



Outcome of the Investigation of allegations of harassment against women and other institutional malpractices in the African Union Commission

22 November 2018, Addis Abeba: Following allegations of harassment against women levelled through an anonymous letter, the Chairperson of the African Union Commission instituted a High-Level Committee (HLC) on 24 May 2018 to fully investigate all these allegations. He further entrusted the HLC with a mandate to also investigate all alleged institutional malpractices within the Commission, in order to independently establish the facts in the light of the commitment he made to staff on assumption of duty, on 15 March 2017, to ensure good internal governance throughout the entire Commission.

The HLC has undertaken a thorough investigative process to review all allegations submitted to it. In so doing, it has, from the beginning, invited all staff members who had cases of complaint to come forward. This was done in a professional, confidential and secure environment, enabling each and every concerned staff to report their claims.

The HLC has submitted its final Report on 9 November 2018.

In carrying out the investigation exercise, the HLC was guided by its Terms of Reference (ToRs), which is attached here as an annex. The HLC was further guided by the existing Staff Regulations and Rules, the Financial Rules and Regulations, the Code of Conduct and Ethics.

Beyond the issue of harassment against women, be it sexual or professional, the HLC also investigated claims of abuse of authority, bribery, bullying, corruption and corrupt practices, fraud, discrimination, intimidation, misconduct, retaliation, victimization. It also addressed issues of impunity, whistle-blowing and due process.

In the process, the HLC carried out numerous interviews with a range of Senior Officials and staff at all levels, involving 88 individuals who brought information and their opinion on the various cases of concern. Since the HLC was not vested with the authority of a judicial committee with powers of subpoena and adjudication, it indicated that it used, throughout the various interviews, the methodology of “balance of probabilities, best evidence rule, triangulation and corroboration, in order to arrive at finding of a fact or a prima facie case, calling for further investigation and eventual redress”.

Among the major findings of the HLC, the following elements were identified and are presented below based on their level of incidences:

1. Malpractices in Human Resource functions;
2. Cases of harassment, bullying and intimidation;
3. Governance challenges;
4. Gender discrimination;
5. Fraud and corruption;
6. Impunity;
7. Sexual harassment.

The HLC concluded that the main challenges pertaining to this matter can be categorized into the following four (4) main allegations with their manifestations:

- i) **Human resources malpractices and irregularities**, including backlog in staff recruitment, seconded staff disadvantaged, management of youth volunteers and interns, lack of consistency in the implementation of rules relating to acting appointments, continued extension of contracts of retirees whereas this should be done in a limited way, challenges in the shortlisting processes, instances of gender discrimination in recruitment, challenges in career development, promotion, transfers and field deployment;
- ii) **Corrupt/fraudulent practices**, including alleged cases of nepotism and conflict of interest, missions in exchange of services, preferential selection of a service provider, payment for services not rendered, collusion of overcharge for goods and services;
- iii) **Governance issues**, including abuse of authority, administrative unresponsiveness and partiality, deficiencies in working methods, unhealthy working relationships in some AU Organs and Representational Offices, cases of impunity.
- iv) **Harassment**, including sexual harassment, bullying and harassment, intimidation.

On this particular allegation which principally motivated the investigation, it is important to quote in extenso the findings of the HLC, as reflected below:

“Sexual harassment: *It is the finding of the Committee that incidents of sexual harassment exists in the Commission. This is established by the almost unanimous confirmation of the prevalence of this occurrence by interviewees appearing before the Committee. Evidence presented suggests that this form of harassment perpetuated by supervisors over female employees in their charge, especially, but not exclusively, during official missions outside the work station. The absence of a sexual exploitation and abuse policy compounds the adverse effects of this vice. The category of staff most vulnerable and exposed to this form of harassment are short-term staff, youth volunteers and interns. It would appear that the vulnerability of this*

category of staff is exploited on account of their insecurity of tenure. Senior departmental staff, who position themselves as “gate-keepers” and “king-makers”, are well-positioned to make believable promises to young women that they will be offered contracts, are the identified perpetrators of this vice. Interviewees claim that these cases are not reported as this would be counter-productive to the victim, because there is no sexual harassment policy in the Commission, and therefore no dedicated, effective redress and protection mechanism available to victims or whistle-blowers. According to interviewees, the young women are exploited for sex in exchange for jobs.

