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THE SELECTION OF THE GLOBAL FUND'S NEW OMBUDSMAN REQUIRES CAREFUL CONSIDERATION

The Global Fund to Fight AIDS, Tuberculosis, and Malaria is selecting its next Ombudsman. The Secretariat advertised the position and requested applications ([TGF-20-049](#)) to be submitted by 7 August 2020. The Terms of Reference (TORs) list the tasks of the Ombudsman. These include “informal conflict resolution and identification of trends, issues, and concerns within the work environment at the Global Fund” as well as recommendations for corrective and preventative action where appropriate.

The Ombudsman is selected for a two-year term, renewable twice (six years). It is a part-time position; 110 days a year. Upon completing the term of office, the office-bearer cannot be appointed in a position within the Global Fund for two years. The TOR also stated that the renewal of the Ombudsman's term is dependent on the outcome of an anonymous survey. However, Aidspan has learnt that such a survey has yet to be conducted.

The Ombudsman service is only available to Global Fund employees, contractors, and interns. The first Ombudsman of the Global Fund, Dr David Miller, was recruited in 2010. In 2017, the Global Fund published a tender to recruit his successor. Indumati Sen worked as Ombudsman for both the Global Fund and Gavi, the Vaccine Alliance from August 2018 to July 2020.

The Ombudsman function and principles

According to a [speech](#) by Robin K. Matsunaga, the Ombudsman of the State of Hawaii, the first Ombudsman office was created in Sweden in 1809 to “control the activities of and to prevent abuses by public officials.” It provides protection for the individual where there is a substantial imbalance of power, for instance, between state institutions and individual users. Private, non-profit and other multilateral or

international organizations have since adopted the function.

According to the International Ombudsman Association, the role of Ombudsman varies and depends on the place of work. The Global Fund has an Organizational Ombudsman: a neutral role that provides conflict resolution and problem-solving services to members of the organization (internal) and/or for clients or customers of the organization (external). Other types of Ombudsmen are the classical Ombudsmen (who addresses concerns related to governmental policies and processes) and executive Ombudsmen (whose role is to hold the organization or one of its programs accountable or to work with the organization's officials to improve the performance of a program).

The ethical code of Organizational Ombudsman lists four vital characteristics of the Ombudsman. The first is independence in structure, function, and appearance to the highest degree possible within the organization. The other characteristics are neutrality or impartiality, confidentiality, and informality.

Leadership teams have not always appreciated the function of Ombudsmen within their organizations. "Many were obstructive and didn't want an ombudsman — even some in senior management," stated James Lee, who was Ombudsman for several United Nation organizations. He added that sometimes the role is "seen as interference and an indication of possible human resources failure". Dr. David Miller, the first Ombudsman of the Global Fund, cited James Lee in an article.

When Ombudsmen are given the freedom to fulfil their role according to the standards of the International Ombudsmen Association, they add significant value. This is evident in the results of cost-effectiveness evaluations and the fact that the function exists in many different types of organizations.

The Global Fund Ombudsman

The Global Fund Secretariat stated that the Ombudsman's services are intended to complement all other processes that help to create a healthy and productive work environment within the Global Fund, and assist in informal conflict resolution. The Ombudsman guides individuals to deal directly with the relevant parties.

The Ombudsman provides feedback on trends and systemic issues, and makes recommendations, but does not have the authority to enforce any recommendations.

The Ombudsman develops an annual report that is shared annually with the Board and is available to all staff members. However, according to the Office of the Inspector General (OIG) audit on [Ethics and Integrity at the Global Fund](#), the Ethics and Governance Committee does not discuss the report. The Global Fund lacks "a mechanism to analyze the trends from these reports and their impact on the overall culture of the organization."

