms. Suheir El-Azzouni, the Chief of the Centre for Women at ESCWA, which the Panel on Discrimination and Other Grievances (PDOG) found to be an abuse of discretionary authority. The facts of that case, which demonstrate the Executive Secretary's apparent animus to work on women's rights, violence against women and the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in the ESCWA region, are alarming to women's rights activists.<sup>1</sup> The PDOG recommended that the senior ESCWA management be briefed on gender sensitivity, cultural diversity and tolerance. We are bringing this case to your attention with the hope that you will take this matter much more seriously than that, and set an example for intervention when those who serve you depart from your commitment, and that of the United Nations, to gender equality and the advancement of women.

Many of the issues mentioned herein could be addressed through the ongoing process of reform of the UN system of justice as well as in the context of your campaign on violence against women. In particular, the reform could, among other things establish:

- transparent complaint and investigation procedures where complainants are kept fully informed and provided all reports;
- mandatory and systematic gender sensitivity training and training on violence against women to staff investigating cases of sex discrimination, sexual harassment and other forms of violence against women; and
- appropriate follow-up mechanisms to ensure that misconduct has consequences and perpetrators are held accountable.

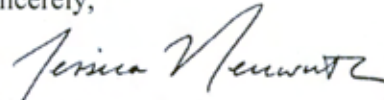
Such reform would be a step in the direction of ensuring that the UN lives up to its zero tolerance policy and could be made a cornerstone of your campaign on violence against women, demonstrating your leadership by example. We would be very happy to support you in such efforts.

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<sup>1</sup> The Executive Secretary is alleged to have prevented publication of a handbook on the use of progressive interpretations of Islamic law to demonstrate compatibility with CEDAW; made comments that indicate a pride in "honour crimes" as a part of Arab culture; expressed views that Arab countries were forced to ratify CEDAW by Western States; and reprimanded Ms. El-Azzouni for forwarding him an open letter pertaining to a gang rape case in Saudi Arabia, because it was too sensitive an issue for the Centre for Women. We understand that the PDOG found that the Executive Secretary had "made several remarks on gender issues at ESCWA, which show that he may not be living up to the ideals or the standard of the UN's programmes for promoting issues of gender equity and mainstreaming"; and that he may have "a difference in perspective on issues related to advancement of women's rights and the clash with Islamic law." As a result, the PDOG expressed dismay in learning "of instances in which the personal views of the Executive Secretary determined institutional policy rather than the norms and standards of the United Nations."

We have great admiration of the initiatives that you have taken so far on gender equality and violence against women and would welcome an opportunity to meet with you and to discuss our concerns further.

Sincerely,



Jessica Neuwirth  
President

*Endorsing organizations:*

- Center for Women's Global Leadership
- Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM)
- Eastern African Sub-regional Support Initiative for the Advancement of Women (EASSI)
- International Women's Rights Action Watch - Asia Pacific (IWRAP Asia Pacific)
- The African Women's Development and Communication Network (FEMNET)
- Women Living Under Muslim Laws (WLUML)

Cc: Ms. Inés Alberdi, Executive Director, UNIFEM  
Ms. Rachel Mayanja, Special Advisor on Gender Issues and the Advancement of Women, OSAGI  
Ms. Navanethem Pillay, High Commissioner of Human Rights, OHCHR  
Ms. Catherine Pollard, ASG, OHRM



Simona Petrova/NY/UNO  
21/12/2008 06:17 PM

To Linda Taylor/NY/UNO@UNHQ  
cc  
bcc  
Subject Fw: The Invitation Letter for the Madrid Meeting 26 - 27  
January

This will be a saga...

----- Forwarded by Simona Petrova/NY/UNO on 21/12/2008 06:16 PM -----

Wonsoo Kim/NY/UNO  
21/12/2008 05:43 PM

To "David Nabarro" <david.nabarro@undp.org>, Robert  
Orr/NY/UNO@UNHQ  
cc Silva Bonacito/NY/UNO@UNHQ, "Marianne Muller"  
<marianne.muller@undp.org>, Simona Petrova/NY/UNO  
Subject Re: The Invitation Letter for the Madrid Meeting 26 - 27  
January

Dear David,

Let's do our best to send it Monday. From the experience with the Italians for the Rome meeting, I found it not easy to send out the co-signed letters.

Warm regards,  
Won-soo

----- Original Message -----

From: David Nabarro [david.nabarro@undp.org]  
Sent: 21/12/2008 16:31 EST  
To: Robert Orr; Wonsoo Kim  
Cc: Silva Bonacito; Marianne Muller <marianne.muller@undp.org>  
Subject: The Invitation Letter for the Madrid Meeting 26 - 27 January

Dear Bob and Wonsoo

Colleagues in the EOSG made heroic attempts to get the Secretary General's signature onto the revised invitation letter on Friday night but I understand that it was just not possible to complete all the necessary steps. I understand that it is now necessary to check that the Spanish and English versions are consistent (with the English version that I made available Friday night serving as the standard), then to get the Secretary General's signature on each, then to pass to the Spanish Government representative so that they can be signed by Prime Minister Zapatero, and then to ensure that they are distributed through Spanish missions starting Monday evening (it would be extremely serious were they to be delayed beyond Monday). I have indicated to the Spanish that I am ready to help distribute them through Resident/Humanitarian Coordinator offices and through the country offices of HLTF members.

I have been in touch with Spanish Government representatives over the weekend

to keep them informed of our progress. They are extremely keen to be in a position to send the signed letter by Monday 10:00 am NY time. Will this timetable hold? Is there anything that I can do to help ensure that the invitations do actually go out on time on Monday? I shall be in Rome with the Government of Italy and the Rome-based agencies but will also be in regular contact with the Spanish Government.

With very best wishes

David

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David Nabarro

Phone: +1 212 906 6083 +41 22 9171170 Cellphone +1 917 325 6154  
david.nabarro@undp.org      nabarro@un.org