Reference is made to the evidence submitted by RPs 4, 6, and 31, who allege sexual harassment, abuse of authority in contravention of Rule 58 (iv) of the AU Staff Regulations and Rules. However, all three reporting persons later withdrew these complaints.” (End of quote).

Still on the issue of harassment in general, the HLC stated the following which needs to be borne in mind:

“It is important to note that, from the evidence presented to the Committee, both male and female superiors are reported to harass and bully their subordinates”.

Given the above findings and serious allegations, the Commission resolves to reinforce its zero tolerance policy with the establishment of a comprehensive **sexual harassment policy** that protects the victims and takes the strongest punitive measures against any perpetrator.

The HLC made the following key recommendations:

- i) **Human Resource policy and plan** to be developed by the Commission with time-bound implementation. This will be done within the ongoing reform process;
- ii) **Review of AU Organizational structure:** This will be done within the on-going reform process;
- iii) **Provision of guarantees to short-terms contracts holders,** to avoid abuses to concerned staff due to the precarious nature of their contracts. At the same time, steps should be taken to fill positions provided for in the budget. Recourse to short-term contracts should be limited to what is necessary, keeping in mind the need to ensure effective functioning and delivery of the Commission’s mandate;
- iv) **Sexual harassment policy:** under active consideration by the Commission;
- v) **Gender audit,** to ensure comprehensive gender mainstreaming and ensuring total parity by 2025 as prescribed in Decision 635 of the Assembly on the reform. Consideration is constantly given right now by the Commission’s leadership to ensure full attainment of this objective by 2025 or even before if possible. The

requirement deriving from the same Decision 635 to have 35% of youth in the Commission by 2025 is also actively pursued;

- vi) **Skills audit**, to evaluate the current skills and competencies of staff to be eligible for promotion, lateral transfer, redeployment and capacity development. This will be done also within the reform process;
- vii) **Lifestyle audit**, to be carried out in order to detect any patent manifestation of unexplained income, with the introduction, as appropriate, of a form of declaration of interest by procurement and human resource managers, as a precondition for appointment;
- viii) **Organizational culture survey**, to embrace institutional change within on-going reform process;
- ix) **Management and leadership Training**, while considering the introduction of a “360 degrees’ performance evaluation of Directors and Supervisors by their subordinates;
- x) **Governance structures**, with a view to ensuring accountability of all AU Organs and representational offices;
- xi) **Strengthening of oversight and dispute resolution mechanisms**, including the strengthening of Offices of Internal Audit, Ethics, Investigation, and Grievances Mechanism, Administrative Tribunal to ensure delivery of good justice and administration, including the possibility of establishing an Office of Ombudsman. This will be addressed within the on-going reform process.

Chairperson Faki wishes to express his deep appreciation and gratitude to the High level Committee for the job accomplished.

Going forward, the Chairperson intends to take the following steps:

- i) appointment of an internal committee to look into all the recommendations pertaining to the 44 cases considered by the HLC, with a view to recommending relevant measures for their lasting settlement, in accordance with the relevant provisions of the Staff Regulations and Rules, and improving the internal governance structures and mechanisms. Necessary feedback on action taken shall be communicated to the concerned staff members in due course;
- ii) immediate action on urgent issues, such as the acting appointments and other relevant policy issues within the mandate of the Commission; and

- iii) implementation of the recommendations pertaining to structural arrangements and new policies to be put in place for consideration by the internal committee referred to above, with the support of relevant Departments.

Please find herewith attached for further reference, the Terms of Reference of the HLC.