The Global Fund Secretariat has not published previous Ombudsman's reports on its website. However, a few sources gave a glimpse of their likely content. The OIG audit of [Human Resources Management Processes](#) mentioned some of the issues the Ombudsman 2017 report highlighted, such as "Evaluative Relationships (supervisory effectiveness) and career progression". The OIG then stated "performance management, employee relations, and the employee grievance process, need significant improvement." On [Glassdoor](#), a website for professionals who review their employers, almost all reviewers mentioned the great mission and work of the Global Fund. However, when listing issues, a current employee who posted a review in April 2020 explained that colleagues from the Secretariat who do not travel are often unaware of the realities in low and middle-income countries. Another criticized the Global Fund's "internal practices ... as a relatively low percentage of employees feel they can "speak out" in safety.

Peter Sands, Executive Director of the Global Fund Secretariat, wrote to all staff members in June 2020 after a black man was killed in the US and the Black Lives Matter protests followed (Aidspan has seen a

copy of the letter). In the letter, he asked the staff to have a conversation on whether the Global Fund “inadvertently [is] reinforcing structural racism or where [it] could do better to tackle it.” He referred the personnel to the Office of the Ombudsman and the Staff Counsellor. Forbes magazine listed “[diversity with inclusion](#)” amongst the top five issues in Human Resources in 2020, in addition to the more common issues of staff recruitment, wellness, development, and retention.

The TOR used to recruit the Ombudsman for the Global Fund and GAVI in 2017 differ from the current one on two important points. In the earlier TOR, the Ombudsman reported only to the Executive Directors (or Deputy) of the two institutions. In the current TOR, the Ombudsman works only for the Global Fund. The Ombudsman reports to the Executive Director as well as the Head of Human Resources and provides “feedback to the Global Fund i.e. Head of Human Resources, Chief of Staff, and Executive Director (when needed).” The current TOR often refers to the Head of Human Resource and Chief of Staff for reporting and access to information. This can lead to the perception that the Ombudsman is not independent, impartial and confidential. This perception can be detrimental. “The relationship of the Ombudsman with senior management is crucial to pre-empt perceptions of favoritism and partiality on the part of the Ombudsman,” said [Marthe Bobin](#), who was the Ethics Officer at the World Health Organization.

(GAVI has not published a new TOR to recruit an Ombudsman.)

Extending the Ombudsman services to the top management of Principal Recipients and Country Coordinating Mechanism Secretariat

In an earlier statement dated October 2018, GAVI and the Global Fund acknowledged the need to “[review and where necessary, strengthen recruitment and referencing processes to build workplace cultures of respect and accountability](#).” This culture of respect and accountability should extend to those with whom the Global Fund country teams work, in particular, the Principal Recipient (PR) managers and the Country Coordinating Mechanism (CCM) secretariats. The Global Fund often pays these personnel but when they have an issue with the Global Fund country team, they have few ways to raise them. Currently, they have three options: to suffer in silence while waiting for the end of the term of the country team, escalate the issue to the supervisor of the country team, or to write to the OIG. Those options allow for informal conflict resolution before situations escalate.

Access to the Ombudsman is even more important for civil society PRs who may not always have access to the power or the connections that the Ministry of Health or Finance or other State PRs have. In the early days of the Global Fund, the Ombudsman services did not cover contractors and interns but now these services are extended to all of them based in Geneva.

Aidspan argues that this coverage should include some in-country personnel working with the Global Fund Secretariat staff. Such access to the Ombudsman will improve conflict resolution and could possibly improve the performance of the grants.

Indeed, an effective Ombudsman who is independent and is afforded the resources to do his/her job well is in the best interest of the Global Fund.

Further reading

- Audit Report: [Global Fund Human Resources Management Processes](#) (GF-OIG-19-007) 15 March 2019 Geneva, Switzerland
- Audit Report: [Managing Ethics and Integrity at the Global Fund](#) (GF-OIG-19-016) 18 September 2019 Geneva, Switzerland
- [Request for Proposal for Ombudsman services for the Global Fund](#)
- International Ombudsmen Association: [code of ethics](#)
- Journal article: [Ombudsman: Pioneers of Organizational Ombudsmenry in International Agencies](#),

David Miller Geneva volume 7, number 2, 2014, page 96

- Journal article: [Methods Used in Evaluating the Ombudsman Function of an International Organization](#) Marthe Bombin Geneva volume 7, number 2, 2014, page 22

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